

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
Wednesday, August 26, 2015**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-3
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 12, 2015	Approved	4
CONSIDERATION OF RESOLUTION NO. 2015-73. A RESOLUTION ADOPTING THE 2017-2021 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)	Approved [amended]	4-17
<u>PRESENTATIONS</u>		
AUGUST 2015 EMPLOYEE OF THE MONTH – BRYAN HIDALGO, SERGEANT, PATROL TEAM C – SANTA FE POLICE DEPARTMENT	Postponed to 09/09/15	17
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT #15-000-14-05759 AE AND PROFESSIONAL SERVICES AGREEMENT – CITY’S ASSET MANAGEMENT PLAN FOR FACILITIES DIVISION; AMERESCO, INC.	Approved	18-26
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO INFORMATION TECHNOLOGY AGREEMENT AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$169,500 – ADDITIONAL HOURS NEEDED TO COMPLETE NEW UTILITY BILLING SYSTEM PROJECT; N. HARRIS COMPUTER CORPORATION	Approved	26-27

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF CHALLENGE COST SHARE AGREEMENT – REIMBURSEMENT OF PROJECT COSTS AND ACTUAL EXPENSES INCURRED BY THE SANTA FE NATIONAL FOREST (USFS) IN ACCORDANCE WITH THE VEGETATION MANAGEMENT PLAN WITHIN THE 2013 SANTA FE MUNICIPAL WATERSHED MANAGEMENT PLAN, PURSUANT TO RESOLUTION 2009-87; USDA, FOREST SERVICE AND SANTA FE NATIONAL FOREST (USFS)	Approved	27-30
CONSIDERATION OF RESOLUTION NO. 2015-74. A RESOLUTION AMENDING RULE 16A OF THE CITY OF SANTA FE PERSONNEL RULES AND REGULATIONS REGARDING DRUG AND ALCOHOL TESTING POLICIES FOR TRANSIT DIVISION EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS *****	Approved	30-31
END OF CONSENT CALENDAR DISCUSSION *****		
STATE OF THE MUNICIPAL COURT	Postponed to 09/30/15	31
EVENING SESSION		
CALL TO ORDER AND ROLL CALL	Quorum	32
PETITIONS FROM THE FLOOR		32-34
<u>APPOINTMENTS</u> Santa Fe River Commission	Approved	34-35
<u>PUBLIC HEARINGS</u> REQUEST FROM LA FOGATA GRILL, LLC FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LA FOGATA GRILL, 112 WEST SAN FRANCISCO STREET, SUITE 101	Approved	35
REQUEST FROM BRINKER RESTAURANT CORPORATION FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0-801 FROM VIC'S BAR, INC., 1220 N. SANTA CRUZ ROAD, ESPANOLA, TO BRINKER RESTAURANT CORPORATION, D/B/A CHILI'S GRILL & BAR #1558, 3795 CERRILLOS ROAD		36-43

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF FLOOR PLAN CHANGES FOR DISPENSER LICENSE NOS. 2507 AND 2746 LOCATED AT THE DRURY PLAZA HOTEL – SANTA FE, 228 EAST PALACE	Approved	43
REQUEST FOR APPROVAL OF A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER, WINE AND CIDER AT NEW EARTH ORCHIDS, 6003 JAGUAR DRIVE, WHICH IS WITHIN 300 FEET OF CESAR CHAVEZ ELEMENTARY SCHOOL, 6251 JAGUAR DRIVE. THE REQUEST IS FOR A BUSINESS AFTER HOURS EVENT TO BE HELD ON THURSDAY, AUGUST 27, 2015, FROM 5:30 P.M. TO 7:30 P.M.	Approved	43-44
<u>PULTE LAS SOLERAS</u>		
CONSIDERATION OF PROPOSAL FROM JAMES SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTING ALTERNATE COMPLIANCE APPROVAL WITH THE SANTA FE HOMES PROGRAM AFFORDABLE HOUSING REQUIREMENTS	Postponed to 09/09/15	45
CONSIDERATION OF RESOLUTION NO. 2015 ____; CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.91± ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 16.06± ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.73± ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN	Postponed to 09/09/15	45

ITEM

ACTION

PAGE

PULTE LAS SOLERAS (CONTINUED)]

CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF OPEN SPACE AND TRAIL, RECONFIGURATION AND REDUCTION OF PARK LAND AND THE RECONFIGURATION OF LAND TRACTS

Postponed to 09/09/15

45

CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015- ____ . CASE #2014-125. PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.91± ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 15.06± ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE; AND 3.73± ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN

Postponed to 09/09/15

45

CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD ALIGNMENT

Postponed to 09/09/15

46

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<i><u>The Governing Body then returned to the balance of the Afternoon Agenda</u></i>		
REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2015-46; RIVER TRAIL LOFTS, 2180 AND 2184 WEST ALAMEDA REZONING TO R-7 AND PRELIMINARY DEVELOPMENT PLAN	Approved	46
MATTERS FROM THE CITY MANAGER	None	47
MATTERS FROM THE CITY CLERK MARCH 1, 2016 MUNICIPAL ELECTION UPDATE	Information/discussion	47-48
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	48-51
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	52
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	52
ADJOURN		52

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 26, 20125**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, August 26, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, asked to postpone Item 9(a) to the Council meeting of September 9, 2015, because Sergeant Hidalgo is in training. He would like to postpone Item #11 Municipal Court Update to the Council meeting of September 30, 2015.

Councilor Rivera would like to move Item #12 to be heard after approval of the minutes, because there are a number of young people here who need to get home to do their homework.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) *[Removed for discussion by Councilor Bushee]*
- b) **REQUEST FOR APPROVAL OF BID NO. 15/27/B; PROFESSIONAL SERVICES AGREEMENT – ON-CALL ELECTRICAL ENGINEERING SERVICES FOR WATER DIVISION; MECHANICAL & ELECTRICAL ENGINEERING, INC. (ALEX GAMINO AND ALEX PUGLISI)**
- c) **REQUEST FOR APPROVAL OF BID NO. 15/29/B; PROFESSIONAL SERVICES AGREEMENT – AUTOMATION ENGINEERING/SCADA/NETWORKING SUPPORT SERVICES FOR WATER DIVISION; WUNDERLICH-MALEC SYSTEMS. (ALEX GAMINO AND ALEX PUGLISI)**
- d) **REQUEST FOR APPROVAL OF BID NO. 15/31/B AND BUDGET ADJUSTMENT IN THE AMOUNT OF \$511,235; PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION SERVICES FOR OLD FILTER PLANT, DEMPSEY BOOSTER STATION AND 5MG TANK SITE; SASQUATCH, INC. (ERIC ULIBARRI)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO INFORMATION TECHNOLOGY AGREEMENT AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$169,500 – ADDITIONAL HOURS NEEDED TO COMPLETE NEW UTILITY BILLING SYSTEM PROJECT; N. HARRIS COMPUTER CORPORATION. (DIANA CATANACH)**
- f) *[Removed for discussion by Councilor Bushee]*

- g) **REQUEST FOR APPROVAL OF FUNDING FOR CONSTRUCTION REQUIRED FOR THE COMPRESSED NATURAL GAS (CNG) TIME FUEL STATION FOR ENVIRONMENTAL SERVICES DIVISION AND LOAN THROUGH NEW MEXICO FINANCE AUTHORITY. (CINDY PADILLA AND LAWRENCE GARCIA)**
- h) **REQUEST FOR APPROVAL OF RESTATED AND AMENDED AGREEMENT – LEASE WATER STORAGE SPACE IN ABIQUIU RESERVOIR FOR CITY'S SAN JUAN-CHAMA WATER ALLOCATION; ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY. (WILLIAM SCHNEIDER AND MARCOS MARTINEZ)**
- i) *[Removed for discussion by Councilor Bushee]*
- j) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – BOOKS, MATERIALS, STANDING ORDERS AND LIBRARY SERVICES FOR SANTA FE PUBLIC LIBRARY; BAKER & TAYLOR, INC. (PATRICIA HODAPP)**
- k) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 30, 2015; COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013-2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER). (MARGARET AMBROSINO)**
- l) **REQUEST FOR APPROVAL OF GRANT AGREEMENTS AND BUDGET INCREASES IN THE TOTAL AMOUNT OF \$2,156,760 – FUND 89200 CAPITAL APPROPRIATION PROJECT FOR DIVISION OF SENIOR SERVICES; STATE OF NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (RON VIALPANDO)**
- m) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$768,855 – BASED ON THE ALLOCATION FROM FY 2015 STATE FIRE PROTECTION FUND. (JAN SNYDER)**
- n) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – CITY-WIDE ITT EQUIPMENT AND SERVICES; VARIOUS VENDORS. (RENEE MARTINEZ)**
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed for discussion by Councilor Bushee]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 12, 2015

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of August 12, 2015, as presented.

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

12. CONSIDERATION OF RESOLUTION NO. 2015-73 (COUNCILOR TRUJILLO). A RESOLUTION ADOPTING THE 2017-2021 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)

A Memorandum dated August 26, 2015, to the Mayor and City Council, from Isaac Pino, Director, Public Works Department, is incorporated herewith to these minutes as Exhibit "1."

Councilor Rivera thanked all of the kids and parents for being in attendance. He is excited that the City is showing its commitment to our kids and soccer. He said soccer is the fastest growing sport in America and can bring quite a bit of revenue from tournaments, noting Durango brought \$1 million into its coffers. He said these young people are here to show their commitment to soccer. He said this proposal has been approved by the Public Works Committee.

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

DISCUSSION: Councilor Bushee said good work was done at Public Works in prioritizing these items, and they know it is a wish list as it goes to the Legislative delegation. She understands we may already have sponsors in terms of a soccer complex.

Councilor Maestas said the GCCC is listed as priority #3, but no funding to date is shown.

Mr. Pino said that is the funding to date that hasn't been spent. The solar project is complete and the dehumidification project will be complete very soon.

Councilor Maestas said the project title is general in that it just cites the Center, so that's why he's thinking the "funding to date should be all inclusive, at least of recently completely or funded projects."

Councilor Maestas said, "I guess what I'm saying is I don't know why the Chavez Center is in the top 5 priority, given the level of investment we made recently."

Mr. Pino said, "I don't know why it is either Councilor, but it's been listed there and left there by the Committee. The Genoveva Center consistently needs upgrades and in very large amounts of money, so anything we can get for the next project is always useful."

Councilor Maestas said his concern is the last time we finally approved the CIP from last year, we found common ground on more basic infrastructure needs that had been identified in the ICIP or CIP. For example, the traffic signal design and install is a City-wide fundamental need. It shows on page 13 of your packet, Requested Funding throughout the term of the CIP. Another City-wide project I think that is badly needed because of the increasing traffic on our arterials, forcing traffic into the neighborhoods, which are the traffic calming improvements, rated #43, but we have a \$200,000 estimated need in FY 17 and \$1 million for the next 4 years. Additional basic fundamental needs are the City-wide facilities which is rated #52, with \$1 million in 2017 and \$1 million a year for 3 years.

Councilor Maestas said he is unsure where the DFA stands with requiring a hard and fast top 5 priority, but we haven't been told otherwise. He would like to see in the ICIP is a better mix of infrastructure improvements and some of the improvements that apply City-wide.

Councilor Maestas said, regarding SWAN Park, it says \$5 million is needed in 2017, and asked if that is the only funding, and if this is expansion.

Mr. Pino said that is moving to Phase II, the next phase of construction. And the reason it is 2017 is because we still need to get design money and get the design complete for Phase II.

Councilor Maestas asked if Phase II is currently under design, and Mr. Pino said no.

Councilor Maestas asked, then so why we wouldn't pursue the design funds first.

Chair Dominguez said monies have been allocated for design of SWAN Park out of CIP.

Mr. Pino said he just received a correction, and the RFP for design services of Phase II has been issued.

Councilor Maestas would like to see a better mix of projects and he would like to see us do what we did a year ago at this same time, and include more basic fundamental needs. He said, "These priorities are very recreation oriented. I love recreation. I exercise every day. I use most of the facilities. But I think there are some folks out there that really feel like our City needs to start addressing some of the deferred maintenance we have that is definitely in the millions and the need continues to increase. I want to see some City-wide basic infrastructure projects in that priority and not have it so recreation centered, to start chipping away at the deferred maintenance. Facilities is one of those infrastructure systems that is grossly under-funded. I am unsure I can support this ICIP as presented."

Councilor Bushee said she understands Councilor Maestas's concern. The real issue is this is being requested by two of our Legislators. In the past we've had a priority list, such as the last time we got money only for the Airport which wasn't on the list as a top priority, but that was coming from our Legislators. She said we have great needs and the State is going to fund only so much, and then we have to hope it isn't vetoed.

Councilor Bushee continued, "My experience with this Soccer Club and crowd is that, outside of even the State's money, there's going to be a lot of money needed, and they will raise those funds. So the City will

not be on the hook for anything else, and I do believe that not only will it add to the quality of life and our recreation here in this community, but also economic development. I think we're on the right track in terms of outdoor recreation in a lot of ways between trails and everything else. It may end up developing training centers, high altitude training centers. I just have great hopes that this will be funded by our Legislators. A lot of our Water infrastructure needs are being covered by the NMFA, and we really are trying to keep up. A lot of the last CIP bond that was issued was taken by the GCCC and the infrastructure needs there. Ft. Marcy has been getting funds and the construction is happening right now. Salvador Perez, same thing. I understand we have a lot of aging infrastructure and needs, but I will say that I do believe these priorities will be looked at favorably by our Legislators and the reason I am supporting this tonight."

Councilor Maestas said, "On that point. I sit on the Finance Committee and we've been having this lengthy discussion about the need to curtail our debt. And I realize it's only advice at this point, but our Finance Director has advised us to forego incurring any new long term debt for the next 2-3 years as a means to try and reduce our debt per capita, and I guess he's been comparing the debt per capita with other similarly sized cities. And that's advice to us, but we do have a lot of debt and we ought to think about investing, even if it's just in design or project development in a project that represents expansion and represents a significant construction cost that cannot be paid on a pay as you go basis or through other means such as bonding."

Councilor Maestas continued, "I do support soccer, girls, and I thank you for being here. In fact I support going to the Legislature and trying to get funds to design an expansion of that badly-needed soccer complex. I support it being there on that list, but I really, simply want to caution us about moving down a path on a certain project and investing in project development where the prospects for construction funding are dim, especially in light of the fact that we're being asked to forego any kind of bonding for the next 2-3 years. In fact we queried the Finance Director to see if there are opportunities to refinance existing debt that could reduce the total debt and give us the opportunity to float bonds right now for some of these projects. He basically assured us that, no, they pretty much looked at the entire portfolio and opportunities don't exist there."

Councilor Maestas continued, "I want to see a better mix. I think we should be cautious about setting ourselves on a path where we really don't have any potential prospects for funding large construction projects."

Councilor Ives said there is a Project Summary on packet page 12, and asked if that is what we are approving at this point in time.

Mr. Pino said it is the new Project Summary he handed out before the meeting is what the Committee will be adopting tonight [Exhibit "1"]. He said they made an omission and corrected that mistake, and brought the revised list.

Councilor Dominguez said, "In all the years I've been on the Governing Body, this ICIP process is even more painful than it was last year, given the of lack of information from DFA. I think it sets this Governing Body up to be somewhat divisive, the potential for that, because there are so many priorities across this community, it's going to be hard for us to prioritize 5 things. It would be easy to pit one item against

another. Having said that, I want to ask a question to staff about the value of this ICIP list. As I understand it, and as it has been in the past, the goal is to make sure our ICIP list is as specific and as broad as it can be, because ultimately, it is what is on our Legislative priority list that holds muster in the whole entire process. So let me ask you Ike, what is the value of having priorities in our ICIP list.”

Mr. Pino said, “There is no advantage within this to being a priority project or the last project mentioned. I inquired of DFA about the top 5 after our conversation today. And that’s simply to identify for the Legislative Delegation what we view as our top 5. Of course, we come in at base when working with the Legislative Delegation and having them sponsor legislation around the priorities that we give them in December before the session begins. So, other than that, the only thing that matters in funding the ICIP sponsored bill is that it has an ICIP number. It doesn’t matter if it’s number 1 or number 71. Many times over the past several years, projects from deep on the list have emerged to be funded.”

Councilor Dominguez said, “I think in the past, it was more of a political ploy from the Governor at that point to create this top 5, than it was to facilitate the work of the local governing body. The second question I have is, let’s say we come up with our top 5, and we have an emergency come up and it is the last item on our ICIP list. What does it mean. Does it mean because it’s not in the top 5 that it’s not going to get funded.”

Mr. Pino, “No. All that matters actually is that it has an ICIP number. Let’s just imagine for a second that all the VAC. equipment at Ft. Marcy just blows up and we have to replace it. And we decide that’s our top priority, regardless of where it is on the list, you made the decision that it becomes a top priority and ask for legislative funding as such. That’s all that matters. The ICIP number is all that matters.”

Councilor Dominguez said, “I think you have a very valid point Councilor Maestas in looking forward and the debt we can maintain. That definitely is going to be a totally different discussion when projects come forward for us to consider for bonding, but as far as the ICIP list is concerned, I do not see that the top 5 that we have on that list are necessarily the priorities that will dictate the direction we go in. I think the most important thing is to make sure that if there is a specific project, we have it on that list, or a general caption to capture that project. So if something comes up during the Legislature, or before in preparing for the Legislative Delegation, that we can point to that to make sure those things happen. So, I’m in support of the motion, Mayor. Thank you.”

Councilor Ives said in comparing the one we just received with what was distributed on Friday, which is what we were going to be considering up “until 5 minutes ago,” there is a Memo from August 3, 2015, saying that Finance asked that 3 items be moved up into the top 5– the West Alameda Street Drainage, the Municipal Recreation Soccer Complex, FiberOptic projects in an amount identified from staff. He said if this doesn’t matter and it’s simply important to be on the list, then seems to be relevance and importance here. He asked how it was decided to remove Salvador Perez from the top 5 between Friday and 15 minutes ago. He doesn’t see Salvador Perez pool in the top 10.

Mr. Pino said it is #50.

Councilor Ives said there had been a previous vote to put Salvador Perez in the top 5. He is confused as to what happened.

Mr. Pino said there are 71 projects on the list and Salvador Perez is 50.

Councilor Ives asked how it went from 4 to 50 with 3 projects being moved into the top 5.

Mr. Pino said, "The two projects moved into the top 5 were West Alameda Drainage and the MRC. He said the mistake they made and he noticed this morning is that the list didn't show West Alameda in the top 5, which is what the handout seeks to correct. When something goes into the top 5, something has to come out, but nothing was identified by the Committee as a preference for coming out of the top 5. So we just made a decision based on, the remaining projects all have something in process or an imminent start date of some sort and moving Salvador Perez out of the top 5 doesn't make it any less important, it just gives it a different number. I can't emphasize enough that it doesn't matter that it's number 50 or number 3, just that it has an ICIP number."

Councilor Ives asked, if it doesn't matter, why did we have to move the other ones up.

Mr. Pino said, "Because we have to produce the top 5, that was the preference of the Committee."

Councilor Ives said it was the preference of one committee as opposed to another to put Sal Perez into the top 5.

Mr. Pino said he doesn't know what happened at Finance and the reason they went with the Public Works report because there was an actual vote at that Committee.

Councilor Ives reiterated his struggle with this, commenting it seems to be a very tortured process. He agrees with the Chair that this seems even more painful than last year, because we are once again dealing with last minute changes. He supports the opportunity for a MRC complex to have the best shot at the Legislature, he can't support because so much "sausage has been made here."

Mr. Snyder said the information handed out this evening is what was approved by the Public Works Committee. He said the top 5 listed is what that Committee approved. He said there was an oversight, and that wasn't exactly what Public Works approved. He said, "So what you're being asked to act on tonight is what was approved at Public Works. The items did go to Finance and no action was taken by the Finance Committee." He reiterated that the only Committee which took action on the ICIP was Public Works. The handout referenced by Mr. Pino identifies the top 5 that came out of the Public Works Committee, so that's what you're being asked to act on tonight.

Mayor Gonzales said it is amazing to him that the 3 recreational centers, with all the need in this City made it into the top 5. He said we need to invest in early childhood development, continuous needs to address homelessness, need to improve our economy by building better fiber throughout the City. And regardless, the message loud and clear to the Legislature when they get this list is there isn't anything for early childhood, homelessness, and fiber which was listed as number 71. He said this is at a time when wages

are decreasing and poverty is increasing. He asked how issue affecting the most vulnerable or a chance to grow our economy through strategic investments in infrastructure are completely absent from the list.

Councilor Bushee said she asked those questions at Public Works around FiberOptics. She said what she can say about this wish list we went to the Legislature, is we're lucky if we get Legislative sponsors, and we're really lucky if the Governor doesn't veto it. Councilor Bushee said, "I'm answer you now, how anything has to be on the list. So FiberOptics, generally speaking, and we could invest from our economic development fund. She read in the paper while she was out of town that we're going to give money to a business, Meow Wolf. Those kinds of money from economic development could go right into FiberOptics. This kind of stuff will possibly get funded. Ft. Marcy Complex has been on the list near the top for 6-7 years and hasn't been funding, it's falling apart. She said staff has kept it alive because it wasn't getting funding. SWAN has been in the works and there are Legislators on that side of town that would be willing to see that continue to be expanded. It doesn't mean it doesn't create jobs. The GCCC we keep having the same problem. She said, "Particularly, I view this MRC Soccer as economic development, and I also believe that we push this forward, and has a sponsor already... they're not asking for anything from the City. They're just asking for our blessing."

Mayor Gonzales said this isn't about the MRC, it's about our top 5. He said the MRC could have made it into the top 5, but so could fiber. And our economic development fund aren't going to help build out a fiber network in our community. It could have been for the development of a consolidated campus for homelessness, early childhood development planning. He said there's not a single issue in our top 5 priority that addresses anything dealing with poverty. If we're actually able to fund the MRC and market it as an economic development project, which it's not, it's a project for our community that addresses spending money on infrastructure that's going to help us grow our economy. He said his frustration isn't so much in what is going forward, it's that at some point, we have to start prioritizing where the greatest needs are in our community.

Mayor Gonzales continued, saying Santa Fe has done great things in the area of recreational facilities, phenomenal, and we will continue to do so in the future. However, at some point, we have to start investing in infrastructure that helps support some of the most vulnerable and/or helps us grow our economy and it's still a priority. It's a statement when there are 3 recreational centers are in the top 5 and not a single that addresses some of the issues we've all talked about that we want to solve. He said, "My whole point is this going to go as it's going to go. I agree with what was said. It's good to support expansion of a recreational program that can meet youth needs and be able to be used for economic development. But we throw in Genoveva Chavez, Ft. Marcy, and then even on the West Alameda Drainage. South Capitol every year has to and get sandbags to deal with all our water issues."

Councilor Bushee said that was on our CIP Bond list and then got bumped. She said, "Can I ask you Mayor. You mentioned FiberOptics, I brought it up at Public Works. What other project that we just mentioned that deals with the inequities in the community would be on this list. You have to understand what this list is. This is not our list of priorities. This is a list that says if the project is going to be considered by the Legislature it has to be on here. And the priority part, that came out of the Governor's Office. They wanted us to priorities. Honestly, we used to put water, water, water, sometime solar and it always got vetoed by the Governor."

Mayor Gonzales said, "We're about to make a decision on a family center, a community center potentially, it's going to go up on the south side, or an expansion of Zona del Sol now serving much of the Tierra Contenta. Nothing in our priority list goes to expand any program supporting that effort."

Councilor Bushee said, "But you understand, we cannot fund programming out of this."

Mayor Gonzales said, "It's not programming, it's expansion of bricks and mortar that will allow for programming to take place. Ideally, the cities that get it right are the ones that use CIP monies to invest in infrastructure that is for some kind of other benefit can occur in the community. Three of the top 5 priorities are recreation items. My whole point is I'm done on that side of it, and I just want to make sure as we go forward at the Committee level, that at the committee level that somehow when priorities are set we are able to establish a broader base set of priorities that represent multiple needs in our community as opposed to heavily concentrating in a particular area."

Councilor Bushee said, "Mayor, just let me finish. Look at this list. Read this list. There is nothing about a homeless center in here. Add that if you want that to be on here, but we don't have where it's going to be, what it would cost. This list is the living stuff, the infrastructure stuff. The Municipal Court expansion, Fire Station, Pools, libraries, rewiring, water tanks, pipelines. We have discovered over the years that water infrastructure can be dealt with at the New Mexico Finance Authority with loans. Everything in here... a lot of it is recreation, or sludge digester which could be paid for from the enterprise funds that we have. Really, we're down to mostly... just look at the list. I'm all for it, but we've done no preliminary work to put a homeless center on here."

Councilor Dominguez said, "Again. I think this is what is so frustrating about this process that the State has given us, because someone can state that housing is the number one priority, that's huge. There are a lot of homeless people who are veterans who need housing. Again, I think it's just unfair that we have been given the task of creating priorities on this particular list. But I do have one question, Ike. Where did this list come from, the way it's coded, formatted, the items on the list that have been here since at least 2006 since I've been a City Councilor. Why is that the case?"

Mr. Pino said this was once a list of more than 200 projects. He said, "Two years ago, we pared it down to 3 per sector – water, sewer, traffic, etc. – because we needed to get it to a manageable size. There are a few projects in there that are not typical infrastructure." He noted the list is formatted per DFA.

Councilor Dominguez asked the difference between City of Santa Fe wireless network and the fiberoptic project. He said we really don't know the difference between projects, because Legislators have asked us to put something on the list. He said it is definitely is frustrating, but it is what we have. He said his priority is to make sure we cover the spectrum on this list and we have some significant discussions when we start to create our legislative priority list. He said we had a 40 year water plan, we're down to 35 years and that's going to come up quickly, so do we need to start thinking about water a priority again. He said global warming and all of those things really fit into it. He said, "I feared from the very beginning that this Governing Body was going to get a little hung up on the ICIP list, and I think it's good discussion, and I don't want to dismiss any of it. But I think we shouldn't necessary put too much value, I guess, in the top 5. I guess that's the simplest way to say it."

Mayor Gonzales said, "With all due respect, and I don't discount the fact that the State has set these rules, but they are the rules they have asked us to play by. And I don't want to support an ICIP project that does not have a priority in the top 5 that addresses an issue for the poor, the most vulnerable or some time of economic development initiative. I think we can have a top 5 strategy that includes a soccer complex, renovation of the Interfaith Shelter and some needs they might have, and include being able to have the money to design a stronger fiber network in our community. That can be a statement of broad infrastructure projects that can help meet multiple needs in our community, but under the State rules we've agreed to play by, the top 5 issues are recreation, no matter what happens below that."

Mayor Gonzales continued, "So I believe as long as in our top 5, we're not addressing any of those issues, I don't want to vote for it. And I would ask you guys to consider as we go forward into next year as we get ready for the Legislative Session that we make a commitment that we're not going to be heavily vested in a certain area but we're going to try and advocate for priorities that meet some of the true needs that are facing our community. What would be the point of having a state of the art MRC complex if our kids can play on it, but when they grow up, they're no jobs here for them. Those are things we have to think about, not only in the short term, but in the long term for a strategy to grow our economy. I think we should come to a conclusion on this debate unless there are some final comments, but we do want to move on. Thank you."

Councilor Rivera said, "Just one final thing Mayor. I hear what you're saying and I understand and we could look at putting different projects in the top 5 that would make a statement that would go to the Legislature and be thrown out, not be funded. Is that really what we want to do. We want to get money from the Legislature wherever that money is. And if Legislators are supporting projects that are in the top 5 that they want to see in the top 5, they will fight for that at the Legislature to try to get that money. And it's better to get money for projects that will be worked on, than to have a list of 5 that will be thrown out because there's not a sponsor for any of them. There's no interest in them."

Councilor Rivera continued, "I was looking at our top 5 list from last year, like, and how many of those top 5 actually got legislative funding. I know SWAN Park got a small amount."

Mr. Pino said, "One of the things that happened last year, is we rolled up 7 projects of putting safety infrastructure – traffic calming and such. One of the criteria last year was an amount equal to about \$1 million. So we rolled all those into one public safety infrastructure and it was funded at 75% of the request."

Councilor Rivera said as long as things are on our list, the City can lobby for things it wants to see done, and obviously lobbyists are going to fight for things they see on the list, regardless of where it is. He said it could be 50th on the list and still get funding, based on what happens at the legislature.

Mr. Pino said that is correct. He said, "One of the things that happens is non-profits are very successful at finding a sponsor and getting bills passed that aren't even on this ICIP list, and the City winds up being the administrator and project manager for those projects because they are in the City limits. He said there will be a whole host of other Legislative Capital CIP projects funded by the Legislature that we didn't ask, but are necessary in the community." He said the City is named as the pass-through, because the Legislature can't give funding directly to the non-profit.

Councilor Rivera asked about timeframes we need to be concerned about.

Mr. Pino said we are down to the last week to submit to DFA, noting this process was begun in June 2015. He said we have been known to add projects at this stage of the game if there is something somebody really feels needs to be on this list.

VOTE: The motion failed to pass for lack of 5 votes in the affirmative on the following roll call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, and Councilor Rivera.

Against: Councilor Maestas, Councilor Lindell and Mayor Gonzales.

Abstain: Councilor Ives,

Councilor Rivera asked what happens if we don't submit a list to the Legislature, which you said we have a week to do.

Mr. Pino said what happens is that none of the data is loaded into the data base for reference during the Legislative Session.

Councilor Rivera said then we submit no request from the City, so everything on the list is as is.

Mr. Pino said yes. They load the top 5 and have the rest as reference.

Mayor Gonzales said he is open for another motion.

Councilor Maestas said, "I don't see some projects that you speak of, but I agree with your desire to see more broad based projects in the top 5 priority. I failed to mention the City-wide facilities is an infrastructure system that has one of the highest infrastructure funding gaps. The City is on the verge of hiring an assets management contractor who will focus on facilities. And the product will be a prioritization for improving our facilities from an asset management standpoint. I think moving City-Wide Facilities #52 into the top 5, instead of the GCCC, makes perfect sense in terms of having an asset management contractor who will be hired by the City and will focus on facilities."

Mayor Gonzales would like a motion/second to approve, then amend so we start with the list, as opposed of having several votes.

MOTION: Mayor Gonzales moved, having voted with the majority, seconded by Councilor Rivera, to reconsider the previous vote.

VOTE: The motion to reconsider, was approved on the following Roll Call Vote:

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

Against: None.

Councilor Bushee asked for clarification if the previous vote was a tie vote, because of the one abstention.

Ms. Brennan said, "An abstention counts as a no vote."

Councilor Bushee said then it was a tie vote, and there was no majority, and asked how does a reconsideration happen, because Councilor Trujillo isn't here.

Councilor Dominguez said the motion failed for lack of 5 votes in favor of the motion.

Councilor Bushee said then there has to be a different motion than what he asked the Council to make.

Ms. Brennan said, "That's true."

Mayor Gonzales said, "That's easy enough to do, so can you take a stab at another motion, if you agree with what Councilor Maestas has added. If you don't then we can move on."

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to approve the list given to us by Public Works, with the addition of Facilities City-wide as #3, and moving GCCC down below Ft. Marcy.

DISCUSSION: Mr. Pino said, "If we do it the way it was just mentioned, we have approximately 3 ½ days to redo the entire package to change those numbers. So what we do is we take, in this particular case, take the City-wide Facilities and move what was there into that slot. So once again, it doesn't matter if it is number 15 or 50.

Mayor Gonzales said, "This is all just about the top 5, but whatever happens after that, may as well be #6."

Mr. Pino said somebody mentioned moving it down where Ft. Marcy was.

Mayor Gonzales asked, "Councilor Rivera are you okay with just replacing the slot that it's in."

Councilor Rivera said yes.

Councilor Dominguez said, "I support that. Just to expand a little bit. We have done a tremendous amount of work at the GCCC. In fact, we couldn't do the triathlon like we always do, because of some emergency maintenance that needed to happen. With all your experience of having recreation under Public Works until this last year, can you, and you don't have to quantify it, but can you tell me how much work really needs to be done at the Chavez Center. Because every year it seems if we're not fixing the floor, we're getting rid of pigeons, and if we're not getting rid of pigeons, we're replacing the Dectron units, and if we're not doing that we're switching out the Zamboni in the ice arena. So, can you tell me, Ike, whether or not there is going to continue to be an ask for monies at the Chavez Center year after year because of the complexities of that facility."

Mr. Pino said, "More than likely, there will be. If you go to page 24 of the packet, the packet you got Friday, that has a more detailed description of what is going on at Genoveva [Chavez]. As you can see, we're asking them to design and construct renovations to install floor drains along the perimeter of the ice arena and Zamboni room; install mondo flooring in ice arena; replace two roof top water cooling... and on it goes. Those are very expensive, but necessary maintenance items."

Councilor Dominguez said, "I'm comfortable with the motion for two reasons. Number one, all facilities I guess covers maybe work that needs to be done at the Chavez Center, so having that in there, and number two, as long as it's on the list, I think that if there's a legislator that gets funding for the Chavez Center, it is at least on the list. I guess the point is, how trivial this whole process is. Thank you Mayor."

Mayor Gonzales asked if there is any interest in putting an economic development initiative in the top five.

Councilor Dominguez asked the Mayor if he has one.

Councilor Lindell said, "I would like to put... what number did we have the FiberOptics, #71, I would like for that to go in the top 5 also."

Mayor Gonzales said, "I need what you would like to replace it with."

Councilor Lindell said, "I think we have some things that have been funded already. I have no idea what is going to be funded, but I would take out, as was being talked about, I would take out one of the recreation items. I think that right now, even though everyone says this list, everything on it has the same weight, essentially, I would like for us to at least make a show of wanting to have an economic development item on this list."

Councilor Bushee asked if the Transit Center has the federal funding we were expecting and could that be... I thought it was getting some other funds, "because again, the SWAN Park has great interest at the Legislature."

Mr. Pino said Jon Bulthuis can answer that question.

Jon Bulthuis, Director, Transportation Department, said, "The Transit Center does have a component of federal money that has been obligated and is budgeted, but we're in need of approximately the same amount of money to complete the project."

Councilor Bushee said, "Then it isn't in your budget."

Mr. Bulthuis said, "We don't have it in the budget. Correct."

Councilor Maestas said, regarding the Southside Transit Center, we're going to act on an item that authorizes staff to purchase a CNG fueling facility which is a share between Solid Waste and Transit. Transit is paying \$1 million cash and we're taking out an MFA loan for the Environmental Services Division's share. We asked for analysis of the balance of the GRTs for Public Transportation and there was a \$2 million balance, so we have \$1 million in that account. He said if we can get a confirmation on that, it more than covers the \$890,000 that is being requested.

Mayor Gonzales said it doesn't take it off the list, but he doesn't know it needs to be in the top 5 if it comes out of the top 5, so long it is on the CIP list it can be eligible for funding.

Councilor Lindell would like the Fiber Optics project as #2.

FRIENDLY AMENDMENT: Councilor Lindell would like to put the FiberOptic Project as #2. THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

Councilor Bushee said she talked about FiberOptics at Public Works and she is concerned because it involves digging up old streets. She asked if there was a plan if we funded it, could we actually expend the funds.

Mr. Pino said Sean Moody is here to answer questions.

Councilor Bushee said we were given some money by the voters and we only got as far as the Railyard, and asked what roads this involves. She asked if the project is shovel ready so we could get it going.

Sean Moody said, "No. We would want to program it."

Councilor Bushee asked if we could get money from the Legislature and the Governor didn't veto, could we get to work right away and it wouldn't be about old roads.

Mr. Moody said, "No. We have concepts that we would bring before you."

Councilor Bushee asked if it would extend beyond the Railyard, because that's as far as we've gotten.

Mr. Moody said, "We're beyond the Railyard. We're actually as far as St. Michaels. But yes, it is about 200,000 miles of buried underground, so we can take it miles down the road."

Councilor Dominguez said, "I think I'm in support of this, so how far does this take us. Because we all know that there are many people who don't access to lots of technology, internet, you name it. So how far does this line take us."

Mr. Moody said, "The City Council has already funded \$1.4 million, which takes to St. Michaels from downtown. To say it's 200,000 miles to build is correct. What is also true is that there are other entities with which we can swap assets and get even further – ReadyNet, Plateau, PNM and [inaudible] have been at the table to swap assets. In fact the project we are doing involves a swap that get's the City of Santa Fe's asset as far as Albuquerque. So there is potential for leveraging all this stuff than the paper 200,000 miles. The answer is yes, we can get down to Airport Road or lower Cerrillos."

Councilor Dominguez asked if we can we can get through Airport Road all the way to the Airport.

Mr. Moody said, "I would look at that, and there's always a chance. There's always resources around for making deals like that."

Councilor Dominguez said so we may not be able to get that far down.

Mr. Moody said, "With true fiber, as I said, with swaps there is an honest chance. But in putting together a deal there is also support fiberoptics that the City builds could support could support wireless options which would add great connectivity."

Councilor Dominguez said, "You don't have funding for that."

Mr. Moody said, "No. I've been building a project with \$1.4 million that the City Council has allocated, and that does take us down to St. Michaels. But with additional monies, there's quite a lot of possibilities"

Councilor Dominguez reiterated his support for the motion. He asked if the Southside Transit Center is going to be on the list and "so I think that's really what we're after."

Mayor Gonzales said, "To your point Councilor Dominguez, we do have to make sure that our fiber strategy includes going to the most media as well, so that's got to be part of any type of planning effort. I appreciate the Council's consideration in being able to modify the list. And to your point, Councilor Dominguez, it is a little bit frustrating, because the rules seem to be kind of arbitrary in how they are put together, but I do think it sends out a strong message to the community, regardless of how the Legislature interprets it, that when we set priorities, they're broad based and include all portions of the community that want us to be able to address some of those pressing issues."

Councilor Maestas said, "Point of clarification. Is the amendment to add the FiberOptic Project as number 2. Was that a friendly amendment, or are we going to vote separately."

Mayor Gonzales said it was a friendly amendment to add it as #2.

Mr. Pino said, "I just want to restate what you did, just so that we know. What we did was to move City-wide facilities up to #3, and GCCC replaces that on the list. And we moved FiberOptic to #2 and Southside Transit places that on the list."

Mayor Gonzales said that is correct.

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

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

Against: None.

Councilor Ives said he has a question for Mr. Pino. He said, "When I came to a Committee meeting when all this was being looked at, I raised a question similar to Councilor Maestas', which was the expenditure of funds on the various projects on the list. The funding listing seemed to be solely from the Legislature as opposed to what the City has expended on these various project. And I can't remember who said that list could be added as a column to this, so we could actually see in the past how much we have allocated to these projects. And I'm still interested in getting that. Is that something that can be put together and provided in the next two weeks.

Mr. Pino said, "We can do that. Strategically though, I would advise against publishing that in the ICIP list."

Councilor Ives wants to see it and see how we've allocated dollars, because "that is of interest."

Mr. Pino said they can do that.

9. PRESENTATIONS

- a) **AUGUST 2015 EMPLOYEE OF THE MONTH – BRYAN HIDALGO, SERGEANT, PATROL TEAM C – SANTA FE POLICE DEPARTMENT.**

This item is postponed to the next meeting of the Governing Body on September 9, 2015.

CONSENT CALENDAR DISCUSSION

10(a) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT #15-000-14-05759 AE AND PROFESSIONAL SERVICES AGREEMENT – CITY’S ASSET MANAGEMENT PLAN FOR FACILITIES DIVISION; AMERESCO, INC. (LeANN VALDEZ)

Councilor Bushee said brought this up to be consistent, noting she voted against in Public Works. She said, “I honestly, point-blank think it’s a waste of money, but I do have a couple of questions. I would like to understand why it includes such things as travel.”

Mayor Gonzales said, “So this was at Public Works.”

Councilor Bushee said, “It went to Finance and I voted against it, so I’m not going to make a motion, but it’s got a 3-year, additional \$12,000, each year it can do another update I guess. I don’t know what the \$2,500 reimbursable expenses is for. To be honest, the Public Works Committees of the past did a lot of this work in terms of what infrastructure needs were, a timeline. I think former Chair Councilor Wurzbarger was on that for a couple of years as the Committee Chair. I personally don’t quite understand the need for this additional Professional Services Contract for these folks to manage it. He has over and over approved projects, and I always reference back to Siler Road where we’re going to have a compound for the City, which we spent almost \$400,000 on it and we don’t do it. So I would say that we’ve done a lot of that work and staff of course would argue against this, but the gentleman that we have here that is going to argue against this would be what I consider one of our many project managers, and I just don’t understand the need for this, to be honest. For starters, maybe you could tell me what the \$2,500 reimbursable expenses are for.”

David Pfeifer, Facilities Division Director, said, “It’s for reimbursables on travel and updates to the software and any of those kinds of thing that come in. They are traveling from Oregon.”

Councilor Bushee said this was brought forward in old Public Works Committees, and it felt like it was superfluous then, and it stills feels superfluous to her now. She asked, “Why would we hire an Oregon firm to come here and redo, I think a lot of the work that’s been done already. Somebody else will have to make a motion.

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

DISCUSSION: Mayor Gonzales said when you were doing price comparisons, it appears you pulled the prices from the State Pricing List.

Mr. Pfeifer said that is correct.

Mayor Gonzales asked if there was any discussion about trying to bring in more than one vendor to discuss negotiating a better price than what was on the State list.

Mr. Pfeifer said they gave us the better price, "and no we didn't go other members to see if they would." He said they went to the State Price Agreement, did an analysis of everything included in this, used the lowest priced person which was Ameresco and then negotiated with them.

Mayor Gonzales said it seems with only one person you don't know whether you got the best value.

Mr. Pfeifer said a lot of bids are done on that. We go out to bid, bring in the lowest bidder and then quite often negotiate with them to bring it in on budget.

Mayor Gonzales said, "So the scope of work for the agreement for Phase 1 is an Investment Grade Energy Audit. Is that right."

Mr. Pfeifer said yes.

Mayor Gonzales said, "And Phase 2 is a guaranteed Utility Savings Contract and implementation."

Mr. Pfeifer said yes.

Mayor Gonzales said, "So Ameresco is going to come in, and are they going to look at all of the facilities or how will a facility be determined to be reviewed."

Mr. Pfeifer said, "Part of this whole thing is called iAuditor who, with an iPad or some kind of tablet, will go out into the City and document every piece of equipment we have, the age of the equipment, when a roof was put on, every part and piece that goes into a building, when the stucco was revised by our staff when they do their routine maintenance. That will help put the whole picture together and then those audits can be done, a lot of them without any of our travel costs via internet with their assessments."

Mayor Gonzales said this will look at life cycle, modeling and a capital asset plans for the City, which is approximately 1 million square feet of building space.

Mr. Pfeifer said that is correct.

Mayor Gonzales asked what we will do with the data after that.

Mr. Pfeifer said the idea as discussed previously was to help with the ICIP and CIP to evaluate the real needs at the time.

Mayor Gonzales said so we're basically asking for them to tell us the state of our facilities, the condition, some type of modeling to do energy efficiency, and then they'll give us a price of the cost to bring 1 million square feet of City owned facilities.

Mr. Pfeifer it is a little more complicated than that.

Mayor Gonzales said, "But generally."

Mr. Pfeifer said yes. They can give us ideas on how we can cut energy costs by putting in new equipment that basically pays for itself, for example.

Mayor Gonzales said he understands the performance contract, but what he's trying to understand is why are we doing this when we know that we might move everything to Siler Road, commenting as far as he knows the Council hasn't abandoned that plan. He said what would be the point of spending money to determine what it would cost to upgrade facilities when potentially, services inside those facilities might be moved to a new City Hall, for example.

Mr. Pfeifer said, "Mr. Mayor, that would be a timing thing and that would be your decision. If that's going to be a short term decision that you're going to do, this, in essence would not be of value. However, if it's going to be a 5-10 year plan, I think this is a great thing to do."

Mayor Gonzales said, "My view is that we need to determine whether we want to continue down that path or not before we start spending money assessing the existing state of facilities and I actually liked the Council's direction to try and locate more City facilities in a consolidated way in an area that is centralized to the public. I am concerned about moving forward with this now, when we haven't made the determination whether we'd like to move sooner than later, because what it means is we're going to throw money at facilities that potentially, 5-6 years down the road, we're going to vacate because want to move to consolidate and that doesn't seem like the best way to go. And on these performance contracts, once they put capital into a building, you're kind of stuck there for a period of time until that is paid for. So we get locked into a building and we don't get the chance to actually consolidate the services of that building."

Mayor Gonzales continued, "For example, let's say City Hall actually moved to Siler Road and we built an audit around City Hall, assuming the payback period might be 10-12 years that we would commit to being here without considering moving. And I don't know if we've made those decisions yet."

Councilor Maestas said, "I think just introducing the concept of life cycle cost analysis on existing facilities could tell us, are sunk costs just excessive and does the cost to improve really exceed the remaining life. I think it could help us make those decisions on some of these older facilities that maybe may not be part of some grand consolidation. I think that is definitely needed in our facilities to give us kind of better informed priorities in terms of facility improvements based on a life cycle cost analysis. Right now, we know what the life cycle is, we know when we need to intervene with proper maintenance to extend the life of it, but we don't even have the money to do that in some cases, and I'm sure Ike would agree with me. So, I think this is the future of managing City infrastructure and facilities."

Councilor Maestas continued, "And I'll just end by saying that Councilor Rivera sponsored legislation authorizing the City to implement asset management in the Water Utility enterprise because it was actually a condition by the New Mexico Finance Authority that if the City is to receive to future funds for the Water Utility enterprise it has to be on a path to implementing asset management, same concept, life cycle cost analysis and maximizing the life of our assets. So I think we're really following suit in terms of what Councilor Rivera has done in the Water Utility enterprise."

Councilor Maestas continued, "And just in closing, any grand plans for consolidation of facilities I think is so far off right now, given our debt portfolio and other needs and growing deferred maintenance of existing facilities. I hate to speculate, but I don't see any kind of central consolidation of City Hall and associated facilities any time soon. So why not start looking at what we have right now. That way, we can at least make decisions on kind of maximizing our limited dollars to extend the life of our existing facilities, apart from any kind of abandonment and consolidation. And that's all I have Mayor."

Councilor Bushee said, "Just a follow-up. I don't want to belabor the point, but we tend to not follow any of the plans we even pay for. I mean, we moved into the Railyard and Market Station that had not been on anybody's plan. The follow-up plan, I'm not saying it's not worth looking at it again, but I don't know how many years ago we spent that money. We've done nothing with that. And this Ameresco name and group have been kicking around for the last 4 years. I wasn't even on Public Works when the Chair Wurzbarger did all of the work they did. But when it comes to energy, we've hired John Alejandro, we have Nick Schiavo, I know it's not his bailiwick and I don't want to put him on the spot, but I've had conversations with other staff in the past, and everybody has seen this as sort of a boondoggle. And I don't understand why it's necessary now."

Mayor Gonzales said he has a question of Matthew Riley who heads up all of our asset development. He asked, "Can you offer an opinion given the programming that you're focused on in addressing City assets. And obviously, you've been highly focused on monetization and revenue opportunities around City assets, but how does this fit in overall to the asset management that you oversee."

Matthew O'Reilly, Asset Management, said, "In my little office, we're focused on the development of our assets. We think that the Siler Road Study that was done is absolutely useful, and the fact that it hasn't been built-out in the last 4 years since it was completed is more a function of our financial capability than whether or not it was a good idea. As I've been looking over and learning and researching our various assets and land and buildings, I have tapped into the work that Councilor Bushee was referring to that the Public Works Committee had done. It was very valuable. And I'm starting to look at other, let's say, opportunities and efficiencies that we, as a City, miss out on, because of the way we provide services to the public. And specifically, related to real estate that is that our facilities and our staff are spread out in various myriad buildings all over the City, many of which were not obtained or acquired by the City for that purpose, but we simply put people there because those are the buildings that we have. And we put people in those buildings that have, as Councilor Bushee pointed out, the Public Works Committee has already identified high high levels of deferred maintenance, in some cases, in my opinion, are over and above the value of the real estate itself."

Mr. O'Reilly continued, "And when you start to look at those kinds of situations, it becomes pretty obvious and it's not that hard of a calculation to understand that, at some point, it doesn't make sense to pour more money into a building if we can consolidate services, save the City government a tremendous amount of money and time, in how we do our operations, but also save the public a lot of time, energy and money in how they interact with us. And so that is obviously a very large puzzle to put together. And part of that puzzle is in knowing what we actually are spending on our utilities and our buildings, and where those savings could be."

Mr. O'Reilly continued, "And so, in terms of that portion of this proposal, I think, as at least when I start looking into this larger issue of how we actually execute the Siler Plan that this Council approved in the past, it's going to be very important to know what are we spending on energy in these buildings. Is there any way that we can reduce those costs in a way that makes sense without throwing good money after bad, when we could, maybe, be looking at consolidating our services and facilities into one building let's say. And then divesting ourselves of those other assets, either selling them or leasing them. Or in some cases, if they're far enough gone, tearing them down and repurposing them for economic development purposes, entering into public/private partnerships that can help us accomplish other goals that we have as a City. It could be housing goals or other economic development goals. Our assets are available for that if we are looking at a larger plan to consolidate."

Mr. O'Reilly continued, "So that's a long way of saying that what is being proposed here, especially in terms of these I think it was called a commercial grade energy audit, is the kind of data that we can use to support the financial soundness and I think we're going to find the financial imperative that we move forward with some sort of a centralized municipal complex, both for ourselves and for how our citizens use our services."

Mayor Gonzales said, "That makes a lot of sense."

Councilor Ives said, "David, a couple of quick questions. I'm looking at page 27 in the packet, I notice that somebody signed on your behalf here and I don't know who that was, so that was my first question."

Mr. Pfeifer said it was Jude Torres, noting he [Pfeifer] was out having surgery.

Councilor Ives asked, "So have you actually read this and read the State Price Agreements, and feel that you understand that."

Mr. Pfeifer said, "Yes. We went through all of this long before I left."

Councilor Ives said, "And Ike, I don't see your signature on it either, but have you approved this as well."

Mr. Pino said, "I reviewed it with staff and approved it as well."

Councilor Ives said, "When I compare the contract, the PSA that is identified here to what appears to be what is required in the State Pricing Agreement that purportedly was relied upon, because there was going to be an investment grade energy audit, I have a real hard time reconciling them. If you look at, and unfortunately all the State Price Agreement isn't here, but if you look at page 5 of that, they talk about Phase 1 under the State Price Agreement being an *investment grade energy audit and project proposal*, *The qualified provider and the Agency will execute the investment grade energy audit and project proposal contract, attached as Appendix L*. And then I compare Appendix L to our contract that we're purporting to enter into here which actually does not describe those services as an investment grade energy audit, but

rather as an operational efficiency review. I see no references to the Whole Building Investments for Sustainable Efficiency Program, which is mentioned many times in the State Price Agreement. At a prior Committee meeting, let me see if you have any thoughts about what I've just said... beginning on page 46 of the packet."

Mr. Pfeifer said, "There was so much involved with your question, I'm not sure I can answer it, so could you repeat it in maybe a briefer format."

Councilor Ives said, "When I look at page 11 in the packet, the Professional Services Agreement, and it walks about in Paragraph 1B, an Operational Efficiency Review. And I compare that to what is in the State Price Agreement beginning at page 5, which talks about an Investment Grade Energy Audit and Project Proposal which says will execute the Investment Grade Energy Audit and Project Proposal contract, Appendix L. And I look at Appendix L, which begins at page 46 in our packet, and compare that with the contract at page 11, there is just no comparison."

Mr. Pfeifer said, "I think what this is a different way of saying different things, but they all point toward the same thing. Meaning that the energy audit is part of this, the assessment audit is part of this and the program that we're putting that they have that we're putting the data into will make those analogies on where all the equipment and parts and pieces are. And if we have a furnace from 1960 and a furnace from 1980, one is 80%, one is 40% and if we replace both of those in an energy audit it will cost us these much to replace it, but the savings will be this much over one year. I think I understand you're asking specific words because they aren't detailed exactly the same, but the meaning is meant to be the same."

Councilor Ives said, "When I see different words used and I see the State Price Agreement showing, 'Will execute the Energy Audit Format attached as L,' and that has no relation to what's in our packets as the PSA, I just can't go that far. And I don't think they're proposing to go that far, quite frankly, because they don't even describe it as captured on page 11 in the packet in the PSA, they describe it as 'an operational efficiency review.' Which, in my mind, there is no relation to Investment Grade Energy Audit and Project proposal. And I don't know if we need to go back and look at our contracting."

Councilor Ives said, "Let me just conclude, because I don't think you can answer the questions I have in a way that will satisfy me. The one other thing I would say, when this was in a committee meeting that I attended, there was attached, I believe it's a chart similar to the one on page 25. If you look, about 2/3 of the way down the page, it talks about the price per square foot, it's a column by column comparison of the 7 organizations that have been qualified as ESCOs by the State. There was a different page that was submitted that was submitted at that committee meeting that showed different prices, and in fact showed the pricing from Ameresco, and I can't remember if it was 14 cents per sq. ft., or 12 cents per sq. ft., but Siemens was also listed at the other end of that page. Here, it's indicated as not applicable, but that page, had I think it had a price that was identical to that of Ameresco. And I asked why we didn't consider Siemens, and the answer I was given was, we didn't have to simply because we went to the State Price Agreement for this. And I don't see that here. And so, I'm still unclear why we didn't go to others that would have similar pricing."

Councilor Ives continued, "Another question I had was, if we were going through the State Price Agreement for an energy investment grade review, why we didn't also consider those who were similarly priced, and why we only chose to negotiate with Ameresco and try and move them down to a much lower price. And I think ultimately the answer is, as reflected in the allocation of the contract to the services, only a small portion of that \$9,000 has anything to do with the energy efficiency or that aspect of the contract. And most of it has to do with the 30 year plan. And I'm not suggesting that having software that is usable for tracking City facilities over the course of an extended period of time is not very useful and very functional. My question was why are we using a price agreement that in my mind has nothing to do with what we're proposing to contract for, to select these people as a sole source provider of these services."

Mr. Pfeifer said, "I think I heard 3 questions in there, and I'm going to try to answer all 3 of them. Siemens was the first one you asked, why they were the same but then they set in A is because they didn't provide all services we were looking for to get them to the contract. So we excluded them because they did not provide all the aspects that we were wanting that was not in the State Price Agreement contract. So, we needed A, B, C, D, E and they only had A,B,C and E, they were missing D. I don't remember exactly what they were missing because I don't have it in front of me, but the reason they were excluded is because they didn't serve one portion of what we were looking for."

Mayor Gonzales said, "But David, that's per the State contract. We don't know if we would have put it out to bid that they wouldn't have offered a price on the service we were asking for."

Mr. Pfeifer said, "That is correct. We make choices in the Facility Division and as project administrators, how we kind of go about things. But at the end of the day, it's your decision. We chose to go to the State Price Agreement. We chose to look at all the different State Price Agreements and how they affected us because that's allowed per our Purchasing Manual to go with a State Price Agreement, or CES or NJYP or any of those agreements without going out for a total bid. So we chose to go with the State Price Agreement aspect, look to the State Price Agreement, see how they compare to each other, and Ameresco was the lowest one and we negotiated with them. So in essence, they all bid with the State Price Agreement and we chose the one that fit our needs and at the cheapest cost. If you guys would like us to go out with a complete RFB, you can say do that, and we will do that, but that was our choices that we made. And it's legitimate per our Purchasing Manual. So I think I've answered the questions that you asked, but I'm not sure the way you wanted them."

Councilor Ives said he had "tons more questions," but those are the major points, commenting he honestly doesn't understand the use of this State Price Agreement for a majority of services that has absolutely nothing to do with this and thinks the request of the original Resolution was focused on the other portion. He is all for going out and finding the person who can do that. It appears we've arbitrarily tried to select this entity using a State Price Agreement that has requirements that are fundamentally different from what's in our contract. He said, so he has real problems with our procurement process here, and he will look for ways to try to clarify that in the future. He said, "I can't go down this pathway, given all of those issues."

Mr. Snyder said, "Just to clarify, we use the State Pricing Agreement where we feel we can streamline the process from timing as well as some of these aspects that have already been bid, that have gone through a process we can follow here at the City. We don't have to reinvent the wheel. In addition, frankly, I don't know if we have the expertise in-house to write the scope of work to a detailed level enough to get to where we want to. So we would have to hire somebody to write the scope of work, put it out to bid and go through that whole process to get back to you tonight. We are using the State Price Agreement where somebody has already done that level of work to get to the same point where we want to."

Councilor Ives said, "I would only say, that's not the level of work by any way, shape, or mean or comparison of those two agreements as to what's being asked for in our contract, and that's one of the fundamental problems I have with it."

Mayor Gonzales, "Brian to that point. The Council passed a Resolution from what I understand, that stated that we wanted to pursue energy performance contracting across the City and identify ways to do that. What's brought up here now is not going to do that. It's a different tool that you guys have brought to us which is basically to do a facility analysis on costs of operation and some type of modeling on what level of efficiency a building is. But it doesn't go in and actually do a full blown energy audit to determine here's what it's currently costing me to operated, here are all the fixes, and then if you implement it, here's going to be your savings and how you can actually enter into some type of arrangement so you can get the capital to cover it."

Mayor Gonzales continued, "I think the frustration I hear Councilor Ives talking about, and a little bit of what I'm wanting to anticipate is that we've sent some clear direction is what we want is to see energy performance contracting coming forward, but this is a decision-making tool to evaluate 1 million square feet of office building operational efficiencies, not that level. And I understand your point about if we don't have the skill set in house to develop an RFP to get us to what you are trying to here, and you had to go off a State Pricing Contract, okay, although I'm always nervous when we don't at least have another individual at the table to try and negotiate a best value deal. Secondly, I think that what I'm not seeing here is what I think I hear Councilor Ives not seeing here, which there was direction to do energy performance analysis on facilities we have."

Councilor Ives said, "On that point. Just looking at the language in the Resolution it actually does talk about capital funding needs of City buildings over the next 30 years, and projections of capital costs. And capital is to me different from operations and maintenance, and that's why I say, in part, I don't have an issue with focusing on that aspect which was what was asked for in the Resolution as opposed to a full energy audit and analysis for purpose of getting an investment grade assessment. If it was focused on that, then I don't think you would use the Price Agreement to find a contractor. I do not doubt that Ameresco has software that does that function, and might be selected in a process to find somebody to do the 30 year assessment referenced in the Resolution. I just have problems using a State Price Agreement in a small sliver, and say, oh, this is covering that, when neither the contractual relationship suggests that, nor does the contract that we're proposing to enter into."

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

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

Against: Councilor Ives, Councilor Bushee and Councilor Dominguez.

Explaining his vote: Mayor Gonzales said, "I'm going to say yes, because I believe in the tool that we're going to be getting, but when we go down the next path of actually getting investment grade audits, I don't want to see us going out for the State Price list. There better be, at least, some negotiating going on, and if there's an opportunity bring someone else still to the table to negotiate this, I would encourage you to do so. I see the value in a tool set like this for the City to make some decisions, so hopefully, we'll get to see this energy management contract come forward."

10(f) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO INFORMATION TECHNOLOGY AGREEMENT AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$169,500 – ADDITIONAL HOURS NEEDED TO COMPLETE NEW UTILITY BILLING SYSTEM PROJECT; N. HARRIS COMPUTER CORPORATION. (DIANA CATANACH)

Councilor Bushee she said she is concerned we're spending almost \$200,000 additionally, as well as travel expenses are involved. She asked Ms. Catanach to explain once again why this went to this extent.

Ms. Catanach said the travel expense are for user acceptance testing, end user training, so the Advanced Utility Systems team is here to make sure when we sign to say go, no go, live, we need somebody on site to be sure we're testing everything to be sure everything is running smoothly.

Councilor Bushee said travel is a small part of it, commenting she gets disturbed when an amendment is \$170,000. She asked the amount of the original bid.

Ms. Catanach said it was \$1.033 million. She said they went out to RFP and received 9 bids and this was the lowest at \$1.2 million, and we were able to negotiate to \$1 million, so we're still not back to the original bid. She said they were the choice of the functionality that met our practices.

Councilor Bushee asked the reason we need these additional funds.

Ms. Catanach said, "We ran out of hours. When I started, we were initially set to go live on February 9, 2015, but because of various factors..... our core team are working their jobs and committing time to this as well."

Councilor Bushee reiterated her concerns, admitting we've gone this far and she wants to see it through.

Mayor Gonzales said, "Sometimes in software implementation projects, especially where there's complex, a little of both can happen, but generally there are always the change orders to add more hours for staff training which is invaluable considering that if staff doesn't know how to operate it, we can get ourselves into more trouble. I understand your point on how we purchase."

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

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "I had a little bit of concern about the travel and I didn't want to go too far in there, but obviously they need to be here to do the training, but given the fact we're this far, I vote yes."

10(i) REQUEST FOR APPROVAL OF CHALLENGE COST SHARE AGREEMENT – REIMBURSEMENT OF PROJECT COSTS AND ACTUAL EXPENSES INCURRED BY THE SANTA FE NATIONAL FOREST (USFS) IN ACCORDANCE WITH THE VEGETATION MANAGEMENT PLAN WITHIN THE 2013 SANTA FE MUNICIPAL WATERSHED MANAGEMENT PLAN, PURSUANT TO RESOLUTION 2009-87; USDA, FOREST SERVICE AND SANTA FE NATIONAL FOREST (USFS). (ALAN HOOK)

Councilor Bushee said we discussed this at Public Utilities and Public Works, and asked if this is just about control burning, because all the language is about management, protection. She has heard from people who are concerned that we are joining this just to do more control burns, and there's a difference of opinion on the efficacy of the burns.

Mr. Hook said, "This agreement is the financial tool to follow the vegetation management within the Watershed. He said in the goals, some of it is prescribed burn, but some is actual mechanical thinning within the watershed so prep of that and then some of the broadcast. That is a component of it, it's also just the Forest Service's management within the Watershed to provide fire protection and more importantly, source water protection for us in the Watershed and for the City."

Councilor Bushee asked if he would say this is more wholesale than the last plan.

Mr. Hook is unsure what she means by wholesale.

Councilor Bushee said you have 20 acres of burn piles and 850 acres of broadcast burns. She said we received more public input when we did the last plan and she had hoped we would take the time at Public Utilities to do that to see if new information is forthcoming. She was sold on the concept, but she "has a little heartburn... that's a lot of acres."

Mr. Hook this plan asks the Forest Service its targets annually. He said previously, they were targeting the entire 7,000 acres of the lower municipal watershed, and didn't have a yearly goal. In this we asked them how many acres they would target given that during the last 4 years they've done first entry and are now at the maintenance phase. We asked for an annual report, and given weather conditions, did they reach targets, and if they will have to double up the next 2-3 years. That's the reason the targets are included. He said, in the language of the contract, those are just targets and could change from year to year, depending on meteorological conditions, drought and such.

Mr. Hook said with regard to the second part of her question as to if this is the same and still following the plan, it's still following the 20-year Watershed Management Plan, and this is nothing new, it's just a different phase into which we're proceeding from the first 4 years.

Councilor Bushee asked if there are 150 acres of prescribed broadcast burning per year.

Mr. Hook said asked if she is speaking of 850 acres, not 150 acres, under Part 4. He said this would be per year, that's the target, but that's a broadcast burn, and the piling is more labor intensive, so that's where it's only 20 acres or so. He reiterated this is more of a maintenance phase by the Forest Service in the Municipal Watershed. These are low intensity, broadcast burns that are prescribed burns, and it's following the natural historical pattern of fire within ponderosa pine forests and mixed conifer forests.

Councilor Bushee said in terms of thinning and different processes being more effective, is this what the U.S. Forest Service has decided to do. She said, "I'm still stuck on the prescribed burn piece.

Mr. Hook said this follows the Forest Service protocols and scientific evidence on ecology from years of study and scientific studies in the Southwest on ponderosa pine forests, so this has been a long time protocol they follow throughout many forests – the Gila, the Jemez all the way to the Santa Fe National Forest. It's not something new for this contract which is following prescribed protocols that they've done.

Councilor Bushee said it's not new, but there are people who feel there are other ways of doing this in terms of different types of thinning rather than always doing the prescribed burns.

Councilor Maestas asked if we are to imply that the \$150,000 in Water Trust Board funding will be a part of the \$240,000 commitment over four years.

Mr. Hook said yes. We would be able to utilize the \$150,000 toward our \$240,000 match. We would have to spend that grant/loan amount within the 3 years out of the 4 years of this contract. So, yes that is our portion toward the 50-50 cost share agreement.

Councilor Maestas said, "I just want to state for the record, I too received a lot of phone calls and emails from members of the public, many in my District, that really wanted a public hearing prior to this vote. But I think, as Alan said, it's a required agreement that is a condition to the Water Trust Board funding, we have to have this agreement in place, but it doesn't give the green light to specific control burns and clearing as of yet. Those will be done, I think, individually, Alan. Is that the way this...."

Mr. Hook said are you speaking about each individual burn plan.

Councilor Maestas said yes.

Mr. Hook said, "Each individual burn plan, it's not that it would go before the public. For example, the Environmental Assessment as part of the wilderness area gave the public plenty of opportunity in the meetings that were part of getting to that plan, the opportunity to voice their concern, especially in the wilderness area. The same with the Environmental Impact Statement that was done in 2001."

Councilor Maestas said, "I will support this, only because if you look at page 14 of our packet, Item O, there is a public notice in there that requires the City to coordinate with the Forest Service to inform the public when they're going to initiate activity, so I just want to reinforce us doing our part in coordinating with the Forest Service in utilizing our own public relations resources to let the public know in advance of when specific activities that are a part of this agreement will take place."

Mr. Hook said the Forest Service also coordinates with the Air Quality Bureau of NMED. He said, in the larger picture, in the Fall the Santa Fe National Forest Service is opening its Forest Management Plan, so there will be several public meetings for the public to address the issue of prescribed fire as a tool for thinning forests. We can let the constituents know when these meetings happen.

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

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

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

Against: None.

Abstain: Councilor Bushee

Explaining her vote: Councilor Bushee said, "I'm going to abstain on this one. I would like to see a different mix and less prescribed burning.

Explaining his vote: Councilor Ives said, "Yes, although I would like to make a statement after the vote.

Councilor Ives said, "I very much concur on what Councilor Maestas was saying in regard to the provision of Section O on page 14, which deals with public notices. And it does talk about a policy to inform the public as fully as possible of its programs and activities. I would hope that as this moves forward to actual on the ground action, we will take the opportunity to invite the Forest Service to public meetings where we invite the public so we, having a significant interest in the Watershed, can be sure that people have an opportunity to hear what is proposed as well as to provide feedback would be valuable."

Councilor Maestas said what they're saying is the City is providing \$240,000 to burn our watershed. He said what we acted on tonight was to preserve the \$150,000 that was awarded to the City, so that needs to be clarified.

Mayor Gonzales said we have 3 minutes left until we go into the evening clock, and asked if this can be considered quickly. Councilor Bushee said yes.

10(o) CONSIDERATION OF RESOLUTION NO. 2015-74 (COUNCILOR LINDELL). A RESOLUTION AMENDING RULE 16A OF THE CITY OF SANTA FE PERSONNEL RULES AND REGULATIONS REGARDING DRUG AND ALCOHOL TESTING POLICIES FOR TRANSIT DIVISION EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS. (DEBBIE ROUSE)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 24, 2015, is incorporated herewith to these minutes as Exhibit "2."

Councilor Bushee said she wants to be sure there is a provision that provides consideration for medical marijuana. On page 7, it talks about making sure the employee notifies the supervisor of prescribed medication. She asked if we need specific mention of medical marijuana. She said this came up at SWMA and there was no process, it was just a drug test. And some people suffering from cancer and other symptoms need to rely on that which is a very different thing, but it will show up in a blood test. She wants to make sure this is specific enough to the emerging needs of folks that have medical marijuana licenses.

Debbie Rouse said, "FTA regulations actually say that medical marijuana... if you're driving a bus, it's not allowed at all."

Councilor Bushee said she can't find a provision, and asked Mr. Bulthuis if it has to be mentioned separately, because it says, "prescribed medication," and does this include medical marijuana.

Mr. Bulthuis said, "There is a list of prescriptions that are not allowed to be taken if you're operating a commercial vehicle, and medical marijuana is one of those. There are others as well."

Councilor Bushee said, "You know there's like CBD or CBC, whatever, there is a brand of medical marijuana that doesn't alter your state. It's just medical, and it may show up as well in the bloodstream. But I'm just trying to be clear that there needs to be a due process for folks who are suffering from nausea from chemo, there has to be some provision. It's not in this policy that I can see."

Mayor Gonzales said it is now 7:00 p.m., and we need to finish this item.

Mr. Bulthuis said, "It's not in the policy and again, we're subservient to the federal requirements, and at this point, the federal requirements do not allow medical marijuana to be prescribed by a doctor, and have employee operate commercial vehicles under that prescriptions."

Councilor Bushee asked if they would then put the employee to a different task that wasn't driving.

Mr. Bulthuis said, "That would be an H.R. decision. We would work with H.R. to see if we could find an opportunity and an accommodation for that employee, but under the current regulations, it would not be operating a commercial vehicle."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-74, as presented.

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

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

Against: None.

Abstain: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "I'm going to abstain on this one. I think there needs to be a little more exploration."

END OF CONSENT CALENDAR DISCUSSION

11. STATE OF THE MUNICIPAL COURT. (JUDGE ANN YALMAN)

This Item is postponed to the Governing Body meeting of September 30, 2015.

*Mayor Gonzales moved the balance of the Afternoon Agenda Items
to the end of the Evening Agenda
noting that the City Attorney has said the Executive Session can be postponed
to the Council meeting of September 9, 2015*

END OF AFTERNOON SESSION AT APPROXIMATELY 7:05 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

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

Members Excused

- Councilor Ronald S. Trujillo

Others Attending

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

F. PETITIONS FROM THE FLOOR

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

**VERBATIM TRANSCRIPT
 OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
 CITY COUNCIL MEETING
 August 26, 2015**

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: I don't have to be sworn in, right.

YOLANDA VIGIL: No.

MAYOR GONZALES: Just state your name...

STEFANIE BENINATO: Stefanie Beninato. I'm here to ask you to look again at the rezoning at 600 Galisteo Street. I did you send you all a reconsideration. I don't think it should be about personality. I think it should be about the law. And again, you have taken an oath of office to uphold the law, and in this case, the law is really clear. The City Ordinance has that when there is a nonconforming use and that use expires, then you may not, you cannot use it as a grocery store, which was what that was, when that lease expires then you may not, cannot renew it. It is very clear, there is no discretion there at all. And your General Plan says if you're not just extending a boundary like pulling the PC across the street, which nobody really wants, then you have to have a two-acre piece. Now I'm asking you, you have a choice, either you deny the request or their commercial zoning or you can create a two-acre parcel. And that's what I'm asking you again, is to enforce one or the other of the provisions of that law, act fairly with due process, either protect our residential zone or at least allow us to benefit from the commercialization of our property. I would really like to hear from the City Attorney no later than the end of Friday, because I am going to file a Notice of Appeal if you will not reconsider. And I think you need to think about your fiscal responsibility to the taxpayers not to have a lawsuit that so obviously should not be happening, because the law again is absolutely clearly written. And again, what I'm asking you to is to uphold your duties or uphold your oath to enforce the constitution and the laws, and that includes my due process and equal protection. And I may not have been born here, my dad may not have been the Mayor, but that is not the reason to change the General Plan. It's the law, and needs to be based on the law. Thank you.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, August 26, 2015.


Melessia Helberg, Council Stenographer

G. APPOINTMENTS

SANTA FE RIVER COMMISSION.

Mayor Gonzales made the following appointments to the Santa Fe River Commission:

- Philip J. Bové – Reappointment – to fill unexpired term ending 02/2016;
- John R. Buscher – Reappointment – term ending 02/2016;
- Dale M. Doremus – Reappointment – term ending 02/2016;
- Gerald Z. Jacobi, Ph.D., Chair – Reappointment – term ending 02/2016;

Zoe R. Isaacson – to fill unexpired term ending 02/2016;
Luke Pierpoint – to fill unexpired term ending 02/2016;
Frederick Emile Sawyer – to fill unexpired term ending 02/2016;
Anna Christine Hansen (alternate) – to fill unexpired term ending 02/2016; and
Francois-Marie Patorni (alternate) – to fill unexpired term ending 02/2016.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM LA FOGATA GRILL, LLC FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LA FOGATA GRILL, 112 WEST SAN FRANCISCO STREET, SUITE 101. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of August 19, 2015, noting there are staff reports in the packet regarding litter, noise and traffic, and we do require that they comply with all City Ordinances as a condition of businesses in the City.

The Applicant was in attendance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to approve the request from La Fogata Grill, LLC, for a Restaurant Liquor License with patio service, to be located at La Fogata Grill, 112 West San Francisco Street, Suite 101, with all conditions of approval as recommended by staff.

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

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

Against: None.

2) **REQUEST FROM BRINKER RESTAURANT CORPORATION FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0-801 FROM VIC'S BAR, INC., 1220 N. SANTA CRUZ ROAD, ESPANOLA, TO BRINKER RESTAURANT CORPORATION, D/B/A CHILI'S GRILL & BAR #1558, 3795 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

A copy of *Analysis of Detrimental Impact on Public Health, Safety or Morals*, regarding this request, submitted by the Santa Fe Prevention Alliance, is incorporated herewith to these minutes as Exhibit "3."

Disclosure: Councilor Maestas said, "I need to make a statement for the record. I disclosed at a prior meeting that I have an interest in a family business that owns and inter-local dispenser liquor license in Espanola that is currently for sale, and stated on the record that I will be recusing myself from voting on any inter-local license transfer request and from any discussion this body may have about inter-local transfer licenses in general until the family license is sold. As a result, I will recuse myself from Item H(2) on the Agenda."

Information regarding this matter is set out in the Memorandum dated August 19, 2015, with attachments, to Mayor Gonzales and City Councilors, from Yolanda Y. Vigil, City Clerk, which is in the Council packet.

The Applicant was in attendance.

Public Hearing

All those speaking were sworn en masse

Mayor Gonzales gave each person three minutes to speak to the issue

Shelley Mann-Lev, 2663 Villa Caballero del Norte, Director, Santa Fe Prevention alliance [previously sworn], said it would be helpful if each of the Councilors had this information [Exhibit "3"]. She said as she understands the licenses under Local Option Districts, in relation to alcohol outlets, is: this particular location and this license request potentially will have a detrimental impact on Public Health Safety or Morals, noting that is what the Local Option District is allowed to consider. Ms. Mann-Lev said the Alliance has looked at evidence related to alcohol outlet density.

Ms. Mann-Lev reviewed the map in Exhibit "3." Please see Exhibit "3," for specifics of this presentation.

Aurora Trujillo, 442 Greg Avenue, Apt. #207, SF Prevention Alliance [previously sworn], said she is the new Coordinator for the Santa Fe Prevention Alliance. Ms. Trujillo presented data from Exhibit "3." Please see Exhibit "3," for specifics of this presentation.

Mark Rhodes, Attorney, 1801 Lomas NW, Albuquerque, Attorney for the Applicant

[previously sworn], said, "I specialize primarily in liquor licensing, as well as citation work that comes with it, and things of that nature. What I was saying, before you correctly indicated I should approach the microphone, is that these hearings are as the young lady indicated, focused on health, safety and morals, but they're the health, safety and morals of the Applicant. It's always mystified me somewhat of the morals element and health elements, because unless you have testimony, first hand, on the specific elements of the Applicant, in this case a corporation, I suppose, hypothetically you could make the argument that the management within this organization is the individual who has the morals. The only really remaining, viable cause of action that has resulted in liquor licenses being rejected by the Local Option District is safety issues, and those have to be safety issues with regard to the Applicant and their location. Otherwise, what you would have, is if you have a wave of significant drunk driving situations and those are tragic, and there have been situations within this State that have resulted in just those kinds of anti-liquor things, every application that came before any local option district would get swept away and rejected for obvious reasons."

Mr. Rhodes continued, "The law is not intended to be essentially a mirror image of bad alcohol practices. It is intended to be a reflection of how does this operator at this location impact the community which they are in. What I started out by saying is I was a bit concerned, because I didn't ask any questions of the two young ladies that spoke before me. And I would like to have a clear record, so I would have the ability to say, based on the total testimony, and I'm not trying to be intrusive or anything else, I could ask the question, whether or not either of these ladies, if I may be permitted."

Mayor Gonzales said, "No, because they just offered it up from matters from the public, so they can offer statements on how they perceive it."

Mr. Rhodes said, "The only problem I have is that a full record review at this point, would not indicate any ability to narrow or clarify their testimony. I will attempt to do that through my own testimony. There have been no citations at this location because it's in the framing stages. There is no indication of citations at all by the management team that's going into this location. There is no indication of no testimony of who is actually going to run it."

Mayor Gonzales said, "Right. And so what I would suggest, as opposed to addressing the public's point, in the time you have left, is to just address the application before us, and certainly on behalf of the Applicant, what the request is."

Mr. Rhodes said, "The application we have before us, as to a location, is untested. There is not a single incident report arising out of this, because there has been no alcohol service by this Applicant, number one. Number two, the Applicant here, there has been no evidence whatsoever of the fact that the management team that is here, which is called through the Brinker organization, the Chili's Restaurant, is not a bar, it's not a nightclub, it's a restaurant. And historically, restaurants have a tremendous volume and very little incidents. If you put it in context, 3 citations among all the Chili's Restaurants in the course of a single year is an infinitesimally small number. But more importantly, there is absolutely no evidence that this has happened in Santa Fe, not even a collateral argument that the closest Chili's for example has had such and such incident reports or was irresponsible."

Mr. Rhodes continued, "Our position is very simple. We are a good operator. We operate a restaurant, and part of the business model in pretty much every restaurant in this class, has full service liquor. We expect to be a good neighbor. We're in an area where we've made a significant investment into that area, and we would appreciate the support of the City of Santa Fe."

Mary Claire Voohees, 2730 Calle Anna Jean, Communications Director, Santa Fe Prevention Alliance, [previously sworn], said an important piece here is not only did the Brinker Restaurant Corporation receive 3 citations, they were administratively convicted of 3 citations. We don't know actually how many citations they have received over the year. But we do know they have been convicted of 3 in 2014 and one in 2015. Additionally, it's her understanding, and were quite surprised they were issued a preliminary license, because according to the Statute it says, "the person, and in this case the corporation, shall not have two or more citations in the last calendar year." She said the Statute does provide the Director of Alcohol and Gaming a lot of latitude to make a decision about these types of situations. But we're not talking 2, we're talking 3 in the last year and one in this year.

The Public Hearing was closed

Councilor Dominguez said he has questions for Mr. Rhodes. He said, "I thank you very much for your commentary. We've heard a lot of legalese if you will many times when there is a potential opposition to a license, so thank you for that. Do you live here in New Mexico."

Mr. Rhodes said yes.

Councilor Dominguez asked if he lives in Albuquerque.

Mr. Rhodes said yes.

Councilor Dominguez said, "So you don't live here in Santa Fe. I just want to make sure that we get that on the record."

Mr. Rhodes said, "I do not live in Santa Fe."

Councilor Dominguez said, "As it pertains to New Mexico, as a resident of New Mexico, how do you feel about our DWI rate."

Mr. Rhodes said, "I'm not happy about it, even remotely. But I think..."

Councilor Dominguez said, "That's all I needed to know, whether you are happy or not."

Mr. Rhodes said, "Oh no. I'd be happy to finish my answer."

Councilor Dominguez said, "I didn't asked you for commentary, I just asked you a simple question."

Councilor Dominguez said, "You said something in the beginning about the health, sa fety and morals of the Applicant. Can you explain that a little bit, because it seems, and I want to make sure I heard it right, that you're not saying that you're not concerned about the health, safety and morals of the community, but as it pertains to the law, it's the health, safety and morals of the Applicant that we have to consider. Is that how I heard that."

Mr. Rhodes said, "I think you did hear it that way. It's the health, safety and morals of the Applicant at that premises. And I'll tell you...."

Councilor Dominguez said, "Again, I'm here to ask questions and get some of the facts. But you do care about the health, safety and morals of the community."

Mr. Rhodes said, "Of course I do."

Councilor Dominguez said, "The other question that I have. I've never really understood this, but when you look at the fact that when it comes to Local Option Districts, and New Mexico's current quota of one liquor license for every 2,000 people. And when you do the math, essentially, Santa Fe is over 200% of that quota. I know you don't live in Santa Fe, I know you are from Albuquerque, what do you think about the fact that we're mathematically 200% over the quota."

Mr. Rhodes said, "That's was a Legislative rule. That was..."

Councilor Dominguez said, "I recognize that completely. Those numbers are not numbers that you came up with, or numbers brought out of thin air, those are legislative numbers. But I want to know how you feel about the fact that Santa Fe, not the community you live in, but this community is at 200% over that quota."

Mr. Rhodes said, "The community I live in is also over the quota."

Councilor Dominguez said, "I'm not asking about your community. I'm asking about this community and how you feel about that fact."

Mr. Rhodes said, "As a lawyer, I have to live within the confines of the law. Ultimately it's not up to me to comment on it, because I had no input whatsoever to the Legislature making a decision to allow over-quota transfers."

Councilor Dominguez said, "I'm not a an attorney, and I live in this community, and I think that number is really astounding. Over 200% of our liquor licenses.... we're over 200% over the quota. That's ridiculous. And I understand it's up to the Legislature and you do your work within the confines of the law, and that's really what you get paid for more than anything else. But I think, as a member of this community, those are things that bother me. And the fact that, is it Brinker... Brinker Restaurant Corporation, that's the name on the application right, so Brinker Restaurant Corporation applied for a

transfer, right. They're asking to increase that number and the Restaurant Corporation has convictions this year, and some convictions last year. I'll just say that those are of concern to me Mayor. Thank you."

Mayor Gonzales said, "Kelly, a question for you. As I look at the map that was presented by the Prevention Alliance, I'm trying to understand the issue of Local Option and discretion in terms of approving licenses. It seems to me that with the Olive Garden in play, and Buffalo Wild Wings and I'm not sure if there are other restaurants that serve alcohol. Is the discretion still granted in areas where there is already service that's being delivered in a similar fashion. I could see if this was a request for Kelly Liquors, because it would be new package liquors in an area where there is no package liquors. But this is a request for the transfer of an alcohol license to a restaurant in an area where there are restaurants that are already serving alcohol. So I'm wanting to understand if there's that much broad leeway for being able to exercise local option."

Mr. Brennan said, "I just want to point you to page 3 of the packet and #3 at the top of the page, and this defines the extent of the authority, and this is a reason for denial: *The issuance would be detrimental to the public health, safety or morals of the residents of the local option district. Disapproval by the Governing Body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location, and a copy of the record must be submitted to the alcohol and gaming division.* That defines the standard and it is, in fact, a fairly narrow standard. The evidence must be substantial that it will impair the public health, safety or morals and must relate to the specific applicant and the specific location. I hope that answers your question."

Mayor Gonzales said, "So it's basically incumbent on the judgment of the Governing Body whether, given what is there is now, this will actually do that as opposed to what may already be somewhat of a..."

Ms. Brennan said this is correct.

Mayor Gonzales said, "What I'm understanding more, in terms of listening over the course of the years to Councilor Dominguez and understanding the need to be strong in exercising local option in ways that prevent saturation of areas, that I wonder just how much more, in this case, by limiting does a denial prevent something that is already in place. Meaning there restaurants that are within the same path sites that are serving beer and alcohol."

Ms. Brennan said, "I would also add that if zoning addressed this, and we have addressed some concerns about alcohol sales with zoning regulation. However, this does not fall within a zoning limitation under our current Ordinance. And number two, they state, because this office is in receipt of a zoning statement from the Governing Body, this is not a basis for disapproval, so they are in compliance with zoning requirements."

Mayor Gonzales said, "One final question as to the authority of Regulation and Licensing, if the Council were to exercise Local Option and deny the transfer, does the Applicant have the ability to appeal directly to Alcohol and Gaming to determine whether we met the standard."

Ms. Brennan said, "I believe they can appeal to Alcohol and Gaming. I'm going back in the past to test my memory about a prior litigation we've been engaged in and then it can be appealed to the Court, as I recall."

Mayor Gonzales asked, "Are there damages that can be assessed against the Governing Body for not interpreting it properly."

Ms. Brennan said, "That I cannot answer, Mr. Mayor, I'm sorry."

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to approve transfer of ownership and location of Inter-Local Dispenser License #0801 from Vic's Bar, Inc., 1220 N. Santa Road, Espanola, to Brinker Restaurant Corporation d/b/a Chili's Grill & Bar #1558, 3795 Cerrillos Road, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Bushee said, "We have a great frustration over these issues, and in the past, we have gone so far as to District Court on these issues and we still don't really win at that level. I appreciate all the work of the alliance in bringing it to our attention. I wish we didn't have to vote on these things. I wish we didn't have these hearings, and we've said this every time. But I will say, in this particular location, I don't see a lot of residents. I see it as concentration and I understand that. We have a similar concentration by the Railyard to some extent, but a lot of folks live in that area. And I see this as an area that really does... it's restaurant row, with a few other mixed businesses in there, package liquor. But I really don't see how we could win this to be honest."

Councilor Ives said, "As I look at the standard in Section 3 on page 3 of the packet, and I look at the statistics, while I agree that is unusual that we're 271% over quota, I don't think that the concentration is untoward in that area. I suspect it's much greater, as Councilor Bushee has pointed out, in other areas around the town. I know it notes on the materials from Santa Fe Prevention Alliance, and I appreciate the submission of those materials, it walks about 70 motor vehicle crashes on the two blocks on Cerrillos Road in front of the proposed location. Unfortunately, that doesn't tell me anything about the circumstances of those 70 motor vehicles. If they were all DWI crashes of people coming out of Olive Garden, that would be really relevant and really interesting. But just to say there are 70 crashes in a section of several blocks on Cerrillos Road doesn't give me personally enough to say that this shows that this Applicant has significant issues."

Councilor Ives continued, "If you look at the number of citations, apparently they're improving. 3 in the past year, 1 this year, and I don't know if that is all of Brinker's operations around the State, and I don't know if those happened in Santa Fe or in Espanola or in Albuquerque or in Las Cruces. So again, I don't feel there's enough to feel comfortable saying I should morally judge these folks as having great problems in what they're proposing tonight. So I do appreciate the information, but I don't see it as a basis, given the generality of the information, for denial."

Councilor Dominguez said, "I certainly am not in a position to judge people morally either, in fact the gentleman basically said that he does not like the fact that New Mexico has the DWI rate it does, and is concerned about the community, or people I should say, morally and everything else that was said. We get these kinds of licenses all the time, but none of them, or that I know of anyway, have even one citation much less 1 or 4, or whether it's New Mexico or Santa Fe or whatever the case may be. They don't even come with any citations at all. I think if this particular applicant not had any citations, I would be a little bit more likely to say that they are doing and going out of their way to make sure people drink responsibly. But the fact there are citations, leads me to be concerned a little bit."

Councilor Dominguez continued, "I will say there is a difference between the quota that is generated by the Legislature or the State, and the quota that we actually have applied locally on Airport Road. And I'm not sure if the other two Councilors want to hear this, not that I'm going to convince their position either way, but nonetheless, Airport Road has a different density requirement than the rest of the City. And, over the winter, I was unfortunate enough to see a vehicular accident right in front of me, and I was actually almost a part of it. The car flipped, crashed into one of the establishments on Cerrillos Road, and there was a young man in there. And he was in the car, screaming in Spanish to let him out, to help him actually, I believe is what he was saying. So I helped him out, and it was amazing to me, the smell of alcohol that was on his breath, a young man, and how frustrated I was that he would even do that and put people in danger, but concerned about his safety all at the same time."

Councilor Dominguez continued, "The reason I bring that up is, the chances are, given the density we have in other parts of the City as you talked about Councilor Ives and Councilor Bushee, is he was probably driving home from other area of Santa Fe that had a high density of alcohol, and I think that's dangerous."

Councilor Dominguez continued, "Statistically, it's easy to say that the more alcohol you have in a certain area, the chances of having more vehicular crashes are going to be greater. I think statistically that's pretty simply put. I have nothing against, necessarily, Chili's. I've never even been to Chili's to be quite honest with you, but I think that just given some of the evidence we have here in front of us, the density that we have actually even advocated for and voted for on the Airport Road Corridor, and that concept, and the other evidence that we have, leads me not to support this application. So I'll be voting no, Mayor. Thank you."

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Ives and Councilor Lindell.

Against: Councilor Dominguez and Councilor Rivera.

Recused: Councilor Maestas

Explaining his vote: Councilor Rivera said, "*The New Mexican* had an article last year that said that the national average of deaths attributed to alcohol was 27.9%, and New Mexico was 51.2%, so almost double the national average, so, I'm going to vote no."

Explaining her vote: Councilor Bushee said, "I brought forward a DWI forfeiture bill, precisely to try to tackle DWI. But our hands are tied. There's no changing what the State is going to do on this, so yes."

Councilor Dominguez said, "I respect everyone's position and vote on this, and I will say that you're right Councilor Bushee, in many ways our hands are tied. But if the State wants to advocate for and not change the trend that we have, that's up to them. But I appreciate your concerns."

3) REQUEST FOR APPROVAL OF FLOOR PLAN CHANGES FOR DISPENSER LICENSE NOS. 2507 AND 2746 LOCATED AT THE DRURY PLAZA HOTEL – SANTA FE, 228 EAST PALACE. (YOLANDA Y. VIGIL)

Information regarding this matter is set out in the Memorandum dated August 19, 2015, with attachments, to Mayor Gonzales and City Councilors, from Yolanda Y. Vigil, City Clerk, which is in the Council packet.

The Applicant was in attendance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve the request for approval of floor plan changes for Dispenser License Numbers 2507 and 2746, located at the Drury Plaza Hotel, Santa Fe, 288 East Palace, with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Councilor Maestas.

4) REQUEST FOR APPROVAL OF A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER, WINE AND CIDER AT NEW EARTH ORCHIDS, 6003 JAGUAR DRIVE, WHICH IS WITHIN 300 FEET OF CESAR CHAVEZ ELEMENTARY SCHOOL, 6251 JAGUAR DRIVE. THE REQUEST IS FOR A BUSINESS AFTER HOURS EVENT TO BE HELD ON THURSDAY, AUGUST 27, 2015, FROM 5:30 P.M. TO 7:30 P.M. (YOLANDA Y. VIGIL)

Information regarding this matter is set out in the Memorandum dated August 19, 2015, with attachments, to Mayor Gonzales and City Councilors, from Yolanda Y. Vigil, City Clerk, which is in the Council packet.

The Applicant was in attendance.

Public Hearing

Stefanie Beninato was sworn. Ms. Beninato said, "I have some general things to say about alcohol, specifically relating to this kind of license."

Mayor Gonzales said, "No, to this item specifically, Stefanie. Please just address these issues.

Ms. Beninato said, "Again, that if you really want to do something about alcohol, you need to have a City-wide alcohol plan, like you have on Airport Road. If you don't have that, then you have no basis or justification really for denying things like this. And so, again, I'm urging you as I have for at least two years, to please form a committee, please come up with an alcohol distribution plan for the entire City and not just for one part. And again, that might give you a basis for being able to deny under a Local Option. So that's my suggestion. Thank you very much."

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer, wine and cider at New Earth Orchids, 6003 Jaguar Drive, for a Business After Hours event on Thursday, August 27, 2015 from 5:30 p.m. to 7:30 p.m., with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Dominguez said, "A real quick comment. I never thought that orchids and alcohol would go together, but it is what it is. I want to make it clear that this is not about prohibition. We know that prohibition doesn't work. We're talking about responsible behavior and so this is a one-time request and so I support it."

Mayor Gonzales said, "It would be nice, Councilor Dominguez, if we can legislate responsible behavior, but unfortunately that just does not prove to happen yet, but we can keep educating the public and make sure we invest in programs that help people when they have lots of substance abuse and alcohol issues so."

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "It's democracy at its best. Yes."

**PULTE LAS SOLERAS
POSTPONED TO SEPTEMBER 9, 2015 CITY COUNCIL MEETING**

- 5) **CONSIDERATION OF PROPOSAL FROM JAMES SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTING ALTERNATE COMPLIANCE APPROVAL WITH THE SANTA FE HOMES PROGRAM AFFORDABLE HOUSING REQUIREMENTS. (ALEXANDRA LADD) (Postponed to September 9, 2015 City Council Meeting)**

- 6) **CONSIDERATION OF RESOLUTION NO. 2015 ____; CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.91± ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 16.06± ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.73± ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed to September 9, 2015 City Council Meeting)**

- 7) **CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF OPEN SPACE AND TRAIL, RECONFIGURATION AND REDUCTION OF PARK LAND AND THE RECONFIGURATION OF LAND TRACTS. (ZACH THOMAS) (Postponed to September 9, 2015 City Council Meeting)**

- 8) **CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015- ____ . CASE #2014-125. PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.91± ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 15.06± ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND 3.73± ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM R-12 (RESIDENTIAL – 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL – 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed to September 9, 2015 City Council Meeting)**

- 9) **CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD ALIGNMENT. (ZACH THOMAS) (Postponed to September 9, 2015 City Council Meeting)**

The Governing Body then returned to the balance of the Afternoon Agenda

- 10(p) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2015-46; RIVER TRAIL LOFTS, 2180 AND 2184 WEST ALAMEDA REZONING TO R-7 AND PRELIMINARY DEVELOPMENT PLAN. (ZACHARY SHANDLER)**

Councilor Bushee said she doesn't have a problem with the Findings of Fact and Conclusions of Law. She asked if there is a condition that can be mentioned here to try and "get that gate to be emergency access only. Can that be a finding."

Ms. Brennan said, "No. This reflects what happened at the public hearing and is decision based. We can certainly look into that issue and try to resolve it."

Councilor Bushee said, "So don't put it into this."

Ms. Brennan said, "No. You can't."

Councilor Bushee said, "Then I'll direct that in Matters from the Governing Body."

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "I'm going to be consistent with my vote on the project itself and vote no."

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Ms. Brennan said this can be postponed to a future meeting. She said, "I was just going to update you on the standard litigation list and there is nothing extraordinary going on that would require an executive session.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to postpone this item to the meeting of September 9, 2015.

DISCUSSION: Councilor Rivera said it would be better to do it now, we're not even close to midnight and we only have one item to go. I'd rather do this now and get it out of the way instead of waiting until another meeting where it's jam-packed and we're going to be here until midnight. That is just my feeling.

Mayor Gonzales said, "I've got two little ones at home now, that I have to go finish homework with, so if you don't need me, you guys can finish it out.

[STENOGRAPHER'S NOTE: No vote was taken and the Motion was not withdrawn]

15. MATTERS FROM THE CITY CLERK

MARCH 1, 2016 MUNICIPAL ELECTION UPDATE.

Ms. Vigil said she will be releasing Candidates on Monday, August 31, 2015, beginning at 8:00 p.m. The packets are for the Offices of City Councilor in Districts 1, 2, 3 and 4, and Municipal Judge. She said the Santa Fe Public Schools will have a District in-service day on election day, March 1, 2016, so she wants to totally thank the Schools for doing that. There will be no students that day, and this will address potential safety and security concerns for students, as well as to provide for the convenience of the voting public, so this will be a first.

Ms. Vigil said an Ordinance will be introduced this evening allowing for an additional early voting site, and we will be using Genoveva Chavez Community Center, and if approved, there will be early voting at GCCC February 10, 2016 through February 26, 2016. This way there will be an early voting site on the south side.

Ms. Vigil said, "We are communicating with Santa Fe County, the Public Schools and the election vendor to determine whether we will be using voting convenience centers for this election, so I don't have a definite answer on that yet."

Ms. Vigil said, "We will be having a meeting with the Ethics and Campaign Review Board and candidates to discuss all of the recent Code amendments that you approved, and we also are still looking for Councilors to volunteer to serve on the Public Campaign Finance Code Revision Subcommittee. So if anybody is interested in that, if you would please let me know, then we can let Chair Justin Miller know, and the tentative first meeting would be September 23, 2015." Councilor Dominguez, Councilor Bushee and Councilor Lindell volunteered to serve on the Subcommittee.

Ms. Vigil said the Annual Fiesta Meeting will be on Tuesday, September 8, 2015 at 4:00 p.m.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of August 26, 2015, is incorporated herewith to these minutes as Exhibit " 4."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas said he will be attending the New Mexico Municipal League conference next week, and participating in panels on Taxation and one on Water. He asked that he be considered as the voting delegate from Santa Fe. It was the consensus among the Governing Body members that Councilor Maestas serve as the voting delegate from Santa Fe.

Councilor Maestas said he is working on a budget bill, specific to achieve a savings reduction goal, on the projected budget. He said perhaps we can put all of these together to avoid a bunch of competing bills, noting his bill is to establish a budget reduction goal.

Mayor Gonzales said they won't be competing and thinks we'll have the opportunity to consolidate the bills. He said he wants to begin taking on the process of the new administration and the next Mayor who will have more responsibility in submitting a budget to the Council to review.

Councilor Bushee

Councilor Bushee said she has sent something to Mr. Pino regarding cars crashing at the corner of Santa Ana and Hickox.

Councilor Bushee said she has been away, and what she read about access to public restrooms which is totally counter to what we were doing. She had requested more bathrooms downtown, and understands there may have been some problem. She said in the meeting with the downtown merchants

recently, "we promised to find more public restroom areas and make them put on some kind of information we hand out at our Tourism Bureau and let people know where they can find a public restroom, so she is concerned.

Mr. Snyder said the restrooms at the Sandoval Street Garage and Water Street are open to the public and you just have to get a key from the parking attendant.

Councilor Bushee asked what changed, asking the reason she is reading something that says we are closing access, commenting she thought we were looking at the History Museum, and such because we paid some money toward the development of the bathrooms at the History Museum and a couple of other locations.

Mayor Gonzales's said he thinks it is two different issues, noting he was briefed today and asked the same questions. It doesn't have to do with identifying as you directed. And what we need to find are new restroom facilities for visitors. He said these restrooms, particularly without having to go through to the Parking Attendant to get access were seeing an enormous amount of destruction. It didn't lock out people, because they can access it, but they need to go to the attendant. He said there isn't a shut down of restrooms, but in this particular area where many individuals were using it with drug paraphernalia or making messes, now they have to go through the Parking Attendants. What he heard this weekend with so many people was that it went quite well, and the Parking Attendants were accommodating to the public. The access still exists, but there is more of a control point so the destruction in the public facilities don't occur the way they have been.

Mayor Gonzales said to Councilor Bushee's point, he spoke with the City Manager about trying to find ways of renting space from vacant shops or landlords in the downtown area to try and create some capital improvements for more restrooms. He said there are ongoing discussions with the Museum of New Mexico about a promise it made to make its restrooms available when the new facility was constructed. He is hopeful that shortly there will be an analysis of vacant space in the downtown area where we can add more bathroom facilities.

Councilor Bushee has seen other communities with attractive, solar powered porta-potties. She said if we have room on our surface garages like Water Street – Portland Loo.

Councilor Ives

Councilor Ives introduced a Resolution directing staff to research and report on development of a rain water harvesting and water catchment program associated with residential, commercial and City-owned buildings and property, noting the caption revision didn't capture the full measure, and there have been revisions to the draft copy, noting the revised copy will be provided. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "5."

Mayor Gonzales

Mayor Gonzales introduced the following:

1. An Ordinance related to early voting; amending Subsection 9-1.7 SFCC 1987, to authorize the Municipal Clerk to establish alternate early voting locations and requirements for such locations. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "6."
2. A Resolution establishing the policies for guiding the management of the City's finances and for assisting the Governing Body and City staffing, and evaluating current activities of future plans.
3. A Resolution directing staff to explore the feasibility of staging a New Year's Eve event on the Plaza on December 31, 2015; directing staff to report back to the Governing Body within 30 days. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee asked to be added as a cosponsor, noting many communities have "First Night" celebrations.

4. A Resolution supporting the application and response to the request for proposals issued by the North Central New Mexico Economic Development District, non-metro New Mexico Area Agency on Aging for continuation of services for the senior citizens of the City of Santa Fe. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "8."
5. A Resolution updating the City of Santa Fe Community Gardens Policies and Procedures. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "9."
6. A Resolution to support the Rockefeller Foundation Project "100 Resilient Cities," and request staff to submit an application for consideration as one of the 33 cities to be chosen for the project. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "10."

Mayor Gonzales said he and Councilor Ives have been invited to the White House to welcome Pope Francis with the President and several others on September 23, 2015.

Councilor Dominguez

Councilor Dominguez reminded everyone about the SWAN Park opening on September 19, 2015, noting he sent invitations to everyone, and if you didn't get one, let him know and he will see you get one.

He said even with the SWAN Park, the south side is still under the quota we have imposed on ourselves in terms of how much park space to which individuals should have access.

Councilor Dominguez introduced the following:

1. An Ordinance amending Section 23-4.13 SFCC 1987, to include the Southwest Area Node (SWAN) Regional Park in the City Sport Fields. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution authorizing and directing staff to waive the Park and Pavilion fees at the Southwest Area Node (SWAN) Park for one year. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Dominguez said he would like to "marry my Resolution or Bill with your bill as it pertains to the budget." He is particularly interested in the performance measures piece, noting he has language that may be stronger.

Councilor Dominguez said, "I really appreciate the discussions this Governing Body has had over the years regarding alcohol policy and the impacts in our community." He said every application isn't the same, so as long as we continue to have the dialogue and to educate ourselves and the community about the impacts of alcohol in our community and the entire country. He said this is part of our job and a good thing.

Councilor Lindell

Councilor Lindell thanked the Kiwanis for the Zozobra shirts, and she is looking forward to Zozobra. She would like to acknowledge that today is National Dog Day.

Mayor Gonzales said today is the 95th anniversary of the Women's Right To Vote, an important day in our history.

Councilor Rivera

Councilor Rivera had no communications.

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

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7)NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION AND UPDATE ON MEDIATION UNDER THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY; *CITY OF SANTA FE V. THE LIQUID COMPANY, INC., ET AL., FIRST JUDICIAL DISTRICT COURT, NO. D-101-CV-2015-01330.* (KELLEY BRENNAN).

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, that the Council go into Executive Session, in accordance with the Open Meetings Act §10-15-1(H)(7) NMSA 1978, as recommended by the City Attorney for discussion regarding pending litigation in which the City of Santa Fe is a participant, including, without limitation, discussion and update on mediation under the Dispute Resolution Provision of the Water Resources Agreement between the City of Santa Fe and Santa Fe County, *City of Santa Fe v. The Liquid Company, Inc., et al., First Judicial District Court No. D-101-CV-2015-01330.*

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

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

Against: None.

The Council went into Executive Session at 8:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 8:45 p.m., Councilor Rivera moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

I. ADJOURN

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

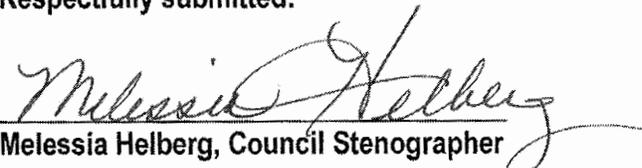
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer