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 SANTA FE CITY COUNCIL MEETING  
 Wednesday, November 10, 2015

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Approved w/amendments

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Approved

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Approved Subs. Resolution

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END OF CONSENT CALENDAR DISCUSSION

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ONLY) TO BE LOCATED AT GALISTEO BISTRO,  
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Approved w/conditions

29-30

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Approved w/conditions

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Denied

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Approved

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Approved

64-65

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Denied

65-78

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Denied

65-78

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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
December 9, 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, December 9, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Brian Snyder, City Manager, said he would like to postpone Item #10(n) to the Council meeting of January 13, 2015. He said Councilor Bushee, who hasn't arrived yet, asked that Item #10(t) be postponed as well, with the intent that Councilors with question speak with the GUTS organizers, and then bring back their Resolution with modifications as necessary.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Ives, to approve the agenda as amended.

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

## **7. APPROVAL OF CONSENT CALENDAR**

Mr. Snyder noted there is a modified Resolution on the Councilors' desks for Item 10(cc), with District priorities, noting the ones in the packet don't have some of the District-wide priorities. The modified Resolution has all the District-wide priorities in it. So the Council can move for approval with the amended resolution or remove it for discussion to make a separate motion.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Maestas, to approve the following Consent Calendar, as amended.

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

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

**Against:** None.

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

## **10. CONSENT CALENDAR**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding Item 10(b), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding Item 10(m), is incorporated herewith to these minutes as Exhibit "2."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding Item 10(t), is incorporated herewith to these minutes as Exhibit "3."

An Amendment Sheet to Item 10(t) the Grand Unified Trail System (GUTS) support, proposed by Councilor Dominguez, is incorporated herewith to these minutes as Exhibit "4."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding Item 10(u)(1), is incorporated herewith to these minutes as Exhibit "5."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding Item 10(v), is incorporated herewith to these minutes as Exhibit "6."

- a) REQUEST FOR APPROVAL OF BID NO. 16/10/B – BISHOP’S LODGE ROAD, BROWNELL-HOWLAND ROAD AND LUGAR DE MONTE VISTA WATER MAIN REPLACEMENT PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION; SUBSURFACE CONTRACTING, INC. (ERIC ULIBARRI)
- b) REQUEST FOR APPROVAL OF BID NO. 16/14/B – AIRPORT TERMINAL IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; SARCON CONSTRUCTION CORPORATION. (MARY MacDONALD)
- c) *[Removed for discussion by Councilor Ives]*
- d) REQUEST FOR APPROVAL OF AMENDED STATE OF NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT FUND 89200 CAPITAL APPROPRIATION PROJECT GRANT AGREEMENT – VILLA CONSUELO SENIOR CENTER IMPROVEMENTS BASED ON STATE RECOMMENDED CHANGES. (RON VIALPANDO)
- e) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$150,000 TO SUPPORT CITY INFORMATION SYSTEM MODERNIZATION FOR CITY ERP AND LAND USE SYSTEM EVALUATION AND SELECTION PROJECTS; BERRY DUN McNEIL & PARK, LLC. (RENEE MARTINEZ)
- f) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ANIMAL SHELTER SERVICES PROVIDED TO THE CITY ANIMAL SERVICES DIVISION, SANTA FE POLICE DEPARTMENT; SANTA FE ANIMAL SHELTER AND HUMANE SOCIETY, INC. (INTERIM CHIEF GALLAGHER)
- g) *[Removed for discussion by Councilor Trujillo]*
- h) REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – FY 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM – LOCAL SOLICITATION FUND 2215; DEPARTMENT OF JUSTICE BUREAU OF JUSTICE ASSISTANCE (BJA). (JOHN SCHAERFL)
- (1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$20,099.
- i) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$292,951 FOR ON-CALL ENGINEERING SERVICES; CDM SMITH. (MAYA MARTINEZ)

- j) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$121,606 FOR SALVADOR PEREZ PARK PARKING LOT, CONCESSION BUILDING AND ASSOCIATED WORK; JOHN BARTON ARCHITECTS, LLC. (JASON KLUCK)
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES FOR TOURISM SANTA FE (RFP #15/17/P); FUSEIDEAS, LLC. (RANDY RANDALL)
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – INCUBATION SERVICES FOR BUSINESSES IN SANTA FE (RFP #12/23/P); SANTA FE BUSINESS INCUBATOR. (RON CHANEY)
- m) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – CARDIOVASCULAR EQUIPMENT FOR GENOVEVA CHAVEZ COMMUNITY CENTER; ADVANCED EXERCISE EQUIPMENT. (LIZA SUZANNE)
- n) REQUEST FOR CONCEPTUAL APPROVAL OF A LEASE AGREEMENT FOR USE OF CITY PROPERTY ADJOINING 115 E. SAN FRANCISCO STREET, CONTAINING APPROXIMATELY 234 SQUARE FEET, FOR PLACEMENT OF MERCHANDISE AND DISPLAYS BY VIRGINIA B. ULIBARRI AND KIMBERLY C. ULIBARRI D/B/A LJS OF SAN TA FE. (MATTHEW O'REILLY)
- o) REQUEST FOR FINAL APPROVAL OF THE SALE AND PARTIAL VACATION OF A PORTION OF THE LENA STREET RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.071 ACRES (3084 SQUARE FEET) ADJOINING THE WESTERLY BOUNDARY OF 1600 LENA STREET BY LAS BODEGAS, LLC. (MATTHEW O'REILLY)
- p) *[Removed for discussion by Councilor Lindell]*
- q) CONSIDERATION OF RESOLUTION NO. 2015-107 (COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING PUBLIC UTILITIES DEPARTMENT STAFF TO IDENTIFY AND APPLY FOR FEDERAL AND STATE FUNDING SOURCES FOR WATER, WASTEWATER AND OTHER WATER RELATED PROJECTS. (ALAN HOOK)
- r) CONSIDERATION OF RESOLUTION NO. 2015-108 (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR TRUJILLO, COUNCILOR DIMAS, COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION RELATING TO SCHOOL BULLYING; REQUESTING THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS DEVELOP AND IMPLEMENT A COMPREHENSIVE REPORTING SYSTEM TO TRACK INCIDENTS OF BULLYING, ADMINISTRATIVE RESPONSES TO INCIDENTS, AND A SUBSTANTIVE PROGRAM TO EDUCATE YOUTH, PARENTS, AND CITY AND SCHOOL STAFF ON THE PREVENTION OF BULLYING. (CRIS SANCHEZ)

- s) **CONSIDERATION OF RESOLUTION NO. 2015-109 (COUNCILOR IVES AND, COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). A RESOLUTION FOR ACTION BEYOND PRAYERS, A CALL FOR GUN PURCHASE REFORM AND SUPPORT FOR GUN PURCHASE REFORM FROM THE STATE LEGISLATURE DURING THE 2015 LEGISLATIVE SESSION AND IN SUPPORT OF SANTA FE PUBLIC SCHOOLS RESOLUTION 2015/16-11. (JESSE GUILLEN)**
  
- t) **CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_ (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR LINDELL). A RESOLUTION TO SUPPORT COMMUNITY EFFORTS TO DEVELOP A GRAND UNIFIED TRAIL SYSTEM (GUTS) THAT ALLOWS NON-MOTORIZED USERS TO TRAVEL IN A LOOP AROUND THE CITY OF SANTA FE, BETWEEN POPULAR NATURAL-SURFACE TRAIL NETWORKS AND BETWEEN THE CITY CENTER AND THE PERIPHERY, AND DIRECTING CITY STAFF TO WORK WITH PUBLIC AND PRIVATE SECTOR PARTNERS TO HELP ACHIEVE THE "GUTS" VISION. (MELISSA McDONALD) This Resolution is postponed to the meeting of January 13, 2015.**
  
- u) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 13, 2016:**
  - (1) **BILL NO. 2015-42: AN ORDINANCE AMENDING SUBSECTION 18-10 SFCC 1987 TO REDEDICATE A PORTION OF THE MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES, AND BIKE AND PEDESTRIAN PATHWAYS (COUNCILOR MAESTAS). (OSCAR RODRIGUEZ) (Postponed at November 10, 2015 City Council Meeting)**
  
  - (2) **BILL NO. 2015-44: AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; CREATING SECTION 12-1-5.1 TO ESTABLISH A DEFINITION FOR "AUTOCYCLE;" AMENDING SECTION 12-1-37 TO INCLUDE "AUTOCYCLES" IN THE DEFINITION OF "MOTORCYCLES;" AMENDING SECTION 12-7-6 TO EXEMPT AUTOCYCLES FROM THE HELMET PROVISIONS; AND CREATING A NEW SECTION 12-7-8.1 TO ESTABLISH THAT A MOTORCYCLE ENDORSEMENT IS NOT REQUIRED FOR AUTOCYCLE OPERATION (COUNCILOR DIMAS). (JESSE GUILLEN)**

- v) SECURITY GUARD SERVICES FOR MUNICIPAL FACILITIES. (ROBERT RODARTE)
- (1) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – EXTENSION OF SECURITY SERVICES AT SANTA FE MUNICIPAL AIRPORT; BLACKSTONE SECURITY SERVICES, INC.
  - (2) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – EXTENSION OF SECURITY SERVICES FOR CITY-WIDE SANTA FE MUNICIPAL FACILITIES; BLACKSTONE SECURITY SERVICES, INC.
  - (3) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY GUARD SERVICES FOR MUNICIPAL PARKING FACILITIES, SANTA FE COMMUNITY CONVENTION CENTER, CITY HALL, PUBLIC LIBRARIES, MUNICIPAL COURT, SANTA FE TRAILS AND MUNICIPAL AIRPORT (RFP #16/06/P); G4S SECURE SOLUTIONS, INC. (Postponed at November 10, 2015 City Council Meeting)
- w) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SUPPORT AND EDUCATION AND OUTREACH ACTIVITIES FOR THE SANTA FE MUNICIPAL WATERSHED PROGRAM THROUGH JUNE 30, 2016; SANTA FE WATERSHED ASSOCIATION. (ALAN HOOK)
- x) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – WATER SERVICE CONNECTION EQUIPMENT, WATER METERS & SUPPLIES FOR PUBLIC UTILITIES DEPARTMENT. (MICHAEL MOYA)
- HD SUPPLY, INC.
  - SANTA FE WINNELSON COMPANY
  - BAKER UTILITY SUPPLY CORPORATION
- y) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY FOR THE BUCKMAN DIRECT DIVERSION PROJECT DATED MARCH 5, 2005 TO ALLOW FOR AN ALTERNATE CITIZEN MEMBER AND THE REMOVAL OF CRITERIA FOR APPOINTMENT OF THE CITIZEN MEMBER UPON EXPIRATION OF THEIR TERM. (NANCY LONG)
- z) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO THE PROJECT MANAGEMENT AND FISCAL SERVICES AGREEMENT FOR BUCKMAN DIRECT DIVERSION PROJECT TO EXTEND THE TERM OF THE AGREEMENT FROM DECEMBER 1, 2015 TO JUNE 30, 2016. (NANCY LONG)

- aa) **REQUEST FOR APPROVAL OF NOMINATING PETITION VERIFICATION REPORT FOR CANDIDATES IN THE MARCH 1, 2016 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**
- bb) *[Removed for discussion by Councilor Ives]*
- cc) *[Removed for discussion by Councilor Rivera]*

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 10, 2015**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of November 10, 2015, as presented.

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

**9. PRESENTATIONS**

- a) **NOVEMBER 2015 EMPLOYEE OF THE MONTH – DANIEL OLAGUE, CUSTODIAN; WATER DIVISION – PUBLIC UTILITIES DEPARTMENT.**

Mayor Gonzales read the letter of nomination into the record and presented Mr. Olague with a Certificate of appreciation and a check for \$100 from the Employee Benefits Committee. Mayor Gonzales thanked him for his outstanding service to the City.

**CONSENT CALENDAR DISCUSSION**

- 10(c) **REQUEST FOR APPROVAL OF STANDARDS OF COVER GUIDELINES FOR SANTA FE FIRE DEPARTMENT. (ERIK LITZENBERG)**

*Councilor Bushee arrived at the meeting during this Agenda Item*

Councilor Ives asked why now are they asking for approval, saying he can't recall these standards being brought for Council approval in the past 4 years.

Chief Litzenberg said this is a standard they've always followed, and periodically they have run it through committees, saying it hasn't been done in a number of years. It is just an affirmation that you understand what they're trying to achieve. And it helps them with strategic planning and gives you a better understanding of what we expect from ourselves.

Councilor Ives said these are great standards. He said what he finds lacking are statistics that suggests how we're doing. He asked if we keep those kinds of statistics and if so, how they measure against these standards.

Chief Litzenberg said these are National Standards and based off a much broader base of data than they could compile. They are based on the science that says whatever medical issue being dealt with is saved by a quicker response, and often the medical community would consider 8 minutes to be the cut-off of where irreversible damage is happening.

Chief Litzenberg said we keep statistics locally which says over the past number of years we have met the standard we're trying to reach, and we do meet our own standard. He said they put out a report each year, the Annual Report, and he will forward the last few reports to the Governing Body.

Councilor Ives said he would like to see a break-out of Fire response from EMT response. He said on page 12 there is a reference to 3 levels of EMS. He asked what is the distinction between these, and how you distinguished between each of these when called to respond.

Chief Litzenberg said the first level, First Responder, noting a lot of Police Officers could qualify as first responders with a short course. In the Fire Department, they don't do first responders, and start at the EMT basic level, so everybody in the Department might be part of emergency will respond from that level and up. It is a one semester course where you learn basic life saving procedures – CPR and others. The Paramedic is at a significantly higher level, advanced life support where you are doing IV's, intubation, reading cardiac rhythms and treating with appropriate medications. This is a four-year school after basic, and the middle class. Chief Litzenberg said the Department provides advanced life support response for all of the ambulances, which is the level of care with which they want to respond. He said most of the fire engines have advanced life support providers, although not equipped as advanced life support because it's tough thing to stay on top of, equipment-wise.

Councilor Ives recalls in 2013, the Fire Department responded to 22 fires.

Chief Litzenberg said they responded to 22 full-blown structure fires, but hundreds more fires are stopped with quick action or fires that might be exposing structures. He said for the past 3-4 years, the average is about 14,000 calls per year, 80% of that being for emergency medical assistance, with 20% related to fire/rescue in one way or another.

Councilor Ives said we are moving into the next round of budgetary considerations and the fire response has reduced the incidence of the full-blown fire departments, and 80% are more for emergency medical response. He is interested exploring that in the budget process. He asked, in looking at these standards do we serve them better by restructuring the Fire Department to some degree, which carries the EMT response in ways that makes us more responsive, and what that implies in terms of equipment, facilities and who is in those facilities. He said he and the Chief have had conversations about the protocol of rolling a ladder truck with an EMT and whether that is necessary. He said these are some of the issues

in which he has significant interest in getting into some of the details from a policy perspective to ensure we meet the standards reference, and make sense given budgetary constraints and the change in the nature of fire departments over the last 10 years.

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

**DISCUSSION:** Councilor Rivera asked if we currently are meeting the time standards presented, including the newly annexed areas.

Mr. Litzenberg said, "In the areas that we, the Fire Department, have formally accepted in the annexation, the Fire Department had a phase-in, and we are 3 years away from accepting the third stage of annexation. We are meeting our standard with everything currently in the City limits and everything that is our primary response area."

Councilor Rivera asked at the end of that 3 years, if the County decides to vacates its Fire Station, will be still be able to meet that requirement."

Chief Litzenberg said, "I strongly suspect we would not be able to meet it to all areas of the City without the station we've asked for since the beginning of the annexation planning. I believe we will need to have people who are stationed inside the new annexation area to meet these standards."

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez

**10 (g) REQUEST FOR APPROVAL OF GRANT AWARD AND GRANT AGREEMENT – PROJECTS AIMED AT REDUCING TRAFFIC-RELATED INJURIES AND DEATHS; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (INTERIM CHIEF GALLAGHER)**

- END DRIVING WHILE IMPAIRED (ENDWI)
- BUCKLE-UP (BLKUP)/CLICK IT OR TICKET (CLOT)
- 100 DAYS AND NIGHTS OF SUMMER (100 DAYS)
- DISTRACTED DRIVING (DNTXT)
- (1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$83,920.

**Disclosure:** Councilor Trujillo said, "As always, anything dealing with the New Mexico Department of Transportation, I do pull it off. I do work for the New Mexico Department of Transportation. I do not work for this bureau, so there is no conflict, so I will move for approval."

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

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

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

**Against:** None.

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

**10 (p) CONSIDERATION OF RESOLUTION NO. 2015-110 (COUNCILOR MAESTAS). A RESOLUTION REQUESTING THE CITY MANAGER EVALUATE POSSIBLE EFFICIENCIES WITHIN CITY OPERATIONS THAT MIGHT HELP CLOSE THE OPERATING DEFICIT IN FISCAL YEAR 2016/2017 INCLUDING IMPLEMENTING A CONDITIONAL HIRING FREEZE. (JESSE GUILLEN)**

Councilor Lindell said, for clarification, there are two amendments in the packet, and we are moving forward with the Resolution with the Amendments from the Finance Committee.

Mr. Snyder said yes, that is his understanding. He said that can be clarified in the motion.

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to adopt Resolution No. 2015-111, with the amendments from the Finance Committee.

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez

**10(bb) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – DESIGN AND CONSTRUCTION EXPENSES RELATED TO A COUNTY FEDERAL LANDS ACCESS PROGRAM (FLAP) GRANT FOR “EL CAMINO REAL DE ADENTRO NATIONAL HISTORIC TRAIL: OF WHICH PHASE 1 IS DESCRIBED IN THE SANTA FE MPO’s 2012 BICYCLE MASTER PLAN AS THE “MRC TRAIL;” SANTA FE COUNTY. (LEROY PACHECO)**

Councilor Ives said this deal with aspects of El Camino Real, and a number of people are interested in exploring the U.S. portion of El Camino Real being designated as a UNESCO World Heritage Site, as is that portion running from the Mexican-American border down to Durango and Puebla. There are people who are looking at extending that designation down through Mexico into Latin American and even into South America. He asked if that designation has been explored here in the United State. If not, he wants to introduce a Resolution that the City look at promoting that.

Mr. Pino said he is unaware of any efforts that have been made in that regard.

**MOTION:** Councilor Ives 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**Absent for the vote:** Councilor Dominguez

**10(cc) NEW MEXICO STATE LEGISLATURE – 52<sup>ND</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION 2016:**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, regarding this Item, is incorporated herewith to these minutes as Exhibit “7.”

A Substitute Resolution for Item 10(cc)(1), is incorporated herewith to these minutes as Exhibit “8.”

A Substitute Resolution for Item 10(cc)(2), is incorporated herewith to these minutes as Exhibit “9.”

- (1) CONSIDERATION OF RESOLUTION NO. 2015-111 (MAYOR GONZALES) A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52<sup>ND</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2016 (MAYOR GONZALES AND COUNCILOR BUSHEE). (OSCAR RODRIGUEZ)**

(2) **CONSIDERATION OF RESOLUTION NO. 2015-112 (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO AND COUNCILOR DIMAS). RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES, BY CITY COUNCIL DISTRICT, FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52<sup>ND</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2016.**

Mr. Snyder reiterated that there is a Revised Substitute Resolution that has the District-wide priorities as requested by the Councilors as well as a Substitute Resolution for the City-wide priorities that have been approved through the Committee process – unanimously at Finance, Public Works and Public Utilities Committees. The District-wide priorities were not approved through the Committee process, but were put into the Resolution based on the request for each of the Districts.

Mayor Gonzales commended the Committees for the priorities. And the work that was done listed the Airport as the top priority, sends a strong message to the State in terms of what their capital dollars would go toward and any investment will generate GRTs which has a financial impact on the State as well as the impact to the City.

Mr. Snyder said, in speaking with Representative Trujillo at the Airport Master Plan meeting last week, and giving him the heads-up as to what our City-wide priorities were looking like, he suggested at that time, assuming you approve it tonight as it stands, that we make a request of the Governing to do a state-wide priority for the Airport. He said a letter is drafted and ready to go out tomorrow. He said, "He felt pretty strongly that we can sell it, from the standpoint that there is a state-wide usage of our Airport, especially as a State capital city. I just wanted to let you know that we're going to be making that request, assuming you approve the Resolution as it stands tonight."

Councilor Maestas said most of the policy-related resolutions are wrapped into this, and all do apply with the exception of one on page 5, which is the Resolution calling for the re-enactment of the Hold Harmless. He thinks that is contrary to Resolution 2014-45 on page 3, which is asking for comprehensive tax reform, but if we still want that, he thinks that is a relic from the 2013 session. He doesn't know if anyone would have any heartburn to strike that. He hopes you would agree to strike that from the Resolution.

**MOTION:** Councilor Maestas moved, seconded by Councilor Ives, to adopt Substitute Resolution No. 2015-111, and to strike Item 1, lines 5 through 19 on page 5 of the Substitute Resolution.

**FRIENDLY AMENDMENT:** Councilor Ives said because we approved Item 10(s), a Resolution for Action Beyond Prayers, a call for gun purchase reform and support for Gun Purchase Reform during the Legislature, he would ask to add that item to our legislative priorities. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS AMENDED:** Councilor Ives ask the reason for adding the language on the Water Trust Board Application – why that one and why in that amount, commenting he hadn't seen that one.

Mr. Snyder said, working with Mr. Guillen, an application was made to the Water Trust Board in November, and this is that request.

Councilor Ives asked the reason we're asking the Legislature for a priority of something we're submitting to the Water Trust Board, understanding it has a slightly separate and distinct process, and that we have other items identified relating to water such as a new water tank and others in the past.

Mark Duran, City Lobbyist, said, "I think what we've always done is... you remember in the past, all of our capital outlay and all our requests of the Legislature were water. And then what we've been able to do.... and we were also getting Water Trust Fund monies at the same time. Since then, what we've done as the Legislature has moved away from funding water, because so much of their money goes to the Water Trust Fund in the first place, is to still show them our priorities, in terms of water. And if they ever wanted to fund water, or if the Governor's priority was water, as in the past, then we made sure to have shown our water priorities then being slated for Water Trust Board application. But if at any time, any of the Legislative or Executive members wanted to find those priorities, then they could."

Councilor Ives recalled at Public Works, "your advice was a KISS principle, keep it simple, which is why we had the one. And your advice had been not to include others. So I'm happy with this. I certainly think it's needed. I certainly hope we have applied for a number of other projects to the Water Trust Board in addition to this, but I know we're trying to be strategic in terms of amounts as well."

Councilor Bushee asked to be added to Item 10(s) now that it's concluded, commenting she wasn't here for consent, and would like to add her name to Substitute Resolution CC-1.

Mr. Snyder said this Resolution, once approved, is the guiding document for Mr. Duran and his lobbying efforts at the State. It is used as a tool for meeting the Legislative delegation during the Legislative breakfast and throughout the 30 day session, as well as a tool for Mark which keeps him on track, it's transparent, so we all know what he's going to lobby for, and the focus area. He said when you get the regular reports and the final report, it will be based on Mr. Duran's success and failures around this document.

Councilor Maestas said this is quick, and he thought we would have some discussion, but he asked Mr. Hook to give him advance notice of what our project was going to be. He said generally when Water Trust Board applications go forward, the projects haven't yet begun, but this one is well underway. But what would they think. The City has already committed funds wouldn't irresponsibly initiate a deployment of the badger meters without committing funding. He asked if that would be a problem since the project already is underway – to ask for Water Trust Board funds. He wants to know how this could be perceived since it's already underway.

Mr. Snyder said, "I can't speak to how it would be perceived, but this is a needed project. Like you said, it is funded and we are moving forward with it. In the past, we've gone for funding for projects that are shovel ready, and this is shovel ready, and we're well underway. We've also gone after projects to seek reimbursement, and they allow for that, and that's one reason we picked this project is it's ready to go. As well as the timeframes were cut short on application deadlines this year, and we didn't have time to go back through the Committee process. We had two other projects that we had identified on the ICIP, one was a 4 million gallon finished water storage tank at the Buckman Treatment Plant and the second was a pipeline extension."

Councilor Maestas said, "I have commented we should strive to see funding for infrastructure systems that don't have dedicated stream, and with the Water Fund we do, and in fact, in the case of the Water Fund, he thought we are attempting to develop a robust capital improvement plan to help spend down the surplus. And here we are, asking the Water Trust Board for additional funds. It's a good project, I support it, but in the future we should look at other infrastructure systems that would be eligible, like the Stormwater Systems. We did receive Watershed Protection Funds in the last cycle, and we want to be diverse in our projects. But, it's here now and I support it."

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to adopt Substitute Resolution No. 2015-2012.

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 13, 2016: BILL NO. 2015-45: AN ORDINANCE AMENDING THE OFFICIAL MAP OF HISTORIC STRUCTURES TO DESIGNATE THE SANTA FE AIRPORT TERMINAL BUILDING, LOCATED AT 121 AVIATION DRIVE, AS A CITY LANDMARK (COUNCILOR BUSHEE, COUNCILOR LINDELL, AND COUNCILOR IVES AND COUNCILOR MAESTAS). (DAVID RASCH)**

Kelley Brennan, City Attorney, said, "This is a Request to Advertise to designate the terminal building at the Airport as a landmark. As you recall, recently, you adopted a Resolution adopting design standards for the terminal. This is on the Agenda because you are required to hold a public hearing on a Historic Districts Review Board recommendation of landmark status. So the hearing would take place if you did adopt landmark status, it would supercede the Resolutions, but the hearing is mandatory and this is the request to advertise that."

Mayor Gonzales asked the reason.

Ms. Brennan said, "The Code makes it mandatory."

Mayor Gonzales asked, "Based on what action."

Ms. Brennan said, "The recommendation of the H-Board."

Mayor Gonzales said then it is for any recommendation coming from the H-Board.

Ms. Brennan said, "A landmark recommendation."

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

**DISCUSSION:** Councilor Maestas asked to be added as a cosponsor of the Resolution.

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

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

**Against:** None.

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

**12. PURSUANT TO RESOLUTION NO. 2015-89 – ANALYSIS OF THE CURRENT LAND DEVELOPMENT CODE AS IT RELATES TO SHORT TERM RENTALS AND RECOMMEND AMENDMENTS TO THE CURRENT SHORT TERM RENTAL ORDINANCE. (LISA MARTINEZ AND RANDY RANDALL)**

Ms. Martinez presented information regarding this matter from Noah Berke's Memorandum of December 2, 2015, which is in the Council packet. Please see this Memorandum for specifics of the presentation.

Ms. Martinez said it looks like right now, there is a suggestion that the loss of revenue to the City in Lodger's Tax could exceed \$2.5 million, noting they have included a number of recommendations in the report as suggestions for amendments to the Short Term Rental Ordinance, and would ask that the Mayor and Governing Body provide specific direction regarding the recommendation. She said Randy Randall, Noah Berke and Mary Ann Seiderer who works in the program and helped to do the research are in attendance to answer any questions.

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

- Councilor Bushee said the rest of the report seems to be about collecting more revenue for the City. She asked how that reconciles with what she read in the newspaper today, in terms of trying to increase the rental stock in the City, given that we have a shortage, and it seems to be at counter purposes.

Ms. Martinez said she didn't see the article in the paper, but asked if IT spoke to the rental stock in terms of short term rentals.

- Councilor Bushee said it seems it would use residential stock that renters may access, non-apartment buildings generally speaking, she would guess is the majority of the short term rentals is more residential zoning. She said it would seem those are at odds. She said the article today mentions that these are one of the reasons we are short on housing for our work force.

Ms. Martinez is unsure she has an answer, or is not sure what the news article was trying to get at.

- Mayor Gonzales, said on the issue of rental stock in Santa Fe, the focus has been on multi-family homes, and not on residential homes. And the pressure exists for access to multi-family homes, and doesn't think apartments would not be in the airbnb or in the short term rentals.
- Councilor Bushee asked Ms. Seiderer if that is the case.
- Mayor Gonzales said there are condos that could be in the short term rentals, but the issue of apartment stock, the business model wouldn't be.
- Councilor Bushee said a lot of the apartment stock has converted to condos.

- Mr. Randall said they determined that the primary demand for the short term rental is proximity to the Plaza area, and or view orientation. And that housing is relatively expensive type housing. He doesn't know that it is taking away from what the workers might be pursuing.
- Councilor Bushee would like Ms. Seiderer to try to answer this, commenting she knows people who are renting the area apartments and are not close to the Plaza, are just renting rooms.

Mr. Randall said he is sure there are exceptions, saying, "I am talking about the preponderance of the short term rental.

- Mary Ann Seiderer, Inspector, said, "I do not have any apartments that are registered as short term rentals, hence the reason for the illegal rentals. Again, I have 75 people on the waiting list trying to get short term rental permits right now. 17 of those people have been on the list since 2014. There is a demand for it. I won't know what the deal is with them taking away other rentals from other people. I'm not hearing anything about it, and I haven't seen anything where it was a major issue.
- Councilor Bushee said, "The reason the attempt to regulate came about in the first place, although I found the original attempt not to my liking. I didn't vote for it, because I really thought we should have taken a zoning or land use approach, when we took more of a political, let's just come up with a cap approach. So I still believe we need to go in that direction. But I would like to understand.... but the intent at the time was around trying to keep neighborhoods from being disrupted by transients, that's the technical term. Right. And part 2 of that question for me, is does... essentially, if there were no cap let's say, complicate your ability enforce the original intent of the Ordinance."

Ms. Seiderer said, "I have a hard time enforcing it right now. I don't have the tools to be able to get on airbnb of the RBO and actually look up peoples phone numbers to find out where they live."

- Councilor Bushee asked if that wouldn't multiply the concern when we are trying to limit, or be unlimited, or more unlimited, less limited in our... we're going to blow the lid off it.

Ms. Seiderer said, "I believe if we had more staff, more inspectors to enforce the Ordinance, I think it would be easier, and I think it would be easier and I think it would become more appropriate to regulate the Short Term Rental Ordinance."

- Councilor Bushee asked Ms. Seiderer if she feels that the initial, perceived problem of neighbors being concerned about noise, impacts of transient rentals or commercial intrusion into their residential neighborhood, subsided with the original Ordinance and it would change if we were to open up that Ordinance.

Ms. Seiderer said, "The feedback I get from the public and from share time renters, and people that live next door to short term rentals, they're saying they're glad there is a short term rental there, the property is maintained, it's not vacant, there's no vagrants, there's no transients around."

- Councilor Bushee said, "I just pose the questions of how you reconcile the competing needs and the other is. My presumption from the report is that you want to collect more revenue, and that's not your purview, Mary Ann. You're just trying to enforce what we have with one person. So do we have to beef up.... is there a suggestion or an FIR somewhere that suggests that we need to beef up our collections group, or some other arm, or are we going to create a new.... how's this going to work. As you know Randy, we have a hard time collecting tax during our big markets. We're not really in that business. So I'm going to presume that's what the deal is, but...."

Ms. Seiderer said, "In the current document that you have in your packet, it is suggested that another Inspector be reassigned to the Short Term Rental Office."

- Councilor Bushee said she understands the inspection aspect, but she's talking about the collections, if that is the thrust of this new approach. What is the plan.

Ms. Seiderer said, "I educate people on what they need to do when I issue the permit."

- Councilor Bushee said the question is for Mr. Randall, "or I don't know who... Finance Department or somebody."

Mr. Randall said, "The recommendations to you also adds a management person to manage the short term rentals. The real problem we have now is that the short term rentals have occurred without regard to the cap. It's pretty well documented that the numbers have increased because there hasn't been a management function for the overall short term rental. Mary Ann has done a great job from the inspection side, where people have permits, but there has been no one in the City dealing with the people who don't have permits. And what this will do is allow us to obtain a proper inventory of what we really have in the City, because the Lodger's Tax Ordinance requires that anyone in the short term rental business register themselves with the City Finance Department. But, by registering, they're admitting they don't have a permit, because we have a limited number of permits."

Mr. Randall continued, "If you talk about things that are at odds, the Lodger's Tax Ordinance and the Short Term Rental Ordinance are in total conflict, and we're trying to eliminate that conflict. I think once we're able to effectively get the short term rentals to register with Finance, we will have a true inventory of what we have existing in the City today. And people will be encouraged to registers because of the penalties now being recommended for being in the business without registering. This brings the Ordinance current with the situation we have, and we'll clean up a mess we've got on our hands on the short term rental basis."

- Councilor Bushee said then the enforcement aspect will be on the collection once again, not so much necessarily on trying to find people who aren't registering.

Mr. Randall said once we give the honest people an opportunity to properly register and become permitted, by having enough permits for them, we can then try to focus on those who do not come forward. And with the additional fees generated by the registration, there will be sufficient funds to give that a good effort.

- Mayor Gonzales said it is now 6:00 p.m., and the Council needs to go into Executive Session, and asked how to put a hold on this conversation.

Ms. Brennan said, "If you can do a vote now, perhaps you should take a minute to do that. If not, you can..."

- Mayor Gonzales said it is more informational, saying the staff wants specific direction from the Governing Body, and said we're not ready to do that. He believes there will be more discussion, and we can postpone it to January and have ample time to be able to ask questions.
- Councilor Ives said it would be wise to postpone full direction on this until January. He is interested in asking staff to gather all interested parties across the City to hold a meeting. He said the Lodger's Association has participated in the discussions. He said Charlie Woodman and a number of the property managers have been tracking this closely, and airbnb has expressed interest, a number of time of participating in this process, and is glad we're speaking with airbnb as an entity to figure a solution.
- Councilor Ives continued, saying he thinks there are more people who would like to have the opportunity to express an opinion. He would like to set up a meeting in early January to do that, it would be wonderful. He has spent a year looking at these issues, there is a great question relating to fairness where we have some complying and those who are not. One of our primary efforts has to be at leveling the playing field for anybody involved in this activity. He said he has a lot of questions on the numbers.

**MOTION:** Councilor Maestas moved, seconded by Councilor Ives, to postpone this item to the first meeting of the City Council in January, on January 13, 2016, and to direct staff to hold a public hearing inviting all the interested participants, preferably in early January so we can get that input as well.

**DISCUSSION:** Councilor Maestas would like input from Councilors in the intervening time, because he has direction and helpful advice.

Mayor Gonzales advised Ms. Vigil that when they put the January agenda together, "let's look at it, and it may be have to moved into the evening session so there is a lot of time for discussion, depending on what is going on."

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

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

**Against:** None.

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

*Councilor Dominguez arrived at the meeting.*

***Mayor Gonzales exercised the prerogative of the Chair,  
and moved Items #13, #14, #17 and #18 to the end of the Evening Meeting  
Agenda, and went directly to Item #15, Matters from the City Attorney***

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

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(7) AND (8) NMSA 1978, DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, 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; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, AMENDMENT NO. 1 TO THE AMENDED AND RESTATED LEASE AGREEMENT AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE BOYS AND GIRLS CLUB. (KELLEY BRENNAN)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, that the Council go into Executive Session, in accordance with the Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, as recommended by the City Attorney for discussion regarding threatened or 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; and discussion of the purchase, acquisition or disposal of real property or water rights by the City of Santa Fe, including, without limitation, Amendment No. 1 to the Amended and Restated Lease Agreement and Services Agreement between the City of Santa Fe and the Santa Fe Boys and Girls Club.

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

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

**Against:** None.

The Council went into Executive Session at 6:05 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:15 p.m., Councilor Trujillo 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.

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

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

**Against:** None.

**16. ACTION REGARDING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED LEASE AGREEMENT AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE BOYS AND GIRLS CLUB. (KELLEY BRENNAN)**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to approve the Amended and Restated Lease Agreement and Services Agreement between the City of Santa Fe and the Santa Fe Boys and Girls Club to sublease the property at 730 Alto Street to the Tierra Contada Charter School, subject to terms and conditions set out in Amendment No. 1, in accordance with the discussion held during the Executive Session.

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

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

**Against:** None.

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

## **EVENING SESSION**

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

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

#### **Members Present**

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

#### **Others Attending**

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

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

A statement for the record by Iwona Iwaniuk, entered for the record by Iwona Iwaniuk,, is incorporated herewith to these minutes as Exhibit "10."

*Mayor Gonzales gave each person 2 minutes to speak*

**Former Councilor Karen Heldmeyer, 325 E. Burger**, said, "Last week the Neighborhood Law Center had its Continuing Legal Education. There was a lot of talk about community consensus on development, and there's been a lot of talk in a lot of other areas about community consensus on development. It can happen, maybe not all the time, it's not a panacea, but it can happen. And the model that has been proposed for a long time for Santa Fe is unfortunately called the Albuquerque model. And I hate to say that because it kinds of turns people off. What it is, other people have used terms like a pre-ENN or facilitated land use planning which probably is the best term for it."

Former Councilor Heldmeyer continued, "What is it. If you have an empty piece of property, that is ripe for development, and you get together the neighborhood, other interests and the person who either owns the property or is thinking of owning the property, and they get together and they talk about what would be good on that property before anyone has spent a lot of money drawing up plans, before people

have hardened their hearts to any particular thing that might go on. It has worked very well. It used to work very well in Albuquerque, until the current administration came in and changed the program radically. But under the past administration, it worked very well. They had over 100 successful projects, some of them in Historic Districts where the neighborhood and a potential developer got together and said what would go in here. They worked with a team of a land use planner and a facilitator, and they came up with something that made sense and that everybody could live with. Maybe not think was wonderful, but could live with. What's needed in that neighborhood and what is wanted, what makes sense."

Former Councilor Heldmeyer continued, "And there is a Resolution supporting this. It's already on the books from 2001, never been implemented in Santa Fe, but a lot of different groups have supported it. There is one in the pipeline now, so I'm urging you to look at that one that's in the pipeline, sponsored by Councilor Bushee. See if it's something that you can sign onto. I know that things are really tight now in terms of staff in Land Use Planning. But there are a lot of people in Santa Fe that have worked on the Albuquerque model in Albuquerque, they had to go to Albuquerque to do it, who would be very happy to help if there's rewriting that needs to be done on a Resolution or more information that is needed. And if we were to do this again, not a panacea, but it could really help for a lot of the problems we have faced in the last 6 months or so. So give it some thought."

**David McQuarie, 2997 Calle Cerrada**, said he is sure the Governing Body is familiar with the 8<sup>th</sup> Amendment to the Constitution, that says you are free from unusual punishment. He said not in Santa Fe if you use a mobility device. He said, along *[inaudible]* from Galisteo to *[inaudible]*, you can't cross street, there are no curb ramps, they haven't done them. On October 23<sup>rd</sup> of this year, the Engineering Division set the plans for curb cuts on overlay areas. First of all, the plans were over one year late. Secondly, there are numerous places, like Agua Fria. He can cross at St. Frances or at Guadalupe, but he can't cross in between because of a 6 inch curb. He said the City does what "they damned well want," and we're still out in the cold, plus at the County Courthouse at *[inaudible]* and Montezuma, to go there for a hearing, he had to park near Tomasita's, and most of the time he had to travel in the street, not on the sidewalk. He said there is a letter from Public Works Director that the sidewalks do not provide access to persons with mobility devices. He said, "What's wrong with that. Does Santa Fe believe in that. That's why I'm petitioning this Governing Body to notify the appropriate authorities of a hate crime and see if that schedule warrants it for criminal activity."

**Iwona Iwaniuk, [previously sworn]**, said she is here to talk about smart meters, saying she knows they have been implemented, but she has a few concerns she would like to voice. She said anywhere and everywhere smart meters were implemented it caused social rejection and protest – California, Wisconsin, Greece, Bulgaria and more. She said Santa Fe is the single largest implementer of smart meters in the world. She believes smart meters are bad for your health because they send cellular signals, can be hacked into, and this is a way to collect information about the habits and behaviors of users without their awareness, and we don't know how it will be stored and used, and can be controlled from a distance. Why are we sending \$6-\$9 million to Austin, Texas for these meters where the company is located. How is this helping to keep people employed if those who were reading meters no longer have a job. There was no discussion about this. *[Stenographer's Note: Ms. Iwaniuk's time expired before she finished her statement, and she entered the entire statement for the record. Please see Exhibit "10," for specifics of her statement.]*

*When Mayor Gonzales advised Ms. Iwaniuk that her time had expired and she could submit her entire statement for the record, Mr. Iwaniuk said, "The other lady, no one interrupted her, just for the record."*

**Shana Colmeyer, Blackstone Security**, said, "We're here to appeal the Proposal No. 16/6/P security guard services for municipal park in Santa Fe. We have recently made the decision to go with another company G4S, however, we would like to appeal that decision, based off of several incidents. We have made the decision, per page 10, #14, Protest and Resolution Procedures in the above referenced RFP, *[inaudible]* security services in the following process and officially protesting the alleged award to G4S as a service provider for the above referenced contract. Blackstone is requesting the City of Santa Fe provide documentation and answers to what we understand how the decision of the RFP was decided upon. From our understanding, the decision was made on October 30<sup>th</sup>. We were never given actual documentation of the decision of why this was made. I was given an email via email I should say, by Robert Rodarte on the 6<sup>th</sup> which is 7 days after the fact, and we yet have to receive any formal documentation on this matter."

Ms. Colmeyer continued, "The goal of the selection committee is independently reviewed for this proposal and emphasis of the scope of the services, mandatory submittal requirements, as stated in the RFP. This middle requirements identify the 13 requirements needed to comply to this, specifically in a score sheet which we have yet to receive other. In the first score sheet, Blackstone actually scored higher than the other company with no reference to why this was done, there was another score sheet that came about which is at page 5, which seems to be a new evaluation score sheet. And again, we have not been provided that, which we have requested that in writing. We also sent a certified letter of this appeal to Robert Rodarte on this matter, and we've never received a signed sheet of that submittal. However, just prior to us coming in here, he did explain to me that he did receive that letter, however, he has yet to submit an answer on this. At no time, again, have we ever been notified of a formal decision of why this was made nor any documentation backing up the decision. We were asked in July 2015 to take on this emergency procurement which we did, for the City. We have maintained this contract, we have gone above and beyond our recommendation from the City and we have maintained each and every client to this point. We ask at this time that you do submit us with all the proper documentation of why we were not selected for this moving forward, and we would like to see the formal procedures of this matter of how it was decided on."

**T. Scott Bunton** said he and his wife move to Santa Fe this year, offered to purchase a house in May 2015, and between that date and the scheduled for closing, we were doing our due diligence. One of the things we needed to ascertain was the developer's plan for the remainder of the condominium in which their townhouse is located. He said, "I wanted to compliment the City's Department of Land Use Planning for their accessibility and for the information they provided to us. It was key in our decision to go ahead and go forward with the purchase. We were very happy with the information we got from them. We have thanked them, and we would like to also make the Council award that you have a very accessible, and helpful Land Use Planning Department. So thanks to them and we'll pass that word on then to you."

Mayor Gonzales thanked him for coming to the Council with this message.

**Chandler Moore, 1614 Camino la Canada**, said as a young, professional business manager in Santa Fe, he wanted to say he is happy and appreciative of Mayor Gonzales in supporting the new initiatives that would help grow Santa Fe, and in ensuring a viable, sustainable future through affordable housing which is a really important topic, and he likes to see this progress. He said some more topics that could be addressed by the Council would be contemporary rentals in the center of town. It is important for a young generation, and as a business manager, it's important to have people to work for our businesses that would make it more accessible, and easier for him to run his business and for his peers to exist here. He said we also need Siler and Agua Fria to a place of innovative design and development, and hopes that's addressed in the votes. And when voting, you keep in mind all demographics, not just one age group and not just one group of people who may have the loudest voice. He said he has a lot of peers who share his opinions, and they don't all come here and speak about it, but they need to be represented.

**Jennifer McGrath, 2501 W. Zia Road**, said she has lived at this address for 13 years, is formerly a homeowner and property owner in the City and County for 10 years. She is now a renter, and a single mom coparenting 5 children, ages 4-14. She applauds the Mayor's announced policy shift on housing. She has seen the statistics, recognizes the need for housing, and cannot afford a 3 bedroom apartment in Santa Fe. She thinks the Santa Fe housing market should be opened up to create more affordable, multi-family housing, and hopes the Governing Body will vote accordingly. She would ask them to consider implementation soon of ways for many families here to have easier access to participate in City Council meetings, such as on-line participation options. Currently, parents have no incentive for their voices to be heard unless they are in a dire situation, because coming here requires hiring a babysitter. She said if we address alternate ways to participate a more accurate picture of the public can be reflected.

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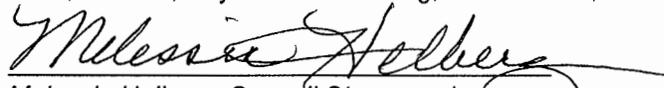
**VERBATIM TRANSCRIPT  
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F  
CITY COUNCIL MEETING  
December 9, 2015**

**STEFANIE BENINATO:** Stefanie Beninato. I agree with the comment about \$63 million to a Texas company and how much more that could have done in terms of the so-called smart meters. But I'm here to speak in favor of an inspector general office. I actually tried to use the Fraud, Waste and Abuse Hotline, and my experience was that the questions I was being asked were relevant for some situations but not for many situations. And the fact is I was referred back to the City would not really create a safe *[inaudible]* in my opinion, as an effective way of responding to fraud, waste and abuse. And again, what it needs to be is independent and separate from the City. So going back to the City again, if you're not having a great response of that, I would say is because you will find out it is going to be referred back to the City. And again, I didn't feel that was a very safe or comfortable process. The other thing is that there is a City official was head of a department testified that the storm drain sewers in the Galisteo Street and West Santa Fe Avenue were *[inaudible]* in 1956. That person was not

working there in 1956 in the Public Works Department, so I have no direct knowledge. I asked for the document that person needs to establish that. I've been told there is no document. I find that not credible, because this again this person had to have some documentation to come up with that date. So I would like Mayor, if you would please, to direct your City Manager and City to Attorney to provide me with that document that I'm entitled under Inspection of Public Records Act. Thank you very much.

MAYOR GONZALES: Thank you.

*I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, December 9, 2015.*

  
Melessia Helberg, Council Stenographer

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**Ian Farris and George Dellos, 601 W. San Mateo**, said they don't have a petition, but they wanted to make known to you that we started a youth baseball program here in Santa Fe. Mr. Farris said he was born and raised in Santa Fe, went on to play baseball, and Mr. Dellos is his business partner that also played college baseball. They are trying to spread as much as they can to everybody here. He said he knows what it's like as a Santa Fe native, and knows it's hard to get to where he wanted to get. He had to fight really hard to be able to reach the college level and beyond. He recently signed with the Santa Fuego as well, so he gets to continue playing. He said he feels it is his turn to come back and help that kids that was in his same situation growing up. He said this is their goal. He said they need any kind of help they can get. He said a local church donated land where they can build a cage and they have been trying to contact people to point them to any kind of help. They just want to help kids, and they don't have to be great players and can just be somebody who wants to play.

Mr. Dellos said in his experience this is a way the kids can provide relief for their parents. He said he understands, as a very grateful son, his mom provided him with a home, food, water and a place to sleep as well as a lot of support. He can repay his parents by giving a free ride to college, mostly for education, because he graduated with a degree in World History. He understands these kids need an escape. This will help them keep on a focused path and help relieve the parents' stress, and provide them with jobs, degrees. He said, "This is our only job, what we want to do, and the ultimate goal in speaking with you all is expansion and that's all we need to impact more lives. We are impacting a lot of young lives right now, and in a short amount of time, Santa Fe has shown us more support than anybody else. We've had 8 sponsors in the last 5 months. We've also gotten to run our first camp and we've contacted two colleges that allowed us to come to their games for free, and also UNM said we can go in their dugouts that haven't had that experience. I barely got the experience in middle or high school to see what it feels like to be on a college field, college campus and actually talk to people in college. I feel this is something Santa Fe needs desperately, and we are the ones to do it."

**Councilor Trujillo** gave them his card, saying he wants to talk to them, and supports what they are going, and wants to sit and have a discussion.

Mayor Gonzales thanked them, saying he is glad they chose to come back home, and of equal importance their investment in the youth. He asked staff to give Chris Sanchez's telephone number, and Chris will be your contact for how they can navigate through the City environment.

## **G. APPOINTMENTS**

### **Planning Commission**

Mayor Gonzales made the following appointment to the Planning Commission:

Jack Hiatt (Change in Position from At-Large to District #4)

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

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

### **Planning Commission.**

Mayor Gonzales made the following appointment to the Planning Commission:

Mark A. Hogan (District #2) – to fill unexpired term ending 06/2017.

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

**DISCUSSION:** Councilor Maestas said, "Just a comment. Mr. Hogan has one incredible resume. And if we could, I know the Planning Commission has their own process for picking a chair, but if we could do that, I would nominate this gentleman as chair. And the last thing is that Mr. Hogan is a Santa Fe County employee and I don't know if it is very difficult to find skilled individuals, but I would like to see folks appointed to these positions that are not public employees. That they're kind of from the community. I would like to feel like our community members can step up and serve in this regard, and truly represent the community. Not everyone thinks the same way about government, and so when they see government representatives hold these appointments... I think you know what I'm saying. So I think in the future, I would encourage maybe more at-large employees versus public employees."

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

### **Veterans Advisory Board**

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

Philip Chavez (Veteran) – to fill unexpired term ending 05/2017.

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

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

### **Human Services Committee**

Mayor Gonzales made the following appointment to the Human Services Committee:

Rachel O'Connor – to fill unexpired term ending 03/2018.

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

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

### **Mayor's Committee on Disability**

Mayor Gonzales made the following appointments to the Mayor's Committee on Disability:

Julie Tambourine – to fill unexpired term ending 01/2017; and  
Coby Livingstone – to fill unexpired term ending 01/2019.

**MOTION:** Councilor Lindell moved, seconded by Councilor Bushee, 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, Rivera and Trujillo voting in favor of the motion and none voting against.

### Long Range Planning Subcommittee

Mayor Gonzales made the following appointment to the Long Range Planning Subcommittee:

Michael D. Maremont – to fill unexpired term ending 10/2016.

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

**DISCUSSION:** Councilor Bushee asked if this is a subcommittee of the Planning Commission and Mayor Gonzales said yes.

Councilor Bushee asked if he is a member of the Planning Commission.

Mayor Gonzales said no, it's an outside appointment.

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

## **H. PUBLIC HEARINGS**

- 1) **REQUEST FROM GALISTEO 227 BISTRO, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT GALISTEO BISTRO, 227 GALISTEO STREET. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of December 4, 2015, which is in the Council packet, noting the location is not within 300 feet of a church of school and there are staff reports in the packet regarding litter, noise and traffic, and recommends the business be required to comply with all of the City's Ordinance as a condition of doing business in the City.

The Applicant was in attendance.

### **Public Hearing**

**Robert Chickering, Owner and Chef of Galisteo Bistro was sworn.** Mr. Chickering said there have been a lot of changes in the liquor law at state level, and makes it complicated for everyone to go through the process. He really appreciates that the City and State in his case worked together really well to make it a more efficient process to clarify some of the things that the State Legislature needs to clarify. He said, with various provisions during this process, the State and the City worked together wonderfully from all aspects of the staff and we appreciate it very much.

Mayor Gonzales thanked him for doing business in the City.

**The Public Hearing was closed**

**MOTION:** Councilor Lindell moved, seconded by Councilor Ives, to approve the request from Galisteo 227 Bistro, LLC, for a Restaurant Liquor License, (beer and wine with on-premise consumption only) to be located at Galisteo Bistro, 227 Galisteo Street, with all conditions of approval as recommended by staff.

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

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

**Against:** None.

- 2) **REQUEST FROM SANTA FE TWO HOSPITALITY, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2602 FROM CONM ASSOCIATES, LLC, TO SANTA FE TWO HOSPITALITY, LLC. THE LICENSE WILL REMAIN AT COURTYARD SANTA FE, 3347 CERRILLOS ROAD. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of December 4, 2015, which is in the Council packet, noting the location is not within 300 feet of a church of school and there are staff reports in the packet regarding litter, noise and traffic, and recommends the business be required to comply with all of the City's Ordinance as a condition of doing business 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 Trujillo moved, seconded by Councilor Maestas, to approve the request from Santa Fe Two Hospitality, LLC, for a transfer of ownership of Dispenser License #2602 from CONM Associates, LLC, to Santa Fe Two Hospitality, LLC, with the license to remain at Courtyard Santa Fe, 3347 Cerrillos Road, with all conditions of approval as recommended by staff.

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

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

**Against:** None.

- 3) **REQUEST FROM WAL-MART STORES EAST, LP, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF RETAILER LICENSE #4022, WITH PACKAGE SALES, FROM CNG RANCH, LLC, D/B/A LOS ALTOS RANCH MARKET, 320 WYATT DRIVE, LAS CRUCES TO WAL-MART STORES EAST, LP, D/B/A WAL-MART STORE #829, 3251 CERRILLOS ROAD. (YOLANDA VIGIL)**

*A notebook containing 2,629 Signatures Collected Over 6 Days in Support of a Liquor License for the Walmart Store at 3251 Cerrillos Road (December 3 - December 7, prepared for Councilor Joseph M. Maestas District 2, December 09, 2015, is incorporated herewith to these minutes as Exhibit "11."*

A statement for the record from Leah O'Shell, 2818 La Junta, Santa Fe, in opposition to the sale of liquor at Walmart, entered for the record by Brendan Baca, is incorporated herewith to these minutes as Exhibit "12."

*A packet of information, Request to Transfer Inter-Local Liquor License: 3251 Cerrillos Road Analysis of Detrimental Impact on Public Health, Safety or Morals for Public Hearing: December 9, 2015, dated December 7, 2015, submitted for the record by the Santa Fe Prevention Alliance, is incorporated herewith to these minutes as Exhibit "13."*

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of December 4, 2015, which is in the Council packet, noting the location is not within 300 feet of a church of school and there are staff reports in the packet regarding litter, noise and traffic, and staff recommends the business be required to comply with all of the City's Ordinance as a condition of doing business in the City.

The Applicant was in attendance.

### Public Hearing

*Mayor Gonzales gave each person 2 minutes to speak to this issue, with the exception if the person is adding something new when it comes to the 2 minutes and it's relevant, he will grant the ability to continue for some period of time*

*All those speaking were sworn en masse*

**Mary Claire Voorhees, 2730 Calle Anna Jean, #H**, Communications Director for the Santa Fe Prevention Alliance, **[previously sworn]**, read a statement into the record as follows: "I have lived in our community for over 25 years. Tonight, your role is to judge whether or not liquor sales at this particular address, 3251 Cerrillos Road, will have a detrimental effect on public health and safety, not the economics, not whether or not people want to sell alcohol there, but the public health and safety. With this in mind, I will be presenting the Santa Fe Police Department response data at this location from October 1, 2013 through October 1, 2015. During this period there have been over 1,900 calls for service to 3251 Cerrillos Road. Of those 1,900 calls, there have been 29 assault and battery and fight type of responses, 340 larceny responses, 198 shoplifting response, 20 fraud, embezzlement and forgery, 4 criminal damage to property or vehicles, 26 narcotics violation responses, 13 domestic disturbances, 7 DUI's and that is in the

parking lot of that location, 232 disorderly conduct calls, 226 suspicious persons or vehicles, 33 assisting ambulance responses, 25 service of warrants, 23 burglaries or robberies, 29 reckless driving checks and that would also include aggressive driving and road rage, 4 liquor law violations and they have no liquor license at this time, 9 intoxicated persons and 85 motor vehicle collisions in the parking lot itself. Of the approximate 2,600 calls that the Santa Fe Police Department has received during that 2 year period, 1 of every 145 call responses is at 3251 Cerrillos. I implore you tonight to think about the conditions that are there and how a liquor license would impact that area. Thank you very much for allowing me to share this information with you."

**Shelly Moeller, 122 La Joya Road [previously sworn]**, Independent Program Evaluator, and Program Evaluator for the Santa Fe Prevention Alliance. She said, "Tonight I am going to present data to you from the New Mexico Department of Transportation, Traffic and Safety Division, and will explain the map that you all have in your packet on data around the proposed site for this new liquor license. I will get to this in a minute. Okay, I'm going to talk about traffic crashes, and traffic crashes have a detrimental effect on the health and safety of a community. Between these two addresses of 3139 Cerrillos Road and 3357 Cerrillos Road, which is 0.2 miles in either direction of 3251 Cerrillos which this liquor license is being requested for, there were 70 traffic crashes alone in this area in 2013, for which the latest traffic crash data is available. Of these 70 crashes, there 223 people involved, and 24 of them were injured. 8 of the 70 crashes were hit and run, 3 of these crashes involved alcohol, and of these alcohol involved crashes in this area as specified, 0.2 miles in either direction of 3251 Cerrillos, 12 people involved and 2 were injured. Now I'm going to back up a little bit and look at this map, and briefly explain what this shows you. It's a density map of alcohol involved crashes in 2013 for all of Santa Fe. And 'this' little dot right 'here,' is 3251 Cerrillos Road, and you have the identical map in front of you hopefully. And what the colors show you, is the yellow is low density meaning few alcohol involved crashes. The orange is medium density, the red is high density. 3251 Cerrillos Road is located in the orange area between two high density areas for alcohol involved crashes. And once again, I just ask that you think about this data and how adding a liquor license to this area of Santa Fe may impact the health and safety of the individuals that live around the area and the people who do business within the area. Thank you very much."

**Erica Abeyta, 4129 S. Meadows Road [previously sworn]**, said she is the Substance Abuse Prevention Coordinator for the Santa Fe Community College, and a member of the steering committee for the Santa Fe Prevention Alliance. "I will be presenting the Emergency Medical Services Data provided by the City of Santa Fe Fire Department on November 16<sup>th</sup>. Emergency Medical Services received approximately between 10,000 and 11,000 calls per year. 3 out of the past 4 years, this address, 3251 Cerrillos Road has been in the top 10 most frequently responded to addresses in the entire City. In 2012, with 43 responses, this address ranked eighth. In 2013, the address ranked 8<sup>th</sup> as well with 48 responses. Most recently in 2015, the address has ranked 9<sup>th</sup> with 44 response. Types of locations in the top 10 most frequently responded to address in the City include the Homeless Shelter, Santa Fe Place Mall, Whiskey Basin, urgent care centers, skilled nursing facilities, multi-family apartments and personal residences. With that mind, there is no other single business that is in the top 10 besides 3251 Cerrillos Road. In conclusion, approximately 1 of every 200 calls that are responded to, come from this address. Thank you dearly for letting me share this information with you, and just really thinking about what this license would do to our City. Thank you."

**Brendan Baca, 817 Palomas Drive SE, Albuquerque 87108 [previously sworn]**, read a letter into the record on behalf of Leah O'Shell, 2118 La Junta, Santa Fe, who was unable to be in attendance, in opposition to the request for a transfer of ownership and location of Retailer License #4022 from Las Cruces to the Walmart Stores, 4351 Cerrillos Road, and requesting the Governing Body to not approve the request. Please see Exhibit "12" for specifics of Ms. O'Shell's statement for the record.

**Chanelle Delgado, 1340 Camino Carlos Rael [previously sworn]**, said this her local neighborhood Walmart that she frequents often, and she is concerned about this establishment obtaining a liquor license, with the existing issues she has experienced. She said she regularly shops there, and on multiple occasions she has seen a police presence for various reasons, and has seen domestic disputes, larceny activity, and aggressive panhandling. She has questioned her safety on many occasions while shopping at this location, due to the frequency of the criminal activity she has experienced and seen. She believes absolutely that there will be a detrimental impact to our safety and health if it obtains a liquor license. She said she can only imagine that a liquor license will exacerbate conditions if approved. She said research in many cities shows the increased availability of alcohol has resulted in an increase in crime and other alcohol related problems. She is a concerned customer as well as a concerned community member. She doesn't see how the liquor license, if granted, would promote the safety and health of her community. She said this location is struggling to contain the already existing issues, and adding a liquor license will create another list of problems. She believes the liquor license will impact the community negatively. She urges the Governing Body to consider not granting the request.

**Nahum Ward-Lev, 2663 Villa Caballero del Norte [previously sworn]**, said he is here to read a letter into the record by Ellery *[inaudible]*, 1168 Parkway, Santa Fe who is a Program Manager at the Santa Fe Mountain Center, as follows: *Dear City Council. I live near 3251 Cerrillos Road. I work with many young people who live in there. I am concerned with the proposal of getting the liquor license. I think liquor alcohol sales will cause more DWI, problems with alcohol, violence, crime and crashes. The many youth who wander on Cerrillos Road will now have more access to alcohol and cause bigger problems for them. Youth are our future, and we need to be protective of them. I urge you to decline a liquor license to them. Thank you.*

**Jose Medina, 2781 Aspen Loop, [previously sworn]**, said he is here tonight to talk to you, with a friend, Cesar Morales. He is a member of the Housing Transition Group as well as with the *[inaudible]* of the SWAP program at the Community College. He is age 14, and he is speaking to the possibility of Walmart being granted a liquor license and the problems that come to the surface, and believe there will be an increase in under-age drinking, because it becomes more easily available and accessible. They also are concerned with the increase in DWI's and alcohol related accidents. They believe that the Governing Body will take into consideration the best interest of the public safety.

**Anthony Rivera, 130 Vista del Norte**, said recently he and a friend considered moving away from their parents and into independent roles in society. One of the first options they considered was on Rufina, right next to Walmart. It seems like a nice deal with shopping available and the housing is cheap. He said

when they went to inspect the Rufina Apartments, it was not comfortable to their liking, and not necessarily the safest place for him and his family, and they didn't want to move there. He feels this another issue of keeping youth in the community. He said, "We feel this is more of a push-back, if we allow Walmart to do what it's doing, and this will keep youth from staying in New Mexico and Santa Fe."

**Gaile Herling, Coordinator, Santa Fe Public Schools Adelante Program, [previously sworn],** and her perspective is based on 14 experience working with families in over-crowded, high risk and homeless situations. She said SFPS Adelante serves 1,700 plus students and siblings experiencing homelessness, to give them the opportunity to end the cycle of homelessness and poverty. Their goal is for them to focus on school work, rather than be distracted by survival means, including their own safety. She said this issue follows the students into the classroom and plays a large role in their poor achievements sometimes. She said many students, including Adelante students, live in the area surrounding Walmart in apartments across from and behind the store. They have had lots of complaints from families living in the neighborhood about the violence, the worst incident being when one youth killed another in the parking lot of the apartments across the street. She said there significant reasons she is here tonight. One is that the families in this neighborhood have described concerns about alcohol, drugs and violence, commenting she has listened to hundreds of stories about how alcohol fuels domestic violence. She said it seems like a community wide epidemic from there they sit. She can't imagine why this community would put one more liquor outlet in this neighborhood. Secondly, she is shocked to learn that the largest factor increasing violence in a neighborhood is the number of alcohol outlets in the area. She is speaking on behalf of many families who don't want the odds increased against their well being, but aren't able to speak out tonight, because of the location, lack of transportation and babysitting. If you spoke to the families suffering from the effects of alcohol and violence, she is confident you would feel the same time. She said, "Thanks for your serious consideration for the health and well being of those who may not be well represented tonight whose needs are often ignored."

**Kevin O'Brien, 1101 Calle de Suenos, [previously sworn],** said he lives on one of the streets that people cut through to go Cerrillos Road or the Walmart area. He runs in the neighborhood, and has had to call the police 5-6 times since the 5 years he has lived in the area due to alcohol related issues. He said there is trash, beer cans, miniature bottles littering their yards, noting he picks up 4-5 bottles a week. He said their neighborhood doesn't need any more alcohol stores.

**Aurora Trujillo, 442 Greg Avenue #207,[previously sworn],** Coordinator for the Santa Fe Prevention Alliance. She said when she researched this request, one of the first things that popped up was a recent news story from KOAT about a mother who was drunk and passed out behind Walmart, leaving her 2 and 5 year olds to wander around, and someone picked them up and took them to the nearby apartments. She said the reporter said, "People in the area tell me this field is known for all kinds of dangerous situations, drug dealing to intoxicated people to fighting." He also talks about the mother being at Walmart and she was charged with child abuse. This is a good example of the type of environment this address is located in.

Ms. Trujillo read testimony from Anadelle Trujillo, a Community and Schools employee at Salazar Elementary School. *Dear City Council, I currently have the privilege of working Communities and Schools New Mexico, and am the Site Coordinator for Salazar Elementary. Many of the families I work with are patrons of the Walmart located at 3251 Cerrillos Road. Some of these family struggle financially and often have to choose between food and paying rent. Walmart offers items at a cost that many of these families can afford. I know Walmart does a lot to support our communities in terms of financial aid and funding. I know this will continue, because this establishment currently has customers in a financial struggle. If liquor is allowed to be sold at this Walmart location, I feel that easy access to alcohol will put families in worse circumstances than they already are in. Some of my students have mentioned that their parents often are intoxicated and unable to care for them. I realize that not allowing Walmart to sell liquor will not deter people from consuming alcohol as there are many other places to purchase alcohol in the area. I also know that banning plastic grocery bags in the City will not eliminate them from being used entirely. However, it is in the small things we can do to make an impact. I ask that you deny the liquor license to Walmart at 3251 Cerrillos Road. Thank you for you for consideration. Anadelle Trujillo, 1231 Apache Avenue, Santa Fe.*

**Juan Valdez, 442 Greg Avenue, [previously sworn]**, said he is speaking as a concerned citizen on behalf of his neighbors, children and victims of alcohol. He said New Mexico is ranked last in education and first in alcohol related deaths, and we need to stop using alcohol as a mean of economic development in our community and be more creative in creating a healthy, diverse Santa Fe economy. He said the granting of the license does not advance the community. He said this is the time and place to begin to change our environment and culture of liquor dependency. He said we must equip ourselves with the moral compass to guide us and fight for our children, neighbors, and advancement and prosperity of our future. He said he was offended by the My View article by Javier Argullo, Director of Public Affairs for Walmart, in *The New Mexican*. He said it is disrespectful for Walmart to use its size and money as an argument, as if we owe it to them, and is an attack on our dignity. He wonders how this license will change what Walmart already gives to the community. It may be bringing more tax revenue, while causing a larger burden on the community, law enforcement and local government to pay for the costs associated with alcohol related incidents. He is a Walmart shopper, and is concerned about the dim lighting in the parking lot and the feeling of customer safety is already one of neglect. The only argument for Walmart's sales of liquor is convenience – the net convenience of another liquor establishment in an already dense area, surrounded by low income homes and a lower income area of town, in close proximity to a recovery center and an early childhood center. He thinks the news article should spark our community and representatives to the true awareness and care Walmart has of this community. He said that Mr. Arguello said the customers at the Cerrillos road store should not be forced to drive to another store to buy liquor. He said liquor is not a necessity.

**Mario Chavez, Marketing Manager, for New Mexico stores [previously sworn]**, including stores on Herrera Drive and Cerrillos Road. Mr. Chavez said he has supervised several Walmarts with liquor in various states, including the Walmart that now has liquor on Herrera Drive. One of his main responsibilities is to make sure that the programs Walmart has in place to implement and protect the sales of liquor is implemented and followed at the store level. He said the same safeguards will be implemented

at Cerrillos Road. In addition to placing the entire Liquor Department in a caged area, they place metal caps on the liquor bottles to make sure they are paid for, and if not, there is a system at the door that alerts the associates. They also have motion activated cameras to see who is buying liquors on those aisles. He said he will make sure all Walmart programs has used and been effective in protecting liquor sales are implemented and followed at that store.

**Justin Scott, Store Manager, Walmart, 5701 Herrera Drive [previously sworn]**. Mr. Scott said the Herrera Drive Walmart has sold alcohol for more than 4 years with no major violations. He said, with regard to the high incident reports mentioned early, Walmart is completely committed to maintaining a safe work place and shopping environment, including its parking area. He said, "We have zero tolerance to shoplifting. As the result of these policies, and the fact that we carry more than 150,000 items, we frequently call the Santa Fe Police for various problems, including accidents in our parking lot, shoplifting, panhandling of our customers. We believe in so doing, we create a better environment for our customers as well as the Santa Fe Community. We have experienced situations where police calls have resulted in the Police finding individuals who have outstanding warrants for other crimes. Thank you."

**Jason Sena, 1520 La Cienguita, [previously sworn]**, said he has worked at the Super Walmart on Herrera Drive since it opened and since it started selling liquor. He is proud that since the Herrera store started selling liquor more than 4 years ago, it has never received a citation, sale to a minor or to an intoxicated person. He said he attributes to Walmart's tough alcohol services training, as well as their aggressive checking policy and the pride our associates take in being citation-free. He said they carry about 150,000 items at the Walmart on Herrera Drive. It is his experience that alcohol purchases are incidental to the other purchases of customers. He said he rarely sees customers purchasing alcohol by itself. In addition to the requirements in place, the employees receive New Mexico Alcohol Service certification. If they are going to stock or sell alcohol, we also have Walmart's aggressive compliance training which is required annually. The cage around the alcohol service area at night is blocked off so no one can get to it. There are metal caps on the liquor so it beeps out the door if someone does try to steal it. The registers have safeguards in place to prevent after-sale hours and locks down the transactions. He thanked the Governing Body for their time.

**Andy Padilla, Store Manager, Walmart at 3251 Cerrillos Road [previously sworn]**, said he has worked in other Walmarts throughout the State and he is trained in the landmark system which effectively fully controls sales. His training includes inventory control. He said they limit their displays of beverages to one amount of alcohol, to apply sales indicated as necessary. He said they lock the entire liquor department after hours. He said displays increase their control. To increase control, they put only items that appeal to sophisticated drinkers on one display. They will not sell any miniatures or singles. He said this discourages the homeless persons from purchasing alcohol. He said they have aggressive carding, noting that when minors and adults approach the register, we card both of them. There is aggressive enforcement, and they will not tolerate thefts from any departments in the store, which results in high incident calls as well creates a safer community. He has requested and has been approved for more security associates if they are allowed to sell alcohol. He said, "There are high alcohol training standards,

with a card everyone policy, and the cash register computers are programmed to prevent sales out of their liquor operating hours. Thank you."

**Rita Montañó-Vigreón, 547 County Road 84, in the Pojoaque area [previously sworn].** Ms. Montañó-Vigreón said her family has been in this area since before New Mexico was a State. She is proud mother of a Police Officer who retired from the Santa Fe City Police Department, and she spent 16 years in law enforcement, and has been with Walmart for 15 years. She said for the last 9 years, she has been an Asset Protection Manager. She said she can speak from personal experience as well as on the job, that the primary function of her position is to ensure the safety and well-being of the customers in the store and the associations. She said to that end, there are rigorous requirements that are needed, that have to be met by their associates, asset protection associations, that they follow through with training initiated by the store or those required by the City, State or the City.

Ms. Montañó-Vigreón continued, saying, "I want to touch briefly on a couple of the statistics that were read. 25 warrants being served, let me preface it. We have a once a month meeting with the local law enforcement agencies, our store, as well as other retailers. And because of that unique relationship they have established with the Santa Fe Police Department, the State Police and Santa Fe County Sheriff's Office, they come to us and give us photographs and say, we have a warrant for this person, can you keep an eye out for them, because we have a very sophisticated video/camera system, so we monitor the people in our store. Most of the calls that come out of our store, are initiated by us because we want our customers to have a safe shopping environment, and our associates a safe working environment. So we call the Police Department so we can ensure that our customers and associates are safe. Thank you for your time."

Mayor Gonzales asked who will be presenting on behalf of Walmart. Mr. Rhodes said all of the people who are signed up are representing Walmart.

**Ana Olivas, 6483 Calle [inaudible], owner Adelita's Restaurant, located ½ mile from Walmart, [previously sworn],** said she has operated for several years with Beer & Wine License, until November 2014, when they received consent to operate a full service liquor license, and since acquiring that license she has found it helpful to her business and has not received a single citation. She said she has experienced no additional safety or crime problems in operating in the same area of Cerrillos Road as Walmart. She does not feel adding alcohol to her restaurant caused more crime in the area of her restaurant or Walmart. She shops "constantly," at Walmart on Cerrillos for her family as well as for the restaurant, and her experience is Walmart runs a safe, clean and well managed business. She lives on the south side of Adelita's she has witnessed the homeless walk up and down Cerrillos Road. The homeless do not congregate near Adelita's, and sadly, walk up and down. She said adding liquor to the restaurant did not make the homeless problem worse, and said, "I do not think that Walmart sales of liquor will make the homeless problem worse. That's it. Thank you."

**Amanda Katz, 1308 Rufina Lane, Apt. C, [previously sworn]**, located in the area called Juniper Apartments. She lives there strictly because she can't afford to live anywhere else because she is trying to save to buy a house. The problem is she lives in an area bordered by a fence which is where Walmart is located. She said people hop the fence daily, steal item, or sitting by the fence while they drink. She said they throw the liquor bottles under peoples tires, so there are problems when they run over a bottle. She said her partner has dealt with that. She feels safe because she is lucky to be with someone who is her partner who can help her be defensive in case it's necessary. There are 3 liquor stores within 1/4 mile of her – Kelly's, Walgreen's and CVS. She thinks it would be an incredible detriment to the community and to that area to have yet another place selling liquor where the whole neighborhood will be affected. She said, "I hope you will take that into consideration and thank you for your time."

**Shelley Mann-Lev, 2663 Via Caballero del Norte, Director, Santa Fe Prevention Alliance [previously sworn]**. She said the Alliance requested the evidence that you have in your packet from the City Fire Department, City Police Department and Department of Traffic Safety. Ms. Mann-Lev said, "I do want to review some of the highlights from that. I know you heard it presented. And I also want to share that in the informal conversations with law enforcement, with EMS, the stories that they have shared about the neighborhood specifically around 3251 Cerrillos Road, frankly have kept me up at night with concerns about this community. One of the conversations was that at the Santa Fe Housing Authority there are a lot of assumptions that people with Section 8 vouchers would be living in that area, so I asked him the experience. He said people with Section 8 vouchers don't live in that area and can live in other places where they feel safer and have less concerns for their health. People describe prostitution that doesn't appear on the hot sheet the police have given us, that describes a tremendous hotbed of activity related to drugs and public intoxication as you saw in the data that the Santa Fe Police Department provided."

Ms. Mann-Lev continued, "So we have one specific address, that's not even the location around it that is responsible for 1 out of every 135 police calls and response. I understand some of them are generated because of shoplifting, others because of panhandling, problems with alcohol, man down, drug activity, violence and problems with motor vehicles in the parking lot. Public health conditions, I have to say when I read that there were so many calls that it was in the top 10 addresses. This is an area that is a major response center for our EMS services. Already, no alcohol being sold there. Traffic safety condition. You saw the math, you heard about the number of traffic crashes that occur right on Cerrillos Road, a heavily traffic area, and that's without alcohol sales. Location proximity to many multi-apartment complexes with many people with lower incomes present, and then finally, there are other locations. This is the evidence. Your role is as judge and jury to consider facts. We're not saying whether we agree or disagree, it's your job to look at the facts – how will this impact public health and safety. And thank you for your time."

**Tom Starke, 2 Laurel Circle, [previously sworn]**, said this is his Walmart and he shops there frequently, it is a good store and he believes everything the Walmart representatives have said about running a good operation, if they brought a liquor operation in there it would be following the rules. However, that's not the point. The point is public safety and health in that area. And it doesn't matter whether it's Walmart or some other entity, bringing another liquor license into that area is going to be

detrimental to health and public safety. We know from the scientific research that the density of liquor outlets, it doesn't matter what their names are, contributes to the harm that alcohol does in an area. That's already a very challenged area. We have large home populations, several at-risk populations with homeless shelters and other support agencies in that area. Bringing an additional liquor license, if you just look at the studies done all over the country, one more license will detrimentally impact health and safety. There is another overlay feature that is also very import. One of the reasons he shops at Walmart is low prices. Walmart is dedicated to bring the price of liquor down as well. Unfortunately, the evidence on the price of liquor versus the harm that it does is, as the price goes down the harm goes up. So we already have a challenged area, now we're going to be bringing in lower price liquor sales that will challenge that area even more. He said, "I remind you that 1 in 6 New Mexico deaths is caused by alcohol. And I ask you to consider very carefully the impact on health and public safety of one more liquor license in this area that already has 4. Thank you very much."

**Simon Brackley, President, Santa Fe Chamber of Commerce, 1644 St. Michael's Drive [previously sworn].** Mr. Brackley said the Chamber supports the granting of this liquor license application. He said every grocery store in Santa Fe has a liquor license, except this store. And we believe Walmart is a good neighbor with good systems in place, as you've heard, to prevent abuse. And alcohol regulation is a complex thing. Clearly, there are public safety issues at this location, but to put this in perspective, our neighbor to the North, Colorado, has a different model of alcohol regulation. It has 10 times as many liquor licenses in Colorado than in New Mexico, and they have fewer problems in terms of drunk driving. Mr. Brackley said, "This is a very complex issue, and we believe that this Walmart location should have the opportunity to operate on a level playing field, and compete with other grocery stores in Santa Fe. Thank you."

**Mark Rhodes, 1801 Lomas NW, Albuquerque, [previously sworn],** said, "When I first got involved with Walmart, I actually listened to the hearing about the Herrera Store about 4 years ago. And the objections at that time were very similar to what they are today, although quite honestly, in deference, to the testimony I've heard, this is far more, better organized. But the objections were low prices, kids will steal, all of that. Now here's what's happened 8 million customer later, because Walmart does about 6,000 transactions a day. So 8 million customers later, they don't have a single citation for sale to a minor or sale to an intoxicated person. Now, it's somewhat disingenuous to hoist them on a petard and say we have 1,900 incident calls, while they are the ones who are calling the police every single time there's a problem. If your wife, if your daughter, if my wife, I'm not married yet, but should I ever become married, wants to go Walmart, I can be assured that she will be safe."

Mr. Rhodes continued, "And while a lot of the testimony is very interesting to me, and I'm not diminishing it in any way, it really doesn't answer the legal question, which is how does Walmart getting a liquor license at this location increase crime. How does it increase all of this. Its proximity to vulnerable places is sad, but that's not the Statute. The Statute talks about 3 criteria: 300 feet from a school, church or military base. What I was told when I saw the presentation made by the Alliance was they were vulnerable places. I'm not familiar with Santa Fe to the point I know mileage and distances, so I checked them. They are 1/4 mile. One of them is Lifelink which is 1.3 miles away. The Statute was never

designed to basically be your mother. It is not designed to say to a responsible operator that you should not be able to sell liquor because you happen to locate in a troubled area. They're the best thing that's happened to that area, because they call the Police constantly."

### The Public Hearing was closed

Councilor Ives said, on packet page 3, at the top of the page, they indicate, "...*The Governing body may disapprove the issue or transfer of the license if: (1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. He understands that is not the case because it is not within 300 feet of a church or school, so that would not appear to apply. (2) issuance would be detrimental to the public health, safety or morals of the residents of the Local Option District. The issuance or transfer would be in violation of a zoning or other ordinance of the Governing Body. And (3) The 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 location and a copy of the record must be submitted to the Alcohol & Gaming Division.*

Councilor Ives continued, saying it seems that any action by this Governing Body, in opposition to this request, need to be based on the third item. And his reading of that provision is that it can be based either on the applicant itself or the particular location. He said we hear the Applicant is the party often making these calls, so it wouldn't necessarily appear that the Applicant is causing problems in this instance. He said he has significant concerns about circumstances with regard to the particular location and the instance of 1,900 calls to the Police is substantial evidence that this is a location that has significant issues associated with it, which over 2 years is 3 calls to the Police a day every single day. He said he has concerns that there could be additional issues relating to that location if we were to approve this liquor license. He said these issues seem to be relevant to this question. He asked the City Attorney, "Is it your understanding of the law and what I've read in the letter from the Alcohol & Gaming Division, with regards to the location – do you know of anything that says those types of issues are not relevant to consideration of the public health, safety or morals associated with that location."

Kelley Brennan, City Attorney said, "The cases where this issue has been addressed by the Supreme Court were in 1994, there were two cases, and a third one in 1996 building on those, that was actually a Santa Fe case, *City of Santa Fe v. Woodard*. And I think the simplest thing is to read a couple of things from that opinion. But before that, I would say, this, as you know is a *quasi judicial* proceeding. You are the factfinders and decision makers and as you said, you must make your decision based on substantial evidence."

Ms. Brennan continued, "This was a case about a Restaurant Liquor License, but there was a certain amount of testimony that was somewhat similar to what you've heard tonight. And the case they're referring to, when I read some of this, is *Dick v. Portales*:

*The City questioned whether the Dick analysis was applicable to issuances of new licenses, since the proposed location had never been licensed. The City argues that the protestors could not possibly meet the burden suggested by Dick of showing specific alcohol related incidents to demonstrate that the granting of the liquor licenses would be the source of the anticipated safety*

*problems in this locale. However, there are other restaurants with licenses in the general area and the protestors were free to present evidence showing an increase in alcohol related accidents since the granting of those licenses which they did not do. In other words, there was a nexus between the incident and the location and the serving of alcohol at a location.*

*They also had an opportunity to present evidence that certain conditions increase the safety risks in a specific area, but they didn't. The protestors made reference to accident records in the general area. However, they failed to provide the Council with any evidence or analysis showing that the presence of licensed restaurants in the general area resulted in an increase in auto accidents or other traffic hazards.*

*The case then goes on to describe the legal principles established by those 1994 cases. The first is, once voters approve the sale of alcohol beverages, the denial of a transfer [inaudible] must be based on a finding of health, safety or moral hazards at the particular location. Second, once preliminary approval of the license has been granted by the Division, the burden to establish the requisite detrimental effect is on the governing authority. Third, notwithstanding the apparently unconditional language of the Statute, which gives a governing board the power to disapprove the issuance of a licence, its decision will not be upheld in the absence of substantial evidence. To be substantial, the evidence must be both competent and relevant. Fourth. To [inaudible] a layman's opinion about safety issues must be based on knowledge of the facts supporting the opinion and there must be a rational connection between the observations made and the opinion formed. Otherwise, the opinion is speculative and irrelevant. Further, it is uncontroverted that alcohol was already being served at other restaurant locations in the general area, and yet there was no change in the number of alcohol related accidents per year for a 5 year period. Thus the protestors did not and could not, on the evidence presented, show a sufficient factual nexus between issuance of restaurant licenses to other restaurants in the general area and an increase in accidents or other hazards in the area to establish detriment to safety. Nor did the protestors establish that the area was saturated with restaurants that sell beer and wine would be to such an extent that safety had been compromised. The City's disapproval might have been supported by substantial evidence if the specific location had traffic or safety conditions that significantly differed from other downtown commercial Santa Fe locations if there were evidence of the differential impact in traffic conditions between operation of a restaurant with a license and one without, if the City had consistently denied approval for licenses to all applicants in the general area based on legitimate safety concerns, or if the evidence showed a negative impact based upon issuance of existing restaurant license in the general area.*

Ms. Brennan continued, saying, "So these are the sort of general kinds of things that the Court considers to be substantial evidence upon which you can base your decision. And if you conclude tonight that the testimony and evidence you've been shown rises to that level, then that would support the denial of the license. If you conclude that it did not rise to that level and establish a connection between the conditions in that location and the sale of liquor, then you would grant the license. I'm sorry to take so much time, but I thought it was most effective to read from the case itself."

Councilor Ives said he appreciates that, noting it was a case involving a liquor license at a restaurant as opposed to a facility such as Walmart. And while there has been little testimony with regards to accidents within a block or two of this premise up and down Cerrillos, there is no presumption of nexus in terms of the testimony in terms of this particular location. He said alcohol isn't made available there, so it would be an impossibility to prove. It goes down to a question of whether or not, given the record of incidents at this location which has been read-in, and is undisputed in terms of the 1,963 Police calls over two years, and the nature of those calls exists in our record. He said whether or not that suffices to meet the measure to be able to deny it on the basis of public health, safety and morals. He said, in his mind, the number of incidents is quite disturbing and suggests to him that the introduction of liquor service at this store likely would impact public health, safety and morals. He finds the evidence to be fairly substantial, fairly clear and undisputed in the record.

Councilor Rivera asked Mr. Rhodes how were the book of signatures collected [Exhibit "11"].

Mr. Rhodes said they sat in front of both Walmart stores and asked customers walking in if they would support it, and if they said yes, we asked that they sign it.

Councilor Rivera said he is curious as to why this Walmart wants a liquor license when it hasn't had a liquor license for many years, and it has been very successful since you decided to open a second Walmart here in Santa Fe, so, "Why now."

Mr. Rhodes said, "Because we couldn't find a license. A license in Santa Fe... do you mind if I give an explanation."

Councilor Rivera said, "No. Go ahead please."

Mr. Rhodes said, "Originally, all licenses were dispenser license and they all had package privileges. As the market shifted and you had things like Bennigan's and what not come into play, in certain market shifts before the box stores, CVS, Walmart, things like that, they sort of vacuumed out the licenses. And the compromise that Alcohol & Gaming did was, they said we will let you transfer a Santa Fe Dispenser with package privileges into Farmington, Albuquerque or whatever, but the compromise is you lose package. So you could still serve full service by the drink, but you can't serve package. So the obvious things is that when the market force shift and you have the box stores, CVS, Walgreen's, and all those people in package come in, the prices go through the roof. The supply and demand it just extinguishes, and the reason this license is coming out of Las Cruces, is this is a very small license call a Retailer License. It's the only type of State license that can be transferred and retain package privilege."

Councilor Rivera said then in 20 plus years, there hasn't been a license available.

Mr. Rhodes said, "I would never say that. I'm too young to end my career. No, I don't think that's true, but I have a daughter who does liquor brokering and she's appeared before you. She brokers these things all the time. We haven't found... we, being she will come to me if she has questions, and actually, I was involved in those cases they were reading about... she'll come to me and say, 'Can you find me license.' And I will say, 'No.' Because, I'll tell you what's happened, if you don't mind. I'll just give a very

short thing and it won't be an advocacy thing. What is happened is that hotels are buying these licenses with package privileges, so they can do an evolving concept of having a giftshop that sells package downstairs. So I can tell you first hand, I won't tell you who they are, because I can represent them. But I can assure you that most of the hotels near the Plaza have package privileges."

Councilor Rivera asked Ms. Brennan if she knows how many licenses we have per capita in the City of Santa Fe.

Ms. Brennan said, "I don't."

Ms. Vigil said she doesn't know either.

Councilor Rivera asked if there are any laws that limit the amount of liquor licenses our community can have.

Ms. Brennan said, "There are, as I understand it, and I'm certainly no expert, there are quotas, and I believe there are more licenses in Santa Fe than the quota, but I believe that's because of the grandfathering provision, or something that I honestly can't claim to know much about."

Councilor Rivera said, "I too, am concerned about the public health and safety of the residents of the neighborhood, not only from personal experience being on the ambulance that served that District for probably about 14 years, but also from reading the information that was before us tonight. I'll leave it at that Mayor."

Councilor Dominguez said, "First of all, I'm impressed at the fact that we've gotten this much attention from the liquor industry to really force them to do their homework. And, Mr. Rhodes, did you prepare these [referring to Exhibit "11"]."

Mr. Rhodes asked, "Did I prepare the petition or circulate them. Prepared them, yes, circulated them, no."

Councilor Dominguez said then you did prepare them and Mr. Rhodes said yes.

Councilor Dominguez said, "So this is a lot of signatures."

Mr. Rhodes said, "That would be the circulation, and yes is the answer. There are 2,629 signatures."

Councilor Dominguez said, "So I appreciate that. I don't know if you want this back, you want this back. I can't read all the signatures tonight obviously."

Mr. Rhodes said, "No. Whatever your discretion I will do. I'll take them back and take them with me."

Councilor Dominguez said, "Why don't you go ahead and take it."

Mayor Gonzales asked him to hold on.

Councilor Dominguez said, "Okay. I guess it's kind of interesting that we would be given this whole stack of 2,600 signatures, I guess to make a point, but I understand, and so thank you very much for that information. I guess a question is.... you know Kelley, we kind of talked about we have to have some data, right, to kind of articulate the impact of the general health and safety of the community. And I know we have this map, and I think it was presented actually as part of the public hearing. Who wants to speak to the map. Does the Alliance want to speak to it, or I think it was.... it's part of the Alliance package."

Mr. Rhodes asked, "May I have a rebuttal since this is a *quasi judicial* hearing."

Councilor Dominguez said that is up to the Chair. He said, "I guess my question really is, because we've never had this kind of information before. We've never been given this kind of data before in many of the liquor cases that we have had before us. But this is something that was prepared by the New Mexico Department of Transportation and UNM."

Ms. Moeller said, "The data comes through the New Mexico Department of Transportation, in a contract with UNM to analyze it and report it. And so this map is created by UNM, the Bureau of Business and Economic Research (BBER), but the data comes from the Department of Transportation."

Councilor Dominguez said, "I just want to determine the validity of the map. You didn't just kind of open up a google earth map and just start putting points in there. This is a map that is generated with data from public resources, really, public sources."

Ms. Moeller said, "Correct. Okay, so there were a couple of questions there. So one is 'this' map which actually is downloaded from the 2013 Alcohol, DWI Report for the State of New Mexico. In that report they look at alcohol related crashes in all kinds of ways – the severity of injuries that result, facts, pedestrians involved and obviously location by County and municipality. So 'this' is 1 of probably 5 actual maps that map the density of alcohol involved crashes in that report that is actually on line, and because Santa Fe is one of the larger municipalities in our State, they created a map specifically for Santa Fe. And actually, Santa Fe in 2013, had the second highest number of alcohol involved crashes in the State."

Councilor Dominguez said, "And so, just so I understand that I'm reading the map correctly, those two red dots or red areas on the map, are the areas where there have been the highest number of crashes."

Ms. Moeller said, "Alcohol involved crashes, correct."

Councilor Dominguez said, "And that's data that's provided to you from various sources."

Ms. Moeller said, "It comes from law enforcement data, actually, yes."

Councilor Dominguez said, "So to me, regardless of the application, it seems to me that, at least those two intersections and even in between, because it's at least medium density, that there are some general safety issues that need to be resolved. At least those two intersections and even in between, because it's at least medium density, that there are some general safety issues that need to be resolved. So outside the application, there are already dangers to begin with. And your point is well taken, Councilor Ives, that the location doesn't serve alcohol right now, but even with that, it's still a dangerous stretch of road. And that's something that concerns me. That, to me is important when I consider the general health and safety of the community."

Councilor Dominguez continued, "The other question I have is... I guess this for the Applicant, actually."

Mayor Gonzales, "And go ahead, after you answer his questions, to provide any type of rebuttal that you might have with those that have spoken already."

Councilor Dominguez said, "You were talking about citations. There are no citations... that's at the new Walmart."

Mr. Rhodes said, "They've sold alcohol for 4 years and there are no citations for sales to minors and sales to intoxicated persons. The reason I brought that up, is because that is the Applicant. The proof is in the pudding."

Councilor Dominguez said, "I appreciate that. I definitely appreciate that. At the least the work that this Governing Body has done is to raise the awareness of alcohol and substance abuse and in this case alcohol and the impacts it has on the community. That tells me that industries like yours are doing better maybe at dealing with this, but there's still a lot of work to be done obviously. So there are no citations in the 4 years at the new Walmart."

Mr. Rhodes said, "They had a citation for.... they can only have displays at the alcohol area. They didn't have the serious citations, but in the interest of total candor, if you're going to put a display out for a promotion on Corona, you can have only two in a certain size. In fact, it's different with a different size store. They had one citation for that two years ago. And I correct that personally, because I talked to their national people and said this is how it works here."

Councilor Dominguez asked, "Do you know if anybody who has ever been intoxicated has gone in there and purchased alcohol."

Mr. Rhodes said, "No. As I said, I'm not young, but I'm too young to retire."

Councilor Dominguez said he's talking about in the 4 years the establishment has been there.

Mr. Rhodes said, "No. They have never had... a citation, essentially there is a distinction, if you don't mind my answering. There is a distinction between an incident report, which is you call the Police in Santa Fe and an alcohol citation, which comes out of the Department of Public Safety. They're pretty much the Liquor Control Act police."

Councilor Dominguez said, "I understand that clearly."

Mr. Rhodes said, "I have no idea whatsoever that they've ever had a situation where they've had an intoxicated person buying liquor."

Councilor Dominguez asked, "Or if they've ever sold to anyone under age."

Mr. Rhodes said, "I don't know the answer to that, either."

Councilor Dominguez said, "I think my position on these sorts of issues is pretty clear. I've made them time and time again to the Governing Body. I don't know if this passes legal muster, right. I'm not an attorney or a Supreme Court Justice, but that doesn't mean that I have to necessarily support the application based on the information I have been given, based on the data I have been given, based on how I read the statute. I guess the process is, if we don't approve it here, it goes to the State and the State will have to make that decision. Correct."

Ms. Brennan said, "That's correct. The State will make a determination based on what happens here."

Councilor Dominguez said, "There is an appeal process obviously the Applicant would have to go through."

Ms. Brennan said yes.

Councilor Dominguez asked how much that process costs – does anybody know.

Mr. Rhodes said, "I'm not quite there. What happens, if you don't mind a simple clarification, because this is all I do. Is we take a full record to Alcohol & Gaming and say, based on.... I would not say that the trilogy of cases that your attorney talked about is the whole body of alcohol related stuff, but it is this sort of fulcrum. And they use that fulcrum and review the full record and determine whether or not, based on this applicant and this set of facts, whether it was properly denied, assuming that it was denied. And that is what is done. It's not necessarily an appeal process as much as it is it's the right of the applicant to back into the same body, the State, and ask them if they agree with what the local option is."

Councilor Dominguez said, "The attorney has given his opinion on that. Mayor, can I ask if Kelley agrees with that, as our representative."

Mayor Gonzales said go ahead.

Ms. Brennan said, "The process back to AGD is in fact as described. I believe you were probably talking the appeal process after that, and yes those decisions can be appealed, as you know."

Councilor Trujillo asked Ms. Brennan, as it pertains to the State if this was to fail and they were to appeal, if she knows "how many times a decision we have made, and how many times we as a City have lost that case."

Ms. Brennan said, "I'm aware of the case which I just read in 1996, of course we litigated the 300 foot distance from the property line question to the Supreme Court, and in both those cases, we lost."

Councilor Trujillo said, "I understand the problem of the welfare and safety of the people in this community. Tell me, who has jurisdiction truthfully over these things, the City of Santa Fe or the State of New Mexico. Because the example I'm going to give are the miniatures. We went down that path, and what the Judge end up telling the City of Santa Fe."

Ms. Brennan said, "That was a somewhat different body of law. The jurisdiction here in the City is as a local option district, and you do have the discretion to deny a license based the matters we've been discussing, public health, safety and morals, but only on a certain standard. The standard is substantial evidence that has to be relevant and competent. And so the question typically would revolve around was the evidence substantial and was it relevant. And so, AGD, when they go back there after you have made your decision, will make a final decision. And that decision will be subject to appeal, but the City does have jurisdiction. The question is has the evidence met the standards that the Court has said must be met before you can deny."

Councilor Trujillo said, "For example, this goes to appeal. Do we have to be at those hearings. Is there any cost to anything that you or members of your staff will have to be there."

Ms. Brennan said, "If this body denies the license on these grounds and it goes to AGD, and AGD reaches a different decision, and you chose to appeal we would, in fact, litigate it. Yes."

Councilor Trujillo said, "Then you would litigate it, but there would be no cost."

Ms. Brennan said, "If this body chose, we would do it in-house."

Councilor Trujillo said, "My biggest concern is it's unfortunate that we talk about alcohol and how many liquor licenses there are. I live in the Bellamah area. I live directly across from Walmart. It's true, there are lots of liquor outlets throughout the City. You have Smith's, Allsup's, Walgreen's. By one more not being there, are you really solving the problem, because you're not. If they have a vice, and it's alcohol, it's unfortunate, it's a disease, they will find ways to get it no matter what. It's like a crack addict, they'll find crack."

Councilor Trujillo continued, "To me, I see a treatment, a lawsuit against the City again. If we were to deny this liquor license. What is going to happen. You're going to have Walmart suing the City saying, wait a minute, how come Smith's can have one, how come the other Walmart can have one, how come

this other store can have one, but we can't. I'll tell you, if everybody knows what happened to the last Walmart, when you came in for a license. I voted no, and the reason was this store didn't have a license. And I was like, now wait a minute, you guys can manage to do this, making money all those years, and you didn't sell liquor, that's the same thing. Well here we are, we're following the same thing. We voted no. Guess what. It went to appeal and the State overturned it. That's my main concern. We can all have the best intentions up here saying no to alcohol, and vote on this, but what's going to happen eventually. It will get appealed, they'll have the liquor license. There is nothing we can do. Our hands truly are tied here at the City, because you're going to have the State to overturn this. That has always been concern with the Council. We can all have the best intentions, but guess what, the State overturns it. I don't want to get the City involved in another lawsuit, I don't, I really don't. So it's a very hard decision."

Councilor Trujillo continued, "And I understand the need for public safety. The point is the statistics that you are bringing about how many incidents have happened. I can drive into Walmart almost once a week, and I'll see a Police car there. And I know they're not there for alcohol, most of the time they're there for shoplifting. I know there have been incidents in the parking lot. I don't know how Walmart can improve that. I see it all the time, and maybe the lighting could be improved too. You guys have to look around. I don't know what the vote is going to be if this passes or does not pass. If it does pass, I would advise you to go beyond what you need to do to ensure the safety of your customers and those outside. Selling alcohol is a big deal in this community, it's unfortunate that it's a problem in this community. But I don't want to get the City into another lawsuit, I really don't. I have seen this picture show before and I know how it ends. So, I'll leave it at that Mayor."

Councilor Bushee when we were approving the Super Walmart the possibility existed that they were going to close this Walmart. She asked if anybody remembers that conversation, and no one did. Councilor Bushee said, "We're in this terrible bind up here. We would like to have hard data that supports where this is going next. I like the hard work done by the coalition, but I've seen the answer from the State, and when it goes to the Court. Our hands are tied over and over again, and it's very frustrating. I would like to see if someone would look up the past conditions of approval for the Super Walmart. My memory is that the corporate talk at the time was to close this Walmart. That's my question, if anybody is still standing that was here then, I was, but I don't have the minutes."

John Romero, Director, Traffic Engineering Division, said, "I can answer that. I did the traffic analysis for that. I remember during that review, I had to explain that I thought they were going to improve traffic patterns because there would be two Walmarts, and traffic from the Bellamah would go to this Walmart and traffic from Tierra Contenta wouldn't have to drive all the way down to this Walmart. In the Traffic Study assumptions, it was assumed this Walmart would remain."

Councilor Maestas commended Councilor Ives for framing the debate and focusing on what our true authority is in this action. And he understands the focus. The evidence should be germane to either the Applicant or the location. He asked, "Ms. Brennan when you read that case, there was some discussion about setting a precedent. And there's no language on page 3 over the reasons this Governing Body can disapprove the request. I thought there was something in there in that particular case that they took into consideration, the setting of a precedent in approving another liquor outlet. Can you speak to that. Why, because I think we have set a precedent. We have another Walmart on that same highway

with a liquor license. So if you can look at that case while I continue. I think we need to look at the burden of proof. The substantial evidence with an alcohol nexus, it's a bar, I'm not going to say it's high. The data presented tonight is a building block. I'm not an attorney, but I'm not sure it would be considered substantial evidence. For example, if you look at that graphic showing Cerrillos Road and the concentration of alcohol related accidents. If those accidents were tied to alcohol outlets along that particular corridor or in the immediate area, then I think that is substantial evidence with a strong alcohol nexus."

Councilor Maestas continued, "The same with the number of calls. Are Walmarts a haven for criminals. Well, not necessarily if you think about the sheer volume of customers Walmart receives on a daily basis, and multiply that daily total times 365 times 2, and have 1,900 calls divided by the total number of customers over a two-year period. The data can go either way. But I think when we start mining down and trying to connect the dots, I think we're not quite there. And then if you look at Cerrillos Road alone. It's a major arterial highway in our City and that attracts all kinds of people. Now are they coming from these liquor outlets, if you look at the sheer volume of traffic, no, no. But what I think we should do going forward is decide on some metrics that can form the basis for forming that substantial evidence. For example, when we do arrest people, or pull them over, and if it's considered an alcohol-related accident or traffic stop, is do the investigation. If we can substantially tie that offense to a particular outlet on those corridors is the beginning of substantial evidence."

Councilor Maestas continued, "And then the whole idea of not having any experience of having the sale of alcohol at the Walmart, so we're dealing with a pre-existing condition. How do we know what impact approving this liquor license will have on just the sheer amount of crime. We don't know. If the Walmart on South Cerrillos, if it was the same circumstance, started off not selling alcohol and then this body granted it the license, we could compare the data, the pre and post liquor license. We could have an important, relevant case study in the precedent of the other Walmart. So we're dealing with a pre-existing that is not good. I'm not saying 1,900 calls is acceptable because there is a high volume of customers. Do we really know what impact approving this Liquor License will have on crime. I don't think it will make it better, but is it going to make it worse, and if so, how much, and will that be substantial."

Councilor Maestas continued, "I really think that we need to have a planning session and I heard the advocates against the approval of this Liquor License have been meeting with Public Safety personnel, and we need to come up with a data plan and work with the City Attorney's office to determine how we can gather data that is more relevant that can collectively constitute that substantial evidence that the State need. I think we don't quite have that here. I think the Santa Fe Alliance has done a fantastic job, but I see this is progress. As Councilor Dominguez said, I see it as great progress, but I think it comes down to a legal issue, a legal burden of proof. I'm not sure the substantial evidence is there. And I would much rather have our City government involved in the planning, gathering and analysis of the Data since we're going to put our reputation on the line, I think we need to have a better handle. We might as well just join together with all the advocates and work together on gathering the right kind of data, and I think we can do that. I'm kind of with Councilor Trujillo, I'm kind of struggling up here, but I don't think we have the substantial evidence with the nexus at this particular location. Thank you Mayor."

Councilor Lindell said, "I want to clarify about the lawsuit, Ms. Brennan. If we would deny this, we don't stand in a situation where we're going to be sued for denying it. What would happen is that Walmart and the representatives would go back to the State, present the evidence, and the State would grant or deny the license, and we would not be involved in that. Correct."

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

Councilor Lindell said, "So the fear of the lawsuit is off the table for me. Did I hear the man, who manages a lot of their liquor sales, say that this would take place in a cage situation."

Mario Chavez, Market Manager, for the Walmart Stores, said yes.

Councilor Lindell said, "The store would be sectioned off and this would be completely separate from the rest of the store."

Mr. Chavez said, "The liquor will be located in the middle of the store, and it can be enclosed during certain hours when we feel it's the right thing to do to protect the sale of the product. In most cases at the other store, at 8:00 p.m. we'll close the area because there are a lot less associates in the store. So that's a way of making sure the chance of being stole, or product is going out the door, it's minimized because of the fact that we enclose it at certain times of the day.

Councilor Lindell said, "So the floor area where the liquor is sold is not physically separated from the rest of the store. Is that correct."

Mr. Chavez said that is correct.

Councilor Lindell said, "I think Walmart has been a good operator, and I have no quarrels with how they do business. But I think we're trying to put liquor into another troubled part of town is evidenced by some of the calls. It seems a little unfair to put anything back on Walmart, but they make an effort to have a monthly meeting with law enforcement, and they make calls themselves, as law enforcement asks them to be on the lookout for certain people with warrants. I think they are extremely cooperative about this. However, that is an awful lot of calls from one location. And I guess, for me, maybe the risk is if we turn this down, the only risk I see is that the State decides we didn't make the right decision. And I personally might feel more comfortable with having the State make that decision. I think it's a troubled area and if we do contribute to more problems in that area with this license, I won't be a part of that. I'll yield the floor."

Councilor Dimas thanked Ms. Brennan for rendition of the State Supreme Court and it's decision. He said he is curious what the vote was, and asked Ms. Brennan if she has that.

Ms. Brennan said, "I'm not finding it immediately. I will look and let you know if I find it.

Councilor Dimas said he was curious what the vote was. He said, "I was looking at what was presented as far as calls were concerned, the 1,963 calls that were presented over a two year period which averages to 82 calls per month to the Santa Fe Police Department and also, I guess the Fire

Department as well. I think at the last Public Safety Meeting we had, I don't know if you know these numbers Brian, or not, but I think there were 10,000 calls for service. Does that sound about right."

Mr. Snyder said Fire has somewhere in the range of 12,000 per year.

Shelley Mann-Lev said the asset figure from the Police Department to provide a context for those, and they said they get about 130,000 calls per year, and Walmart gets about 1,000 calls a year. So of that, 1 out of every 130 police calls goes to that specific address. So that is the context, 130,000 a year directly from the Police Department.

Councilor Dimas said, "As I look through the list, and I was trying to break it down a little bit. And as I look at this list, 453 of those calls over a 2 year period were 255 for larceny and 198 were shoplifting calls. I'm not sure if those were actually alcohol related or not. We don't have any proof of any of that. Also there was aggravated assault, burglary, there are the larger numbers, narcotics violations, there's a lot of domestic calls, 13. And DUI. Now I was a little curious about DUI, because Walmart is private property, so I'm not sure what jurisdiction police officers would have on private property for DWI. The only thing I can figure out is they made the violation somewhere on Cerrillos Road and they were pulled over in the Walmart parking lot and given a DWI citation there. So I'm not sure if DUI is an actual number that can be used against them. You have 232 disorderly conduct, 155 cases of a suspicious person, 71 cases for a suspicious vehicle, 33 cases where the Police Department is assisting an ambulance call, 46 cases of assistance. 31 cases of a special assignment, 19 cases of illegally parked vehicle, 25 warrant service, 78 for follow-up investigation, 29 reckless driver checks. Again, on private property in the parking lot there. Vehicle impoundments were 11. It just goes on and on. 256 traffic stops I guess in the parking lot, eventually, as a result of them driving on Cerrillos Road probably and being pulled over into the parking lot."

Councilor Dimas continued, "So a lot of these calls, to me, don't represent anything bad that Walmart is doing. A lot of these, I kind of disregard. Many of them are just digits. So I'm a little concerned that the Supreme Court has already ruled on a case similar to this. And having been in the position I retired from for a number of year, I pay attention to what Supreme Court and what their decisions are. That one of the reasons I wanted to know what the vote was."

Ms. Brennan said, "And Councilor, I can tell you that Justice McKinnon wrote the decision and two Justices concurred, so 3 of the 5."

Councilor Dimas said, "Then 3 out of 5, so 2 were in disagreement with that. It's going to be much like this City Council vote tonight. And being the 'triers' and listening to the evidence and so forth, which is something I did for a lot of years, I will make my decision based on the evidence and what I know to be factual. So, that's all I had Mayor."

Mayor Gonzales said, "I have a couple of questions. This actually is a question for the Prevention Alliance. On the hot zones there, the red circles for the highest alcohol related traffic incidents, is there any data to suggest where the liquor was purchased."

Ms. Mann-Lev said, "We do not have access to that data, the Police often do source investigations, particularly when there is any kind of crash. That is something our DWI program keeps. And what we have been told is.... so we don't have that data here."

Mayor Gonzales so we can't assume that the liquor establishments that are within this area, are contributing to the number of alcohol-related accidents in that area.

Ms. Mann-Lev said, "From our data from our DWI program, about 50% of the DWIs are where some people recently purchased packaged liquor. So we do know that general piece. We do not know, of course, for those particular accidents, we don't have information about."

Mayor Gonzales said, "So, from this specific location.... part of the evidence that you are asking us to weigh-in on is the number of alcohol related accidents in this area, but we really don't have proof data to show where the source or origin of the sale took place."

Ms. Mann Lev said that is correct, and of course there is a correlation of studies that show that DWIs link to the presence of alcohol outlets, but we do not have information about those particular ones. We just know that is immediately adjacent to an area of high density of alcohol involved crashes and other crashes

Mayor Gonzales asked, "In your study of Santa Fe and the general area, what other areas of Santa Fe have the same density of liquor establishments in that area."

Ms. Mann-Lev said, "We have 128 full licenses. There's many other Beer & Wine licensed liquor establishments in the City according to the AGD. And I think most of you have a sense of where those are located from your experience. And frankly, the correlation is strongly there for the City if we were to roll over a map of liquor licenses, we would see a strong correlation."

Mayor Gonzales said, "But we're not seeing that tonight."

Ms. Mann-Lev said, "I'm not layering that over. We again were informed by the AGD that it was relevant by the person who is going to be reviewing us. The relevant information was for that specific area, not other kinds of correlations, not to look at it but to look just that area. So that's the evidence she thought was important, so that is what we got."

Mayor Gonzales said, "There are corridors throughout Santa Fe where there is a high density of alcohol outlets, correct."

Ms. Mann-Lev said that is correct.

Mayor Gonzales said, "And those corridors exist outside these hot zones, because generally we know, as was indicated earlier, there is a lot more alcohol licenses in the City than maybe it should have because of some grandfather issues."

Ms. Mann-Lev said, "We are a little under 300% over quota."

Mayor Gonzales said, "So the issue of building evidence to support a denial, you're suggesting that any place that has alcohol related accidents at a certain level is enough evidence for the Council to deny the establishment."

Ms. Mann-Lev said, "What I understand from the Director of the Alcohol & Gaming Division, we have met with her, is you need to look at a combination of evidence. Unfortunately you can't put the liquor license in, measure the change over the next 2 years and eliminate it. This is a permanent decision. And what she has told us to consider is traffic, crashes of all kinds, as well as alcohol-related crashes, and find data truly around the area. We asked just about this particular address, and frankly it was so shocking that we didn't ask beyond that, and thirdly EMS calls, because that's the best indicator of public safety and health concerns in terms of archival data. Then also, the neighborhood residents' experience."

Mayor Gonzales asked, "Is the issue the presence of poverty in certain pockets contributing factors to, one evidence in your research, and two, the issue of access to *[inaudible]* health care. Because it seems to me that those are issues that some anecdotal evidence points to. But more so, the issue of the fact that poverty is expanding into certain neighborhoods. And we know in Santa Fe that poverty rates have gone up. And we know the State keeps more of our alcohol money than actually sending it down so we can have prevention programs that access to behavioral health programs is somewhat limited. There are factors outside the issue of the license itself that elevate the issue here in Santa Fe."

Ms. Mann-Lev said, "Yes. Again, in terms of this decision, it's about this location, poverty, it is an area of a lot of low income housing, that in itself would not be a substantial evidence *[inaudible]*. The vulnerable conditions in the area, and what people experience there, in terms of some of the things you heard described by residents is relevant from what we've hear from the Alcohol and Gaming Division Director. But those issues... there are many factors that play into our experience of crime, DWI, domestic violence, property damage, drug activity, all of which are made worse by the presence of more in greater intensity of alcohol outlets, especially in a very vulnerable area."

Mayor Gonzales said, "And that's according to the Alcohol Director that those are the..."

Ms. Mann-Lev said, "Those are the relevant pieces of information, that summary sheet that I cut and pasted and hopefully you have the electronic version. Those are the relevant pieces of information she has informed us. And again, each Alcohol & Gaming Director has their own approach of how they evaluate what substantial evidence is. We did go directly to her and ask her, because we wanted to be able to inform the City Council and ourselves. And what is true is the quality of data we're able to obtain today is completely different than the quality of data that was available 4 years ago, 10 years ago, 20 years ago. There was none of this data. For the EMS service to provide you and be able to say this in the top 10 addresses, that's new kind of data that's available."

Mayor Gonzales asked, "Within the last 2-3 years, in those zones, how many liquor licenses have been approved by the City Council in the hot zones that you have in place."

Ms. Mann-Lev said, "I actually don't know that off the top of my head. I do have actually a list of the liquor licenses that have been approved, but I don't have that information off the top of my head."

Mayor Gonzales asked, "Would you say there have been liquor licenses that have been approved in that area recently?"

Ms. Mann-Lev said, "There has been, based on the design that was done for Airport Road, there was a slowing down. There haven't been new liquor licenses approved in that part, but over the course of.... I mean, like I said, *[inaudible]*."

Mayor Gonzales asked, "Yolanda, do you know...I remember being showed something that was recent it seems, that might be in the area. I see a Walgreen's that generally is up and across the street. I think that's a liquor establishment. I'm assuming there was a liquor transfer into that area. There's a Kelly's liquor that is further east by a couple of blocks, and then there's an Allsup's that has a liquor license I think that's generally across the street, and then the CVS."

Ms. Mann-Lev said, "That's the recent approval. It is the CVS."

Mayor Gonzales said, "So, for me, I guess the confusion and listening is a pattern of practice of approving already the transfer of liquor licenses into this area, and wondering what is the evidence, whether it is anecdotal or not, that the Council approvals have led to more endangerment that is occurring."

Ms. Mann-Lev said, "We don't have that specific evidence from the City. Again, the quality of evidence we were able to get today is so different that the kind of evidence that we could get. So your ability to have substantial evidence, was hampered by our evidence gathering systems, right. It's relatively new, I mean really new, that we've been able to get this kind of information from public safety. What we certainly hope to do in the future is to look at changes, one, liquor licenses approved, to look over time. We wish evaluation was better in what we could do. However, the question is, based on the evidence you have, do you believe there will be a detrimental effect on the public safety and morals. There is research data from many other places showing that one alcohol outlet does make a difference, meaning 3 versus 4, 5 versus 6, that is generic research. But that is not the evidence that you can consider."

Mayor Gonzales said, "I understand what I think I heard Councilor Maestas say, is the issue of baseline and metrics matter in how we can build evidence to actually know what happens proportionately because we understand it. There are people that are buying liquor in these areas who are actually causing car crashes in this area. I'm a little bit confused as to why, in this particular area, there are more hot zones than maybe on the east side or in other corridors. And it just lends the thought of the issue of poverty or things that are happening in the neighborhoods that are causing many of the incidents to have to be responded to by the Police Officers."

Mayor Gonzales continued, "And what I'm struggling with, because I hear and I understand the concern by this community over the issue of alcohol abuse and what it's doing to the health and welfare of our community. But it seems there is a much broader set of issues that are contributing to people having to turn to alcohol to address some behavioral issue that they have, or some challenge. And I'm afraid that

we're going to focus just on the single issue of outlets or sales as being the magic word and it's not. Because there is still going to be an enormous number of alcohol locations up and down this corridor, both from a restaurant, a package liquor, grocery store. In going in to get your medicine you could pick up a 6-pak at Walgreen's. This corridor is becoming incredibly convenient to be able to access alcohol."

Mayor Gonzales continued, "So the question is what are we doing as a community to have a more comprehensive, targeted approach to bring in resources to help people so that their solution to whatever they're dealing with is not to walk into an establishment and abuse their bodies by buying alcohol. And I'm glad you're keeping the issue of outlets elevated so we can pay attention. But I haven't seen any of us, and it's not the fault of the Council, but we haven't focused on a more comprehensive approach to how do we start pushing back on the alcohol rates that are going up. And we need to have that as a community, because that, to me, if we can focus on resources going to the individual, and if there are those like Walmart and others who are exercising good diligence in how they sell and making sure they're not, we might have a way to solve this. But minus shutting down all liquor establishments in Santa Fe, I don't know how we are even going to be able to limit, which we don't have the legal authority to do. That would be the quickest way, to limit access to alcohol, but the people still have the challenges and the problems. That's what I'm thinking."

Mayor Gonzales said, "We're going up against 10:00 p.m., and we're only on Hearing #3, so when we're done with this, we're going to have a conversation about when we're going to do hard stop and have to come back, because we'll end up shooting way past midnight tonight if we stay going. So just wanted to throw that for the Council."

Councilor Rivera asked Mr. Chavez, "You talk about a cage situation, or you described it as a cage situation at the new Walmart. What does that look like."

Mr. Chavez said, "It is located on one of the aisles in the store. There are gates at the front and the back, so there are certain hours that area is not accessible to the customer."

Councilor Rivera asked if these are temporary gates, locked gates, or a screen..."

Mr. Chavez said they are retractable gates you open, and are still there, and you just pull them and close them.

Councilor Rivera asked the height.

Mr. Chavez said 10-12 feet tall.

Councilor Rivera said he frequents that Walmart with his kids, and has never seen the area caged off, and was curious as to what it would look like, because he's never seen it.

Mr. Chavez said it is also being used on Sunday morning from opening to noon.

Councilor Rivera said then the proposal would be to do that at the other location as well.

Mr. Chavez said that is correct.

Councilor Rivera asked how much liquor is stolen on a yearly basis from the Walmart on Herrera Drive.

Mr. Chavez said he doesn't have those numbers before him. He said they try to minimize everything, with the liquor caps, the sensors at the gates. If a customer buys the liquor, at the check stand the caps come off, so when they exit the store it won't set the alarm. If they don't pay for the item, when they go out the door it sets an alarm, and let's everybody in the store that the item hasn't been paid for.

Councilor Rivera asked what happens if they exit the store running, who is going to stop them, or is that part of the reason some liquor is stolen per year.

Mr. Chavez said that is correct. And one of the things they're proposing at this location is the addition of additional protection associates to help Walmart eliminate that.

Councilor Rivera said, "Kelley, so this is the first time I've heard of this data being required in order to see whether a license would be detrimental to the public health. Would it, if this isn't approved, would it be worthwhile to do data pre and post at Kelly's, CVS and Walgreen's to see what... or is that irrelevant since that data wasn't presented tonight."

Ms. Brennan said, "The data to make your decision would have to be presented before you made the decision."

Councilor Rivera asked, "Would that be more relevant data than the data being provided tonight, based on what you read?"

Ms. Brennan said, "Before and after data in an area, including saturation. There are different ways that could be put together, but I think before and after showing the actual impact of the addition of a license in an area would be more useful data."

Councilor Dominguez said, "A couple of comments. In all fairness to the Applicant, and even the Governing Body, I think it's been said many times in different ways, is the State of New Mexico has given us these choices. As we have these choices, and we have the information. We have people on both sides of the aisles, if you will, working on their position. I think in many ways, that's unfair to the public, but it is what it is. And I just wanted to respectfully correct you a little bit on the work the Governing Body has done with regard to alcohol and distribution and so on. If you look at the Airport Road corridor, in fact what we did there is we regulated density, and it's something that seems to have worked, and certainly we haven't gone that far City-wide, in terms of coming up with a policy or plan on how to deal with density. It will take a lot of work. It's something that needs to be done, and I'm certainly am willing to work on that. This City, this Governing Body, however little the progress is, is making progress on bringing the issue to light. And it is because we have at many times, in many cases, been bold enough to make the decisions that need to

be made. And so this isn't a criticism of the establishment. They provide a service to many people who needs the goods they sell, but at the same time, we have a duty to make sure that we do everything we can to protect the general health, welfare and safety of the community."

Councilor Dominguez continued, "In terms of substantial evidence, I don't know if there is anybody in this room who can really define what that means, especially when it comes to alcohol and liquor. So I respect those comments, and whether or not it's substantial enough, but it is what we have, and that's really all. Thank you Mayor."

Councilor Ives said, "Shelley, a few questions. How long have you been with the Prevention Alliance."

Ms. Mann-Lev said since its founding 8 years ago.

Councilor Ives asked, "And what do you do to keep up with studies and literature with regard to the impact of new liquor establishments in municipalities across the nation."

Ms. Mann-Lev said, "I carefully track the literature we have in the State, one of the only CDC funded alcohol epidemiologists [*inaudible*], who is currently conducting a study of Santa Fe and New Mexico in terms of alcohol outlet density. So I work closely with her. We are hosting a training, bringing in an expert from Johns Hopkins University on Friday, along with other experts in New Mexico. We are in very close contact with the Alcohol & Gaming Division. There is tremendous literature. The Centers for Disease Control has identified alcohol outlet density as the second most important issue, most effective way to address alcohol abuse, no one way is the most only way to affect alcohol abuse. But the built environment, according for the Centers for Disease Control, their Community Prevention Guide is their second most powerful tool that is available to communities to address it, not to have zero, but to regulate and restrict alcohol density. So I keep up with the literature. I attend national conferences, I read national journals and I learn from my colleagues."

Councilor Ives said, "And you've appeared before this Governing Body on many occasions over those 8 years to address us with regard to liquor related issues."

Ms. Mann-Lev said that is correct.

Councilor Ives said, "Again, when I look at packet page 3, which is the letter from the Alcohol and Gaming Division's Rose Garcia, the question posed is whether or not the issuance would be detrimental to the public health, safety or morals of the residents of the Local Option District. In your opinion, given the information presented by the Prevention Alliance, as well as based upon your extensive knowledge of this area, what would your opinion be as to whether or not the issuance of this particular license would be detrimental to the public safety, health and morals of the residents within the Local Option District."

Ms. Mann-Lev said, "Based on all the evidence that I've seen, my opinion is that we would see very significant detrimental impacts on public health and safety."

Councilor Ives said that's all the questions he has.

Councilor Bushee said, "Shelley, come back real quickly. So in your years of... what I'm grappling with is... you know I care and I have great concerns. And by the way, I chose not to meet with you because this was a *quasi-judicial* proceeding. So when I was contacted, I didn't meet with anybody, just for the record. But really, have you ever seen the State turn down a license such as this."

Ms. Mann-Lev said, "First of all this issue was not discussed with any Councilor in those meetings. Merely what the attorney at the Alcohol & Gaming Division directed us, informed us about what is relevant, nothing related to this public hearing. It's important. I honor your decision, but I also want to just make sure for the record that there has been no discussion of that. So, we actually did an IPRA request, because had been told that in Albuquerque and in Gallup, that on two different occasions that the Alcohol and Gaming Division has upheld denials by the Local Option District, and again, so much is dependent, in terms of the Alcohol and Gaming Division on who the current Alcohol & Gaming Division Director is. We had hoped that the Alcohol & Division Director would have a chance to directly address the Governing Body, and would look forward to that in the future."

Ms. Mann-Lev continued, "Again, we, along with some other community representatives met with her to ask her specifically what would you consider, what is relevant in terms of substantial evidence. And as we have shown you tonight, what she said was relevant were traffic studies, all traffic crashes as well as alcohol involved crashes that are in the vicinity of the location. She said it was relevant, the Police data, existing, because that is likely to be exacerbated in that, based on everything we know, crime, domestic violence, etc. Thirdly, EMS calls. People down on intoxication overdoses."

Ms. Mann-Lev continued, "Again, more alcohol sales are likely to impact that, and then the experiences of residents in that community. And so we held community meetings, gathered facts of people who lived there. From what we heard, I mean again, I have to say I feel like more responsibility to address the issues in that community. But yes. So we believe that we are. Still, I have to say, going through... If this is refused by the Alcohol and Gaming Division as being too broad, we are having to have to go back through the minutes of all the Gallup and McKinley County hearings, and we're in the process of doing this, but I don't currently have those cases to say I've just been informed by those communities that, in fact, two liquor license denials were upheld."

Councilor Bushee said, "Okay, I'm just going to state. I represent the Railyard area and there is a huge problem there of chronic inebriates, and within walking distance there are at least 5 liquor establishments and it's something that has arrived almost to a tipping point. And, if I could vote no from here on in, from importing licenses from outside of Santa Fe County to Santa Fe County, in particular this area seems to have a serious focus, in terms of sales of alcohol. So, all of that is to say is that I am enormously frustrated by the fact that we've spent hours, we debate this, and pretty much, from my experience, the State has never really done anything different than issue the license."

Ms. Mann-Lev said, "I appreciate your frustration, and again, we've been informed by the Alcohol & Gaming Division Director, that she will review this entire testimony, she will listen to it, she will look at the data that was reviewed. Again all I can say is what she has told us she considers relevant. And she has

said that if it meets that criteria of substantial evidence. There are many other things we could be talking about here. We're not talking about that, we're talking about what is going on in the specific location, because we really want you as judge and jury in this judicial proceeding to look at that evidence and make that decision. I appreciate the concern and ultimately you can't control that. But I will say the quality of evidence we have today is very different from the quality of evidence we have ever had. We have never presented EMS data like this. I've never gotten it. You know, Andres Mercado, I want to give a shout out to him, because I think in the preparation his ability to use and manage that data base system give you that information and a shout out to our Police Department for maintaining a data system that allows us to look at a specific address and what's happening."

Councilor Bushee said if we could get the Legislature to give us the option for a local Excise Tax for treatment, noting there are so many avenues we have to address, but that's another day and another debate. She said, "I have gone to the Legislature year after year, and the liquor lobby is far more powerful than any of us up here."

Ms. Mann-Lev said, "Price is number one in terms of the CBC and alcohol outlet density. Number two, of course we need to address behavioral health and prevention, and we are working in all those areas with all of you, and will be bringing other initiatives."

Councilor Maestas said, "I'll be brief. When the gentleman from Walmart talked about how many items they sell, I think they said 150,000. And when he looked at this particular Walmart on a map, I think if we are think intuitively if someone wants to buy liquor, what are they going to think about. That's the sole transaction they're focused on, they want it to happen quickly. The alcohol items they may sell is a fraction of the inventory versus 100% inventory of the liquor store. But I think it would help to get some insight from folks that maybe frequent package liquor stores and start gathering soft data as part of the collection of evidence we can start building to gain insight into behavior. This is about behavior. And the more insight we get about behavior, the better. How often do you go to a grocery store and purchase your liquor. What places do you frequent. Do you like them accessible from the roadway. I'm don't want to compile a survey right here, but I think there is soft data component we can use to give us more insight into what goes into purchasing alcohol.

Councilor Maestas continued, "And then the last thing I'll say, Mayor, is the liquor industry is changing in our town, and just looking at liquor outlets, I think that's becoming an old metric. We're seeing the.... the craft beer industry was extremely successful in the Legislature last year, so we're going to see a proliferation of tap rooms. We know these micro brews are much higher in alcohol. What impact or dynamic does that present and add into the mix of the traditional liquor outlet. As we go forward, we need to look at all the data, see how the industry is changing and affecting Santa Fe."

Councilor Maestas continued, "I want to offer some helpful recommendations on the data strategy front, but we need to keep track with the evolutionary nature of the liquor industry here, particularly the micro brews, the tap rooms, hotels selling package. I think we need to start thinking ahead."

Mr. Rhodes said, "Every time there is a traffic related incident involving alcohol, there is a mandatory Police Report, State law. So every single dot on here could have been corroborated. Unfortunately, what we're left with is a two-year old survey that has no substantiation that it has anything to do with the liquor industry, let alone my client. That's number one. And it would have been very simple to do. As I said, you just go and ask for the Police Reports that support these dots. That's point number one. If I use the red zone and you look at your agenda, and you ask the questions, is there any license that we dealt with in the red zone tonight, yes your proof. And I can tell you emphatically, because I see you, and most of the time I get out a little quicker and don't have these long, which by the way I appreciate sincerely."

Mr. Rhodes continued, "My clients have been transferring into the red zone, I represented Chili's less than a month ago. This is not about, this shouldn't be about volume. And I'm not being disingenuous. It should be about great operators, because if you really want to talk about volume, we did the research. And twice as many licenses are up near the Plaza than they are on Cerrillos. And I'll tell you why they're on Cerrillos. It's because you can't get a commercial permit to build a business that can sell alcohol, unless you go on to certain very limited commercial areas. And if you want to talk about setting up committees, I would be happy to sit as a representative. But truly, if you want to talk about.... you have to figure out how did this happen, and it happened very simply because you told them where commercial businesses can be."

Mr. Rhodes continued, "So, number one this doesn't have the statistical impact you have, because you have no corroboration whether or not any of those dots are single drivers, number one. And number two you have absolutely no data that ties it to our license or any other liquor license, and that would be in a Police Report oftentimes, not always, but they ask them where were you drinking. And usually drunk people aren't that tight with their answers. They will say I was at the hotel."

Mr. Rhodes continued, "The second point is to Councilor Dimas's response, and to a certain degree, that of Councilor Maestas and Councilor Trujillo. This incident report is not pulled up by Walmart. It's not pulled up by a business, it's pulled up by an address. And I can tell you the reason you saw 256 traffic stops is because they did an enforcement action on Cerrillos right in front of Walmart, that's the only address. And if you actually go through the reports, which I have, all 1,963, many of these reports aren't even about Walmart. They are about adjoining apartment houses, businesses across the street. They just happened to be close to 3251 Cerrillos, which unfortunately we're sort of sucked into the whole genre of what is going on."

Mr. Rhodes continued, "As far as the ability to get information, I did those things, 2 out of 3 of them and the 3<sup>rd</sup> one, I did the brief. So I personally know how easy it is to get this kind of information. The difference and in deference to the young lady that said the information, it's faster now, but it was always available. There's absolutely nothing that has stopped this. It's easy to get this information and substantial, and I will end with this, substantial is, no I'll add one thing after this. I will do that very quickly. Substantial really has to do with the Applicant. We can't simply say that a place is dangerous and therefore a liquor license can't come in after everyone else has done it. It sounds a bit trumpish, Donald Trumpish. I'm in and I don't want the door open for anyone else, because lordy I'm in."

Mr. Rhodes continued, "And the final thing is, and this in reference to all of your comments, the dilemma, the problem. We offered to meet with the Alliance. Walmart said we'll meet and talk with you before this hearing. Our offer was declined. That says volumes about a cooperation between the community and Walmart. We're not interested in just waltzing in and saying.... we said talk to us, we'll meet with you. And the gentleman referenced earlier, Javier, is the Public Relations Director for Walmart nationally, and he extended the invitation to meet with the alliance through Mr. Carro who has been sitting back their quietly."

**MOTION:** Councilor Maestas moved, seconded by Councilor Trujillo, to approve the request from Wal-Mart Stores East, LP for a transfer of ownership and location of retailer License #4022, with package sales, from CNG Ranch, LLC, d/b/a Los Altos Ranch Market, 320 Wyatt Drive, Las Cruces to Wal-Mart Stores East, LP, d/b/a Wal-Mart Store #829, 3251 Cerrillos Road, with all conditions of approval as recommended by staff.

**DISCUSSION:** Councilor Ives said, "Again as I read this letter from Alcohol & Gaming on page 3 of our packet, it says disapproval by the Governing Body on public health, safety and morals must be based on or supported by substantial evidence pertaining to the specific perspective transferee or location. Again not contesting the transferee here, but in this case, I do think we have substantial evidence in the form of testimony and statements, and information presented in this record, that demonstrate clearly that there will be a detriment to the public health, safety and morals of the residents of the Local Option District if we allow sales at this location. So I will not be voting in favor of the motion."

**VOTE:** The motion failed to pass on the following Roll Call vote:

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

**Against:** Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell and Councilor Rivera.

**Explaining his vote:** Councilor Dimas said, "Let me preface my vote by saying I don't drink, I haven't drank since I was 20 years old, so my vote has nothing to do with loving alcohol. But I vote yes."

**Explaining his vote:** Councilor Maestas said, "Yes. And I would say if this was a package liquor [license], my vote would be different, but I'll vote yes."

**Explaining his vote:** Mayor Gonzales said, "This is again, yet another struggle, because I think all of us understand that there is a problem here that we're not going to be able to solve using single approach. This is not a zoning case where we actually have the discretion to decide whether we want to change or support zoning from one level to the next. This is an alcohol license. I think we are highly restricted in how we're able to decide whether we could approve or not. So I'm going to vote yes, with the notion, but mostly because I feel the evidence has not been in place, and I'm hopeful in the future if that comes forward, that the Alliance can work to try and substantiate a little bit more information or the City in being able to have the ability to support a denial."

Ms. Brennan said, "I think we need a positive motion now, in other words, a motion to deny."

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to deny this request for the Transfer.

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

**For:** Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell and Councilor Rivera.

**Against:** Mayor Gonzales, Councilor Dimas and Councilor Maestas.

**Absent for the vote:** Councilor Trujillo.

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Mayor Gonzales said, "We have 7 hearings left, plus we have to go back to the Afternoon Session. The one sensitive issue we have is the discussion concerning Councilor Maestas's request because of timing issues to get the item on the ballot if it's passed. Are there any other sensitive issues tonight that have to be dealt with."

Ms. Brennan said, "Not that I'm aware of in that regard, Mayor. I just think some of the introductions have to be made, but there's no reason you can't do all the introductions tonight."

Mayor Gonzales said, "If we can, let's go to 11:00 p.m. We'll start with Councilor Maestas' proposal. If we finish it early, then we can start tackling some of the rest, and then we can determine what we want to come back. Is that okay. Councilor Ives."

Councilor Ives said, "When you say Councilor Maestas' matter, are you referring to Item 13."

Mayor Gonzales said, "Yes, Item 13."

Mayor Gonzales said, "So, what I'd like is at least some discussion for us to get the quick items out of the way. So, what I want is some leniency so we can move around the agenda, in order of priority of what is need all the way through the eleven o'clock hour."

**MOTION:** Councilor Ives moved, seconded by Councilor Rivera, to reconsider the previous approval of the agenda, to hear Item #13 from the Afternoon Agenda next, and then to return to the Evening Agenda to continue on items in order of priority through 11:00 p.m., and to approve the Agenda as further amended.

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

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**THE GOVERNING BODY THEN RETURNED TO THE AFTERNOON AGENDA**

13. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING AT A SPECIAL CITY COUNCIL MEETING ON MONDAY, JANUARY 4, 2016; BILL NO. 2015-46: AN ORDINANCE CREATING A NEW ARTICLE 18-19 SFCC 1987 TO ESTABLISH A MUNICIPAL GASOLINE TAX PURSUANT TO NMSA 1978, §7-24A-10, TO BECOME EFFECTIVE NINETY (90) DAYS FROM APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT THE NEXT REGULAR MUNICIPAL ELECTION (COUNCILOR MAESTAS, COUNCILOR IVES AND COUNCILOR TRUJILLO). (OSCAR RODRIGUEZ)**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 7, 2015, in this matter, is incorporated herewith to these minutes as Exhibit "14."

An amendment sheet with proposed amendments to this bill, proposed by staff, is incorporated herewith to these minutes as Exhibit "15."

A copy of *State of City Streets Condition Assessment*, dated July 2015, prepared by the Public Works Department, Streets and Drainage Maintenance Division, is incorporated herewith to these minutes as Exhibit "16."

Councilor Maestas said this is a Request to Publish. He said if we agree to publish this, we can actually have the real debate when it comes before the Council. He said he doesn't know if his colleagues want to debate this issue now, or if they at least agree with it in principle and allow it to go to Council.

Mayor Gonzales asked Councilor Maestas to propose a motion and see if he gets a second.

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

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

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

**Against:** Mayor Gonzales.

**Explaining her vote:** Councilor Bushee said, "I still haven't seen the specific language, for the language to be sent to the voters. So if this is to be published, I want the specific language as to how this will go to the voters, so... You're going to publish this as an Ordinance and have that debate, or are you going to publish it, so when we will hear it. Ms. Vigil said it will be heard at a Special Meeting on January 4, 2016, after Finance. Councilor Bushee said, "I'm for publishing it, but I want that language soon, because I don't think it's restrictive enough as to how we would use that money. And I think we'll get into what we did with our buses. So yes to publish, but I want that language."

**Explaining his vote:** Mayor Gonzales said, "No. I think it's too soon for us to be considering any type of tax at this point, until we solve our budget issues."

## ***THE GOVERNING BODY THEN RETURNED TO THE EVENING AGENDA***

### **H. PUBLIC HEARINGS**

- 7) **CONSIDERATION OF BILL NO. 2015-43: ADOPTION OF ORDINANCE NO. 2015-35 (COUNCILOR IVES). AN ORDINANCE AMENDING SECTION 21-2.1 SFCC 1987, TO AMEND EXISTING DEFINITIONS; AMENDING SECTION 21-3 TO DELETE SANTA FE HOMES PROGRAM APPLICABILITY; AMENDING SECTION 21-4.3 TO CLARIFY THE CONDITIONS OF SERVICE FOR RESIDENTIAL COLLECTION; AMENDING SECTION 21-6 TO CLARIFY CONDITIONS OF SERVICE; AMENDING SECTION 21-7.1 TO CLARIFY THAT NONRESIDENTIAL ESTABLISHMENTS SHALL PAY A SERVICE RATE; AND AMENDING EXHIBIT B OF SECTION 21 TO INCREASE RATES FOR RESIDENTIAL CURBSIDE COLLECTION AND FOR COMMERCIAL RECYCLING IN ORDER TO PURCHASE NECESSARY EQUIPMENT TO TRANSITION THE RESIDENTIAL RECYCLING PROGRAM FROM MANUAL TO AUTOMATED COLLECTION. (NICK SCHIAVO)**

The staff report was presented by Nick Schiavo from his Memorandum of October 22, 2015, with attachments. Please see this document for specifics of this presentation. Mr. Schiavo said the request by staff is for the Governing Body to adopt the Ordinance as presented.

#### **Public Hearing**

**Adam Schlachter**, 415 Salazar Place, was sworn. Mr. Schlachter said he is also the Recycling Education Coordinator for the Solid Waste Management Agency, the City's partner in recycling. He said the Agency is very much in support in automated recycling. Since August 2015, SWMA has been under contract with Friedman Recycling of Albuquerque as its processor and marketing of recycling, and they have been an increasing, and it makes recycling easier for members of the public in Santa Fe, by making it glass in one bin and everything else in the other bin. However, they are hitting a limit. Carts are the next phase of recycling. He said to put it in perspective, the volume of material we will be able to collect in a cart at the curb is equal to 7 of our current recycling bins. If we want that volume diversion from the community, every house in Santa Fe would have 8 recycling bins in front of it which is a lot. Carts are the most efficient and effective way to get recycling out of the landfill and into a budding market. He said national statistics, the carts will increase the City's diversion by about 80%. He said an analysis was just done of Santa Fe's recycling of Friedman, and 8% of what we shipped to them in the last 4 months was trash, so 92% of our volume was good commodity that we sold to markets around the world to use as raw material. He said number will jump from 75 tons a months to 430 tons. He said this is a great next step for the City's environmental program, reiterating SWMA's support for this.

**The Public Hearing was closed**

**MOTION:** Councilor Ives moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-35 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, Councilor Rivera and Councilor Trujillo.

**Against:** Councilor Bushee.

**Explaining her vote:** Councilor Bushee said, "I brought this forward initially, but I have some real heartburn over the glass collection piece, so I don't think I can vote for this right now."

Mayor Gonzales asked to go to Items H(8) and H(9) to take us to 11:00 p.m. He said everything left on the Agenda after that will be postponed to the Council meeting of January 13, 2016, reiterating that, "We are not going past 11:00 p.m."

- 8) **CONSIDERATION OF RESOLUTION NO. 2015- \_\_\_\_: CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT) (Postponed at November 10, 2015 City Council Meeting – Public Hearing Closed)**

*Items H(8) and H(9) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum dated October 30, 2015 for the November 10, 2015 Meeting, to the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "17."

Donna Wynant noted her Memo in the packet with attachments, which was presented at the November 10, 2015 Council meeting, and said she will stand for questions. She said the City Traffic Engineer and the MPO Traffic Engineer are in attendance to answer questions, noting the unanswered questions from the previous meeting were around traffic.

Mayor Gonzales asked Mr. Romero if he had the opportunity to review the minutes to look at the questions asked by the Council at the last Council meeting. He asked him to start going through the questions that were raised, commenting Councilor Maestas had questions regarding the general traffic flow and Councilor Dominguez had questions on the roads network as well.

John Romero, Director, Traffic Engineering Division, said he reviewed the minutes, but he doesn't have the minutes with him, and asked the Mayor to reiterate those questions to him and he can answer them.

Councilor Maestas said Mr. Romero had commented about the lack of a street network in the area. There was talk about a cross-street every 1,000 feet, but they were your comments and "all eyes were on you, but you weren't here the last time." He asked Mr. Romero to comment on a local circulation and street network to service this development.

Mr. Romero said, "Those actually weren't my comments listed under traffic, and I think they were created by the Land Use Department, so those were not my comments. My comments were in the Memo from Sandy Kassens, via me, so I can't answer as to why those comments were created. I can provide my own opinion on those, but I can't comment on why the comments were created."

Councilor Maestas said he had asked for someone from the MPO to be in attendance.

Mr. Romero said Keith Wilson is here from the MPO. He said, "For the record, my comments are on page 58 of the Council packet."

Councilor Maestas said in looking at the area on the maps, he didn't see any proposed improvements. He said, as you know, any urbanized area has to be designated such that it's urbanized for the next 20 years. And generally, like our Long Range Transportation Plan should address those needs in the 20 year horizon, and asked Mr. Wilson to talk about that area and if the modeling is not showing a lot of population and if there are any proposed new street improvements in the 20-year horizon in our long range plan that would help service a lot of the traffic that would be generated by these apartments.

Keith Wilson, MPO Planner said, "At the MPO, we look at what are our regionally significant roadways, so it's by collector roadways in our Long Range Transportation Plan which utilized the NM 599 interchange priority study from 2010, which looked at frontage road and interchanges. That study brought us the new interchange at CR 62 which is just adjacent to this. They did look at frontage road connectivity between CR 62 and heading south or west. Their determination was that an interchange at the Caja del Rio location, which was a future identified interchange location would better serve that area road and the frontage road. Compounding that is the Cottonwood Mobile Home Subdivision there that blocks off the viability of a frontage road in that area. We have South Meadows Road that's been in the last 2-4 years. So that's the level of network that we look at, at the MPO. As developments come in, or it is developed, then you as a City are interested to you in a local network, but that's when those things get flushed out."

Mr. Wilson continued, "As for major roads, there are no new River crossings in the area. We have the interchange at CR 62 at Alameda heading east and north which are the routes away from the area."

Councilor Maestas asked Mr. Romero, "What comes first, the local street network or the development and what if the development is not big enough to really warrant the master planning of a local street network like a grid network. I know there was a lot of discussion about access and accommodating projected traffic volume from this development. The impression I got is that the proposed network would not be sufficient, but I didn't see any real future plans for some kind of a local grid network to accommodate future development in an organized manner. You are part of the Development Review Team, what is your opinion about this development."

Mr. Romero said regarding roadway networks in this area, he doesn't believe it applies to it because of the alignments of the roads and where they are relative to other roads. He said, "Let's go to page 112 of the packet. And there you can see the major parcels in the area. I believe with the existing roadway system there, as far as roadway alignments go, that is what we need to service those locations. As Keith said, we don't need an alignment going through the blue City of Santa Fe property on through the School property, and looping back into South Meadows. I don't think we're getting a whole lot of efficiency with that. I think South Meadows itself is enough of a roadway to service those areas."

Councilor Rivera said asked Mr. Romero to describe the current conditions at Agua Fria and South Meadows.

Mr. Romero said the applicant performed a traffic study at that intersection, and right now it's operating at acceptable levels of service, except for the morning when there is failure. It has a pretty major failure, specifically for the eastbound moved, caused primarily because there are no left turn bays along Agua Fria at that signal, so it's very hard for us to separate the "lefts from the throughs," and get into that intersection efficiently. The primary cause is the School. He said, "When the school came forward, we met with them and asked them to look at that intersection. They explained to use that was outside the scope of their work and their budget. They did do improvements to South Meadows along their own frontage, putting a turn bay in front of their school. But they didn't want to do anything at that intersection. In anticipation of that, we performed some timing tweaks that didn't fix it, but made it better than what it would have been. We added a left turn arrow for the east bound movement to help get that flowing through."

Councilor Rivera asked the current delay in the morning eastbound.

Mr. Romero said it is a level service F, with 148 seconds of delay.

Councilor Rivera asked what does a level of service F mean.

Mr. Romero said it is a school grading, so level of service A is free flow and very good, virtually no traffic, pretty much no cars. Level of service F is failing. For a specific movement a level of service E is acceptable. For an entire intersection a level of service D is acceptable. He said roughly, the upper limit of a level service E right before it turns into an F is in the 50-60 seconds of delay range.

Councilor Rivera said Mr. Romero mentions in his remarks that consideration of a roundabout at Agua Fria and South Meadows might be something to consider, and asked the advantages and disadvantages.

Mr. Romero said they haven't explored it completely, but there are advantages both to adding a left turn bay at the signal, a more conventional approach. He said his sense is that the advantage of a roundabout would be less right-of-way needs. He said this hasn't been substantiated with a formal design, but we are going to have to provide a long left turn bay. We're basically going to have to widen the road for a long stretch versus a roundabout where we will only have to take corners more than likely only from the two northern properties and maybe the southwestern property.

Councilor Rivera asked if the amount of traffic going through that intersection, especially in the morning affect the decision of whether a roundabout or an intersection is most appropriate.

Mr. Romero said definitely, and we will have to do a form level of service analysis. If a single lane roundabout doesn't work, then we probably would consider a signal, but they haven't gotten that far.

Councilor Rivera said a roundabout at Cottonwood has been considered and is in the design phase.

Mr. Romero said yes, they just received proposals for the design.

Councilor Rivera asked if those two roundabouts in close proximity to one another, affect each other negatively, or positively.

Mr. Romero said no. He said you can't place traffic signals too closely, but one benefit from roundabouts is that they're all free flowing. So two roundabouts relatively close to one another don't have a negative affect on each other. In fact when you have a corridor, you want a corridor with either roundabouts or signals, so a series of roundabouts is something you would want to promote.

Councilor Rivera said we have been looking at improvements to that intersection for some time, and asked the current cost of getting an intersection versus a roundabout, and what is the difference between the two in terms of cost.

Mr. Romero said there are timing level numbers were included in the last two ICIP packages, and for design, right-of-way and construction, we estimated approximately \$1.4 million which may be a little conservative, but for Legislative funds, you want to be on the conservative side to make sure we get enough money.

Councilor Rivera asked for what percentage Gerhart would be responsible at the intersection.

Mr. Romero said based on the morning and p.m. peak hours, he looked at the TIA and it would be roughly at 3.7% percent of that or about \$51,800.

Councilor Rivera said since the Schools don't want to participate, then the burden of the costs would be on the City.

Mr. Romero said that is correct.

Councilor Rivera asked if there are plans for a source of funding, noting it is on the District 3 priority list, and asked if there are other funding sources.

Mr. Romero said we received \$25,000 from the last Legislature. He said it isn't enough to do a whole lot, but this \$51,000, in addition to the \$25,000, would help get a design going. He said possible funding sources would include City Impact Fees. Another they are going to try to pursue, would be to approach the State for CMAQ – Congestion Management And Air Quality. He said they believe that money would be a good fit for this, and it is one of the few available pots of money the State and FHWA have where we are usually successful in seeking funds. He said they don't know how likely it would be for us to get that money.

Councilor Rivera asked, best case scenario, if we had the money today, how long would it take to do the improvements that need to be done to make traffic flow smoothly.

Mr. Romero said it depends on the type of money. He said if we get Federal money, we probably could get a design going. He said, "For Federal money, the design and certification processes are a lot more complicated than if it is just City money. So usually from when we start design to construction it is about a two-year period. If it was City money we could get a design going now and get something out to bid as early as Spring 2016."

Councilor Rivera said at the last meeting, there was some question about fire truck and ambulance access, and asked if the Fire Marshal is still here. He asked if the changes to the roadway in front of the school, with the addition of a median the length of the school, would be a problem for a fire truck or ambulance to get through that roadway, especially at peak hours. He asked Mr. Romero, "Are you able to answer that?"

Mr. Romero said, "I would probably have to defer to the Fire Marshal, but the proposed roadway typical section does meet Chapter 14 standards. So if there were issues, we would want to look into amending that portion of City Code, but it is in compliance with City Code."

Councilor Rivera said if a fire truck was coming through, traffic probably would have to pull into the bicycle lane.

Mr. Romero said most likely that would be the plan. He said the total width, including bicycle lane is 16 feet of asphalt, and that's exclusive of the gutter pan which are about 1½ feet each, so that would 19 feet of total travel-way. It's pretty close to the 20 feet required by the Fire Department.

Councilor Rivera said he has serious concerns about this intersection and what already is a problem and how this project would impact the already significant problem, especially with a service level F which is a failing intersections. He has concerns that the Schools can build a school and then sort of "turn their noses to the traffic issues that are there."

Councilor Trujillo said, "On that point, in discussing funding, one of the things he thought about is maybe LGRF that we get at the City. The other thing, as Councilor Rivera said, the Schools don't want to pony up anything, but there are some LGRF to the schools. He asked if there could be collaboration or open talks with the School, because those funds could be used to collaborate that intersection. He oversaw that project for many year. He said he is just looking at a funding source and remember that is a possibility.

Mr. Romero said the majority of the Local Government Road Fund that the Schools get, is more now for pedestrian improvements. But we can talk to them. He said the proposed development would be creating about \$311,000 in Roadway Impact Fees. So another potential, in lieu of that, is to ask them to cut a check for the \$311,000 earmarked especially for this intersection, which would give us just under \$400,000 and a pretty good head start in getting that intersection moving forward.

Councilor Ives said he has questions on conditions of approval in Exhibit B in the packet on packet page 14. He notices they are building a raised center median and maintaining the existing northbound typical section. He asked if consideration was given to the installation of what one might generally call green infrastructure along the roadway, grading infiltration galleries, rain gardens, especially given the park on the south side of South Meadows Road and the River.

Mr. Romero said they haven't gotten that far because they are at the zoning level, and "kind of are at the development level." He said the challenges he has seen with that kind of water harvesting with regard to roads, is that the roads generate water that is flowing at a fairly high rate. To divert it off the road with a curb cut or something like that it doesn't take enough water off the road, and two, if you do take enough water it starts scouring what you have on the side of the road. Things discussed are permeable pavement and things like that. The issues are they start off permeable where the water goes through, but as sediment fills in the permeability, it becomes impervious. The only way to get the sediment out, is the City would need to purchase a specific piece of equipment like a big vacuum to it clean it out to keep the water going down.

Councilor Ives said then your proposal for stormwater is just to run it in the roadway.

Mr. Romero said it would run through a storm drain.

Councilor Ives said then you propose to take it straight to River without opportunity for infiltration.

Mr. Romero said they probably could implement some retention type ponds in the system to keep it from flowing straight into the River.

Councilor Ives said we have an opportunity with new construction especially to implement these types of improvements built to slow down water, allow it to infiltrate, both of which are good goals in stormwater management. He understands those aren't being addressed at this point, but would come up in the context of any submitted development plan, and asked if he is understanding that correctly.

Mr. Romero said yes, that's when they look at it, and they definitely at trying to implement some of those, and will work with the developer. As far as integrating them with a future park, it would be difficult because the development of the park space to know how to integrate it.

Councilor Ives said in any event, bringing water to the park space can't be a bad thing.

Mr. Romero said maybe we can do something for the time being to get it to the River, but could be modified when the Park becomes a reality.

Councilor Ives said he is looking to save cost by doing it at this stage, rather than on City dollars in the future. He said to the degree we can require consideration of green infrastructure, in terms of stormwater especially, because we know future development along South Meadows is meant to have park space to the south and the River beyond the park space, would be intelligent and appropriate. "So know, that's I'm coming from.

Councilor Maestas noted on packet page 51, is the staff response regarding the Traffic Impact Analysis. He asked him to look at the last full paragraph, noting Mr. Romero said he didn't write this response which concerns him. He said that seems to say that the TIA doesn't really address the need for a local street network because of the odd shaped parcels and the hodge-podge of ownership. It says in here that if it is sub-zoned, if there is higher density that could be a concern – not having adequate access, emergency access. It also says that the provision of a road network that complies with the General Plan policies and Chapter 14 standards for connectivity, one through street every 1,000 feet will require coordination of access to the various parcels. So it seems that something like this would be out of the scope of the TIA for the development. So, who is going to do this, and the reason he asked early if the City really needs to look at an organized street network here. He can't fault the developer, even though staff criticized the TIA. It seems like this is falling through the cracks, the lack of an organized local network to provide general access, emergency access and connectivity. This is his comment. He asked how do we address this.

Mr. Romero said, "These comments, I don't know what information they used to substantiate them. In my opinion, the TIA fits the existing roadway network. I looked at it, both implementation year and horizon year basically growing the background traffic. And it showed everything working well, with the exception of the South Meadows/Agua Fria intersection and that's without any more roads, 1,000 feet, 2,000 feet, whatever. It did show that doing a roundabout and/or a signal would bring that intersection to acceptable levels of service, which I believe it well. It's just a simple fact. If there is a roundabout and we have that left turn bay, it would be working just fine."

Mr. Romero continued, "So, as far as what the General Plan says about every 1,000 feet, I see the benefit of that when you are on a grid system, which in the City we rarely are. But if you're in Phoenix, or Las Vegas, or any of those places it makes sense, even Albuquerque, that's where really that applies. But when we're over here, from a traffic standpoint, again, I don't see putting in some random road halfway between Agua Fria and 599, just to say we have a road every 1,000 feet. I don't see what benefit that would provide, from a traffic operations standpoint, at all."

Mr. Romero continued, "So I don't agree with the comment that the TIA was lacking in any of that. So bullet by bullet, South Meadows is a limited access road. That's not correct. It's not a limited access road. 599 is a limited access road, so is I-25, they have access control lines that cannot be breached unless it goes through an access control committee, so South Meadows is not that. There were no plans to extend the frontage road. There wasn't when 599 first came on board in the environmental document, nor was it planned for in the recent corridor study that DOT did. It's never been on any of the Santa Fe MPO's plans, so I don't agree with that. The third bullet, the second access to the City's leased parcel, I would prefer to have Matt O'Reilly speak to that, because I can't comment on what the ultimate plans are for that parcel. And then I commented on the 4<sup>th</sup> bullet."

Councilor Maestas asked if Mr. Romero shouldn't be weighing-in on these issues, asking who provides the transportation portion of the staff response in these staff reports. Is it everyone in Land Use, and don't they bring him in and have him do the analysis and help write the staff responses in the report.

Mr. Romero said, "The way I've understood it to work is I provide the traffic analysis and comments, and they incorporate my comments into the package."

Councilor Maestas said, "But you don't agree with these, these weren't your comments."

Mr. Romero said, yes, these were not his comments.

Mayor Gonzales asked Mr. Hoeft is there anything he would like to add to what he heard tonight.

**Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, was sworn.** He said, "I'll be very brief Mayor. Because we've had a fragmented hearing for the last month, so I just want to double back on a couple of points here that are very important. I want to take off where John left off, because at the end there it kind of got bushed over really quickly. We met with John [Romero] during the gap of time we had, the month, and tried to bring some ideas of how we can get more money dedicated toward Agua Fria and South Meadows Road because we hear that's the problem. And one of the things we discussed with John is removing the condition that says we need to put the raised median down the center of South Meadows Road. We talked about, rather than doing that, to take those dollars which is not a small amount of money, in the area of about \$300,000 and dedicating that to Agua Fria and South Meadows Road and John concurred. Now he would have to adjust a couple of the conditions of approval in the Staff Report, indicating that we need a raised median and the other is the median needs to go all the way down in front of the school property. Rather than doing that, we would go back to the original proposal we had, which is a painted median down South Meadows Road and those dollars would be dedicated to the improvements at Agua Fria and South Meadows Road."

Mr. Hoefft continued, "So those numbers are roughly about, using ballpark, about \$300,000 of needed improvements combined with our \$50,000 of fair share contribution for the traffic that we're adding to it, which John indicated was about 5%, a small amount. So there's \$350,000 of added dollars, combined with the additional improvements we have to do at South Meadows Road anyway. So I just wanted to come back and double that. It's a substantial amount of money that could be dedicated toward that intersection and really give it a head start in terms of the improvements that need to be done. And we have two design options, one a roundabout, the other one is the way John indicated. Those are coming in at around \$600,000 and \$700,000. John indicated a number of \$1.4 million. The additional costs there are the right-of-way acquisitions. So the actual design we came up are in the \$600,000 to \$700,000 range, so we're not that far away. And I'll answer any further questions on that."

Mr. Hoefft said, "The second thing I wanted to emphasize again is that we did meet with the Open Space folks at the City, and they are interested in the land across the street as a dedication. So again as well as doing the Impact Fee for parks, we would in turn take the land across the street and dedicate that to the City for its future use, which I believe they're going to work with the County and continue the trails network through the City of Santa Fe. So that's the other component here that I just wanted to emphasize, and with that, I'll stand for questions."

Councilor Rivera said, "So John, in light of that, did I hear you say there were some Impact Fee monies as well."

Mr. Romero said, "Yes. I mis-spoke. So the median improvements that would be diverted, I guess they're in the \$300,000 range, but there's also Impact Fees on top of that, correct. No? That was the Impact Fees."

Councilor Rivera said the \$300,000 for the medians.

Mr. Romero said the way it was going to work is they were going to get a credit on all those improvements that have made to the major roadway, the Impact Fees. But instead of doing those improvements to the stretch of road, put it toward the intersection. We'll still have a left turn bay into the development though, that's the one thing he wants to point out, through a painted median.

Mr. Hoefft said, "One final point. At the last meeting, Councilor Dominguez had a concern regarding schools. So again, in the gap of time, we did meet with the schools, asked them to come and do a presentation. They didn't want to come, and said they prefer to stay out of the City politics. I did ask them about road improvements on the Agua Fria and South Meadows Road. They said when they built the School, they built about \$500,000 of improvements on South Meadows Road in the form of widening the roads and turning bays. So they did do substantial completion."

Mr. Hoefft continued, "But what I wanted to get to in terms of Councilor Dominguez's point is that we did a quick study that demonstrated the number of students that would be coming from our development and would be utilizing the school next door. I have a market analysis person here, Chris Cordova if you would like further information on that, he could stand up a say a few words. But the analysis that he did showed, generally, about 26-30 kids of school age for Camino Real Elementary to

junior high, at a given time in the project, up to 26-30 students would be going to the school next door. So when I indicated at the previous presentation, I said it wasn't as many as you think, that was the window that I was looking for, and he would be more than willing to expand that if you would like him to."

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to approve Case #2015-57, Gerhard Amendments General Plan Amendment, with all conditions of approval as recommended by staff.

**FRIENDLY AMENDMENT:** Councilor Ives would like to amend the motion would be using green infrastructure along South Meadows Roadway. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**DISCUSSION ON THE MOTION AS AMENDED:** Councilor Dominguez said, "I'm going to go ahead and say what I need to say. I'm one of two Councilors who represents a portion of our community, so I'm going to go ahead and say what I feel needs to be said, as a constituent of this community and that District, and speaking for lots of people who aren't here tonight. I just want to also say that I have a tremendous amount of respect for my colleagues. I've been here long enough to know that sometimes politics make strange bedfellows. So we're up here every day, every week, making decision, so I have a tremendous amount of respect for you all, and certainly a tremendous amount of respect for the public as well. This is not an attempt to be derogatory in any sense, it's just to express my opinion and the opinions of others and how they feel."

Councilor Dominguez continued, "This issue of having this type of housing is not a new issue. I was on the Planning Commission 20 years ago, I was 26 years old and on the Planning Commission. And the need to have affordable housing and multi-family dwellings was something that was said even back then. And so the issue of multi-family housing, and affordable housing are not new issues. It is something that has been around in this community for many many years, so we've dealt with it in many different ways, that's for sure. But I want to remind this Governing Body of something. We had the El Rio project, or Blue Buffalo, or whatever it was called, and it was denied for whatever reasons, and I don't want to get into those reasons, but it was denied. And I even supported the efforts to do more planning for that project, but nonetheless, it was the night."

Councilor Dominguez continued, "The same thing with MorningStar, for whatever reasons, right, I don't want to get into the issues, but it was denied. And then just recently, Las Soleras. The opportunity to increase the density there, that was the night we ultimately reduced the density in Las Soleras. What I'm saying is that the opportunities we have had to spread density around in this community, this Governing Body, collectively has not done that. And why is that important. It is important because we want to look at facts. The fact is that part of community is more dense than any other part of the community where this project is located – on the outskirts. All the infrastructure, we look at. And you can look at the evidence in the recent redistricting we just went through and the numbers that apply to that. And really, the area we're looking at, square area. We are essentially, by approving this, increasing density again in a part of our community that has so many challenges. And I'm not talking just about the challenges of roads. And I just want to also say I appreciate the applicant and the applicant's application. I think it's a really solid application."

Councilor Dominguez continued, "But when I'm talking about challenges, I'm talking about challenges like access to food. And these are facts, this isn't just my speech. These are facts that have been debated among this Governing Body and with the public. Access to food, access for places for people to work doesn't exist. Places for people to shop, it doesn't exist. So when you talk about infrastructure, right, there are two different things we're talking about. There is City-provided infrastructure, City water, sewer, roads and those sorts of things. I'm talk about a different kind of infrastructure. I'm talking about the quality of life infrastructure. Economic development is important, there's no doubt about it. And I've had plenty of votes where I've indicated that priority as economic development. The quality of life is just as important in many cases. It's even more important. There has to be a balance. We can't just make a decision based on economic development on the issues."

Councilor Dominguez continued, "The part that is frustrating for me and many of my constituents is this, is where is the justice this community thrives for all the time. We are a community that is proud of equality and equity, but where is the room full of people tonight to advocate for those folks who are going to feel the impacts of this kind of development. They're not here. There are no stickers, there are no emails, the room isn't packed, we're not getting challenges, we're not getting tons of phone calls. It kind of lead to the quote by Benjamin when he says justice will not be served until those who are unaffected are as outraged as those who are, and I don't see that in this room tonight."

Councilor Dominguez continued, "And I say this with all due respect again, to the public and to my colleagues. And Mayor, I know I've been paying attention to local politics for 30 years. And every administration says we are going to promote that equity, and make sure that the quality of life services people need are established. And I'm willing to work with you and any other administration to make sure that happens. But to this date, it has not happened. And it's not necessarily anybody's fault. There are challenges. We've gone through how many redistrictings in the last 10 years, three, plus a huge annexation. That part of our community has the change, and no administration, quite frankly has had the opportunity to be able to keep up, if we're going to support higher density in a part of our community that has so many challenges."

Councilor Dominguez, "And just to finally finish up Mayor, I want to get to the case itself and get off the political soapbox if you will. When you look at the criteria for all General Plan amendments, and the County Commissioners made their findings and have had their debated and voted the way they voted. But one of the things we ask for is the consistency in the growth projections, so on and so forth and existing land use conditions such as access and availability of infrastructure. Maybe my definition of infrastructure is different than this, but my definition of infrastructure is more than roads and those sorts of things. I take a little bit of exception, respectfully, to the applicant, when they say in their response that this project can help serve the residential needs of this portion of the City of Santa Fe. What about every other portion of the City of Santa Fe. I'm not sure what this means when I read that. Is that to say that that portion of the City of Santa Fe is the only portion that needs that type of housing, I don't know."

Councilor Dominguez continued, "We talk about that the apartment project has readily available access to the infrastructure, meaning roads, right. I don't know how many roads. Is it one road that's new. South Meadows and maybe 599 if you want to call that [*inaudible*], I'm not sure. Water and sewer lines, that's probably true. Fire protection, I guess that's if we get the fire station built next door. It will help, but it's not new suddenly. And schools. Our schools, bottom line, however you want to propose the numbers, those schools are over-crowded and that is an injustice in itself, again, to increase density in a part of our community that has so many challenges. And parks. Some people think we have too many parks, and yet in this part of our community, we definitely don't have enough parks. And so it's really for those kinds of reasons that I don't support this application because of the criteria. You can look at a land use map, and I don't really see the same use surrounding it, and so it certainly isn't consistent in my mind. I know there are arguments that can be made both ways, but I speak on behalf of myself as a constituent of the community, that part of our community and certainly for many of the people who have not shown up. Thank you Mayor."

Councilor Rivera said, "So I agree with what my colleague has said and I hear from many constituents as well that have substantiated and supported everything he said tonight. I cannot but think that if we had a failing intersection in any other part of Santa Fe there would be a lot more discussion, a lot more people here. If you look at the intersection in the morning, we have a whole subdivision, Fairway Village, that tries to enter Agua Fria. It's about halfway between the entrance to Cottonwood and the South Meadows intersection. And with a 148 second delay it's difficult for them to get into traffic. Traffic is backed up way beyond, even where they can enter Agua Fria. To compound that problem with a large subdivision such as this, and I understand the need for housing, I think it is irresponsible of us. And as I said, if it were done in any other part of town, I think that were done in any other part of town, I think there would be more people here and more discussion. And that's the sad thing about what's going on here tonight. So I'll leave it at that Mayor. Thank you."

**VOTE:** The motion failed to pass on the following Roll Call vote:

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

**Against:** Councilor Rivera, Councilor Dominguez, Councilor Trujillo, Councilor Dimas and Councilor Bushee.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to deny this request.

**DISCUSSION:** Mayor Gonzales said, "I want to state that I understand and have listened to certainly Councilor Dominguez, Councilor Rivera, your points. But I too have visited with many families in the District, and one of the issues of a quality of life perspective is access to housing. And the reality is that there is not enough housing options for much of our workforce throughout this community. We can argue whether those housing options should be in the northern District, the eastside District, the Southside, but what we can't argue is that the gap is getting wider and wider when it comes to access to housing options in our community. Rents have gone up 17% since 2008. 5,000 families in our community, largely in this part of the City, spend more than 50% of their income of housing because it's gotten too costly. I think the

City has done a lot to try to introduce housing and make the opportunity available for families to have it. But a quality of life issue is being able to have enough money to spend on things outside of just having a roof over your head.”

Mayor Gonzales continued, “We can go back and forth on what’s appropriate on the east side, or the south side, but the only ones that are losing out in this debate is a workforce that is not getting access to any type of housing that allows for them to raise a family. And I hope, and we’re going to be presenting options to the Council to try and find consensus where this will work, but if we don’t and if we continue this issue of saying yes to developments on the east side because we think it’s okay, or no and this east/south game that is going on, this community is going to lose. So I hope we find a way to be able to have consensus on this Council where we are going to support the introduction of new housing so that families have options of where to live. There are lot of younger people, I would say that your District has probably the youngest people and the youngest workforce in our City, because that’s where they have been able to go and raise families. I think we have to find ways to make sure there is continuous supply and array of supply of housing so we don’t continue to lose our workforce to Rio Rancho and other communities.

Councilor Dominguez said, “I don’t disagree with anything you’re said. I think it’s been asked by us to make decisions based on data, but there’s lots of data out there that needs to be considered. And what you’re saying Mayor, with all due respect, is all of the numbers have changed. It’s not anything new. It’s the argument that applicants have used for years and years and years, right. And I’m not denying that’s not the case, that certainly is the case. But even recently, this Governing Body has not done what they can do, collectively, to spread that density around. I have a gentleman who’s living illegally in a motor home out there in District 3. I think the bigger challenge really is to make sure these folks have jobs to go to so they can get out of rental housing and into single family dwellings. I think that’s really the ultimate goal that we all have, but it can’t just be, and I don’t mean to be divisive and certainly I think that people who know me, know I’m not like that. But it is the fact, the reality, a creation of not only this Governing Body, but previous Governing Bodies and lots of action in between, is we have a situation that needs to be deeply considered.”

Councilor Dominguez continued, “And so, again Mayor, I’m not necessarily arguing with you, I just make that point. And again, it’s not necessarily how I feel, it’s how lots of my constituents feel. They feel like they are not being heard and they are not meeting their needs, access to food and those sorts of things are not being addressed. I’m not saying that we shouldn’t provide quality market or multi-family dwellings. I’ve supported my share of multi-family dwellings in that area, but it can’t just be that part of our community that is taking on that kind of density. We need to be fair. That’s really all I wanted to say. Thank you, Mayor.”

Councilor Trujillo said, “On that point, too, many years back, we approved in District 4, right behind Villa Linda Mall, a complex. Do you remember that Councilor Dimas. They were going to build to a condo that would connect to Nava Adé. Where is it. That’s the whole thing. These developers came in, said they were going to do it, we approved it, it didn’t happen. Same thing right there, a small little complex that was going to be right off Pacheco, on Siringo Road too. I don’t know, maybe staff might know. What happened to those, because they came to us, we voted yes, and they were never built. To say that we haven’t done it, there have been cases where we have tried to put housing, we said yes to them, but then it doesn’t

happen. I would like to know what happened, because I remember that rumble that we were going to connect Nava Adé to Villa Linda Mall. It was going to be a great, huge complex. Guess what, there is still a vacant lot behind the Santa Fe Place. I just wanted to mention that.”

Councilor Rivera said, “I appreciate your comments as well, but we are also an aging community. And as our elderly come in and need more places to live that aren’t necessarily single resident dwellings, that we take those into consideration as well. We do want to keep our young people here, but we also have to consider our elderly as well. As these continue to come up, I agree with you, we have to start bridging that gap, so I hope we can all work together to try to accomplish that. It would be nice if infrastructure was in place to be handle any development that came up, but I love the look of this project, it’s just hard to support it with all the problems we have right now at that intersection. Thank you.”

Councilor Bushee said, “I admire Scott and the work that he has brought to this community and it has nothing to do with the project so much itself, except for the density and the failed intersection. I can’t see how you can make this work with that intersection there. It doesn’t mean that it can’t be another attempt at putting some housing, maybe a little change in terms of the offering, but I have been worried about that failed intersection. It is interesting. I heard my colleagues from District 4 and some from 3 argue for more density in Las Soleras, and it’s not as if I feel this division is north/south, east/west. I feel on a case by case basis, we have some particular failed intersections in this community from my perspective. Zia and St. Francis has been one. I think Zafarano started out as a bad intersection, just a bad design. And I think South Meadows quickly became a failed intersection. So until we as a community and the City address those infrastructure needs around that intersection, I don’t think you are going to see much be able to happen out there.”

Councilor Maestas, “Just a closing comment. We have to think about, when we make these decisions, based on equity. And I realize, I think in many parts of the City we have some really glaring infrastructure needs that really can’t support much at all, much less a development. But when we make these decisions, I think our City is at a critical phase. We have a construction sector that is struggling. We’ve seen our building permit levels stagnate at about 150 a year. We’re in a very delicate, slow economic recovery. We definitely have housing needs throughout the City. We’re seeing an out-migration of Santa Fe works, and their families. I think we’re accelerating this demographic change. If we don’t start accepting the fact that we’re going to have to approve higher density needs, we’re probably going to contribute indirectly for this gentrification that is going on where land prices will continue to go up, be unaffordable. And developers that want to build multi-unit, higher density housing aren’t going to want to do business in the City.”

Councilor Maestas continued, “If we’re going to work together, let’s talk about the totality of all the issues that play into these actions before us. So I just wanted to point that out, let’s put all the factors on the table and then move forward.”

Councilor Dominguez asked Ms. Brennan if she is comfortable with the discussion they have had, to be able to establish a finding.

Ms. Brennan said yes.

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

**For:** Councilor Rivera, Councilor Dominguez, Councilor Trujillo, Councilor Dimas and Councilor Bushee

**Against:** Mayor Gonzales, Councilor Ives, Councilor Lindell and Councilor Maestas.

- 9) **CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015- \_\_\_\_\_ CASE NO. 2015-58. GERHART APARTMENTS REZONING SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT) (Postponed at November 10, 2015 City Council Meeting – Public Hearing Closed)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to deny this request.

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

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

**Against:** Councilor Ives, Councilor Lindell, Councilor Maestas and Mayor Gonzales.

\*\*\*\*\*  
**MOTION:** Councilor Bushee moved, seconded by Councilor Rivera to postpone the remaining items on the Evening Agenda to the next meeting of the Governing Body on January 13, 2016.

**DISCUSSION:** Mayor Gonzales said for the record, those items from the Evening Session which will be postponed are H(4), H(5), H(6) and H(10), which will be postponed to the meeting of January 13, 2016.

Councilor Rivera said it seems Item H(4) is low hanging fruit and is unsure “how much longer that could possibly take.” He agrees the rest should be postponed, but thinks we can move fairly quickly on that one.

Mayor Gonzales said if it’s not going to take that long, let’s do it in January, because we still have to go through introductions tonight.

Councilor Rivera said that is okay.

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

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

**Against:** Councilor Ives.

- 4) **CONSIDERATION OF BILL NO. 2015-37: ADOPTION OF ORDINANCE NO. 2015- \_\_\_\_ (COUNCILOR MAESTAS). AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987 TO ADD A TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION TO EAST DeVARGAS STREET BETWEEN PASEO DE PERALTA AND CANYON ROAD. (JOHN ROMERO)**

This item is postponed to the Governing Body meeting of January 13, 2016.

- 5) **CONSIDERATION OF BILL NO. 2015-40: ADOPTION OF ORDINANCE NO. 2015- \_\_\_\_ (MAYOR GONZALES). AN ORDINANCE AUTHORIZING THE LEASE OF 29,490 SQUARE FEET OF REAL PROPERTY LOCATED WITHIN A PORTION OF THE NORTHWEST QUADRANT ADJACENT TO 786 CALLE MEJIA AS SHOWN AND DELINEATED ON A SURVEY ENTITLED, "PARKING LEASE PARCEL EXHIBIT," PREPARED BY RICK CHATROOP, N.M.P.S. NO. 110011, LYING WITHIN PROJECTED SECTION 14, T17N, R9E, N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO. (MATTHEW O'REILLY)**

This item is postponed to the Governing Body meeting of January 13, 2016.

- 6) **CONSIDERATION OF BILL NO. 2015-41: ADOPTION OF ORDINANCE NO. 2015- \_\_\_\_ (COUNCILOR DIMAS). AN ORDINANCE AMENDING ARTICLE IX AND ARTICLE XII OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT ALL PARKING VIOLATIONS ARE CIVIL PARKING VIOLATIONS AND SUBJECT TO ADMINISTRATIVE ADJUDICATION AND COLLECTION BY AN EXTERNAL ADMINISTRATIVE AND COLLECTION AGENCY; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE. (NOEL CORREIA)**

This item is postponed to the Governing Body meeting of January 13, 2016.

- 10) **CASE #2015-86. APPEAL BY JENNIFER AND BRENT CLINE FROM AUGUST 25, 2015 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD DENYING THEIR EXCEPTION REQUEST TO USE ELASTOMERIC STUCCO AT THEIR PROPERTY AT 339 BISHOPS LODGE ROAD LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (THERESA GHEEN)**

This item is postponed to the Governing Body meeting of January 13, 2016.

***THE COUNCIL THEN RETURNED TO THE AFTERNOON AGENDA***

**14. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**17. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**18. 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 December 9, 2015, is incorporated herewith to these minutes as Exhibit "18."

**Councilor Dimas**

Councilor Dimas said he has no communications, and won't see everyone until the new year, so "have a very Merry Christmas and I hope each and everyone of you have a fantastic 2016."

**Councilor Maestas**

Councilor Maestas introduced a Resolution authorizing the placement of a question on the ballot of a Special Election, to be held in conjunction with the Regular Municipal Election on March 1, 2016, to ask the voters of the City of Santa Fe whether or not to establish a Municipal Gas Tax pursuant to NMSA 1978, §7-24A-10, in the amount of two cents (\$0.02) per gallon to finance road and bridge infrastructure projects. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Councilor Maestas said regarding the budget hearings, he thought when Matt proposed them, he thought it was one of your initiatives, but when the press release came out, it included the Councilors, so what is our role in this.

Mayor Gonzales said originally, we wanted to have 4 public hearings before the end of the new year where we could go and given an explanation of the budget situation and try to explain the deficit and the reason. He said they held one the other night at Genoveva Chavez, about 10 people show up, noting Councilors Trujillo, Lindell and Rivera also attended. They are holding another on December 15<sup>th</sup>. He said it's just to lay out, here's how we got here, here are the options before the Council to close the deficit. There wasn't enough time to hold 4 meetings between now and the end of the year. He noted it is all the stuff that has been presented to the Finance Committee, so there is nothing that hasn't been discussed.

### **Councilor Bushee**

Councilor Bushee said she had previously introduced a bill on urban agriculture that seemed to go into a black hole, and asked the Mayor the provisions of his proposal.

Mayor Gonzales said it is driven largely on what she had input on, and the reason his name is on it, because he told the Land Use Department, "come hell or high water," that we were going to start addressing an agriculture ordinance, and they had to get something noticed so there is one that is ready that has gone to the stakeholders for input. He said, "But this really is largely what you've been working on for a long time."

Councilor Bushee said it went to the Sustainable Committee and never came out again. She is interested in the concept, but needs the details, and asked the Mayor to ask someone to send her the specifics on both bills she might cosponsor.

Councilor Bushee said the other piece of legislation that went into the black hole was regarding the pre-facilitation meeting, which a voluntary thing, without fiscal impact because it's a private agreement between the developer and anybody surrounding. She wants it to go to Public Works for a simple discussion. She said she would like to have a hand in creating policy before she leaves.

Councilor Bushee introduced the following:

1. An Ordinance amending Subsection 7-1.1 SFCC 1987, to adopt the 2012 Uniform Swimming Pool, Spa and Hot Tub Cod, the 2012 Uniform Mechanical Code and the 2012 Uniform Solar Code; amending Subsection 7-1-1 SFCC 1987, to adopt the 2012 Uniform Plumbing Code, as amended by the State of New Mexico and the City of Santa Fe. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "21."
2. An Ordinance amending Section 2-3 SFCC 1987, to have the Governing Body set the salary for the Municipal Judge every four years in conjunction with the prescribed term; and providing guidance on the level at which the salary shall be set. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "22."

Councilor Bushee wished everyone a safe Holiday Season.

### **Councilor Ives**

Councilor Ives said he would join Councilor Maestas as a cosponsor of his Resolution, and in anticipation of the ones the Mayor will be introducing, he will be joining the Mayor as a cosponsor on introductions #2, 3, 4, 5 and 6.

Councilor Ives said the Old Pecos Trail Planning Corridor effort is now underway. He said there is a very active group of neighbors who have been gathering and have interacted with Noah Berke in Land Use. He wants to make sure he and Councilor Maestas are advised of the anticipated process for moving that effort forward.

### **Mayor Gonzales**

Mayor Gonzales introduced the following:

1. An Ordinance, including a definition for alternate means of compliance, and amending the definition of Extreme Hardship; amending the requirements for Santa Fe Homes Program Rental Units; amending the process by which a developer of rental housing is allowed to pay a fee-in-lieu instead of seeking an alternate means of compliance with the requirements of the Santa Fe Homes Program; and establishing an effective date for the amendments. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "23."

He said he also will be coming forward with a request to start a process of identifying overlay zones so they can accelerate multi-family housing.

2. A Resolution repealing Resolution No. 2015-3 relating to the Open Meetings Act; adopting the State of New Mexico Open Meetings Act by reference and adopting notice requirements.
3. A Resolution designating the Greater Santa Fe Fire Shed as an area that is critical to the health and safety of the citizens of Santa Fe and a priority in reducing the ecological and economical hazards posed by wildfires; including the Greater Santa Fe Fire Shed in the 25-year Sustainable Santa Fe Plan; and directing staff to identify funding sources to develop projects. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."
4. A Resolution directing City staff to plan and execute Fourth of July activities on July 4, 2016, to honor local veterans in the Santa Fe community.
5. An Ordinance relating to the Comprehensive Land Development Ordinance, Chapter 14 SFCC 2001; amending Subsection 14-6.1 to establish urban agricultural activities and uses; and making such other changes as necessary to carry out the purpose of this Ordinance.

6. A Resolution creating the City of Santa Fe policies, procedures and guidelines for urban agricultural farms.

### **Councilor Dominguez**

Councilor Dominguez extended condolences to the family of Matt Roybal, a coworker, who lost his 37 year old wife, and to the family of Matthew Chavez who owned the El Paseo Bar & Grill who did the Fiesta tournament every year, donating funds raised to the community youth.

Councilor Dominguez wished everyone Happy Holidays, Merry Christmas, Happy Hanukkah.

Councilor Dominguez introduced a Resolution directing staff to design, develop and implement a Pilot Teen Resource Center at the Carlos Ortega Teen Center that would benefit the youth of Santa Fe; and directing staff to work with the lessee of the Zona del Sol property to open a Teen Resource Center no later than 2019. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Councilor Dominguez advised Mr. Guillen that he wants to move forward with his Resolution this evening on the Governing Body Procedural Rules which isn't on the introduction sheet, noting he is open for discussion.

### **Councilor Lindell**

Councilor Lindell had no communications, and wished everyone Happy Holidays, and looks forward to getting work done in 2016. She will see everyone on the Plaza on New Year's Eve.

### **Councilor Trujillo**

Councilor Trujillo said he has received emails and calls dealing with water bills. He spoke with the Billing Director who assured him that people won't be assessed a late fee because they haven't received a bill. He asked that outreach be done to the public about this.

Councilor Trujillo said he looks forward to working with his colleagues next year, and wished everyone Merry Christmas and Happy New Year, and best wishes for a safe and happy holiday season.

### **Councilor Rivera**

Councilor Rivera wished Councilor Trujillo a Happy Belated Birthday.

Councilor Rivera said he would echo Merry Christmas and Happy New Year to everybody in the City including his colleagues.

**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 11:45 p.m.

**Approved by:**

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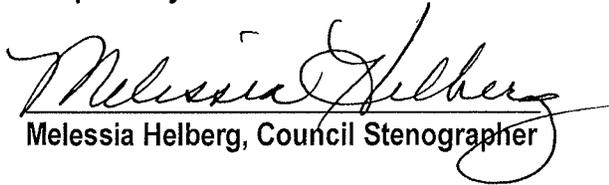
**Mayor Javier M. Gonzales**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Council Stenographer**

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
December 9, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on December 9, 2015 beginning at 6:12 p.m.

**The following was discussed:**

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe is a Participant, Including, Without Limitation, 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; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, Without Limitation, Amendment No. 1 to the Amended and Restated Lease Agreement and Services Agreement Between the City of Santa Fe and the Santa Fe Boys and Girls Club.

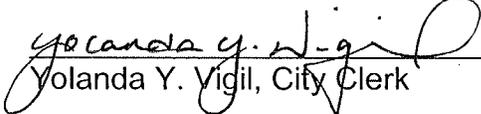
PRESENT

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

STAFF PRESENT

Brian K. Snyder, City Manager  
Kelley A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Matthew O'Reilly, Asset Development Director

There being no further business to discuss, the executive session adjourned at 7:15 p.m.

  
Yolanda Y. Vigil, City Clerk

SUMMARY INDEX  
 SPECIAL MEETING OF THE GOVERNING BODY  
 Monday, December 14, 2015

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER & ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	2
REQUEST FOR APPROVAL OF A BUDGET INCREASE IN THE AMOUNT OF \$82,604, FOR THE YOUTH AND FAMILY SERVICES BUDGET TO PROVIDE VETERAN SERVICES; AND APPROPRIATING THE SAME AMOUNT FROM THE CITY OF SANTA FE VETERANS FUND FOR THIS PURPOSE	Approved	2-7
CONSIDERATION OF RESOLUTION NO. 2015-113 A RESOLUTION AMENDING RESOLUTION NO. 2015-111, REGARDING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52 <sup>ND</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION 2016	Approved	7-10
ADJOURN		10

**MINUTES OF THE  
SPECIAL MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
December 14, 20125**

**1. CALL TO ORDER & ROLL CALL**

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, December 14, 2015, at approximately 6:30 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 Carmichael A. Dominguez  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Patti J. Bushee  
Councilor Bill Dimas

**Others Attending**

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

### 3. APPROVAL OF AGENDA

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

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

### 4. REQUEST FOR APPROVAL OF A BUDGET INCREASE IN THE AMOUNT OF \$82,604, FOR THE YOUTH AND FAMILY SERVICES BUDGET TO PROVIDE VETERAN SERVICES; AND APPROPRIATING THE SAME AMOUNT FROM THE CITY OF SANTA FE VETERANS FUND FOR THIS PURPOSE. (CHRIS SANCHEZ)

A Memorandum dated December 12, 2015, with attachments, to the Finance Committee and City Council, Brian K. Snyder, City Manager and Oscar S. Rodriguez, Finance Director, from Chris Sanchez, Youth and Family Services Division Director, in the matter is incorporated herewith to these minutes as Exhibit "1."

Mayor Gonzales asked Former City Councilor Christopher Calvert to briefly explain the request before the Governing Body and the reason to do this by the end of the year.

Former City Councilor Calvert, Chair, Veterans Advisory Board, thanked the Mayor, the City Manager, the Finance Director and the City Clerk for accommodating this request this evening on the agenda. He said during the previous disbursement of funds that they had arranged for this money to be available, but in talking with the Finance Director, he found that not to be the case. He said they are here tonight to request that the Governing Body approve the budget that they developed at the Veterans Advisory Board. He said he wants to focus on the Veterans' and Veterans' Dependents Scholarships. He said at the very last minute an offer was "dropped in our laps" from the Santa Fe Community College Foundation, saying if we can get the funds by the ends of the year they would match the funds dollar for dollar. He said the Foundation will be the fiscal agent to administer the scholarships. He said they felt this was a golden opportunity and they didn't want to miss it, commenting this is a way to double the funds in that part of their budget if they can get approval tonight.

Mayor Gonzales asked Former City Councilor Calvert to describe the origin of the funds.

Former Councilor Calvert said the origin has to do with the City's donation of land to the National Cemetery. He said there is a deal with the State, because the City donated the land for the Cemetery, to put a voluntary donation checkoff on the State Income Tax, with the provision that those funds would be available to the City of Santa Fe to compensate the City for that donation. He said to date about \$170,000 has come to the City from that checkoff. He said there is a ceiling of \$1 million, so there are considerable funds that can be used if we get people to continue to make that checkoff. He said lately the contribution has been dropping-off from \$10,000 annually to about \$2,000-\$3,000. He believes part of the reason is because there is more electronic filing of taxes and the tax preparers aren't aware of it either.

Former Councilor Calvert continued, saying the Board is going to promote that donation in order to build the money at the State to even more. He said they can use the City's help on that, such as a press release to raise awareness in that area.

Mayor Gonzales said it also seems that perhaps we could explore a check-off when people are getting a City Business License or paying a water utility bill, to have a check-off where you can pay an additional \$1 to \$5 to go to this fund.

Former Councilor Calvert said at one time, the City used to help fund tax preparation for people that needed help, noting AARP does a lot of that. The reason was that we wanted to point out the earned income tax credit to people who weren't aware of it which gave people who weren't aware of it more income to spend in the community. He said a good place to advertise this would be with the AARP.

Councilor Rivera said there a typo in the Dependents Scholarships, and the amount should be \$8,000.

Councilor Rivera said there was a discussion about a parade on the 4<sup>th</sup> of July, and asked if this will fund the Run and the parade.

Former Councilor Calvert said this is part of the Board's budget in terms of fundraising. He said they inserted a line item for expenses for the first year. He said we want to raise funds to keep replenishing the fund they are using, which includes the Run, and the intent is that it will be a fundraiser as well. He hopes in the second year there will be a bigger net amount since we won't have to incur costs for the initial publicity.

Mayor Gonzales said he will ask the Veterans Advisory Board to look at the costs to put on a parade for veterans. He said some of the feedback he has received is that it tends to be too cold on Veteran's Day and kids are in school, whereas that isn't the case on the 4<sup>th</sup> of July, which provides a better opportunity to get more community support out. He said that was not a request of the Advisory Board, it is something he will be asking them to consider.

Councilor Ives noted the Veterans' Run is scheduled for July 4, 2016, which is in the next budget year, and asked if it is appropriate for us to be doing that this time.

Former Councilor Calvert said we're working in new territory, because this budget was done in November which we were considering as a calendar year budget, and not a fiscal year, which he understands might present complications. He said we are in a unique situation in that we may be the only committee in a municipality which has dedicated funds available to which we have access to make recommendations for spending which aren't coming from the City's General Fund.

Councilor Ives said this doesn't suggest he doesn't support the expenditure, but he is curious as to whether it is appropriate.

Chris Sanchez said the funds will be expended before the Run happens, so a lot of pre-planning will be happening prior to the end of the fiscal year.

Councilor Ives asked the City Attorney whether there are anti-donation issues regarding the expenditures on scholarships.

Ms. Brennan said, "I am not aware of any, but I can look further at the question."

Councilor Ives reiterated he has no problem approving it, and just wants to make sure we are doing it correctly.

Former Councilor Calvert said the Resolution that the Council adopted regarding this matter said they were to be used to benefit veterans in the community. One of the bigger needs right now is transitional education to employment, and this is one of the needs the Board has identified as critical.

Councilor Ives asked that the City Attorney to take a look at this to be sure "we are on safe ground."

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

**DISCUSSION:** Councilor Lindell asked what are the Veterans' Marketing funds to be used for.

Former Councilor Calvert said part of it is for the pins to provide thanks to the veterans in the community, as well to make people aware of such things as checkoff on the State Income Tax. So it might be a combination of product or advertising, promotion or information.

Councilor Lindell said Board comes up with its own ideas, but she saw no discussion about marketing in the Board notes provided. She is concerned about the smaller amount of money commenting that there is almost as much for marketing as there is for homeless veteran housing. She would rather not have the pins, and see veterans get housing. She hopes he will take that comment back to the Board, commenting she has the same comment with regard to the funding for the Community Run, which has been increased to \$10,000. She reiterated she thinks there is a crucial need for dollars toward homeless veteran housing.

Former Councilor Calvert said he doesn't disagree with her. He noted that the \$2,604 to Interfaith Housing specifically is to pay for space at the Shelter for John Hermann who does a lot of the outreach for the homeless, which we have been doing for several years. He said that effort has been golden in terms of what get for our money. He said they are trying to follow the City's model for the Shelter to be self-sufficient, so "we're paying our fair share of rent to ensure that service is available for the homeless."

Former Councilor Calvert said this is a brand new entity, and they trying to get the word out to the public about the entity which is available to help veterans in the community, and he doesn't anticipate that item will be \$7,000 each year, noting it is one of those start-up things where you have to get the word to the community that it is available and there to help veterans.

Councilor Lindell said she doesn't disagree, but believes we have a crucial need for housing for the homeless, commenting it always pains her to see us spending money in this way. She knows money is needed for the Run and to promote it, and hopes that makes money over time. However, she would like for the Board to hear her concerns about the need for more money for homeless veterans.

Former Councilor Calvert said one of the Board discussion items was to make this fund sustainable and available year over year, and that the programs are available. The budget is about continuing to keep the fund alive and to be able to offer these programs year after year.

Mayor Gonzales said this afternoon during open office hours, two veterans came through asking for various information from homelessness to workforce opportunities. He thinks there is a need to figure out how to list all the services and points of contact where people can go, because they tend to be "very siloed," and it's difficult for individuals to find help.

Former Councilor Calvert said in the near term they are focusing to get a Veterans page at the City's website, listing the different resources available. He said the State Agency and the VA have those listings but most things that are listed are in Albuquerque. He said we will set ours apart by first listing things that are available in the local area, whether state or federal before listing services in Albuquerque.

Councilor Dominguez said, "I just want to make sure, for the record, that this is not going to be impacting the Children and Youth fund."

Mr. Sanchez said no.

Councilor Maestas said he agrees with Councilor Lindell, and understands the urgency. His discomfort is in accepting the entire package. He would suggest in the next budget cycle that we work together on some guidelines, and to have items go through at least one Committee to give you feedback. He thinks, for example \$10,000 for a Run and \$7,000 for Marketing seems "out of wack given the limited funding and the great need for our veterans."

Former Councilor Calvert said he doesn't disagree about having more discussion, and he would welcome that. However, due to the nature of the offer and timeline they are facing, there was not time to have more discussions and feedback.

Councilor Maestas said he would offer a word of advice, some of these are going to create some levels of expectation, for example, scholarships. He asked, "Does it really make sense to give scholarships for one year and then stop." He said in terms of guidelines, you might want to say we're only going devote 50% of the budget for recurring items and the rest for more timely needs.

Former Councilor Calvert said, "Noted." He said this is the first year, and the Board is giving its best guess and will learn from that experience, but "I duly noted your advice."

Mayor Gonzales said he would remind the Council that the membership of the Veterans Advisory Board is composed of veterans, from all walks of life, from the community who are a little close to, and understand the needs a little bit better than those of us who don't work in the community where the priorities are. He said to some degree we have to defer to the advice and expertise of the Board as to where monies are needed. He said, that being said, the point of this meeting was to make sure there is support for the \$10,000 to go for scholarships. He said Chair Calvert can take everything else back to the Board as input from the Council in terms of doing another scrub at it. He thinks the rest could be modified after taking input from the Council or others if the Board thinks it is appropriate. He said he doesn't think we would have this recommendation if it was out of balance from where the existing veterans service needs are.

Former Councilor Calvert said the two needs that are important this evening, are the veterans scholarships and the dependents scholarships, both of which are being matched dollar for dollar. He said the homeless issue is important, and great strides have been made this year. He said most of the funding has come from the federal government and the VA through housing vouchers. The temporary vouchers have been a big factor as well, noting those come through the State. He said the majority of the funding is mostly accounted for. He said the Board's ability to impact homelessness is through the Interfaith Shelter making sure we pay for somebody who can steer people to the resources they need. He said our job is not to duplicate services that already are out there, but to try to inform and connect – what is available and how to access those things which are available. He said that is going to a big part of their job.

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

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

**Against:** None.

**5. CONSIDERATION OF RESOLUTION NO. 2015-113 (COUNCILOR DOMINGUEZ AND COUNCILOR IVES). A RESOLUTION AMENDING RESOLUTION NO. 2015-111, REGARDING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52<sup>ND</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION 2016 . (OSCAR RODRIGUEZ)**

A copy of Resolution No. 2015-111, with attachments, is incorporated herewith to these minutes as Exhibit "2."

A copy of a *Resolution of the New Mexico City Management Association Tax Information Disclosure*, entered for the record by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "3."

Councilor Dominguez said, "Just quickly, so the Governing Body is clear, I actually failed to properly introduce this piece at the Finance meeting we just convened, but I have no objection to it being here at the Governing Body level. It was properly noticed and everything else. So I just wanted to make this statement for the record so Ms. Helberg knows."

Mayor Gonzales asked Chris Sanchez to explain this request, noting it is to add an additional priority for funding a database analytics for the Children Youth & Family initiatives that are underway.

Mr. Sanchez said will have a tremendous amount of impact. He said, "The work we've been doing through the Cabinet as well as through the Children & Youth Commission is really gathering bits & pieces of data throughout the community, and we're taking a strong look at what kind of impact we're making, based on the funding streams we have. What we have found is that the City is very fragmented in terms of collecting data. What we're proposing is that, through the Cabinet.... as a matter of fact today we just approved all of the action plans through a variety of stakeholders that we have there. We have approved for us to start looking at how, one, we track data, two, how do we start to implement the action plans to make the changes we're looking for, and three, how we start aligning the funding. But before we can actually do that, we're looking at how can we collectively come together to create one data tracking system where everybody will be able to place their data into."

Mayor Gonzales said this was not included when we went through this process, and it's a critical component. He said he thinks the feedback from Mr. Duran is, given where the State is focused in terms of outcomes, this would be something the State would look favorably on investing in.

Councilor Maestas said, just to be clear, on page 2 of the Resolution, the Airport Terminal Building Expansion is our top priority. And what was requested was that we should have a backup 2 and 3, and asked if these proposed additions are numbers 2 and 3 on our priority.

Mayor Gonzales asked how we would lay that out in our Resolution process.

Mark Duran, City Lobbyist, said we have always had projects like this in our Resolution, which is a General Fund request rather than a Capital Outlay request. He said we should always go to the Legislature with one General Fund request and then our Capital Outlay request.

Mayor Gonzales asked where the proposal will fit in this Resolution if the Council approves this addition.

Yolanda Vigil, City Clerk, said it is in the Resolution on page 7.

Councilor Maestas said he wants to make sure there is no confusion in terms of our top priority, and that it is clear, since different types of funds are being sought and the Airport Expansion is on the capital side that My Brothers's Keeper, the data base, would be on the General Fund side.

Mr. Duran said that is correct, it is two completely separate pots of money.

Councilor Maestas asked if this will diminish our chances of getting other capital funds in addition to the Airport Expansion, even through we didn't identify a number 2 and 3 capital priority.

Mr. Duran said it will not.

*Councilor Trujillo departed the meeting*

Mayor Gonzales asked if it would it be helpful if we designated a second and third priority, or do you need that.

Councilor Maestas said there is only one capital outlay priority, and he thought Mr. Duran had suggested designating a second and third priority. He said in the Finance Committee, we couldn't come up with those, and he thought these two additions were the second and third priority on the capital side, but that's not the case.

Mr. Duran said during various committee hearings, the debate was whether to have a second and third priority, or to move forward with one priority. He said eventually, through the Committee process, and the City Council, you decided to go with a number one capital priority which is fine. He said we will be lobbying for the District Priorities as well, so there probably won't be funding available for a second or third capital outlay priority. He said it's also important in our Resolution to tell the Legislature what we will be asking of the Water Trust Board, in terms of our water priority and the reason that project is included in there. He reiterated that the General Fund monies are completely different from capital outlay money, and we should always have a General Fund request. He said the Resolution is complete in this regard.

Councilor Maestas asked if the Senior Services request is meant to be the AAA funding, which is another separate pot of money, commenting we are dealing with different types of funding for our requests. He asked for an explanation of the Senior Services request.

Mr. Duran that explained in even-numbered Legislative sessions, there will be two pots of capital outlay money – Severance Tax Bond money which is available every Legislature, and GO Bond money dedicated for higher education facilities, libraries, and senior centers. There are the District priorities which are totally separate from what is available in terms of General Fund monies. He said in odd-numbered years, a 60 day session, in the Resolution we would drop the request for the Senior Centers because there would be no funding, and add statutory legislation for a 60-day sessions.

Councilor Maestas asked the genesis of the Senior Services Requests.

Mr. Duran said this is the process the Senior Citizens Division has gone through with Long Term Aging and AAA, and the whole process they go through every two years. He said all cities will have a shot at GO Bond money this year, and these are the projects that the Santa Fe senior citizens have elevated to priority and have gone through the Long Term Aging and AAA process.

Councilor Maestas said there is another addition on page 7 of the Resolution in the second "Be It Further Resolved." He said the New Mexico Municipal League and the New Mexico Association of Counties have asked all cities and counties in the State to adopt their own resolution, similar to the one that was just handed out [Exhibit "2"]. This is a Resolution adopted by the City Managers Association calling on the administration and Secretary of Taxation and Revenue to be more transparent in disclosing tax information to confirm we are getting the receipts we should. He said we're paying \$40 million for the collection system and it is far from effective and transparent. He wanted the City to adopt its own stand alone Resolution. However, since we were acting on amending our entire Legislative Priorities Package, he thinks we can adopt it by reference, which is done on page 7.

Councilor Ives said he would join as a cosponsor of the Resolution.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Maestas, to adopt Resolution No. 2015-113, as presented.

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

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

**Against:** None.

**Absent for the vote:** Councilor Trujillo.

## 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 7:15 p.m.

Approved by:

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Mayor Javier M. Gonzales

ATTESTED TO:

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Yolanda Y. Vigil, City Clerk

Respectfully submitted:

  
Melessia Helberg, Council Stenographer