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SPECIAL MEETING OF THE GOVERNING BODY
Wednesday, January 6, 2016

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| CALL TO ORDER & ROLL CALL | Quorum | 1 |
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| CONSIDERATION OF BILL NO. 2015-46: ADOPTION OF ORDINANCE NO. 2016-____. AN ORDINANCE CREATING A NEW ARTICLE 18-19 SFCC 1987 TO ESTABLISH A MUNICIPAL GASOLINE TAX PURSUANT TO §7-24A-10 NMSA 1978 | Not Approved | 2-16 |
| CONSIDERATION OF RESOLUTION NO. 2016- ____ . A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 1, 2016, IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE TO VOTE FOR OR AGAINST THE ESTABLISHMENT OF A MUNICIPAL GASOLINE TAX, IN THE AMOUNT OF TWO CENTS (\$0.02) PER GALLON TO FINANCE, DIRECTLY OR THROUGH THE ISSUANCE OF BONDS, ROAD AND RELATED SIDEWALK PROJECTS AND BRIDGE PROJECTS, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE, PURSUANT TO §7-24A-10 NMSA 1978 | Not considered | 17 |

ITEM

ACTION

PAGE

RESOLUCION QUE CONVOCA UNA ELECCION EXTRAORDINARIA QUE SE LLEVARA A CABO EN LA MUNICIPALIDAD DE SANTA FE EL DIA 1 DE MARZO 2016, EN CONJUNTO CON LA ELECCION MUNICIPAL ORDINARIA, PARA EL PROPOSITO DE SOMETER UNA CUESTION A LOS ELECTORES CALIFICADOS DE LA MUNICIPALIDAD DE SANTA FE PARA VOTAR A FAVOR O EN CONTRA DE LA CREACION DE UN IMPUESTO MUNICIPAL A LA GASOLINA, POR EL IMPORTE DE DOS CENTAVOS (\$0.02) POR GALON PARA FINANCIAR, DIRECTAMENTE O POR LA EMISION DE BONOS, LOS PROYECTOS DE LAS CARRETERAS Y LAS ACERAS CONEXAS Y PROYECTOS DE LOS PUENTES DENTRO DE LOS LIMITES DE LA MUNICIPALIDAD DE SANTA FE, CONFORME A §7-24A-10 NMSA 1978

Not considered

18

REQUEST FOR APPROVAL OF PRECINCT BOARD MEMBERS FOR EARLY VOTING SITE AT GENOVEVA CHAVEZ COMMUNITY CENTER, 3221 RODEO ROAD

Approved

18

EXECUTIVE SESSION

Approved

19

MOTION TO COME OUT OF EXECUTIVE SESSION

Approved

19

ADJOURN

20

**MINUTES OF THE
SPECIAL MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 6, 2016**

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, January 6, 2016, 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 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

3. APPROVAL OF AGENDA

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

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 against.

4. PUBLIC HEARING

CONSIDERATION OF BILL NO. 2015-46: ADOPTION OF ORDINANCE NO. 2016-1. (COUNCILOR MAESTAS, COUNCILOR IVES AND COUNCILOR TRUJILLO): AN ORDINANCE CREATING A NEW ARTICLE 18-19 SFCC 1987 TO ESTABLISH A MUNICIPAL GASOLINE TAX PURSUANT TO §7-24A-10 NMSA 1978. (OSCAR RODRIGUEZ)

An email to the Mayor and Councilors, dated January 4, 2016, with attachment, from Melissa Byers, regarding the NMML Statement of Municipal Policy, is incorporated herewith to these minutes as Exhibit "1."

An email from William Fulginiti, dated January 4, 2016, to Yolanda Y. Vigil, regarding Gas Tax, is incorporated herewith to these minutes as Exhibit "2."

An email from Melissa Byers dated January 5, 2016, with attachment, to the Mayor and Councilors, regarding NMML Gas Tax Ordinance – NMML Trd. 2015-22, is incorporated herewith to these minutes as Exhibit "3."

A copy of *By Priority – 2 Cent Gas Tax – Proposed Street Maintenance Projects*, entered for the record by staff, is incorporated herewith to these minutes as Exhibit "4."

A copy of a statement for the record of Brien Kreimendahl, Board Member, Bike Santa Fe, entered for the record by Jackie Shane, is incorporated herewith to these minutes as Exhibit "5."

Responding to a question from the Mayor, Councilor Maestas said it would be good if Mr. Pino could provide a brief overview of the assessment and needs, and then perhaps Mr. Rodriguez could speak to the anticipated revenues that could be produced by this Gasoline Tax increase, and briefly address the potential bonding scenarios. This will give the public some baseline information on the needs, anticipated revenues and the bonding capacity of the revenues.

Mayor Gonzales said that will be good, and asked the Council when Mr. Pino and Mr. Rodriguez conclude their remarks if we can go to the Public Hearing and wait for any questions of the staff, and it was the consensus among the City Council to proceed in this manner.

Councilor Maestas said he is willing to defer his remarks until after the public hearing.

Isaac Pino, Public Works Director, said he isn't prepared to do a formal presentation tonight, noting the *State of City Streets* report in the Council packet. He said, in the report, staff has tried to outline the needs for deferred maintenance costs that need to be addressed over time – streets, sidewalks and ADA improvements. He said the ADA improvements go hand in glove with the streets improvements, and can include things in the Implementation Plan as well. He said all of the streets have been evaluated, noting they did not provide that evaluation because it is a very large report, but it is available to the Committee. He said staff estimated the cost to get all of our streets to at least a Grade B, so we can get 10-15 years of life out of them. He said the concrete sidewalks are a little bit longer lasting. He said the worst sidewalks are pretty much downtown, noting they haven't been worked on in recent memory, and the infrastructure has been there since the 1930's and 1940's. He said they prepared an estimate of the amount of money needed to bring the streets, sidewalks and ADA improvements to at the least a Grade B. He said it is about \$200 million in the aggregate. He said there is a listing of projects that could be done if Gasoline Tax funds were available on an annual basis, commenting he didn't put it in the packet, but he has that information.

Mr. Pino said the list he is speaking about hasn't been to Committee, it is just the priorities as seen by the staff, commenting the number one priority is Zia Road between St. Francis Drive and Yucca, noting it is crumbling badly. He said it was chosen as a practical matter because of the average traffic and types of traffic, and its general condition.

Mr. Pino said the list David Catanach is passing out are project suggestions, 1 through 13, by priority [Exhibit "4"]. He said he also has a spreadsheet that shows those by District. He said he will stand for questions.

Councilor Maestas said the *State of the City Streets* includes any potential future need for new streets. He said the City is growing and Impact Fees can't cover the cost of all new City streets, and asked if his analysis, the \$237 million, really speaks only to the existing network and doesn't quantify any potential future funding needed for new, local streets and Mr. Pino said that is correct.

Councilor Maestas said in the *State of the City Streets*, staff basically stated that, given the current pace of resurfacing existing streets, and the current funding, it could take 50 years to resurface all City streets, and Mr. Pino said that is correct.

Councilor Maestas asked if it would be fair to say that assumption probably is oversimplified, because you resurface streets in year one, in year 20 and 40 they will need to be resurfaced, within the 50 year timeframe. So it doesn't take into account the life cycle cost associated with maintaining the life of the streets.

Mr. Pino said, "That is absolutely right. That's almost like a one-time hit, which we know will not be sufficient, because once it starts to cycle-out again, we will have to go back to the streets as you stated."

Oscar Rodriguez, Director, Finance Department, noted the Memorandum in the packet with attachment from First Southwest, our Financial Director, commenting he made this presentation previously to the Finance Committee. He said the City receives about \$1.5 million annually in the context of a gas tax, with a fund balance of approximately \$2.7 million.

Responding to the Mayor, Mr. Rodriguez said we receive about \$1.5 million annually from the State's share, which has built to a balance of about \$2.7 million.

Councilor Maestas said he is concerned that the gasoline tax doesn't produce that much money when you look at the City's total needs in the existing street network. He was concerned with calculating a new revenue source for the City, and he asked Mr. Rodriguez to do that, commenting that it is a nominal amount. He is concerned about the overhead to collect and manage the fund.

Mr. Rodriguez said it would be minimal, noting the collection would be done by the State, as it is done currently, so there is no fiscal impact in collecting the tax.

Councilor Maestas said the staff could clarify the language in the Ordinance. He said staff crafted the original Ordinance which is in the packet, and it was fashioned around the State tax for this gasoline tax, and the scope of the Ordinance was overly-broad and there was a lot of concern by people about, 'well the City can use it for anything,' so they made a conscious effort to narrow the scope of the uses of this gasoline tax revenues to streets, sidewalks and bridges. He said they amended the language of the original Ordinance to be consistent with the ballot question to limit the uses of the revenues to just that – streets, sidewalks and bridges. He asked Ms. Brennan to explain briefly the language changes from the original bill to what we are going to consider tonight.

Kelley Brennan, City Attorney, said, "The language of the Ordinance which you identified at the meeting where this was discussed the first time, has been conformed to match the question and does limit it to, as now stated, '*Road and related sidewalk projects and bridge projects within the municipal boundaries of the City of Santa Fe.*' So it is streets, related sidewalks and bridges only."

Public Hearing

Mayor Gonzales gave each person 3 minutes to address this matter to the Governing Body

Stephanie Beninato, P.O. Box 1601, Santa Fe, NM, said, "I would like to remind you all that we citizens have not gotten over the bond fund debt debacle and you have not earned our trust yet. So putting a gas tax, or trying to propose a gas tax probably isn't the best thing in terms of earning trust, because even though the law is going to be specific, you were specific before, and it didn't matter. The money was used in whichever way people wanted to, and the law got changed after the fact. In addition, I believe this is an inequitable and ineffective tax. Inequitable, because it really is regressive and will hurt the working and middle class people most, because they are some of the people who will find it hardest to pay this tax, especially when gas prices go back up. In addition, I think it's ineffective, because if we have \$276 million worth of needs in terms of these kinds of projects, this is raising less than \$1 million a year, not counting somebody's staff time to administer the fund. We're going to get less than 1/3 of 1% per year. That means it will take over 200 years, 276 years to be exact, to get the money that we now need for these projects. I think this is basically a 'feel good' kind of tax, and maybe a way of avoiding some hard decisions, like not renewing leases on parking lots when you have other alternative property available, and that owner doesn't want to negotiate. I just feel like it shouldn't happen, but if you do put it on the ballot, I hope people are smart enough to vote it down."

Jackie Shane, Bicycle Santa Fe, thanked the Governing Body for proposing the Ordinance. She said Bicycle Santa Fe wholeheartedly supports the gasoline tax, despite the fact that most of us or all of us own cars and drive. If the gas tax was 50¢ per gallon, they would support it. They would love to see the Ordinance written in such a way that some of the money goes to support bicycle infrastructure in the City. In response to the previous speaker, she said she has heard people say several times that this is a regressive tax. She said, "I've heard that many many times. I assure you at least 20 miles on a peanut butter sandwich or a banana, I estimate I save \$6,000 a year by bicycling, by choosing my bicycle as a primary mode of transportation over the car." Ms. Shane provided a letter from Bicycle Santa Fe to the Governing Body, and asked that it be incorporated into the public record [Exhibit "5"].

Raymond Herrera, 279 Hillside Avenue, said he is here representing his constituents. He said he has been speaking to people about this tax, and most are totally against. He said his feeling is that the City has gotten so far behind in the improvements that should have been made down through the years, that someone has to be held accountable for it, whether it is the Public Works Director or whomever. He said someone screwed up. He said you said the State is responsible for collecting this tax, and if so, we get just a percentage of it which he thinks comes to zero percent, and he doesn't think it's worth the effort.

John Hendry, 1814 Cerrillos, said he is the President of the New Mexico Federation of Labor. He said he thinks the gas tax is regressive, but he really likes the bicycle idea. He said he can't imagine the situation the Governing Body is in trying to balance the budget. He said the most regressive thing we can do is to balance the budget on the back of the City workers. He said these are the people who rely on the City and have nowhere else to go, commenting there aren't a whole lot of jobs and only so many people can work in the movie industry. He said until there are other options, he thinks it would be a mistake to balance the tax on the backs of the City workers. He said, "I'm just here to ask you, as you consider this, or any other revenue enhancements that you look at the totality of the picture and put the City employees aside, because they are the City. This is what it's all about, and I'm going to come back and remind you of that every opportunity I get. Thank you for your time."

David McQuarie, 2993 Calle Serrada, said he is here to address the proposed Gasoline Tax, although he thinks it may have its positive merits. However, considering who will run the show, which is City staff, he has more definite concerns. He said one concern is that on October 23, 2015, the Roads and Trails Division, presented a set of plans for review for the Committee on Disability, which looked good, but there are a few things which should be improved. He found out the day after, they did a complete reversal in submitting an itemized report of various intersections they would not do. His question is where is the integrity. First of all, he said they were nice in passing the approval of the plan set, even though it was over a year late, which should tell you something. He said a few years ago, a project engineer said, when he was asked the reason there are not various curb cuts at all streets, that we believe that you people cannot make a rational decision as to where to cross. So, I can just use the lights or stay at home. He thinks this is the overall attitude of the various engineers. He said two years ago, the Public Works Director instructed him in writing, that the sidewalks around the new County Courthouse were not available because he uses a mobility device. He thought Santa Fe was above discrimination. He said, "This is wrong."

Jim Jaffe, 612 Calle de Valdez, said he is against this tax. He said about \$1 million a year will be generated, and asked which roads will be worked on – where will the \$1 million be spent. He said he drove around the City the last 2 years, it appears that all the roads are in need of repair. He said driving home from the Ski Basin this afternoon, it appears that road has problems, even though it is in good repair. He said there were 5-6 accidents on the road because of the lack of plowing on the road during one of the more serious storms this season. He spoke with a friend of his a few years ago about having a sidewalk or garage sale, and she told him that her neighborhood had no sidewalks. He doesn't think the tax will build sidewalks in her neighborhood. He said it seems the closer you are to City Hall the better the roads are. He said a friend of his lives in an outlying area of Santa Fe, and he said the roads appear that "General Patton's first

armored corps has driven over them, and they're pretty torn up. He said two nights ago he was driving down the road and got stuck a number of times because there was so much ice and the road was really torn up. He said it was stated previously, it would take 50 years to repair the roads, this tax will never go away. He said he kind of likes the torn-up roads in the City, and he would like to keep the status quo as one way preventing people from speeding on the roads. He would support a tax that would have more bicycle paths, or open the Zia Railrunner Station.

Markanthony Felix, 1706 Third Street, said he is opposed to the tax the way it is set up, because it will take 50 years to get the job done, and it's not good enough. He agrees we need to work on the roads, but we needed to look at other avenues for funding. He said most people have 2-3 vehicles, and it costs the individual a lot of money, but it is just a drop in the bucket of what is needed to get the job done. He is opposed to the tax.

The Public Hearing was Closed

Councilor Maestas said, "Why now, why am I pursuing this nominal gas tax at this point. I realize it's probably not the best timing in terms of the sentiments of our community in terms of their trust of City Hall for various reasons, whether the 2008 Bond management, or Water Fund transfers." He said we've been kicking the can down the road which, deferring maintenance of our infrastructure, has increased the cost of improvements. He realizes the revenues barely will make a dent in addressing our needs, but it represents a small step forward in calling attention to our infrastructure, and taking small steps to begin to address the top priorities. He said the breakdown of needs of existing streets, includes \$33 million for ADA improvements. He said a condition to receiving federal funds we have to self-certify that we are compliant with federal law. He noted the \$33 million need of existing streets which is about 14% of the total. He said we may not be in compliance with the Americans with Disability Act, which should be of great concern to all of us.

Councilor Maestas continued, saying cities across New Mexico, are facing the same situation as Santa Fe. We can only impose taxes authorized by the State Legislature. He said we are a home rule City, but we are restricted. He said this is the only option to raise revenues. He thinks the gas tax is logical, that we should pay to use the system, and it's a dedicated tax. He said it is an established user tax, and a small investment in our local economy. He said we haven't invested in maintaining existing infrastructure, and sees this as an economic development decision.

Councilor Maestas continued, saying we aren't adopting a tax tonight, but we will decide whether we want the voters to decide whether to tax themselves for better streets. He said people consider Santa Fe a hotbed of democracy, and it is a great expression of democracy to let the people speak to whether they want to tax themselves. He said we are lucky to have one of the most participatory forms of government in the State, noting there are 12 home rule municipalities

out of 106 municipalities. He said we should do the right thing and allow the public to speak. The need is apparent and this is a small step forward. He said we don't have many options, and we should put it in the hands of the voters.

Councilor Dominguez said part of our greatest fiduciary responsibility is for our finances, and thanked Councilor Maestas for this effort.

Councilor Dominguez said he can't correlate the Street Condition Assessment with what is in the packet. He said in looking at priority 11 it says it's 1,000 feet in length.

Dave Catanach, Public Works, said all of the ones on this list are ones that are in terrible shape and basically are turning back to gravel.

Councilor Dominguez asked if this is part of the table that has been provided.

Mr. Catanach said he can provide that in pdf so you can see what roads are included.

Councilor Dominguez said if he is asking constituents to support something, he needs to be clear so they are very clear on where and how the money is being spent.

Councilor Dominguez said in looking in the packet provided prior to receiving the handout [Exhibit "4"], there are 10 manhole adjustments, but when he looks at the handout there are manual adjustments for an estimated number of 20. He asked if we know where these are.

Mr. Catanach said at this point this is just an estimate. He said when it comes to the actual project, they will look at each location and price it out item by item.

Councilor Dominguez asked if we know geographically where the manhole adjustments to be made are located.

Mr. Catanach said they are in the GIS and they physically look at all roads prior to going out to bid, reiterating this is just an estimate at this point.

Councilor Dominguez said he knows staff is basing all the information on estimates. He said he has learned via the Parks Bond exercise, is that sometimes when you think you are specific enough, you're not. He appreciates the estimate, and he likes this list which helps, but it doesn't paint the entire picture for him and his constituents. He has a lot of other questions he could raise, but he doesn't want to get into that right now. He will reserve the balance of his comments after a motion is made.

Councilor Bushee asked, since the State is collecting the tax, does the State take a percentage of the tax for doing that.

Mr. Rodriguez said, "No. They collect it for themselves as well, so this is not a new separate problem."

Councilor Bushee asked if it is like the way we collect the GRT and we see it a year later.

Mr. Rodriguez said, "No. We see it about 45 days later."

Councilor Ives said he looks at this in the context of some of our greater discussions on the budget deficit, we have talked significantly already about trying to align revenue and expenses. He said there was a public hearing where people expressed opposition to the tax. He said there is a common sense that our streets need repairs, and criticism of the tax was that it didn't do enough. He said his response to some of that is we need to start somewhere to solve the budget deficit. He said the public infrastructure are core City services, and it is our responsibility to build, preserve, keep up and maintain the infrastructure across which commerce flows. He said the tax is a proposal to tax that commerce and people driving cars and buying gas to direct this revenue toward a particular expense in an intelligent way that can help our budget deficit and move us forward to resolving the deficit over time."

Councilor Ives continued, saying this is a very sensible means of taking a step forward to that process by identifying the gas tax as a revenue source specifically targeted toward a specific expense. He said from that perspective this makes great sense in his mind and is the type of action that we are looking for to resolve the budget deficit and realigning expense and revenues across the City.

Councilor Ives continued, saying in looking at the report on the City streets, on page 4, Pavement Conditions, says "*The most recent pavement assessment in January 2015, indicate the average road across the City is in fair condition with a rating of 2.24, with 4 being a new road in excellent condition, to 0 which is a failed road.*" He said the notes in the report say the 2.24, the fair designation, connotes a roadway that is in significant distress and deteriorating rapidly. This is a first step and a good opportunity to appropriately align revenues with a known expense that is critical to the City.

Councilor Trujillo said he stands in support of the 2¢ gasoline tax. He said every time you fill up your car you pay a tax which is used to maintain State roads, so it's not a new tax, but it would be a new tax for the City of Santa Fe. He said this is a drop in the bucket as to what we need. He said we've discussed year after year our streets, sidewalks and the need for repair. He said the tax will fluctuate, noting when gasoline prices are high, people don't travel. He said we're

taxing everybody, not just the locals, including tourists driving their cars to Santa Fe. He said all of us have traveled throughout the United States, and filled up in other areas and we probably paid a tax at the pump which was used to fix roads. He said he wants his colleagues to allow the voters to make this decision, and if they don't want it, they can vote no – this is democracy. He said sometimes he believes we as a Council have too many rules. He said we've done it with the plastic bags and other issues. His constituents asked why they didn't have the opportunity to vote. Here we're giving them the opportunity to vote on a 2¢ tax. He doesn't see this as damaging, and he stands in support of the tax. And, although it won't get us where we want to be, it will get us started.

Councilor Trujillo continued, saying a lot of his constituents are asking for speed humps, and we don't have funding. He believes this is a way to improve our streets and for those constituents that want this. He said it is specifically earmarked for streets, sidewalks and bridges, and that is what should be stated in the ballot question, and we won't deviate from that. He said we have to be sure the funds goes for these purposes. He said our bookkeeping hasn't been the best, but it is one way to ensure to keep it honest by saying, if this passes, that the money has been spent strictly for roads, sidewalks and bridges.

Councilor Maestas said he knows there is public concern that this is terrible timing, and they're not in the mood to consider anything like this because of the trust deficit they may have. However, we have positive developments upcoming prior to the election, one of which is the release of the results by the State Auditor, of the audit of the 2008 Bond Issue, will prove there was no multi-million fraudulent management of the bond funds. He thinks that will go a long way in allaying the community concerns in terms of what really happen. He said we consciously designed the contract to have the results provided prior to the election.

Councilor Maestas said the other issue is the transfers from the Water Fund. He said our current policy to facilitate transfer of funds from the Water Fund to the General Fund will sunset on June 30, 2016. He said we've taken a hard position on these transfers. The State Auditor is overseeing the audit of the 2008 Bond Funds, and those results will be disclosed next month. He said it isn't inconceivable that the public may be open to adopting this tax, and he wants to them the opportunity.

Councilor Dominguez said he has tried to keep an open mind. He thanked Councilor Maestas for reaching out and for being brave enough to bring this forward. He also appreciates that he has whittled it down. He said there is an obvious need for ongoing street repairs. He said future administrations will be dealing with the same thing. He said we know infrastructure costs are increasing at such a rapid rate that many municipalities, State agencies and the federal government can't keep up. He said the idea that some of us are fearful of exercising democracy is interesting to him. He agrees there are times we should let the voters decide. He said there are 6,622 registered

voters in District 3, with twice that number in District 4. He said this might work, but the reality is things are not equal, and we could have sections of the community that have the wherewithal to purchase vehicles that aren't gas guzzlers. He said all things being equal, democracy might make it's way around and things might work, but the reality is we're going to have sections of our community making those decisions for other sections of our community.

Councilor Dominguez continued, saying we are narrowing the bill to ensure the funds are spent on streets, sidewalks and bridges. However, he wants to know which streets, which sidewalks and which bridges will receive funds. He said he needs to let his constituents know exactly how this will benefit them. He said he has betting calls about a street for many years, but he can't tell people with certainty that is going to happen.

Councilor Dominguez continued, reiterating his appreciation for the proposal. He said we need to get our CIP program in order and stop spending so much money from CIP on salaries. He said we are moving to wean that off, and to make sure it happens. He said although he appreciates Councilor Maestas' efforts, he doesn't see the equity in the bill for many constituents.

Councilor Bushee said she has followed the logic, and it is always appealing to say there is a need and ask the voters to fill that need. She said we need to start somewhere to solve the budget deficit, and this is a call to arms to appropriate and align revenues to a known expense which is critical. She said it's doing the right thing. She said the Finance Director has said we shouldn't be bonding for more money because we've been overdoing it. This is the same Public Works Department and Director that came to us during the last CIP bond, saying that we need \$1.5 million for salaries for parks maintenance, instead of saying the critical priority is our roads. She said funds we get from the Legislature seems to be for infrastructure. She said the worst for her is the approach that we need to start somewhere to resolve the budget deficit.

Councilor Bushee continued, saying we were very specific in 2008 as to how the funds would be spent – parks and bicycle trails. She said bicycle trails continue to poll as the number one priority by the citizens. She said in 2008 what we did was to misdirect the funds, and we're still trying to sort that out. She said the Water Company clearly is an enterprise funds to be operated like a stand alone business, but we end up with \$95 million in reserves and we start using it to balance the budget. And we're going to do it again in this budget cycle as it comes forward in the Spring.

Councilor Bushee continued, saying Councilor Dominguez is correct that we have no specific plan for how money will be spent, whereas in 2008 there was a very specific plan for spending the money, but we didn't follow. She said this is premature. She said if you want to test the voters' trust, you wait until the Mayoral Election when there are more voters and we will have more answers with regard to how our budget will align. We may have tough calls ahead, and we

should fact that at some point, rather than saying we need to start somewhere and this is a good place to start. She believes we started going down the road in CIP where we go ahead and bond for those funds – these are capital funds for roads, bridges and sidewalks. She said the individual is responsible for the sidewalk in front of their home. She represents downtown, and the last time she tried to work out ADA for a sidewalk on the street between San Francisco and Water, everybody “came unglued, because we were going to have to undo some parking.” She commented that there is great conflict as far as what we will or will not do in improvements.

Councilor Bushee continued, saying she doesn't know why some of the downtown businesses aren't on the hook for maintaining and building new stretches of sidewalk. She thinks there are funds in the Small Sidewalks Fund.

Unidentified said there is \$500,000.

Councilor Bushee continued, saying there are no funds for traffic calming. She said she is concerned with where we're going with Impact Fees and requirements for developers. She said she thinks we should stop giving amnesty for those fees to take care of impacts in the specific area needing improvements. She said she thinks the impact fees should be increased. She said this is a scatter-shot approach when we haven't aligned our revenue streams for years. She said we had a special law regarding the Water Fund, but you amended the law. She said she voted against it and will continue to vote against it as long as she is here. It is the wrong thing to do and forestalls the inevitable. We need to sit and realign how we receive and spend money before we go to the voters asking for more money.

Mayor Gonzales asked if the Federal Highway Funds ever makes it to the municipalities.

Councilor Maestas said yes, it is done through competitive grant programs based on population, but primarily it is for interstate highways and roads. He said the Highway Trust Fund is insolvent, and in the last bill the feds didn't fix it, they just identified other non-gasoline tax revenues to pay for this.

Councilor Maestas said, “In closing, the administration asked for a 50% increase in funding, and this bill only provided only 11%. So even at the federal level, they're not providing a sustainable fix, and these are federal gas taxes, and I believe the federal gas tax is.... does anyone know... I should know that. I think it's like 17¢ and the State gasoline tax is about 13¢, so combined, we're paying about 30¢ a gallon for state and federal taxes, but there is no direct local allocation. So this is a stopgap measure by Congress.”

Mayor Gonzales said so there is very little in terms of federal funds and there is very little we can count on locally. He asked if the State portion of the gasoline tax is subject to the budgeting process at the Legislative level on how much cities will get each year – is there an established formula.

Mr. Rodriguez said there is a formula that's been around for a long time.

Mayor Gonzales said it has been some time since there has been an increase in the gasoline tax. He said, "Then we get about \$1.5 million annually from gasoline tax."

Mr. Rodriguez said that is correct, noting he is rounding up.

Mayor Gonzales said, "Then of the 13¢ State gasoline tax, there is a direct allocation back to the City to cover our roads and streets."

Mr. Rodriguez said that is correct.

Mayor Gonzales said he understands that has been used, and there is \$2.5 million in cash reserves for that fund and it is under-utilized.

Mr. Rodriguez said yes, it is set aside for allocation to capital improvements.

Mayor Gonzales said, "Then there is a recurring revenue source from the State gasoline tax of about \$1.5 million annually, paid by City residents at the pump."

Mr. Rodriguez said that is correct.

Mayor Gonzales said the portion of the City GRT for capital improvements, generates about \$15 million annually.

Mr. Rodriguez said that is correct.

Mayor Gonzales asked how much of the \$15 million is allocated for debt that was incurred for other capital projects out there.

Mr. Rodriguez said, "All but about \$2 million is obligated either by formula or to bonds."

Mayor Gonzales said then we've been using it annually to cover Libraries, or FTEs. He said between the two, assuming that we get through the next budget cycle and establish a path to reduce the deficit, at the point we reduce the deficit and it no longer exists, that is approximately

\$3.5 million freed up money that can be allocated for capital projects which can include streets, bridges and sidewalks.

Mr. Rodriguez said that is correct, and “that is just for that area. The amount for operations has been embedded in other capital expenditures.”

Mayor Gonzales said there are other things we have to detangle, but specifically the tax paid by the public in the form of a GRT and at the gas pump, there is approximately \$3.5 million that could be freed to go through toward streets if we chose to prioritize it that way. He said this new tax we are going to put before the voters, would generate \$950,000, basically 1/3 of what could exist.

Mayor Gonzales continued saying, regarding the issue of voter participation, in 2012, there were 3 bond questions, the one for Public Safety failed, the one for Parks Trails was barely approved, and the Sustainable Environmental Bonds were approved. He said about 10,500 people voted out of an eligible 49,390 voters, or 20% of the electorate voting when there was no mayor candidates. In 2014, a Mayoral election, there were bonds and Charter amendments as well, and 17,000 people voted out of 57,900 registered voters or 29% voter participation. He said there will be no Mayor on the ballot for the 2016 election, or questions to draw voters, such as Charter amendments, noting there is only one contested Council election. He said there is a good chance that fewer people will participate in this election. He said potentially, 20% of people can impose a tax on the majority, which doesn't make sense to him, especially since we still have an opportunity and an obligation to correct a deficit which, one corrected, the public is already paying and creating a source of revenue for capital improvements whether streets, sidewalks, bridges or facilities.

Mayor Gonzales continued, saying he applauds Councilor Maestas' efforts to bring forward infrastructure issues, and thinks it always should be a priority. He said we have the opportunity to right-size to create proper alignment and free-up existing revenues the public has said it supports in the form of the GRT through CIP, or in the form of the State gasoline tax to start building a true, credible, long-term funding source for streets, bridges and other capital improvements the public needs. His only issue with this at this point is the timing. He would have liked to have resolved our budget issues before this question was brought forward, although he understands it is being brought forward because an election happening before the adoption of the budget. He said there is only one contested Council District with a contested election, and no other major questions on the ballot. He said the District 1 constituents are going to end up deciding whether the entire City should be taxed for this.

Mayor Gonzales continued, reiterating that the timing is not right. He said he has faith that this Council is committed to solving this deficit which will be tough. Part of solving the deficit is going to include everything from cuts to looking at other sources of revenue. He would prefer to

have the dialogue on how we resolve the framework and the deficit before we start pulling other tax revenues. He said, "It's the only reason why I'm going to vote no on this question, because I believe we have to do the responsibility given to us when we put our names on the ballot to actually develop a budget that is balanced, and where revenues dedicated to certain initiatives actually are released so they can support those initiatives, and then we can look at other sources of revenue."

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to adopt the proposed Ordinance.

DISCUSSION: Councilor Maestas said he has closing remarks and wants to speak to some of the concerns voiced on the issue of equity and not knowing what specific projects will be funded. He said with a need of \$237 million, with the potential to generate only \$1 million and to bond \$20 million over a 20 year period, which is less than 5% of the current \$237 million funding gap, we're going to have a more than adequate list of projects to identify and prioritize by District. He said we aren't going to allow any District to get more revenues than another.

Councilor Maestas continued, saying on page 21 it breaks out the \$237 million by Districts, noting the need isn't virtually identical, but they are all in the same ballpark, commenting the need will dictate the equity. He is confident, if this passes, between now and the election we will identify a short list of projects that have been on the books for many years and there will be equity among the Districts.

Councilor Maestas continued, saying a lot of the discussion assumes that 100% of Santa Feans buy gas in Santa Fe which isn't true. We are a tourism economy and many people come from out-of-state. This is the center of government. Many who can't afford to live in Santa Fe, live in the outskirts and buy gasoline here in the City. He said 38% of workers live in Santa Fe, down from 52% 10 years ago. He said there will be a minimal impact on Santa Fe workers.

Councilor Ives said he is confused by arguments that we shouldn't engage in the democratic process because some voters choose to participate or not to participate in certain areas. He said that suggests that we want to empower non-participation to some degree and can't understand that as a principle guiding our actions. He said Mayor Gonzales said there were 10,000 out of 49,000 voters in the last non-Mayoral election and 17,000 of 59,000 voters in the Mayoral election, roughly 20% and 28% with a difference in 8% of the electorate. He said he doesn't understand the suggestion that we shouldn't engage in public votes on matters such as taxes which must go to the electorate every four years. He said we have tried to incentivize elections at every level due to apathy and non-participation which is nothing short of remarkable. He said it would be a source of dismay to our founding fathers, and all those who believe the right to vote is fundamental to participating in our democracy and a responsibility we have as citizens.

Councilor Ives continued, saying we have new opportunities for people to vote through the new convenience centers. He can't see stopping the process simply because we're afraid that one group might be turning out more and potentially have more of a say, as if they didn't reflect, potentially, the sentiment of all of Santa Fe. He thinks it's incumbent on people to participate, and the effort to get on the ballot is an invitation to do that. He thinks this is a good example of something which will get people to turn out to vote.

Mayor Gonzales said that isn't his primary point. He said the public participated in electing a Council responsible for developing a balanced budget, and we haven't done it. He said his point is we should do that first, then when we look at revenue sources we can go to the voters. He said, "I was merely pointing out that, unfortunately, if trends continue, we'll see less participation. I think your call to vote is totally appropriate, and I would love to see that happen, but that's reality. But minus that, and maybe if we had our budget in alignment, I think the argument would be persuasive and compelling to say, well let's go ahead and put it on out there. But I don't think it's right to release a question to the voters until we actually own up to our own responsibility and deliver a balanced budget where the dedicated revenues the voters have said they support actually go into the infrastructure that they were promised to do so. Otherwise, to go out to them and ask them to help solve this before we've shown we're willing to solve our own checkbook is more the issue I was trying to drive through as opposed to the voter participation."

Councilor Dominguez said he respects what Councilor Ives had to say. He said he looks at the Public Safety Bond which was defeated substantially, noting that would have benefitted District #3 as we were contemplating annexation, but it was not approved. It was not the District that was going to be able to take advantage of that, that necessarily put that issue over the edge to fail. He said the one person one vote concept is being challenged at the federal level. He would be curious to see the comments if we considered that concept. He said the concept is that the Districts are based on the number of registered voters, not the number of people in your District, which doesn't do justice to minority, poor and young populations, noting young people can't vote.

Councilor Bushee said she agrees with Mayor Gonzales. She said the argument that it's not a regressive tax, which is what we've been saying for years about the GRT – the tourists are going to pay for it, really hasn't worked out for us and it continues to be a regressive tax. She said two cents may not mean a lot to some, but there are people who go outside to the Pueblos to buy gas because it's 5¢ a gallon cheaper. She thinks it is potentially harmful to our economy. She thinks it's bad timing all around. She hopes we let the dust settle, get things figured out. And then, if this is still a burning desire and need when we have more voter turnout we can move on it. She commented she has never seen an election where there was only one District with a contested Council race.

Councilor Maestas said he thinks it is short-sighted to conduct our business and meet the community needs in a serial fashion. He thinks our needs are so great, there is no reason we can't solve our problems simultaneously. He said he sees this is an opportunity to meet our long standing needs simultaneously. He said it is an independent, isolated decision and it is past due, and reiterated his previously expressed concerns.

Councilor Rivera said he has listened to the Governing Body commentary as well as the public commentary and thanked them for coming this evening. He said he isn't in favor of this proposal, because he thinks it is not fair at this point to say what the City's needs are when we haven't gone through the process of balancing the budget, figuring out where we need to make cuts, and ensuring our accounting processes are where they need to be at this time. He said he thinks we owe it to the voters to go through the process. He said they've seen the information in the newspaper saying as a City, we have 20% more or whatever percentage, more employees than other cities of the same size. He doesn't think that's right, and doesn't think other cities, for example, run a water company or do other things our City does. He thinks we owe it to the public to go through the process of investigating it and seeing if it's true, before we ask them to help to bail ourselves out or reach the goals of the budget deficit. He said we need to make sure our own house is in order before we start asking the public to help us out through that. He said he appreciates all of tonight's dialogue, noting there were good comments on both sides, but "I just can't support this at this time because of that."

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

For: Councilor Ives, Councilor Maestas, and Councilor Trujillo.

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

5. **CONSIDERATION OF RESOLUTION NO. 2016- ____ (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 1, 2016, IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE TO VOTE FOR OR AGAINST THE ESTABLISHMENT OF A MUNICIPAL GASOLINE TAX, IN THE AMOUNT OF TWO CENTS (\$0.02) PER GALLON TO FINANCE, DIRECTLY OR THROUGH THE ISSUANCE OF BONDS, ROAD AND RELATED SIDEWALK PROJECTS AND BRIDGE PROJECTS, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE, PURSUANT TO §7-24A-10 NMSA 1978. (YOLANDA Y. VIGIL). (THIS ITEM WILL BE CONSIDERED IF ITEM 4 IS APPROVED)**

RESOLUCION QUE CONVOCA UNA ELECCION EXTRAORDINARIA QUE SE LLEVARA A CABO EN LA MUNICIPALIDAD DE SANTA FE EL DIA 1 DE MARZO 2016, EN CONJUNTO CON LA ELECCION MUNICIPAL ORDINARIA, PARA EL PROPOSITO DE SOMETER UNA CUESTION A LOS ELECTORES CALIFICADOS DE LA MUNICIPALIDAD DE SANTA FE PARA VOTAR A FAVOR O EN CONTRA DE LA CREACION DE UN IMPUESTO MUNICIPAL A LA GASOLINA, POR EL IMPORTE DE DOS CENTAVOS (\$0.02) POR GALON PARA FINANCIAR, DIRECTAMENTE O POR LA EMISION DE BONOS, LOS PROYECTOS DE LAS CARRETERAS Y LAS ACERAS CONEXAS Y PROYECTOS DE LOS PUENTES DENTRO DE LOS LIMITES DE LA MUNICIPALIDAD DE SANTA FE, CONFORME A §7-24A-10 NMSA 1978.

No action was taken on these matters since Item No. 5 was not approved.

6. REQUEST FOR APPROVAL OF PRECINCT BOARD MEMBERS FOR EARLY VOTING SITE AT GENOVEVA CHAVEZ COMMUNITY CENTER, 3221 RODEO ROAD. (YOLANDA Y. VIGIL)

A copy of a list of the Precinct Board members for the Early Voting site at the Genoveva Chavez Community Center, entered for the record by Yolanda Y. Vigil, City Clerk, is incorporated herewith to these minutes as Exhibit "6."

Ms. Vigil said this just changes the date of our Election School from February 2 to February 4, 2016, and asked for the approval of the Governing Body.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve the Precinct Board Members for the Early Voting Site at the Genoveva Chavez Community Center, as presented.

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.

7. 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, AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, pursuant to the Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, to go into Executive Session for discussion regarding threatened or pending litigation in which the City of Santa Fe is a participant and discussion of the purchase, acquisition or disposal of real property or water rights by the City as recommended by the City Attorney.

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: None.

Absent for the vote: Councilor Bushee.

The Council went into Executive Session at 8:10 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 9:15 p.m., Councilor Rivera moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were listed 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 and Councilor Rivera.

Against: None.

Absent for the vote: Councilor Trujillo

8. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:20 p.m.

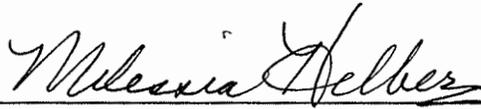
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
January 6, 2016

The Governing Body of the City of Santa Fe met in an executive session duly called on January 6, 2016 beginning at 8:10 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; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe.

PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Rivera
Councilor Trujillo (Left at 8:24 p.m.)

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Marcos Martinez, Assistant City Attorney (Left at 8:32 p.m.)
Matthew O'Reilly, Asset Development Director
Jon Bulthuis, Transit Director (Left at 8:32 p.m.)
Noel Correia, Parking Division Director (Left at 8:32 p.m.)

There being no further business to discuss, the executive session adjourned at 9:15 p.m.


Yolanda Y. Vigil, City Clerk

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 SANTA FE CITY COUNCIL MEETING
 Wednesday, January 13, 2015

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PUBLIC HEARINGS

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Approved

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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

Approved

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VIOLATIONS AND SUBJECT TO ADMINISTRATIVE
ADJUDICATION AND COLLECTION BY AN
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AS ARE NECESSARY TO MEET THE PURPOSES OF
THIS ORDINANCE

Approved

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 13, 2016**

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, January 13, 2016, 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 Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

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(z)(7) to the next meeting of the City Council on January 27, 2016, noting it was sent back to the Public Safety Committee.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of January 11, 2016, regarding Item 10(z)(4), is incorporated herewith to these minutes as Exhibit "1."

A copy of an Amendment Sheet proposed by City staff, regarding Item 10(z)(4), is incorporated herewith to these minutes as Exhibit "2."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of January 11, 2016, regarding Item 10(z)(5), is incorporated herewith to these minutes as Exhibit "3."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of January 11, 2016, regarding Item 10(z)(6), is incorporated herewith to these minutes as Exhibit "4."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of January 11, 2016, regarding Item 10(z)(7), is incorporated herewith to these minutes as Exhibit "5."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of January 11, 2016, regarding Item 10(dd), is incorporated herewith to these minutes as Exhibit "6."

- a) **REQUEST FOR APPROVAL OF BID NO. 16/01/B – PROFESSIONAL SERVICES AGREEMENT FOR TIRE REPAIR AND SERVICES FOR ENVIRONMENTAL SERVICES DIVISION; QUINN TIRE, INC. (LAWRENCE GARCIA)**
- b) *[Removed for discussion by Councilor Ives]*
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CITY OF SANTA FE TRANSITION PLAN FOR PUBLIC RIGHT-OF-WAY MANDATED BY U.S. DEPARTMENT OF JUSTICE AND DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION (RFP #16/10/P); KFH GROUP, INC. (DAVID CHAPMAN)**
- d) *[Removed for discussion by Councilor Ives]*

- e) *[Removed for discussion by Councilor Ives]*
- f) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FAIRWAY AND DECK EQUIPMENT FOR MUNICIPAL RECREATION COMPLEX (MRC); DEERE & COMPANY. (JENNIFER ROMERO)
- g) REQUEST FOR APPROVAL OF REQUEST FOR PROPOSAL (RFP) FOR PARKS AND RECREATION MASTER PLAN. (ROBERT CARTER)
- h) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 9 – SANTA FE RESERVOIRS INFRASTRUCTURE IMPROVEMENTS CONSTRUCTION CONTRACT ALTERNATE A; RMCI, INC. (ROBERT JORGENSEN)
- i) REQUEST FOR APPROVAL OF NOTIFICATION OF EMERGENCY PROCUREMENT – REBUILD ENGINE ON COLLECTION UNIT FOR ENVIRONMENTAL SERVICES DIVISION; ROCKY MOUNTAIN CUMMINS. (LAWRENCE GARCIA)
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND BERNALILLO COUNTY WATER UTILITY AUTHORITY FOR VEHICLE MAINTENANCE SERVICES SPECIFICATIONS FOR ENVIRONMENTAL; VARIOUS VENDORS. (LAWRENCE GARCIA)
- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR PASEO REAL WASTEWATER TREATMENT PLANT ANAEROBIC DIGESTER (RFP #16/01/P); HDR ENGINEERING, INC. (BRYAN ROMERO)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$782,589.
- l) REQUEST FOR APPROVAL OF CLOSURE OF DR. RICHARD ENGLE TENNIS COURTS LOCATED AT THE HOSPITAL WATER TANK, 5 CALLE MEDICO. (ERIC ULIBARRI)
- m) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – CITY SEWER SERVICE FOR SENIOR CAMPUS PROPERTY AT CAJA DEL RIO INTO COUNTY WASTEWATER COLLECTION SYSTEM; SANTA FE COUNTY. (STAN HOLLAND)
- n) REQUEST FOR APPROVAL OF GRANT AGREEMENT AND AWARD – TRAFFIC & CRIMINAL SOFTWARE (TraCS) PROJECT TO SUPPORT STATEWIDE DEPLOYMENT OF TOOL AND RECORDS FOR POLICE DEPARTMENT; STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION. (INTERIM CHIEF GALLAGHER)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$100,000.

- o) REQUEST FOR APPROVAL OF GRANT AWARD AND PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SELF-CONTAINED BREATHING APPARATUS (SCBA) SCOTT LIBERTY II AIR COMPRESSOR TRAILER FOR FIRE DEPARTMENT; MES, INC. (JAN SNYDER)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$97,225.60.
- p) REQUEST FOR APPROVAL OF PUBLIC PROTECTION REVOLVING EQUIPMENT LOAN – PERSONAL PROTECTION EQUIPMENT FOR FIRE DEPARTMENT; NEW MEXICO FINANCE AUTHORITY (NMFA). (JAN SNYDER)
- q) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AND PROCUREMENT UNDER STATE PRICE AGREEMENT – FY 2015/2016 RESEARCH AND ADVISORY SERVICES FOR ITT DEPARTMENT; INFO-TECH RESEARCH GROUP, INC. (RENEE MARTINEZ)
- r) REQUEST FOR FINAL 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 SANTA FE. (MATTHEW O'REILLY) (Postponed at December 9, 2015 City Council Meeting)
- s) CONSIDERATION OF RESOLUTION NO. 2016-1 (MAYOR GONZALES AND COUNCILOR IVES). 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. (YOLANDA Y. VIGIL)
- t) CONSIDERATION OF RESOLUTION NO. 2016-2 (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) (Postponed at December 9, 2015 City Council Meeting)
- u) *[Removed for discussion by Councilor Rivera and Councilor Ives]*

- v) CONSIDERATION OF RESOLUTION NO. 2016-3 (COUNCILOR DIMAS, COUNCILOR IVES, COUNCILOR LINDELL AND COUNCILOR BUSHEE). A RESOLUTION CONTRIBUTING PROPERTY AND RESOURCES TO SANTA FE COMMUNITY HOUSING TRUST FOR THE DEVELOPMENT OF THE SOLERAS STATION LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT. (ALEXANDRA LADD)
- w) CONSIDERATION OF RESOLUTION NO. 2016-4 (COUNCILOR IVES, COUNCILOR MAESTAS AND COUNCILOR BUSHEE). A RESOLUTION DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC HOUSING AUTHORITY PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE REHABILITATION OF THE PASA TIEMPO HOUSING SITE TO MAXIMIZE POINTS AWARDED UNDER THE LIHTC APPLICATION. (ALEXANDRA LADD)
- x) CONSIDERATION OF RESOLUTION NO. 2016-5 (COUNCILOR IVES, COUNCILOR MAESTAS AND COUNCILOR BUSHEE). A RESOLUTION DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC HOUSING AUTHORITY PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE REHABILITATION OF THE VILLA HERMOSA HOUSING SITE TO MAXIMIZE POINTS AWARDED UNDER THE LIHTC APPLICATION. (ALEXANDRA LADD)
- y) *[Removed for discussion by Councilor Maestas]*
- z) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 10, 2016:
 - 1) BILL NO. 2016-1: AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO EXTEND THE TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION ON JAGUAR ROAD FROM NM 599 (VETERANS MEMORIAL HIGHWAY) TO CERRILLOS ROAD. (COUNCILOR RIVERA AND COUNCILOR BUSHEE). (JOHN ROMERO)
 - 2) *[Removed for discussion by Councilor Ives]*
 - 3) BILL NO. 2016-3: AN ORDINANCE AMENDING SUBSECTION 1-7.7 SFCC 1987, TO PROHIBIT AN ELECTED OFFICIAL FROM ACCEPTING EMPLOYMENT WITH THE CITY OF SANTA FE WITHIN ONE (1) YEAR OF LEAVING OFFICE (COUNCILOR LINDELL AND COUNCILOR IVES). (ZACHARY SHANDLER)

- 4) BILL NO. 2016-4: 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. (MAYOR GONZALES). (ALEXANDRA LADD)
 - 5) BILL NO. 2016-5: AN ORDINANCE AMENDING SUBSECTION 7-1.1 SFCC 1987, TO ADOPT THE 2012 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE, 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 (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR RIVERA). (MICHAEL PURDY)
 - 6) BILL NO. 2016-6: AN ORDINANCE ESTABLISHING REQUIREMENTS FOR BICYCLE PARKING FOR NEW DEVELOPMENTS, OR THOSE INCREASING IN INTENSITY BY 25 PERCENT OR MORE (COUNCILOR BUSHEE AND COUNCILOR IVES). (MELISSA McDONALD)
 - 7) BILL NO. 2016-7: AN ORDINANCE AMENDING THE UNIFORM TRAFFIC ORDINANCE TO PERMIT BICYCLES TO TREAT STOP SIGNS AS YIELD SIGNS IF THE RIGHT-OF-WAY IS CLEAR OF OTHER VEHICLES OR PEDESTRIANS (COUNCILOR BUSHEE). (JESSE GUILLEN & MELISSA McDONALD) Removed from the Agenda and postponed to the Council meeting of January 27, 2015.
- aa) REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO AMENDED AND RESTATED RAILYARD LEASE AND MANAGEMENT AGREEMENT – INCLUDE MINOR HOUSEKEEPING ITEMS AND PAYMENT DEFERRALS TO EXISTING RENT SCHEDULE; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)
 - bb) *[Removed for discussion by Councilor Rivera]*
 - cc) REQUEST FOR APPROVAL OF CITY OF SANTA FE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2015, PURSUANT TO STATE AUDIT RULE 2014, 2.2.2.10(J)(3)(d) NMAC BY ACCOUNTING & CONSULTING GROUP, LLP. (TERESITA GARCIA)

- dd) **REQUEST FOR APPROVAL OF APPOINTMENT OF PRECINCT OFFICIALS FOR THE MARCH 1, 2016 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**
 - 1) **REQUEST FOR APPROVAL TO EXTEND CITY CLERK'S HOURS ON FEBRUARY 23, 2016, FROM 5:00 P.M. TO 9:00 P.M., TO ALLOW PRECINCT OFFICIALS TO VOTE EARLY FOR THE MARCH 1, 2016 REGULAR MUNICIPAL ELECTION**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – DECEMBER 9, 2015
SPECIAL CITY COUNCIL MEETING – DECEMBER 14, 2015**

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of December 9, 2015, as presented.

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

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the minutes of the Special City Council meeting of December 14, 2015, as presented.

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

9. PRESENTATIONS

None.

CONSENT CALENDAR DISCUSSION

- 10(b) **REQUEST FOR APPROVAL OF BID NO. 16/05/B – SANTA FE TRAILS BUS SHELTERS PHASE 2 AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; PRO-FAB, INC. (MARY MacDONALD)**

Councilor Ives said the 2011 study is not included in the packet, and would like to see the content. He asked Ms. MacDonald to send him a copy of that document, and she said she would do so.

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

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

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

Against: None.

- 10(d) **REQUEST FOR APPROVAL OF AGREEMENT – FUND 89200 CAPITAL APPROPRIATION PROJECT; STATE OF NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CHAPMAN)**
- 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$25,000.**

Disclosure: Councilor Trujillo said, "As with anything taken off regarding the New Mexico Department of Transportation, I state for the record I do work for the New Mexico Department of Transportation. I do not work in this division, so there is no conflict of interest. I just wanted to make that statement."

Councilor Ives said this is the intersection of Agua Fria and South Meadows Road which has come up in discussions frequently lately, which is described as a failed intersection. He asked what is meant by a failed intersection.

David Catanach said there are two huge elementary schools in that proximity and the traffic volume for that intersection is overwhelming. The \$25,000 provided to the City by the State DOT will be used for a traffic study. He would defer to John Romero for an explanation from someone in engineering.

Councilor Ives noted the applicant for the Gerhart Apartments had done a traffic study of the area which included that intersection, and our Traffic Division also did an analysis of that intersection. Neither of these seemed to describe it as a failed intersection. He would like to know exactly how the funds will be used.

Mr. Catanach said the appropriation is to plan, design and construct road improvements and purchase rights-of-way at that intersection. However, the appropriation is only \$25,000, and would defer to Mr. Romero.

John Romero, Director, Traffic Engineering Division, said they requested funds for a full design, and got a portion of that which was \$25,000. He said they are planning, at a minimum, to do a form of traffic study to determine if a roundabout is a better fix, or adding left turn bays in Agua Fria is a better fix. He said if we can supplement the request with additional funds, they can get a design done. He said the failure at the intersection specifically the eastbound movement in the morning is because there are no left turn bays, it is a shared through left, so people trying to turn left to go to the new school are holding up through traffic and vice versa. So that is the one failing movement they are hoping to remedy with this project.

Councilor Ives asked if "failing movement," is a technical term in traffic studies or in traffic engineering.

Mr. Romero said yes. He said it ranges from level of service A to F, noting 0-10 seconds delay of wait time is level of service A, and 10-20 seconds is B and so on. He said that approach is a level of service F, so it is defined as a failing movement. He said anything E or less is considered to be okay, but anything F or beyond is failing which the eastbound movement is failing.

Councilor Ives said then the traffic studies done at this intersection, gave it a failing status.

Mr. Romero said yes, as well as those done for the Gerhart Apartment application, noting the developer did a traffic study as well, and both rated it as a failing intersection.

Councilor Ives said then the funds would be used to design the fix.

Mr. Romero said yes, to at least decide what the fix should be, and possibly to design it, reiterating the possible fixes are a roundabout or adding left turn bays and maintaining it as a signalized intersection.

Councilor Ives asked, if approved, when is it anticipated to accomplish that.

Mr. Romero said the solution could be done by August 2016 at the latest, and the design depends on when and if we get additional funds, as to when it could be completed.

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

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

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

Against: None.

- 10 (e) CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE IIC, CAMINO CARLOS REY TO LLANO STREET (CIP #810A). (JOHN ROMERO)**
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASES IN THE TOTAL MOUNT OF \$1,781,935.**
 - 2) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION ENGINEERING/MANAGEMENT SERVICES; PARSONS BRINCKERHOFF, INC.**
 - 3) REQUEST FOR APPROVAL OF BID NO. 16/13/B – CONSTRUCTION AGREEMENT BETWEEN OWNER AND CONTRACTOR; AUJ, INC.**

Councilor Ives said he has questions on the bidding process. He said we are spending \$11 to \$12 million on 2/3 miles of Cerrillos Road. He said the cost seemed significantly expensive, but there is a lot of work to be done which could add to the cost. He said as conceived originally, a cooperative agreement proved \$11 million, with the design and right-of-way estimated at \$2.650 million, leaving \$8.350 million for construction and engineering management, and the design and ROW work was \$1,538,783, which resulted in a savings of \$1,111,217. He is concerned that it will take an additional request of \$1,781,935, and he struggling with why we can't get a better handle on cost, especially when we're able to realize such a significant savings on the design and ROW acquisition side. Councilor Ives asked the reason this was so significantly under-bid – about \$3 million.

Mr. Romero said we are funding this with State and federal funds, thus we following the State and federal STIP process, their version of our CIP planning. He said the budget came from several fiscal years, and a certain amount of money is available in certain fiscal years. He said the total project budget always was estimated at \$11 million, noting the \$2.75 million was in a certain fiscal year, but we don't get that money, we have to obligate it. If being used for construction, the construction plans have to be ready to go, but we knew we couldn't do that. So not to lose the money, we said we were using the funds for design and ROW which tied-up the funds, always anticipating moving in those funds. He said the \$1,111,217 is State and federal funds, and those funds is still moving around, noting it's based on the State use of right-of-way and what is obligated from the feds. He said the overall budget was always \$11 million, and over-budgeting design and ROW was an exercise in trying not to lose money.

Mr. Romero continued, "Now the overage beyond that... When this was programmed in the STIP it was based off planning numbers, based on previous Cerrillos Road numbers. And it was also done years ago, and once it gets set it just stays there is very little opportunity to adjust that, and this probably was estimated 5 years ago when it was placed in the STIP. The reason this type of project costs so much is there are 8 lanes of traffic, 3 travel lanes, 2 auxiliary lanes. There's a significant size storm drain that's going in the road, 2 signalized intersections. We are doing the portion, that we want to use out of water and sewer is for water and sewer. So there are those improvements. That's basically it. Section work isn't as cheap as we would hope it would be, especially in an urbanized setting, it gets very expensive."

Councilor Ives said he appreciates that and the timing. He said the technical question on procurement is if we sent out an RFP asking for bids on the construction engineering management and construction for \$853,000 and we now exclude the construction management at \$610,00, there is a difference of \$400,000 between the \$8,799,347.76 bid by AUI and the estimate at \$8,350,000, commenting it seems to him there is more than a 10% difference between the RFP and bids received. He said that usually connotes specific requirements under the Procurement Code in the bidding process and possibly rebidding it. He said this may be an answer he needs from Robert Rodarte, noting he won't hold this up, because he thinks it needs to be done and we need to move forward with the project. He is concerned that the construction management was broken out at the end where it was part of the deal before. He said we seem to be shifting things around on the fly, rather than at the get-go.

Mr. Romero said this is a good point, and helps explain why they are asking for more money. He said when they were programming transportation projects in the State and federal STIP we were looking only at construction costs, and not construction management. The construction management is having our

inspectors, our testers and such. He said those are eligible reimbursements from these funds. He said when the \$11 million originally was budgeted, it did not include an amount for construction management. He said now when we go through the planning process for federal funds, we do add funds for construction management. He said we do need this construction management, because we don't have testing capabilities at the City or sufficient inspectors or project managers. We do need it to do this project, especially with the amount of oversight required by FHWA, noting they have been more strict on what they require of local governments to do projects in terms of inspection. So there are a lot of checks and balances we have to go through, which takes a lot of time. He said construction management has gotten more expensive for local governments.

Councilor Ives said the language in the memo that triggered his concern was on packet page 4, paragraph 3, which says, '*...leaving the \$8,350,000 for Construction Engineering/Management and Construction.*' He understood from the Memo that specifically included the greater than 10% difference.

Councilor Ives said he thought the 6% contingency, in discussions with the Finance Director, that we weren't necessarily putting contingencies and relying on folks to come back for reallocation of funding. He asked the reason we're doing that here, saying maybe he misunderstood where we were going with the budgeting process.

Mr. Romero said he can't speak to what Mr. Rodriguez was describing, but for roadway projects, budgeting a contingency is typical, and done on every project locally and at the State level. He said this contingency is in keeping with that, noting we are required to maintain a contingency by the State and federal government and by FHWA. This contingency is for things that come up of which they are unaware, and you can't plan for everything. Things come up and you have to adjust for that. It also helps us to offset any changes in the State and federal funding. He assumes they will get the \$1.111 million, which may fluctuate, so it helps to offset that as well. He said he has never seen anything budgeted exactly for projects of this scale, at the local, State and federal levels. He said something always comes up where you need the flexibility to adjust. He said any change orders coming forward will following the normal procurement rules, so anything over \$50,000 will come to Public Works, Finance and the Council for review and approval.

Councilor Ives said we are going into the next budgetary cycle where dollars are scarce and we want to put in place very real budgets, and a \$700,000 swing on one project really creates challenges. He said this is a plea to be as clear as we can. He would be interested in hearing back if the gambit played to secure the \$2.6 doesn't play out and the \$1.11 is withdrawn. He wants communication to be straightforward, well informed so we're not left wondering why you told us one thing when you meant another.

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

DISCUSSION: Mayor Gonzales asked if this was heard by Public Works and Councilor Trujillo said yes.

Mayor Gonzales asked Mr. Romero to report back to the Public Works Committee on any issues Councilor Ives has requested him to report back.

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: None.

Explaining his vote: Councilor Trujillo said, "John, as one of the original inspectors on this project in the late 1990's, I'm glad this is finally being done, so yes."

10(u) CONSIDERATION OF RESOLUTION NO. 2016-6: (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION TO REALLOCATE FUNDING FROM THE COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP TO THE SUSTAINABLE SANTA FE COMMISSION TO PURSUE THE DEVELOPMENT OF PROGRAMS, POLICIES AND PROJECTS WITHIN THE 25-YEAR SUSTAINABILITY PLAN THAT WILL HELP IMPROVE THE HEALTH AND QUALITY OF LIFE OF THE PEOPLE OF SANTA FE; AND TO REEVALUATE THE COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP'S PURPOSE AND SCOPE IN THE SPRING OF 2016. (KATE NOBLE)

Councilor Rivera said the Weekly Meeting List indicated this Board met.

Ms. Noble said that is correct, the Hospital Study Group met for the first time this week.

Councilor Rivera asked what groups were in attendance and approximately how many attended.

Ms. Noble said 16 members, including representatives of Christus St. Vincents, Nurses Union #1199, La Familia, independent physicians, noting Councilor Ives was in attendance. She said a fairly broad representation of the group was in attendance.

Councilor Rivera asked if there was a facilitator.

Ms. Noble said no, the meeting was chaired by Former Mayor Coss who acted as facilitator, and a stenographer was in attendance taking minutes. She noted staff members also took notes.

Councilor Rivera asked if there was an agenda and what was discussed at the meeting.

Ms. Noble said there was an agenda, and the direction from Chair Coss was to refine and build consensus around what members of the Group thought they could achieve, their priorities to be addressed, as outlined in the enabling Resolution.

Councilor Rivera asked what are the next steps, including a meeting next month or in the future.

Ms. Noble said next steps were discussed. She said after the meeting, that she and Chair Coss discussed we might use facilitation techniques to build greater consensus around priority topic areas. She said the next meeting is scheduled for Thursday, February 25, 2016.

Councilor Rivera asked if that committee is aware of this item before us right now.

Ms. Noble said she thinks most committee members are aware of this, although she can't speak to the broad knowledge they have.

Councilor Rivera said if this Resolution is approved, it removes the funds for facilitation. He said it also asks that this committee not meet until the Spring, and asked if there was discussion around that, and if this is passed, to put anything off to Spring. Or is the plan to continue on.

Ms. Noble said this Resolution was not discussed at all by the group, and the intent clearly is to meet again at the end of February, and try to work toward the goals in Resolution. The issue of funding the facilitation was touched on, but not really discussed. It was clear there is still a broad range of topics and work to be done. She said the County Health Group was represented by its Community Services Director and two members. In discussions with Chair Coss after the meeting, he is very clear that the group does not duplicate the work of the County Health Group. This is something he wants to work on and drive to, and perhaps a set of ideals could be compiled to be sent to the County Group, but those options are up in the air. She said there have been informal discussions outside the committee meetings about options for funding facilitation such as from St. Vincent or the Nurses Union, or asking for volunteer help from UNM or students.

Councilor Rivera said he has reservations, now that they've begun to meet, as to whether it is fair to pull funding from them at this time. He said it has taken a long time to get the committee populated and to have a meeting. He doesn't want to derail what has happened and postpone it until Spring.

Mayor Gonzales said he doesn't believe the process that has been started can derail. He said he has confidence that Former Mayor Coss understands a lot of work has been done, from a planning perspective, on what Santa Fe can do as a City to become a healthier City. The County developed a plan that is in place. He said the issues of quality of care and access are things that are being discussed. He said when they get to the point of what they can do to add to a level of investment or commitment by the City or people in the community to improve the quality of health in our community, at that point we can understand what the amount would be. He said the \$50,000 was in place early on, and it seemed we didn't understand how it would be used. It didn't make sense to go for facilitation right away before the group met and assess where they want to focus their efforts.

Mayor Gonzales continued, saying meanwhile, we reconstituted the Sustainable Santa Fe Commission with zero funds with a directive to start developing an implementation plan to get us to carbon neutral in 2040. He said in this financial environment, resources have to be directed which will yield the results we want to achieve, and this was his thought in requesting the switch in allocation. He said if the Chair and the Group come back and tells us where they want to focus, based on that, we can develop a budget for it and come back to the Council and request the funding to move forward to the next level.

Mayor Gonzales continued, saying the Sustainable Commission is in place and waiting to get some resources so they can begin to develop the programming for how we reach our goals, but we don't have resources to contribute to them at this time. So this is requesting to move these funds to get them moving forward. He said in the interim, Chair Coss and the Health Care Group can focus on the currently existing gaps, what areas need to be addressed, and the funds needed to begin to address the effort, which can be brought back to the Council for consideration.

Councilor Rivera said when this was discussed at Finance Committee he didn't know they had a meeting scheduled and they are moving more quickly than he thought. He asked if the intent is that they continue to meet until they can regroup and look at the purpose and scope in Spring 2016. Or is it that they don't have any meetings until Spring 2016.

Councilor Ives said it is a little of both in that the next meeting is scheduled. He said when this first was discussed, Councilor Bushee expressed concern about the need for funding to get underway and to move the committee work forward. He said there were delays to resolve some issues. He said he attended the first meeting. He said the expertise of the group is impressive, and everyone expressed a strong desire to continue forward, and believes there is sensitivity to the broad range of issues. He said at this point, he doesn't think there is a need for additional facilitation.

Councilor Ives continued, saying at the next meeting, there will be presentations on different issues, including the Health Needs Assessment prepared by Santa Fe County and Christus. He would like to invite the Fire Department to talk about the CPR initiative. He said there will be presentations on various initiatives of the City, and the next meetings of the committee will be informational. He said the larger committee will break into smaller work groups with specific target areas which has proved to be a constructive means of moving forward. He said, if it appears to be necessary, the committee will come back for any funding needs. He said, "I would describe the Health Care Hospital Study Group as underway, moving forward, with no intention of stopping, and folks are engaged and interested in moving forward."

Councilor Rivera said he assumes that adds a significant workload for Ms. Noble and staff, in terms of counting on a facilitator and now having to move forward without one.

Ms. Noble said it certainly adds work. She said there was a great deal of will at the meeting to be aware of that. Her hope is that if we do move into working groups and as we move forward, if no facilitation funding is provided, there is a very clear understanding of work that needs to be done by the members of the committee.

Councilor Maestas said he supports this request. His only concern when we discussed this at Finance, is that \$50,000 is not going to be enough to update the Sustainability Plan, and his fear is this is only seed money, and will set the stage for another request for additional funding if they can't fund elsewhere. He thinks we need to be careful on any kind of significant expansion in terms of budget, but yes, this is an existing commission and there is an existing plan. He knows there is a desire for the newly-appointed Commission to update the plan to achieve the 2040 goal we approved. He doesn't like to make decision without the proper context. It would have been helpful for him to have even a general budget of

the cost to update the Sustainability Plan. He said he believes the priority is here given the limited funds. He said when the request comes back to us for additional funds to pay the entire costs to upgrade the plan, he will have more difficult questions.

Mayor Gonzales said in conversations with the Commission, getting to the goal of being carbon neutral requires some expert that when put together, the model for how we get there will be not only in the hands of the City. It will require private participation with the business sector and other efforts that won't require them to come back to the City to request funds. He said there isn't a feeling by the Commission that the City will have the budget to start funding programmatically what they're talking about. He said if we're serious about getting to carbon neutral by 2040, your point of the recurring commitment is something we have to consider in budget after budget. He said the reality is we spend \$340 million, a large part on personnel, but a large part into roads, storm drainage, facilities. If we have a program saying everytime the City spends money it has to go through a green screen, we don't have to allocate funds to the Commission, we can invest in how we spend money year over year on City services that go toward that. A classic example is converting natural gas buses to electric buses and developing a capital plan that does things of this nature, or moving the whole fleet to an electric fleet, and retrofitting our facilities so we lower our carbon emissions. We will be making decisions on these things that will, in part be part of their programmatic efforts.

Mayor Gonzales said what he expects from the Sustainable Commission to present to the Council is a roadmap for how this community gets to carbon neutrality, not how the City has to provide funds year over year to fund these initiatives. This is the reason we need access to outside expertise where they have done this in other communities to develop that type of roadmap, and a way to track and measure our success, so the community can have confidence we're tracking toward that 25 year goal.

Councilor Maestas said it's easy to declare that the City facilities will be carbon neutral by 2040, and he wants to be sure we don't start implementing unfunded mandates that hinder development and make things more expensive. He doesn't want us to commit the community unfairly by imposing mandates. He said the City needs to set the example in not imposing unfunded mandates which lead to escalating costs of everything. He said he has a hybrid car which isn't inexpensive, and it has an expensive battery in the back. He said Ameresco invited him to a webcast at Arizona State Arizona which wants to be carbon neutral by 2035, and they hired Ameresco to start developing a plan to do that.

Mayor Gonzales said he doesn't think anybody has contemplated imposing any of that, but it would be helpful for the community know how we get there.

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to adopt Resolution No. 2016-6.

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: None.

10 (y) CONSIDERATION OF RESOLUTION NO. 2016-7 (MAYOR GONZALES, COUNCILOR IVES AND COUNCILOR LINDELL). A RESOLUTION CREATING THE SANTA FE FILM COMMISSION; AND SUPPORTING ECONOMIC DEVELOPMENT AND JOB CREATION IN FILM AND DIGITAL MEDIA. (KATE NOBLE)

A copy of an Amendment Sheet proposed by City Staff, regarding this item, is incorporated herewith to these minutes as Exhibit "7."

Councilor Maestas said he has issues with the initial start. He said his first question is the use of economic development funds which will be a recurring expense. He said we just adopted financial principles, it says under the heading of One Time Revenues and Unpredictable Revenues, "*The City will use one time or unpredictable revenues like sales of land for capital expenditures or for expenditures required by the revenue and not for recurring personnel, operational or maintenance costs.*" He said basically that says we don't use one time revenues for recurring expenditures. He said we're already violating the principles we just adopted.

Councilor Maestas said there is a finding on page 43 of the CAFR, under Deficit Fund Equity, it says, "*The Economic Development Fund, which is funding this effort, reported as a special revenue fund has a deficit fund balance of \$ 641,994. This deficit was caused by insufficient budgeting.*" He said that was of June 30, 2015. He asked if we have made up that deficit and put the fund in a position to fund this expansion cost.

Mayor Gonzales said the answer to the second part is no, and we have a lot of funds in deficit mode that we have to correct. He said we have allocated a budget for Economic Development for the year, knowing that deficit was going to be in place. He said the second issue is there is no intent in this request to create a recurring cost. He said whether a request will come back to Council or fund an effort, or not, it is up to the Council to decide if they want to do subsequent funding. He said when we approve a position it is an expansion position. He would argue that we need to start investing in areas that are going to grow our economy in places that allow people in Santa Fe to get access to real jobs with good wages and upward and social mobility needed. He said when you look at the overall film permits issued over the past year, Santa Fe is getting less than 20% of the films that are coming into New Mexico. However, we have a huge opportunity because we are Santa Fe to attract more films and to grow a true industry which allows for multiple job opportunities that are exciting for our community, but we don't have a plan to get there. We are just hoping that somehow, magically, this industry will come and pop up and suddenly all these jobs will be created.

Mayor Gonzales continued, saying we have a huge opportunity with the largest film school in New Mexico being at the Santa Fe University of Art & Design. We have a huge crew base in our community, and we have talent living here to pull all that together to grow an industry which isn't dependent on the State's film incentives. More importantly, an industry where people have access to exciting jobs to keep them in Santa Fe with wages that will grow long term. He doesn't think anyone can answer how to get there, we don't have a plan, nor where to invest time and effort to build skills, how to market Santa Fe. He said unlike any other place in New Mexico, we have people from the industry living here that are ready to help. He said he is unsure how this money would be spent, but he would commit to a report to the Council

on what the money would be used for, how it would be used to create a roadmap to developing this industry which is sustainable, making sure there is accountability so it isn't another \$50,000 spent and we don't know what we will get in return.

Mayor Gonzales continued, saying we have to start somewhere, and we need access to some resources once the Commission is constituted and identifies certain needs it needs to deal with it. He is in favor of making sure there is accountability to the Council. He isn't asking that this be a recurring investment for the next number of years. He said he just wants a source of funds, coming from budgeted funds from Economic Development so we can get this started in a way that delivers a true, achievable plan. He said it's not about putting money into marketing Santa Fe for existing film, and some of it might go to that, but that's not anywhere near the opportunities we have to invest in areas that grow other industries. For example, being able to develop industry in production editing and post-production editing. He said with the announcement of fiber in Santa Fe, we have the ability to grow industry that allows with real time editing to take place of films, no matter where they are being filmed, because they can transport that data into Santa Fe and they get the actual film incentive while they're working on it. However, we don't have a strategic roadmap of how to get there.

Mayor Gonzales continued, saying as good as our Economic Development Division is, and what Kate has done, we don't have the expertise or capacity for someone to sit behind a computer and develop a roadmap for how we grow film industry in Santa Fe. He wants the Film Commission to do that. Secondly, the \$50,000 he and Ms. Noble has discussed, to have a source of funds that can be invested and to develop a plan. He said he doesn't mind, if these funds are authorized, reporting back to the Finance Committee when a plan in place. He said they just need to know they have access to funds to develop a plan and not worrying about having to go through this whole process every time something comes up.

Mayor Gonzales continued, saying he thinks it's critical we go forward on this. He reiterated this is not a request for recurring revenues. This would not go to funding expansion of positions. This is to provide support to get a Film Commission up that would develop a roadmap for how we grow our film industry in Santa Fe.

Councilor Maestas said, then you would find a different funding source in succeeding years.

Mayor Gonzales said if there is a request for more money, we would have come back to you with a different funding source or what it would mean. He said if we get this right, hopefully, the industry will take off. We would just understand how to market Santa Fe, what kinds of skills sets we need. He said perhaps the Community College can actually begin to develop new programs for coding or film editing. He reiterated we need to get started somehow and then let the industry take off from here. He said we may decide at some point that we do want to fund a full time film office and the timing is right to do it. This is not about funds going toward a film office that would be recurring.

Councilor Maestas said he supports the vision, but the City is interdependent with the County through Santa Fe Studios. He said a film industry is dependent on film tax credits. He said there is a move to remove the cap. He said there are other elements which are out of the realm of influence by the

City. He is unsure how effective we can be by investing money, knowing our influence is really limited. He said we know the status of Santa Fe Studios. He said we partnered with the County and utilized local Economic Development Act funding and made a significant investment, and the Studios are on the verge of defaulting on its existing mortgage. They are saying they want to expand because the Santa Fe Studios can attract the large productions. He has some doubt, and wants to see a reality check of the industry. He said we invested in a City Film Liaison and it would be good to get that perspective. He said when this came up, he consulted with Albuquerque, because we want to compete with Albuquerque to bring more productions here. He said Albuquerque didn't form a commission, and invested in staff resources. He said Albuquerque told him that staff is more nimble and better able to cultivate relationships with people in the film industry and be more responsive with active productions. He said a commission might not meet that need. He would be more inclined to look at augmenting staff in the City Film Office if industry is ripe. He thinks it could be a wise investment. He is unsure that setting up a commission as a new expense is justified unless someone can show him our industry is ripe and would catch fire from the creation of a commission. He commented it's a state-wide industry.

Mayor Gonzales said we know based on several studies that for every dollar put into film, \$2 comes back. It's a proven industry with a return on investment. He said the point brought forward by Councilor Maestas sheds light on the reason he thinks we need to a film commission. He said Albuquerque has 8 large film studios – I-25, Rio Rancho. They have an abundance of large film studios that need to be filled, which is sustainable only as long as the incentives stay around. So to invest in an office that is keeping those studios filled makes sense. Our City have one studio, Garson Studios of 12,500 ft. He doesn't think it's our responsibility to market to fill Santa Fe Studios, although there is a benefit to the City, and thinks this is something for the County to do.

Mayor Gonzales continued, reiterating that the Film Commission is about building a true film economy, and it isn't about keeping Garson Studios, noting it is booked with Longmire for the next years and there's no plan to build new studios in Santa Fe to be occupied for production. He said the film majors are leaving because there is no opportunity here because we haven't built an industry, or people are getting degrees in media arts. He said the top 3 schools at SF University are film, media arts and performance theater. He said he doesn't want to compete with Albuquerque, but Santa Fe has a creative pool of people that can step up and be part of any type of production, post-production or media editing that can create exciting, good paying jobs. This is where he's going. He said even without the incentives that may go away, people would still want to do business here because it's a lower cost of living and labor will be less expensive while the creative talent is high. He doesn't want to miss the opportunity to create a pathway into that arena.

Mayor Gonzales continued, saying finally, this Council has a history of investing in seedling programs in key areas which were risky – \$200,000 in the Santa Fe Business Incubator, and \$200,000 into YouthWorks – all from Economic Development funds in hopes of investing in our youth that need access to critical skills to move into our workforce. This is an opportunity to leverage these investments to start a way for people to move into the film economy.

Councilor Maestas said, in closing, he lacks context in terms of the City's economic development vision, and is unsure we have a shared vision. He said he questions these piecemeal expenditures using Economic Development funds, and we need to know how that initiative fits with our overall economic vision. We have economic development plans which are outdated and need to be revised. He would like to have that discussion to present his ideas. He attended a film roundtable sponsored by Jon Hendry, Shoot Santa Fe, and invited the State Legislative Delegation. He said Alec Baldwin's brother attended, and they asked him the reason we can't attract more production. He gave the analogy that, "Well, let me put it this way. Santa Fe, we love to swim in your pool, but that's it. We want to go back to California." He thinks what he was saying is there are other issues beside the film industry incentives, and perhaps he was alluding to quality of life, education, affordable housing. However, he is someone who is very much in the film industry who works between California and New Mexico.

Councilor Maestas continued, saying lastly, we need to balance the budget before making these expansion type expenditures. However, he believes in the Mayor's vision and said, "it's a no-brainer, what the economic impact is to our economy. \$250 billion annually State-wide which is tremendous, but we're talking about the City of Santa Fe and that's a different animal."

Councilor Dominguez said, regarding economic development, he has been working on bringing something forward in the next two meetings to have staff look at it and reevaluate it. He said he has some interests he would like to have considered in the economic development plan and is happy to work on that effort. He said he generally is in support of this. He said, "I would like to, and I would do this for any Mayor, and that is to give the Mayor the benefit of the doubt that he has the best interest of the City at heart and he has a better pulse of the economic climate, not only in the City and around the State. Having said that, you are right Councilor Maestas, we have some budget challenges and the public is mandating we account for every penny spent." He doesn't think it's unfair or unreasonable to ask a few questions about exactly where the money is coming from and how it will be spent.

Councilor Dominguez continued, saying when you look at the purpose, it could be articulated more clearly. He said it says, "*The Santa Fe Film Commission shall review and make recommendations to the Governing Body and City staff as it relates to film production in and around the City of Santa Fe.*" He asked if we are anticipating that the Commission will bring policy recommendations on how to stimulate the industry in the City. Or, are we going to ask them to bring us recommendations on how to streamline the process so that it would be attractive to the industry to come to Santa Fe, or maybe it's both. He thinks that needs to be more clear. He said he doesn't know if "film production" needs to be whittled down somewhat, because it is broad and perhaps that's on purpose.

Mayor Gonzales said he would point to Section 3 on the Responsibilities and the Goals, as follows: *Enhance the recognition as a desirable film location destination and increase production in Santa Fe; Increase post-production and other digital media business as a sustainable industry in Santa Fe; Diversify the industry base by growing local productions and other complementary businesses in Santa Fe, Foster a sustainable year-round industry that employs a skilled workforce in high wage jobs; facilitate increased production spending at local businesses; and Evaluate potential areas of investment and resource allocation and make recommendations on priorities.* Mayor Gonzales said they have told us repeatedly that they don't feel they understand how to position their companies to some of the productions in play. He

said these would be the tasks of the Film Commission and the tasks can be decreased or increased, but thinks it is all encompassing.

Councilor Dominguez said he would recommend language that says it relates to all aspects of film production. He said a skilled workforce would benefit the industry and the entire City of Santa Fe.

Councilor Dominguez said he is confused by timing, noting #3 of the FIR says there is estimated \$2,400 for stenography services, which will be recovered by the City Clerk's Office in FY 15/16. He said this is for the next 6 months in 2016.

Ms. Noble said it is for the full year, and is all of 2016, estimated 12 monthly meetings at \$200 per meeting.

Councilor Dominguez said on page 3, line 14, it says, "*The Santa Fe Film Commission shall prioritize tasks and develop a plan to carry out its Purpose, Duties and Responsibilities as set forth in Sections 2 and 3, and cost estimates within six months of being appointed by the Governing Body.*" He asked if we are anticipating for the next 6 months, that we will have operating costs. He is unsure what cost estimates means.

Ms. Noble said the idea is \$50,000 plus the stenography services. She explained that the City Clerk can absorb the stenography costs this year, but that the \$2,400 will be budgeted in FY 2016/2017 for a full year of meetings of the Film Commission. She said \$50,000 has been held in the Economic Development budget, Film and Digital Media, has been one of the areas we have had as a target industry and identified in the 2008 film. She said, "So this is existing money in the approved budget." She said because of the timing they thought that any allocation would span fiscal years. The cost estimates are what will be done with the \$50,000.

Councilor Dominguez said then we'll spend the \$50,000 in this fiscal year, or some of it this fiscal year and some in the next fiscal and Ms. Noble said that is correct.

Councilor Dominguez said in looking at the bill it says "*.... cost estimates within six months of being appointed by the Governing Body.*" He asked what kinds of cost estimates.

Ms. Noble said it is the cost estimates for use of the \$50,000.

Councilor Dominguez said then it is a cost estimate within 6 months.

Ms. Noble said that is correct.

Councilor Dominguez asked Mr. Rodriguez if we could do a carry-over in the Economic Development Fund from this FY to the next FY to account for some of the money, or how is that going to work.

Ms. Noble said what they did this year, because Economic Development often has encumbered money in a given fiscal year that ends up getting spent in the next fiscal year, is they did a budget adjustment in this fiscal that carried forward last fiscal year's funds. She said, "We are moving to get on a schedule, but yes, in essence, we would do a carry-forward."

Councilor Dominguez said so we would have to do a carry-over and figure out funds for the stenographer, and Ms. Noble said that is correct.

Councilor Dominguez said he is still uncomfortable and unclear about where we get the money, and if it is going to be spent this year, or half this year and half next year, even though the Commission is not required to do anything for 6 months. He said by the time the Commission is appointed and moving forward, we will be approaching a new fiscal year. He would rather just fund the Commission at \$50,000 beginning in the next fiscal year, but that's not what's on the table. He said he wants to know more about how the money will be spent, because he has no idea.

Ms. Noble said the goals are outlined in the Resolution and the idea was that this Commission of experts would activate their networks in the industry and the City would use its, in essence, power to convene the industry. And also that expertise would then prioritize the spending of the money and it could go to any number of things – direct recruitment of pilot projects. She said we are seeing a great deal of TV pilots in the form of Netflix. He said the industry is democratizing You Tube in important ways. It could be for some pilot crew training, or development of digital business. The experts would activate their networks together on behalf of Santa Fe and provide the expertise to allocate the funds. She said she would hope we would be able to demonstrate a track record for that money, and be able to come back with a record of success for any additional budget requests.

Councilor Dominguez said so how the money is spent will not be determined for 6 months, until the Commission meets and starts establishing its priorities and doing all the things provided in the bill.

Ms. Noble said that is correct, but she hopes it would less than 6 months, but they wanted to provide a 6 month deadline for the Commission. The idea would be to pull them together and say to them, "The goals the Mayor pointed out in Section 3 are outlined in the Resolution, now you need to figure out the priorities for spending this money and recommend a budget to put before the City Council."

Councilor Dominguez said he imagines the Commission will establish a way to measure the duties and responsibilities.

Ms. Noble said yes, and that would be part of staff's work – to be sure there measures on the money. She said, given the history of convening forces from the industry, they would anticipate that other resources would come to the table – the unions, the Film Festivals, the studies "ponied-up" for various different projects agreed upon to achieve a certain goal.

Councilor Dominguez said the Mayor said Santa Fe gets only 20% of the overall films and the Mayor said that is correct.

Councilor Dominguez asked that number. He said part of the challenge has been that the State has tax incentives and we talked about it when we met with our Legislative delegation. And they told us these incentives are in place and it will stimulate the economy, so the “hold harmless” will be made up with these incentives. He said in looking at the numbers, \$1.53 billion is a lot of money. He said the gross State production is \$968 million. He asked what this means to the City, and if it is that lucrative. He said we haven’t been able to capitalize on the industry because we don’t have the systems in place, or the Commission in this case, to make it happen. He asked the dollar amount.

Ms. Noble said she has a report from the City’s Film Liaison that shows, for 2015, she estimates 60 permits within the City for filming, and based on general project sizes, in-State spending during the times these projects were based in Santa Fe would be approximately \$160 million. She also estimates that an average of 75-85% of below the line crew not the director or screenwriter and such, were local hires and she estimates the payroll exceeded \$22 million in 2015. She estimates 45,000 room nights at an average of \$98 per night, and vendor lists show that more than 200 businesses in Santa Fe do regular commerce.

Councilor Dominguez said he has read all of that, and asked again what that means to the City of Santa Fe.

Ms. Noble said they don’t have an estimates of the significant GRTs. She said the significant GRT generation would be through the local business spending, but they probably can develop a methodology for that. She said the economic development goals always have been to diversity the economy toward high wage jobs, which are much less of a GRT generator than an economic activity generator and a GDP generator. She said as we move forward we will need to prioritize whether the way economic development traditionally has been done, which is to look at economic development based industries, industries bringing in new money, which generally generate less GRT than others.

Councilor Dominguez said, “So you can’t tell me how much.”

Ms. Noble said, “I cannot tell you how much it brought into City coffers.”

Councilor Dominguez would like a way to determine that because he believes that it would be beneficial for this Governing Body to set goals and have the Commission potentially double that. He said he hates to do all this work, investing this money and having the Commission in place if the bottom line isn’t going to increase our GRT and the economy. He said he doesn’t know how much of the money generated comes to the City which is frustrating. He is going to stand in support of the Resolution because we need to move forward, be bold and take some calculated risks, although he doesn’t think this is too much of a risk. When you look at the potential benefits the risk isn’t there. However, we do need good data, a good process and a good report back.

Councilor Ives said he read the Resolution and in the Whereas they do talk about the 16 permits in Santa Fe County in 2013, generating a payroll in excess of \$20 million for local hires, with direct spending locally more than \$50 million, and 200 businesses providing services to the film industry with an estimated economic impact of \$160 million. He said the benefit to the City coffers seems undeniable, based on those

figures. He said he thinks the City has been extremely fortunate to have a place with such rich cultural amenities that it attracts the film industry to Santa Fe. He said Jon Hendry has spoken to the Council about some of these statistics, and presumably it is an area where we haven't spent so much focus, although we have a Film Liaison, but we don't have a Film Commission. He sees establishing the Commission as a strong signal to the industry that Santa Fe takes the industry seriously and we would love to engage with them more. He thinks the Commission will be more significant in terms of in-kind contribution. He thinks this is an incredibly smart thing to do, commenting it would have been great to do it earlier. He thinks the industry employs a lot of locals, provides business to a significant number of businesses across Santa Fe. He thinks the \$50,000 is a very small amount, given we just approved \$1.700 million increase on a road construction process. It is critical to build our local economy and create better and higher paying jobs across the City.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-17.

DISCUSSION: Councilor Trujillo said he understands the Mayor wants to stimulate the economy through more filming here. He asked how much it cost to bring in the Bachelor, commenting he thinks it is \$50,000, and the State paid \$100,000. He said we have to dangle money before these people to get them to film in Santa Fe because they won't come here for nothing. He said if the Commission start making their connections, what happens if there is a pilot that wants to come here, and they want the City to "pony-up" \$150,000.

Mayor Gonzales said the funds for The Bachelor's was paid from the Lodgers' Tax.

Councilor Trujillo said he understands, but his concern is they will want money to come to Santa Fe.

Mayor Gonzales said it is a valid point, but it is not the goal here, and that could come regardless. He said on any given day something can arrive at our doorstep for our investment in the production. He said this is about job creation for local people in Santa Fe, taking advantage of an incentive paid by the State – 30¢ on every dollar they spend to a production house or a post production, or any type of digital media outlet employing local people. He reiterated the goal is to create an industry with exciting, good paying jobs for local people.

Councilor Trujillo reiterated his concern, noting some locals are hired, but the majority of the production crews bring their people from New York and Los Angeles. The majority of the jobs are filled by people not from Santa Fe, although some locals are hired.

Mayor Gonzales said if they choose to live in Santa Fe afterwards, that contributes to our economy.

Councilor Trujillo agreed, saying 10-15 years ago the big thing was wind power. He knows of 5-10 kids that worked hard learning how to fix windmills, and that industry completely died. He said the film industry has been strong in New Mexico, but there are only a few places they film such as in the downtown area. He is going to support this because, as Councilor Dominguez said, it is only \$50,000. He said, "But, I actually want to see something happen. Are we going to do benchmarks for the Commission. If you don't come through for us within a year, are we going to dissolve the Commission. This Commission has to

make sure that they do something. It's great that we're going to do this, but if we haven't seen product and something happening here, it's just like the State. I want to see stuff happen here in Santa Fe on all sides of town. That's the unfortunate thing. When people come here where do they want to go, they want to go on the Plaza. I don't know what the Film Commission really is going to do, but I hope they do something and you can come back in a year and tell me that Santa Fe made this much money and how many locals were actually hired. Locals that live here 24/7, not 4 months of the year. Those are the people I want to see actually working these jobs and making this money, and being able to contribute back to this community and spending the money here and not in Los Angeles or Albuquerque as it always seems to be. So I will support this Mayor."

Mayor Gonzales thanked Councilor Trujillo, saying he hears his concerns, and thinks baselining where we are today and showing success is key to any type of investment we make, and "you certainly have my commitment to make sure we figure out those parameters."

Councilor Maestas said the CAFR "dinged" the City for having a deficit of \$642,000 in the Economic Development Fund. He asked Mr. Rodriguez if we are in the black in the fund to be able to obligate the \$50,000 from that fund.

Mr. Rodriguez said he understands the \$50,000 will come from the General Fund. He said we are not in the black in that fund and dozens of others, and we have to deal with those deficits.

Ms. Noble said the money isn't coming from the General Fund, it is coming from the Economic Development Fund. The approved budget for that Fund is where all of the expenditures are paid, and there are a number of sources. She said we moved money from some of the different sources, one of which is an estimate from a share of the GRTs, noting it is estimated at \$440,000, as well as land rentals and sales, which come directly from the fund that has increased dramatically since the office of asset development began operating, and we have transferred money from other reserves – the Monte Serena funds and Tierra Contenta Economic Development Fund. She said Economic Development is difficult to look at because there are so many different sources of funding coming into the one place from which we expend money. This would be paid from that fund which is fed by a number of different sources of revenue which has been allocated in the FY 2015/2016 budget.

Councilor Maestas asked if the current balance can cover the \$50,000, and Ms. Noble said yes.

Councilor Maestas said he will reluctantly support the Resolution, but thinks the optics isn't good and we're sending the wrong message in expanding government in the face of the deficit. He said it will be a delayed benefit but hopefully the benefit will be well in excess of \$50,000. He said in the Resolution you mention there will be significant partners in this initiative, but there aren't designated representatives from those entities. If they are going to be partners in feeding the pipeline of the students, he thinks they should be considered for membership – not just the Community College and University of Art & Design, as well as the Small Business Development Center, and perhaps an Incubator Director as well. He reiterated that he will reluctantly support this.

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: None.

Explaining his vote: Councilor Dominguez said, "Yes, but I would encourage you, Mr. City Manager, to make sure that your City staff has this stuff as accounted for as possible, in every aspect along the way."

Mayor Gonzales said, "Thank you Councilors, and we certainly heard you loud and clear and we will work to make sure we get some of the documentation in place. And in fact, Kate, when we do map out how the \$50,000 should be allocated, before any of that gets properly moved into any direction, let's make sure we present it to Council so they can see those investments are going toward these areas we have in play."

10(z)(2) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 10, 2016:

BILL NO. 2016-2: 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 (COUNCILOR BUSHEE AND COUNCILOR LINDELL). (OSCAR RODRIGUEZ)

Councilor Ives said he pulled this because he thinks the process currently is in place for determining the Municipal Judge's salary, which is 90% of the District Court Judges' salary, is reasonable. He has been to Judge Yalman's Court and having seen the work she does, and thinks she is horribly underpaid. He said it important to remember that we rely on the Judge to appoint members to the Audit Committee to create a separation between the Governing Body and that Committee to create independence there, so nobody is beholding to others. He said, "And for that reason alone, I think having it set automatically against the District Judge rate of pay which is done across the State makes sense. I pulled it simply because I will be voting against this."

Councilor Maestas said he thinks this is a dangerous precedent and we are returning to intervening in something that doesn't need to be politicized. He said the Governing Body that set the salary and removed the Governing Body from the process had the right way. He said also Municipal Judges in cities that aren't home rule aren't required to be an attorney, but our Charter requires them to be an attorney. He thinks the people has spoken that they want a trained, professional attorney to serve as our Municipal League. He said it might be insulting that we're second guessing the salary that has been set through this process that is tied to the salary for District Judges. He said when we discussed this in

Committee we are only talking about \$6,000, because this Resolution sets the current salary as the baseline and it can't go below that amount. He said the potential salary increase, based on the current process is about \$6,000, and according to the FIR, we've already spent that much in staff resources just looking into this. He said he thinks there are other, broader things we should be tackling such as the budget deficit, instead of setting the salary for the Municipal Judge.

Mayor Gonzales said he assumes Councilor Lindell will address the reason she feels it is appropriate for the Governing Body to set the salary of the Municipal Judge, as opposed to an independent party who understands the industry well enough to know what type of salary would be needed to attract qualified people to pursue the position.

Councilor Lindell said she thinks to single out one employee in the entire City that is set for a raise seemed unfair to her. She said the salary cannot be below the current salary. She said the whole idea is that this is an elected position, and people know the salary when they run for office. It doesn't seem reasonable to have one position that is set for a raise outside of all other employees in the City. It's not that the salary can be lowered, but people know the salary when they run for the job.

Mayor Gonzales said this isn't just any employee, it is an elected official that needs a set of credentials to properly administer the duties of the office, saying he presumes the Municipal Judge has lots of powers granted to the office. He said in our Personnel Code we don't necessarily study what wages should go with positions, but we have general ideas based on the past and the flexibility to adjust it. He doesn't know if there are industry guidelines on what the pay for Municipal Judges that the Council would have to follow. He said, "I would hate to see a day in the future where the Council becomes putative, *per se*, on somebody they don't necessarily like." He said we're in a good environment with Judge Yalman, but doesn't know how that will be for future municipal judges. He wants to make sure there is a level of understanding that the pay will be based on the industry and the required credentials.

Councilor Dimas said he served as a Magistrate Judge and retired from that position. He said the jurisdiction of Magistrate Judge and a Municipal Judge are very closely related. He said Magistrate Judges have a little more jurisdiction, and those salaries are based on a percentage, much like what is being done. He thinks this is the correct way of doing this. He said Magistrate Judges are based at 75% of District Court Judge salaries, noting Metro Court Judges and Magistrate Judges have the same jurisdiction based on a percentage and believes that is the way to do it. He said the Metro and Magistrate Judges are required to be attorneys, and we are one of a small number of municipalities, noting Las Cruces and Albuquerque, requiring Municipal Judges to be attorneys. He said through the rest of the state, a majority of the judges are lay-people. He said as an attorney, the Judge should make more money. He said rather than 90% of the salary of District Court Judges, it probably should be 90% of Albuquerque Metro Court Judges, because the jurisdictions are so closely related. He said he can't support this Ordinance, because we are politicizing it and we shouldn't be doing that. He reminded the Council that the Judiciary is completely separate from the Governing Body, it is an elected position, and should be paid in accordance with the guidelines which are established.

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

DISCUSSION: Councilor Dominguez asked if this is just a Request to Publish and Ms. Vigil said yes, to publish for a public hearing.

VOTE: The motion failed to pass for lack of a majority vote on the following Roll Call vote:

For: Councilor Dominguez, Councilor Lindell, Councilor Rivera and Mayor Gonzales.

Against: Councilor Trujillo, Councilor Dimas, Councilor Ives, Councilor Maestas.

Explaining his vote: Councilor Ives said, "No, and I would make a brief statement afterwards."

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

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

For: Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas and Councilor Trujillo.

Against: Councilor Lindell, Councilor Rivera and Mayor Gonzales.

Statement following the vote: Councilor Ives said, "Just a brief statement. I, in no way think that in bringing this forward there is any intent to politicize the Municipal Judge position [salary?]. I certainly believe that acting to set salaries would be well within the power of the Governing Body. But, having been present for our many many discussions about trying to create a sense of true independence within the Audit Committee, and fundamentally relying on the Municipal Judge. I just can't go toward taking that back when I think there is a fair salary set according to the State.

Statement following the vote: Councilor Dominguez said, "Just briefly, I want to articulate the reason I made the motion, is if someone wouldn't have gone in the other direction we would have another tie and that motion would fail, and I didn't want to go there."

10(bb) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR GERHART APARTMENTS. (KELLEY BRENNAN)

- 1) CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT.
- 2) CASE NO. 2015-58. GERHART APARTMENTS REZONING TO R-21.

Councilor Rivera said when we first heard these cases at the Council, most of his concern was around the failing intersection of South Meadows and Agua Fria. He now understands the City has identified possible funding sources that may be able to take care of the issues occurring here. He said, "I

think in fairness to everybody, I'm going to make a motion to postpone this to the February 10, 2016 meeting of the Governing Body to give staff sufficient time to come up with possible funding sources to take care of this intersection.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell to postpone Governing Body action on Item 10(bb) Findings of Fact and Conclusions of Law for Gerhart Apartment, to the February 10, 2016 Council meeting of the Governing Body in order to identify sufficient sources of funding to make necessary improvements to the South Meadows Road-Agua Fria Street intersection to mitigate the impact of the proposed development.

DISCUSSION: Councilor Dominguez said he doesn't mind postponing this, and will take Councilor Rivera's leadership into consideration. He said, "The one thing I don't want this to do is turn into another fiasco like we've had in some of the previous Land Use cases. I'm not all that comfortable negotiating after decisions have been made, but with all due respect to this Governing Body and the leadership here, let's see what happens. So it's just a motion to postpone, so I'll support that."

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: None.

END OF CONSENT CALENDAR DISCUSSION

Councilor Ives said, "I just wanted to note for the record that I would like to join as a cosponsor for Item 10(z)(3) as well as 10(z)(6)."

- 11. **CONSIDERATION OF RESOLUTION NO. 2016-08 (MAYOR GONZALES AND COUNCILOR IVES, COUNCILOR RIVERA AND COUNCILOR TRUJILLO). A RESOLUTION IN SUPPORT OF THE "NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM" STATE LEGISLATION. (JOHN ALEJANDRO)**

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Resolution No. 2016-8.

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: None.

Explaining his vote: Councilor Ives said, "Yes, and I would join as a sponsor of this as well."

Explaining his vote: Councilor Rivera said, "Yes and I will join as a sponsor."

Explaining his vote: Councilor Trujillo said, "Yes, put me as a sponsor as well."

12. **CONSIDERATION OF RESOLUTION NO. 2016-9 (COUNCILOR LINDELL, AND COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ, COUNCILOR MAESTAS, COUNCILOR DIMAS, COUNCILOR RIVERA, AND MAYOR GONZALES). A RESOLUTION OPPOSING PROPOSED LEGISLATION, HOUSE BILL 55 – AMENDING NEW MEXICO’S HUMAN RIGHTS ACT TO PERMIT DISCRIMINATION AGAINST PERSONS BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY. (JESSE GUILLEN)**

A copy of an Amendment Sheet to this Resolution, proposed by City staff, is incorporated herewith to these minutes as Exhibit "8."

MOTION: Councilor Lindell moved, seconded by Councilor Trujillo, to adopt Resolution No. 2016-9.

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: None.

Explaining his vote: Councilor Trujillo said, add me as a sponsor as well."

Explaining his vote: Councilor Dominguez said, "I am happy to join as a cosponsor. Yes."

Explaining his vote: Councilor Ives said, "Yes, and I had joined as a cosponsor when it was first introduced."

Councilor Maestas and Councilor Dimas asked to be added as sponsors of the bill as well.

Mayor Gonzales said, "Put them all on."

13. 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, RANDY RANDALL AND NOAH BERKE). (Postponed at December 9, 2015 City Council Meeting)

An email from Lisa Martinez, Director, Land Use Department, dated January 12, 2016, with attachments, to the Mayor and Governing Body, is incorporated herewith to these minutes as Exhibit “ 9.”

Mayor Gonzales asked Ms. Martinez, Mr. Randall and Mr. Berke if they would like to have this item added to the end of the agenda this evening, or to postpone to January 27, 2016, and they indicated they would like to postpone to the Council Meeting of January 27, 2016. Mayor Gonzales said he will put this item to the front of the next agenda.

MOTION: Councilor Lindell moved, seconded by Councilor Trujillo, to postpone this item to the Council Meeting of January 27, 2016.

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

14. PURSUANT TO RESOLUTION NO. 2015-97 – REPORT AND REQUEST FOR APPROVAL OF RECOMMENDATIONS ON WAYS TO DEVELOP A WATER CATCHMENT PROGRAM. (CARYN GROSSE)

Mayor Gonzales asked if this Resolution was heard by Public Works or Public Utilities, and Councilor Trujillo and Councilor Rivera said yes.

Mayor Gonzales asked if it had a proper vetting in those Committees, and Councilor Trujillo and Councilor Rivera said yes.

Mayor Gonzales asked if there were any issues, and Councilor Trujillo and Councilor Rivera said yes.

Councilor Ives said it did receive a full consensus endorsement by the Water Conservation Committee at its meeting yesterday.

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

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

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

Against: None.

15. REQUEST FOR APPROVAL OF FY 2015/16 -2019/20 CAPITAL IMPROVEMENT PLAN FOR THE CITY OF SANTA FE. (OSCAR RODRIGUEZ)

Councilor Dominguez said, "We have been wanting to get this approved for a number of months now, and I think we've had appropriate discussion at Committee about it, although there may be some outlying questions. But for the most part there is agreement."

Mayor Gonzales asked if there are controversial issues regarding this matter, and the Committee members indicated no, with Councilor Maestas saying, "We took it apart pretty good."

Councilor Dominguez said, "First of all Mayor, I want to thank staff for all the work they've done on this. I think it's really a change in the way we've done budgeting, especially capital improvement budgeting, in the past. Brian, I know it wasn't something that it was easy for staff to do, but nonetheless, we've got a product now, and we haven't had this level of detail in the past. I think that's a huge, huge improvement. I think that's something that's good for the Governing Body to have, and it's something that can be built-on each year, either expanded, streamlined or modified, maybe with less detail, or even more detail. But I'm satisfied and I'm happy with the work the committees have done to get us the Capital Improvement Budget."

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to approve the FY 2015/16 - FY 2019/20 Capital Improvement Plan for the City of Santa Fe as proposed.

DISCUSSION: Councilor Rivera said he brought up the issue of the Southwest Fire Station at the other Committees. He said he has discussed it with Mr. Rodriguez and staff several times. He said the Southwest Fire Station is about a year past our agreement with the County to provide services to that area. He said, "So, it's a concern to me that there will be a number of people that may not be getting the amount of services, with regard to Ambulance and Fire, that so many of the other people within the City and the Districts enjoy right now. So again, we have some time to look at it and to potentially some things around, but I just wanted to enter it into the record and have all my colleagues aware that this is a potential safety situation for residents in that area. But I do support it, and will look for ways to try to bump that funding up."

Councilor Maestas said he thinks the Committee made a conscious effort to start identifying a lot of City labor being charged to CIP, which is a fundamental shift in phasing out debiting City labor costs to CIP funding. He said he is hoping the formal CIP will help us in managing our projects, noting there was a significant deficiency in the 2015 CAFR and the deficiency was in project management, and they "dinged" us for not identifying projects completed throughout the year. He said we need to do a better job of tracking our projects, noting this came up in the Bond Audit. He said we're not close to where he thinks we need to be in terms of tracking and managing our projects. He said we will talk more about this, but he thinks this CIP Plan will help us achieve that.

Mayor Gonzales said he appreciates that the roadmap has been set on where we need to invest, and when we get to untangling the dedicated revenues freed up that should be going to infrastructure, we already have a plan in place. He said this is good, so we can get to work on it right away. He said, " Good job to the Finance Committee."

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

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

Against: Councilor Ives and Councilor Lindell.

Explaining his vote: Councilor Ives said, "No, and I would make a 30-second statement when are done."

Statement following the vote: Councilor Ives said, "I think this is a good step toward where we need to be. I still see errors in math. There is a reference to paying salaries at Sal Perez, then talks about for repairs done City-wide. So there's a host of problems at least in the draft that is in my packet, so I'm not ready to move forward."

Mayor Gonzales said he's assuming that this CIP Plan can be modified and addressed based on needs, especially when the funding becomes freed-up and dealt with.

Mr. Rodriguez yes, it will come back to in April, and it will come back to you every year.

Councilor Dominguez said so we will have more definition and iron out some of this stuff in April.

THE GOVERNING BODY MOVED TO THE EVENING AGENDA FOR PETITIONS FROM THE FLOOR

F. PETITIONS FROM THE FLOOR

Mayor Gonzales gave each person two minutes to petition the Governing Body.

Bruce Weatherbee, 329 Rosario Hill, said he has a neighborhood issue, commenting he mentioned this indirectly to Councilor Ives. He said he is interested in several intersections, one of which is Guadalupe and Paseo de Peralta where the traffic heads north. It is dangerous for pedestrians. He said he walks there every day. He said drivers are looking left to see if cars are coming, but they do not stop at that intersection, even though it is well signed. He said there are other in the City, and he asked the Governing Body over the next several months to talk to someone in Public Safety about these intersections. He said there is no walk light, and you have to look and put your hand out. He thanked Councilor Ives for attending the meeting of the Hospital Study Group yesterday, commenting it was a very

good meeting. He said he fully expects it will continued, noting as he read the Resolution it said it is going to postpone it. He asked, "Please make sure it keeps going forward. And I would tell the rest of the Council the turnout was very impressive. He said there is still a double standard. You decided to put \$50,000 in for a Film Commission and they haven't gotten the Commission going. He said these people are finally going and yet we are pulling it away."

Mr. Weatherbee continued, saying he comes from the film industry, is a member of *[inaudible]* and supports what the Council is doing. He said, "I think it's important, it's a good industry, but so is the Health Care Industry, and it's much more anchored here. It is the industry that is supposed to grow the most in the State and nation. He said this is an important group, and I ask for your support. I think you're going to find some magical things will happen. If people can voice their concerns about our hospital and how we can get together and make all better, you will see a much different situation over the next 2 years. Thank you."

Jennifer Cline, 325 Bishop's Lodge Road, said, "I'm Jennifer Cline and I reside with my husband at 325 Bishop' Lodge Road which is just up the street from here. I wanted to speak with you very briefly about the intersection of Paseo de Peralta and Bishop's Lodge Road. And I have some photos I would like to have you look at. *[STENOGRAPHER'S NOTE: Ms. Cline provided the color photos to the Governing Body but did not enter them for the record.]* So this is a very visible location. As you are aware, we have a lot of tourists that come to this City and that go to the ski hill, and one of the things they pass by every time they go to the ski hill is this intersection at Paseo de Peralta and Bishop's Lodge Road. As you can see from those pictures, that wall is in really bad shape. It extends from that corner to the front of my property at 325 Bishop's Lodge Road. At that point, it's a little wall that's about 2 feet tall, but it's still part of that wall. About 5 years ago, there was a car accident in front of my property that damaged that retaining wall. I tried to fix it, and was told that wall from my property all the way to the corner is owned by the State. So anything that can be done to it needs to be done essentially by the State. I could not proceed with fixing it."

Ms. Cline continued, "It is one of those things that I think this City Council can really work with the State to do something about it. It is very unattractive. As you can see from the photos, it needs significant work. One thing that I will say that the portion of wall in front of our property, we did talk to the Historic Review Board in August 2014, and they did approve at that time the use of elastomeric stucco on that wall. What they took into consideration is that it would be breathable and would allow moisture to come forward. The hope is that this will be a product that would stand up better than the traditional stucco that you see in those photos there. The other thing that, when you look at those photos, there are a lot of color blotches because of people painting over it because the walls get tagged. Elastomeric stucco is also much easier to match in color. And that doesn't even mention the cinderblock that is behind the Scottish Rite Temple, in terms of yet another eyesore that this City really should be doing something about, as this is truly an historic and beautiful City. Just something to consider. Thank you."

THE GOVERNING BODY THEN RETURNED TO THE AFTERNOON AGENDA

Mayor Gonzales said, "To the people who are here for the evening agenda, I would say that the Public Hearings will start at 8:00 p.m. If there are things you would like to get done, you can do so and come back at 8:00 p.m. for that hearing. We'll just say that's right Kelley, or can we come back any sooner. 30 minutes would mean that we would be here at 7:50 p.m."

Ms. Brennan said, "I think we're going to need at least 30 minutes tonight."

Mayor Gonzales said, "So we'll do 8:00 p.m., so you aren't sitting around, can step out for a while and then come back at 8:00 p.m."

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

**17. 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, AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, 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, and discussion of the purchase, acquisition or disposal of real property or water rights by the City of Santa Fe.

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 Dominguez.

The Council went into Executive Session at 7:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 8:15 p.m., Councilor Rivera moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated for the record 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 Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

**Mayor Gonzales exercised the prerogative of the Chair
and moved Items #18 and #19 to the end of the Evening Agenda**

END OF AFTERNOON SESSION AT APPROXIMATELY 8:15 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 8:15 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 Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

Others Attending

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

G. APPOINTMENTS

Mayor's Committee on Disability.

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

Michael D. Wirtz – to fill unexpired term ending 01/2017.

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

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

Capital Improvements Advisory Committee

Mayor Gonzales made the following appointments to the Capital Improvements Advisory Committee:

Edmundo Lucero (Councilor Trujillo) – Reappointment – term ending 12/2017.

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

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

Margaret V. VeneKlasen (Councilor Dominguez) - Reappointment - term ending 12/2017.

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

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

Ted John Swisher (Councilor Maestas) - term ending 12/2017.

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

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

Immigration Committee

Mayor Gonzales made the following appointment to the Immigration Committee:

Maria Jose Ugalde Alcazar – to fill unexpired term ending 02/2017.

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

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

Santa Fe Regional Juvenile Justice Board

Mayor Gonzales made the following appointment to the Santa Fe Regional Juvenile Justice Board:

Richard Lindahl – to fill unexpired term ending 05/2016.

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

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

Sustainable Santa Fe Commission

Mayor Gonzales made the following appointment to the Sustainable Santa Fe Commission:

Linda Smith – to fill unexpired term ending 05/2016.

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

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

Library Board

Mayor Gonzales made the following appointments to the Library Board:

Rebecca R. Phillips – to fill unexpired term ending 07/2018.

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

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

Anna Naruta-Moya to fill unexpired term ending 07/2018.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors 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:

Stephen Hochberg (At-Large) – to fill unexpired term ending 06/2016

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

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

Parks and Recreation Advisory Commission

Mayor Gonzales made the following appointments to the Parks and Recreation Advisory Commission:

Damon S. Archuleta – term ending 01/2018.

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

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

David Sidebottom – term ending 01/2018.

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

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

Margaret L. (Peggy) Vasquez – term ending 01/2020

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

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

Victoria Bruneni – term ending 01/2020

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

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

Joseph "J.C." Linson – term ending 01/2020

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

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

Linda R. Jackson – term ending 01/2020

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

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

Warren B. Hix – term ending 01/2018

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

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

Bridget Wolf – term ending 01/2020

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

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

James William Stodgel – term ending 01/2018

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

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

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2015-37: ADOPTION OF ORDINANCE NO. 2016-1 (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). (Postponed at December 9, 2015 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to adopt Ordinance No. 2016-1.

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 Dominguez.

- 2) **CONSIDERATION OF BILL NO. 2016-40: ADOPTION OF ORDINANCE NO. 2016-2 (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) (Postponed at December 9, 2015 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2016-2.

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 Dominguez.

- 3) **CONSIDERATION OF BILL NO. 2016-41: ADOPTION OF ORDINANCE NO. 2016-3 (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) (Postponed at December 9, 2015, 2015 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2016-3.

DISCUSSION: Councilor Ives asked, if we make these civil matters, and decriminalize them, and someone is issued a ticket which they don't contest or pay, how long does the City have to enforce any of its rights for the ticket as a Civil matter.

Noel Correia, Director, Parking Division, said there are 15 days from the time they are issued the citation during which they have to take action, which would be to appeal or pay. If they do not, a penalty will be assessed and they will be send a notification that a penalty has been assessed. At that point, there are no options to appeal, and they have to pay. If they don't pay within the next 15 days, it is turned over to collections. He said after a 30-45 day timeframe the citation will go into collections.

Councilor Ives said then it becomes a debt to the City, and if the City doesn't move to enforce that debt, then it becomes uncollectible, as opposed to the Criminal Code it was after one year.

Councilor Dimas said there is a statute of limitation on Civil matters, and it becomes a Civil matter. He said Civil matters have a longer period of time.

Councilor Ives said, "Understood. I wasn't sure if it was 3 or 4 years."

Judge Yalman said it is 4 years.

Councilor Ives said, "But it couldn't be considered a contract, because it would be one sided, then it would be 6 years."

Councilor Ives said suppose we send the citation for collection and someone changes their phone number and basically says, "To hell with it." He asked if we just let it go at that point.

Mr. Correia said the collections that this UTC Code changed, allows the City to turn it over to a professional collection company, which would be part of the system being provided by this contractor. He said part of our job responsibility is to go after these unpaid citations, including the past due for the last 3 years that add up to 4 years. So they will use any and all means that are legally lawfully allowed them per their license to attempt to collect the debt.

Councilor Ives asked if we propose to allow them to sue on behalf of the City.

Mr. Correia said this is not proposed in this Ordinance, but that option is available. He said if you want to do that, you can do it at a later time, but not at the present time.

Councilor Ives said he is unsure that is the pathway. He said he is in favor of this, but there is a hole or gap, which is what happens in year 3-4 if somebody is not responding to the collections. He said in his experience, unless the amount is significant, those agencies won't pursue a matter in court. He wonders if there might be an opportunity for the contractor to impose a lien, so if it is filed in the real property records here, it becomes a lien against what somebody owns in Santa Fe.

Mr. Correia said there is an option to have the contractor to impose a lien on the driver's license, with other cities in other States, so when they go to renew their driver's licence or registration, they have to pay what is owed before issuing the driver's license or registration.

Councilor Dimas said he doesn't think that can be done in New Mexico. However, within the statute of limitations, it goes on their credit report, if they fail to pay. He said this is the whole idea, because if people are going to buy a house, a car or whatever, they will have to clear that citation. He said the good part about all of this is that decriminalizing it means it's collectable in a sense. He said when it is Criminal, the only option to collect is to issue a bench warrant, and collection on a bench warrant is very very difficult. He said he would presume the Municipal Court has outstanding bench warrants in the thousands, as it was in Magistrate Court. They are difficult to collect on, because to collect, you have to have probable cause to make a stop on somebody to collect it. He said this is one of the reason the City had \$6 million outstanding in parking fines at one time. He thinks this Ordinance simplifies matters and gives us a mechanism to collect all these past due citations.

Councilor Ives said he is highly in favor of this every step of the way, but thinks we need to look at that last little bit a little harder, because he doesn't understand what we do in that circumstance.

Judge Yalman said it has taken her a while to get to this point, because she really wanted parking in Municipal Court. She said she would set aside a day a month, and 6-7 months ago they set aside a whole day for parking, and Parking sent 1,000 notices, and 10 people showed. She said she quit doing that because it is a waste. She said bench warrants can't be issued based on license plates for the people who don't show. She said there are problems and we can't do what California does and put liens on peoples' licenses, but we now have 4 years to collect, instead of a 1 year statute of limitations. She said it can be sent to collection, and we don't have to do bench warrants. She said it's not perfect, but it can't be worse.

Councilor Maestas asked how long the City carries uncollected debts on the books before we just write it off.

Mr. Snyder said it is 3 to 4 years.

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: None.

- 4) **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) (Postponed at December 9, 2015 City Council Meeting)**

A Memorandum prepared December 1, 2015, for the December 9, 2015 City Council meeting, with attachments, from Theresa Gheen, Assistant City Attorney, to Members of the Governing Body, regarding Case is incorporated herewith to these minutes as Exhibit "10."

A series of color photographs, numbered 1 through 8, submitted for the record by David Rasch, Historic Preservation Division, is incorporated herewith collectively to these minutes as Exhibit "11."

A letter dated September 9, 2015, in this matter, to Mayor Javier M. Gonzales, from Jennifer and Brent Cline, Appellants, submitted for the record by Jennifer and Brent Cline, is incorporated herewith to these minutes as Exhibit "12."

Mayor Gonzales asked if someone presented on this earlier this evening under Matters from the Public.

Theresa Gheen, Assistant Attorney, said, "I wasn't present during all the comments by the Clines, the Appellants, but if there were matters discussed which do relate to the appeal, I think I did overhear something regarding elastomeric stucco, this comment should definitely not be considered as a part of the appeal, since it is not within the appeal procedure."

Mayor Gonzales said he thought that is what Ms. Cline was addressing when she came up under Matters from the Floor.

Ms. Gheen said, "When I heard that word I was alerted."

Mayor Gonzales said it is duly noted.

Theresa Gheen reviewed the information in her Memorandum prepared December 1, 2015, for the December 9, 2015 meeting of the Governing Body. Please see Exhibit "10," for specifics of this presentation.

Mayor Gonzales said, "So on the night this was considered, there were other non-contributing structures."

Ms. Gheen said, "It is non-contributing structures."

Mayor Gonzales asked what is a non-contributing structure.

Ms. Gheen said, "A non-historic structure, less than 50 years old. It basically means it has not been designated as contributing by the H-Board."

Mayor Gonzales said, "So they granted the use of this elastomeric stucco, synthetic stucco basically, on those types of structures, but on 339 Bishops Lodge for the restucco of a contributing building, they said no."

Ms. Gheen said that is correct.

Mayor Gonzales said, "And it's because the Code says you can't use this synthetic stucco on a contributing building."

Ms. Gheen said, "So, I was just going to briefly go over my Memo [Exhibit "10"]."

Mayor Gonzales said, "So staff saw there was an exception, meaning an exception to the Code that requires a stucco that's other than synthetic."

Ms. Gheen said, "That would be an exception, To apply synthetic stucco to this building requires an exception because the Code would otherwise prohibit it."

Mayor Gonzales said, "So staff made the recommendation to allow for it, going up to the Historic Board."

Ms. Gheen said, "The staff said an exception was required to allow for it."

Ms. Gheen continued her review of her Memorandum [Exhibit "10"].

Ms. Gheen said, "One of my conclusions is that the Board did indeed have the authority to require cementitious stucco on this building which is a contributing building."

Ms. Gheen said, "My conclusion is that the Board did not mis-apply Code Section 14-5.2(C) and (E)."

Ms. Gheen said, "My conclusion is that the Board's decision was in accordance with law and was not arbitrary and capricious."

Ms. Gheen said David Rasch will have a presentation.

Mayor Gonzales said, "Actually I think you did a good job in giving us an overview, so we're going to let David stay on deck to answer questions we may have about this. I want the Applicant, the individuals, to have the opportunity to address the Council, go to a public hearing, and then David, you can wrap-up before we go into deliberation. So the Appellant can step forward if you would like to present."

Mayor Gonzales said, "David, if you feel like you need to come up now, go ahead."

Mayor Gonzales asked the Appellants if it is okay to let Mr. Rasch present now.

Mr. Cline said, "We have no issue with that."

David Rasch said, "I want to educate you a little about traditional finishes, versus non-traditional finishes. I think it's important that you understand both the physical issues as well as the esthetic issues." Mr. Rasch presented information via overhead using the color photographs numbered 1 through 8 [Exhibit "11"], as follows.

Photo 1. "So I'm going to show you that the property is 'this' contributing building. It's not really visible from the Old Taos Highway or Washington Avenue, or Kearney, but Kearney is 'here,' slightly visible from that building, so this property does have public visibility on this one building, the contributing adobe building."

- Photo 2. "But here, you can see traditional finishes are finishes that are more than 50 years old, and in this case, mud plaster being hand applied. You get that hand-built look, an irregular surface that has a beautiful play of light and shadow on it. And here you can see Pueblo Indian women re-plastering an adobe building in mud plaster."
- Photos 3-4. "Mud plaster, as it ages, it crackles very nicely so it also gives this beautiful esthetic quality which traditional mud-finished plaster gives you."
- Photo 5. "Even in the 20th and 21st century, you can see typical Santa Fe Style buildings with a mud plaster. Very common in the 19th and 20th century."
- Photo 6. "Once you get in to the later 20th century, cementitious stucco is considered a traditional finish because it is more than 50 years old. So here, we have a cementitious stucco finish on a contributing historic building. Cementitious stucco, like mud plaster, breathes very well, so if any moisture gets into an adobe building, it will not degrade the adobes because it can evaporate through that traditional finish. So that is why cementitious stucco and mud plaster on adobe buildings are very good for physical preservation of that structure because it can breathe. Besides the esthetic look of the irregular surface and the breathability, it is the reason we require traditional cementitious or mud plaster on contributing buildings and it also preserves them physically."
- Photo 7. "The other thing is, once a cement stucco gets rained on, it has an irregular look as well. You can see here that on the top of the parapet that moist stucco has a darker looked, so it has a mottled appearance as it's getting wet."
- Photo 8. "But when you look at a synthetic stucco, when it gets wet it looks the same, it's plastic. It looks glossy. It is often sprayed on, instead of hand applied."

Mr. Rasch continued, "A representative of the elastomeric stuccos came to the H-Board, and I was present, and said to the H-Board, synthetic stuccos do not breathe very well and we do not recommend them on adobe buildings. And an elastomeric stucco representative said this to the H-Board, so we do not recommend them on adobe buildings, and they are not allowed on listed historic buildings. That's my presentation, thank you."

Mayor Gonzales said, "David, the only evidence that we have that it doesn't breathe is anecdotal, and basically based on the subject matter expertise of someone in the industry."

Mr. Rasch said, "No. Preservationists in the field in Santa Fe have seen what synthetic stucco can do to an adobe building. If moisture gets in, it can degrade the adobes."

Mayor Gonzales asked for an example of a building where there was synthetic stucco that may have done that.

Mr. Rasch said, "Off the top of my head, I can't come up with a specific address, but I do know that the stucco contractors as well as the preservationists do know that it is not preferred, unless you are very good at waterproofing the foundation and parapets."

Councilor Rivera said he heard Mr. Rasch say the structure is not visible from Old Taos Highway or from Kearney street.

Mr. Rasch said, "Correct, but it is visible from Magdalena."

Councilor Rivera said, "And how many homes are there, estimated, people traveling down Magdalena. Is it a dead end."

Mr. Rasch said, "No, Magdalena goes from Paseo de Peralta to Kearney, and street frontage, there's probably a dozen houses."

Public Hearing

Presentation by Appellant

Mayor Gonzales gave the Appellant 10 minutes to present to the Council.

Frank Cline, Appellant, was sworn, said, "To answer the Councilmember's question."

Ms. Vigil said she has to first swear Mr. Cline, and asked him to state his name, and he stated his name for the record.

Mr. Cline said, "To answer your questions about visibility, we have a couple of pictures in the winter, we would like to show, of the property to give you an indication of how little is visible from the end street."

Mayor Gonzales said, "Can you actually incorporate that, if that's where you want to start your presentation, great."

Mr. Cline said, "That was to answer the immediate question, but I do have a full presentation."

[STENOGRAPHER'S NOTE: Mr. Cline provided the color photos to the Governing Body but did not enter them for the record.]

Mr. Cline continued, "You can see 'this' is the property that is visible where my fingers are, from Magdalena. 'That's' 339 Magdalena [Bishop's Lodge Road?] and this is in the winter when the tree has no leaves on it. That is the most visible the property is. 'This' is from the side, this is from Kearney, 'that's' the property in question. And 'this' is from Bishop's Lodge, 'this' is the property in question. So the property has very little visibility from Magdalena. It's the building right 'here,' it's not the two-story. This is one of the structures they are allowing to be elastomeric."

Mr. Cline said, "Thank you very much for the City Attorney's presentation. I just wanted to address a few issues with that. In that [presentation] the argument that was made, is that the 2002 application did not specifically call for cementitious stucco. So then our question then is, if there was the potential for not violation for when the elastomeric stucco was applied in 2002, why are we in 2015 being held to a different standard. If it was legal at that time, why do we now have to incur additional expense to correct what they now are saying was a potential issue, although the argument was made it may not have been an issue at the time."

Mr. Cline continued, "The other thing we did want to note for the board was that it was actually a 2-2 tie on this issue, originally for the motion. It was broken by the Vice-Chair, and the primary issue that they mentioned was not the appearance of the material. It was, according to Member Bayer, it was, '*not a great precedent and that she was reluctant to approve it for that reason.*' That precedent being allowing elastomeric stucco on a contributing building."

Mr. Cline continued, "Just to answer the claims that they were discussing for the... our contention is that the actual Land Development Code on Historic doesn't have the word cementitious in it at all in any of its 76 pages. It has no mention of that. It has mention in one place that she mentioned for Old Santa Fe Style for an adobe building. That is the only thing and the only thing that is mentioned in there that it is a mud or hard plaster. And that is the only place in the Code that any of that is mentioned at all. So this is part of our issue with the interpretation of the Code. The Code itself actually asks for a distinctive finish, a distinctive construction technique, or features that are...sorry I'm spacing on the exact wording of the Code, I do have it here. But what it is that it's basically they do not say material, it is not specified in there. And part of our argument is that for hand applied elastomeric stucco, the difference between that and cementitious stucco is not in the construction technique, it's basically at the end they use a different coding than the cementitious."

Mr. Cline continued, "The other thing we did want to correct, is our house is not adobe construction. It is absolutely frame construction and we are certain of that. The walls are about 6-7 inches thick on all aspects of the house, so there is no way it is adobe construction. You have seen it before you purchase it when the previous owner was working on it with the walls opened. It is not adobe construction. So, based on that, it falls under Recent Santa Fe Style, which the quote on page 6, paragraph 6 of the Memo the City Attorney gave was, '*...materials must be similar but need not duplicate the materials used in Old Santa Fe Style Buildings.*' Recent Style does not mention anywhere it has to be hard plaster, nor is cementitious stucco mentioned anywhere in there. It says that '*... an exception would be required because it is a contributing building,*' and that is in a different section."

Mr. Cline continued, "So the other thing we wanted to mention is that the Code has already allowed for some modernization materials, because a mud plaster building that would have been done, it can now be redone with cementitious stucco. Cementitious stucco wasn't around when those buildings were built, so that's already allowing for modernization. Another modernization that is allowed, which is a material, not a technique, is you now can, instead of using wood lath that could have been done years ago, you can use galvanized metal lath which is common, or even a plastic lath because that is a material and not a construction change. The argument the City Attorney made was that sprayed-on elastomeric stucco is not the same construction technique. We agree with that. However the elastomeric that's on the

building right now has been on there for 14 years was hand applied. So at that stage, the difference in the construction technique is they used a different bucket for the scratch coat and the final coat. It still had a lath on it. The material was hand applied using the same construction technique, which is what the Code ask for. The Code does not ask that the material is the same.”

Mr. Cline continued, “For the other claim, the comment on the intended for shall. Our issue with this is that on page 4, paragraph 6 of her memo, it says, ‘...*the Board has consistently required the use of cementitious stucco on contributing, significant or landmark buildings.*’ To us that means the Board has interpreted this as shall because they only allow cementitious stucco. They do not take into account other considerations. And her claim, too, for the exception criteria, or the 3 exception criteria, there was actually an error in that. Because in the H-Board minutes from our review, on page 28, paragraph 2, our statement was, ‘...*we have found that a number of properties in our immediate neighborhood appear to have elastomeric stucco. This does not detract from the character of the neighborhood.*’ David Rasch’s response on page 28 of the H-Board meeting minutes, paragraph 3 was, ‘*Staff agrees with this statement.*’ So based on that, that means David applied, David and the staff agreed that our asking to use elastomeric does not damage the character of the neighborhood.”

Mr. Cline continued, “The second issue we had with the exception criteria in number 2, was a hardship to the owner, because the elastomeric is what is currently on it, to put cementitious stucco on it, we would have to completely re-lath the whole building with metal lath. That is a 50% cost increase on the quotes we had from the vendor. And what we were bluntly told by the Historic Board is that 50% cost increase does not constitute a hardship to the applicant. So be somewhat rude, my question is, if a 50% doesn’t, what does. How do you meet exception criteria 2 for a hardship to the applicant, if a 50% cost increase does not constitute a hardship.”

Mr. Cline continued, “The other thing we wanted to address in criteria 3, and criteria 3 would strengthen the unique heterogeneous character of the City by providing a full range of design options. Our argument with stucco, and this has been something that’s bothered us about this is the memo the Attorney did, page 7, paragraph 1, was ‘...*the applicants failed to provide alternative preservation options.*’ The H-Board has previously stated, as you heard, that they require cementitious stucco, and we proposed the alternative elastomeric stucco which has, again, been on the property for the past 14 years. What would reasonable alternatives have been. From the way that is written and their interpretation of stucco, it seems it is impossible to meet that exception criteria, because there are no additional options, except potentially mud stucco which is not a reasonable option for us. Did you have anything to add before I go to conclusions.”

Ms. Cline said no.

Mr. Cline continued, “So basically what we’re arguing is that the City Attorney, there is a question about whether the initial application of the elastomeric stucco was a violation, and if it’s not, we then asked why are we being required to change it now. Our house is Recent Santa Fe style that is not adobe, therefore it has a more lenient code for what can be done with it. I propose to allow elastomeric stucco which will be hand applied, uses the same construction technique as cementitious stucco. Only the material is different, and the Code does not specify the materials have to be initial. David Rasch stated in

the letter that our proposed use of elastomeric stucco does not damage the neighborhood, which already has many buildings with elastomeric stucco. For instance, the other buildings surrounding it that you can see 'here,' and the buildings on the front, 'all these,' are elastomeric stucco, have been approved for elastomeric stucco because they've had it on it. And they're also over 50 years old. They're just considered a non-contributing structure. Both buildings were built at about the same time."

Mr. Cline continued, "And again, we're just requesting approval to restucco with the same material that's been on it for the last 14 years. We would like to thank you for your time. Did you have anything you want to add."

Jennifer Cline, Appellant, [previously sworn], said, "The one thing that I did want to interject in this is that during the hearing with the Historic Districts Review Board, it was stated, although it's not stated in the minutes, it certainly is available on any recordings of that meeting, that Board members admitted that they could not tell the difference between elastomeric and traditional stucco from the visual inspection. So, to me as a homeowner, when a board is requiring the use of materials that they can't even tell the difference, I find that a little offensive."

Ms. Cline continued, "The other thing that we did want to share with you is a letter that we provided to the Mayor earlier, pertaining to this matter, not realizing that he was going to be sitting here today [Exhibit "12"], and that is more focused on, we ask that you reconsider this decision in terms of the flexibility of using modern materials. But really, we would like you to think about streamlining the process to allow the Historic Review staff to be able to make more of these decisions without having to go through the process of appeals and filing. And rather, instead, be able to do administrative appeals or approvals, just as you would with paint color, instead saying that you wanted a certain stucco color as long as it is hand applied. That should be a reasonable thing to proceed with. And our stucco, the elastomeric stucco we are intending to use on whatever buildings we can use it on, is a breathable material. So that's not a consideration here. We have selected a more expensive stucco that is breathable."

Mr. Cline said, "And for the administrative approval process, we would certainly, as a minimum, it seems reasonable for you to allow the staff for non-contributing buildings where the elastomeric stucco isn't an issue, you still have to go before the Board and pay several hundred dollars to have that done. We would appreciate at least that being able to be done by Historic Review staff, because that would leave the Board for more important issues, that are not simple stuff, and that could be handled administratively. And we have copies of the Mayor's letter."

Mayor Gonzales said, "To recap, your point is, is the reason why you're not wanting to follow the, the primary reason other than the... I heard there are a number of structures already in the area that use the same type of stucco, and maybe there are some inconsistencies. If you could just narrow it to 1 or 2 points, what the primary reason why you would have this choice or this option, as opposed to what the Code is requiring. Is it purely cost."

Mr. Cline said, "It would be about \$5,000, and it's been elastomeric for the last 14 years without a single complaint. The building is not very visible, and it wasn't us that put the elastomeric on it. So part of our concern is we have to incur a financial penalty for something that most people can't tell the difference on. There are plenty of other houses in the neighborhood that have elastomeric on it."

Mayor Gonzales said, "So it's from a cost standpoint right."

Mr. Cline said, "It's primarily the cost."

Ms. Cline said, "It's cost, but as he just said, it's durability. We were trying to find a solution that will allow us to have a stucco finish that will last in the long term. As I've stated, having stucco that is falling apart is unattractive in this neighborhood. It's of benefit to this City to allow people to use materials that hold up and maintain a sense of beauty within our community."

Ms. Gheen said, "I believe if there is communication to the Governing Body after the appeal has been filed by anybody other than the City Attorney, that's not permitted communication. I think if a letter is provided that was not part of the record, it should not be considered."

Mr. Cline asked to offer further remarks.

Mayor Gonzales said, "This is the first time they've seen this letter. It didn't come in directly into my office. What we will allow you to do is after the Public Hearing, I'll let you offer some closing remarks. Rather than coming up, we'll do it at that point. Will that be all right. Okay."

Speaking to the Request

Bill Loeb, Board, Old Santa Fe Association, was sworn. Mr. Loeb said, "What I want to say is, from our point of view, it is important that you have a point of view that supports the HDRB. And the reason for that is not just the physical appearance here and there. A few years ago we did a study of how many jobs in Santa Fe depend on the place's physical appearance, and the conclusion was 15,000 jobs. So the HDRB considerations and conclusions are really very important to the City to maintaining the appearance as much as possible. The Chamber of Commerce also did a study at that same time that came out lower than ours, 11,000 or 12,000 I think, so it's a very important aspect to Santa Fe to stand behind the considerations of the HDRB. Now this may seem a small application of that principle, but remember, your decision will be a precedent in the future for other applications in other locations, and so we feel you should take that very seriously in your considerations."

Mr. Loeb continued, "Incidentally, there was some discussion earlier, not mine, of the waterproof nature of elastomerics, and in the technical literature, there was consideration about elastomerics you were talking about. And the technical literature has that conclusion. Once upon a time, I happened to be a licensed professional engineer in Alaska, New York and Massachusetts, so I looked at that literature. Anyway, the main thing is you're setting a precedent for something very important to Santa Fe. I just wanted to make that allowed public statement."

The Public Hearing was closed

Closing remarks by Mr. Cline

Mr. Cline said, "I would like to apologize, because I think we gave the wrong impressions with what the memo is about and thank you for correcting that. The Memo was not about our current case. The Memo was for the future, because it's the first time we've had issues with taking a lot of time, 18 months to get a building permit for previous work. So I do not want you to feel that the Memo was in any way to influence this case. The Memo is moving forward into the future, and we tried to hopefully make that clear in the Memo itself. We mention our case just as background, but that's not what the Memo was about."

Mr. Cline continued, "I want to thank the comments on the *[inaudible]* for the amount of work, to answer his questions, on work created by the finish. We fully agree that is part of why we're fighting to do this. We want our property to look as nice as possible for as long as possible, depending on whether it's elastomeric or cementitious stucco, it's pretty much the same amount of time and effort to install it, so it's a similar amount of work. I have a little bit of issue with what I felt was a bit of the implicit, what was in his statement was that we appreciate the H-Board, we think they do a lot of work for what they do. We would just like them to be more uniform in understand that new advances in materials sometimes can yield results that still look very nice but add durability and decrease costs for homeowners."

Questions, Comments and Action by the Governing Body

Mayor Gonzales said when we talk about a non-conforming structure, is that how we're referring to it.

Mr. Rasch said this is a contributing historic structure.

Mayor Gonzales asked if we are talking about a house, a garage, and asked what is the structure.

Mr. Rasch said this is a residential structure.

Mayor said then it's a home, and Mr. Rasch said right.

Mayor Gonzales said under the Code it is a contributing structure, a home, inside the Historic District, that is older than 50 years.

Mr. Rasch said that is correct.

Mayor Gonzales said, so the Code says, in terms of use of the external materials on the home, such as windows, stucco, roofs and such, those materials are dictated by the Code itself.

Mr. Rasch said, "Yes, in order for a building to be listed as a contributing historic building, it has to have high historic integrity, less so than a significant building, but it still has to have integrity. And that historic integrity is based on the amount of traditional historic materials on the structure."

Mayor Gonzales asked what would be those traditional materials on this structure in particular.

Mr. Rasch said, "The exterior appearance of traditional structures are typically mud plaster or cement plaster, typically wood windows. In the mid-20th century, we get into steel casement windows. And if there are pitched roofs, they would be standing seam or corrugated metal. So they are finish materials that are known as traditional materials because they're more than 50 years old. Synthetic stucco, port panel roofs, those aren't 50 years old, so they're not yet considered traditional materials."

Mayor Gonzales asked, in this particular case, if it is true there has been previously, for the last 14 years, synthetic stucco on this contributing structure."

Mr. Rasch said, "That is correct."

Mayor Gonzales asked how the Code addresses a structure that has fallen out of conformance with the Code itself. "Does it say when the next one comes around they're got to correct it, or does it diminish its designation."

Mr. Rasch said, "Two points. First of all, yes, the Board can consider that that alteration could cause its historic status to be degraded to non-contributing. That's always a possibility. The other thing I wanted to say was my office – through the advice of the City Attorney and the Land Use Directors in the past, through the 13 years I've worked for Historic Preservation – we don't go out looking for violations. We don't go out to punish people. We wait until they come to us with a project and then if there's a non-conformity, it must be corrected."

Mayor Gonzales asked if it is an adobe home.

Mr. Rasch said, "I believe it is not, since we heard that testimony."

Mayor Gonzales said, "So if it's not an adobe home, then the issue of whether it's synthetic or not doesn't really have an impact on the structure itself. So I guess where I'm going is, if there was an adobe home, the point about having non-synthetic stucco is so the adobe can breathe. But if this one isn't, then it's really more of a material that meets the Code, but preserves the structural integrity of the building itself. Is that correct."

Mr. Rasch said, "That is very correct, Mayor. If the building is not adobe, we're not worried about the physical qualities of the synthetic stucco. So the Downtown and East Side Historic Districts allows the Board to say, okay you can put elastomeric stucco on this building. But the more restrictive standard is the regulation of contributing and significant buildings that require the traditional stucco, so that Code section over-rides the Downtown and East Side Section."

Mayor Gonzales asked, "Will the use of synthetic stucco diminish in any way the structural integrity of the building that would cause it to fall into non-conforming status."

Mr. Rasch said, "If this truly is not an adobe building, I do not believe it would affect that."

Councilor Ives said we have heard testimony that an adjoining structure which is much more highly visible than the subject structure is of a similar age, but similar to this building has had elastomeric stucco material applied in the past. He asked how is that different that what we are considering here.

Mr. Rasch said, "In this case, non-contributing buildings are not required to have traditional finishes. So, the same night the H-Board approved synthetic stucco on two residences and one yard wall, because they are non-contributing buildings. The building in question that is non-contributing, yes, it may be an old building, but what caused it to be non-contributing is it lost its integrity through additions, maybe the historic windows were removed. So once that old building gets altered too much and loses its historic integrity, it is no long a contributing building and doesn't require traditional finishes."

Councilor Ives said he doesn't know what happened in that particular structure, and there is no testimony that he thinks tells us an answer to that.

Councilor Ives continued, saying as he understands, there also were a number of structures, some on the clients' property, that were allowed to have the elastomeric stucco applied, and asked if this is correct.

Mr. Rasch said, "That is correct."

Councilor Ives asked Mr. Rasch to describe the layout of the structures, the proximity with the residences.

Mr. Rasch using the overhead, referring to Exhibit "11," said, "Here we are on Magdalena, 'this' is the house in question. The clients also own 'these' other buildings, so they're right next door."

Councilor Ives said then all of those other buildings have been allowed to use the elastomeric stucco.

Mr. Rasch said yes, because they are non-contributing.

Councilor Ives asked the location of the two-story building that has the elastomeric stucco.

Mr. Rasch said, "I believe it is the one 'here,' so that's the one directly on Kearney on the corner of Kearney and Washington."

Councilor Ives asked, on Magdalena, the distance of the two structures on the street through which the building is observed.

Mr. Rasch said, "It's approximately 50 feet."

Councilor Ives said, "In reading the [attorney's] Memorandum, I found the argument, and this is looking at the second paragraph on page 2 of the Memo, it says, '*Appellants acquired Building 339 in 2005. Prior to that, on July 9, 2002, the then-owner (prior-owner) received Board approval for a project that was described in the staff report as providing for, among other things, Building 399 to be restuccoed in a Buckskin color..... It is thus possible that the prior owner believed that the requirement pertained to color rather than type.*' I understand we have this argument about Buckskin being a particular cementitious stucco type, but insofar as it talks about Buckskin color, and knowing generally what a buckskin looks like in terms of its color, that would hardly seem to be odd that the prior owner believed that the requirement pertained to color. Would you agree with that."

Mr. Rasch said, "Yes, especially capitalized Buckskin. That is a cementitious stucco color. I may also add there, that at that point in time, the Land Use didn't have any historic inspectors, so the inspections were done by the Inspections staff, and they wouldn't care whether a stucco was elastomeric or cementitious. That's not their issue."

Councilor Ives said, "But we make it the Appellants' issue."

Mr. Rasch said, "And now, because it was non-conforming."

Councilor Dominguez said, "I want to make sure I understand completely the Mayor's question about the fact that elastomeric stucco already exists on the building."

Mr. Rasch said, "That is correct."

Councilor Dominguez said, "I think what you said was that you respond on a complaint basis, so there is no policy on how to deal with these sorts of situations."

Mr. Rasch said, "We just don't have enough staff to look for violations, so we wait for complaints or for the property owner to come forward."

Councilor Dominguez said, "My question is, there is not a policy in place to deal with these sorts of situations."

Mr. Rasch said, "I'm sorry. I would say that if a Land Use violation is known, we should pursue it."

Councilor Dominguez said, "So there is not a policy in place to deal with these sorts of... the fact that there isn't a policy, is kind of the policy."

Mr. Rasch said, "I would quote the Code. I would say in the Code it says contributing buildings require traditional finishes. This building doesn't have a traditional finish. It was a non-conformity."

Councilor Dominguez said, "Let me back up then, if we're going to go down that road. Right now we have a building with elastomeric stucco. Correct."

Mr. Rasch said, "Correct."

Councilor Dominguez asked, "What does the Code say with regard to a building that already has elastomeric stucco."

Mr. Rasch said, "Yes. Thank you, you jogged my memory. If we can find that Code citation, but in 14-5.2(C), it does say very clearly that if an owner makes changes to a structure that causes its historic status to require review, the H-Board has the legal jurisdiction to require that to be reversed."

Councilor Dominguez asked if that is what triggered this appeal.

Mr. Rasch said, "That, and several other Code citations, yes."

Councilor Dominguez said, "But as it applies to stucco."

Mr. Rasch said, "That would apply. Yes. That is correct."

Councilor Dominguez asked, "Is that what triggered this, in other words was that part of the Code cited in Staff's Memo as the reason why you can't go with elastomeric stucco and you have to go with the cementitious stucco."

Mr. Rasch responded, "I'm not sure if I actually cited that Code citation, but the easier one to cite would be the requirement of traditional finish."

Councilor Dominguez said, "But the citation doesn't make reference to a structure that already has a non-conforming or non-compliant finish, right."

Mr. Rasch said he doesn't understand the question.

Councilor Dominguez said, "The Code does not... there is no citation... I'm trying to understand why this issue is such a big issue, right. And what I'm hearing is that the Code says that if there are changes that are made you have to go through the process, but it doesn't speak specifically to a building that already has a non-conforming material. In other words, I would be much more comfortable if the Code said, a building that is existing and does not have a conforming material, you have to go through the H-Board and everybody else to get that done, but it doesn't say that. It just kind of speaks vaguely about changes that are made."

Mr. Rasch said, "Let's see, here we go. So 14-5.2(A)(6) provides, '*Any building in the Historic District, not meeting the standards for architectural style set forth in this Section, unless given special approval by the Board for architectural historic interest, or unless individually entered in the State Register..... shall be considered non-conforming. Except for repairs and maintenance required by law, no*

non-conforming building may be added to or altered in any way, unless the alteration would bring the whole to a degree of conformity.' So we do have that citation.

Councilor Dominguez asked, "Are you using that in your Memo."

Mr. Rasch said, "I was not. I was citing the requirement for traditional finishes of historic buildings."

Councilor Dominguez said, "Okay, thank you for that. It doesn't quite answer my question. And I think that just speaks to the complications that even an applicant might have in maybe interpreting some of our law. But the other question I have is, does staff or the H-Board see a difference in application. I think the Appellants, is that the right word, kind of alluded to this idea that, not only is the kind of stucco that they're using is going to be breathable, but it's going to be hand-applied. Now I know, for a fact, that there are different ways to apply stucco. One is to spray it, and the other is to hand apply it. And so, does staff, or the Code speak to that difference."

Mr. Rasch said, "I would think that the Code requires traditional techniques and materials."

Councilor Dominguez said, "Traditional techniques and materials is actually getting on your hands... going down to La Bajada, digging a bucket full of dirt or a big bucket full of dirt, taking it to your location, mixing it yourself, and applying it. That's traditional."

Mr. Rasch said, "And cementitious is traditional, because it's over 50 years old, but I would agree with you....."

Councilor Dominguez said, "Aside from the 50 years old, I just want to find out if this Code speaks to the difference in the actual application of it."

Mr. Rasch said, "I would say it does not, but I would agree with you that when applied by hand, elastomeric stucco is preferred, if you are using elastomeric stucco."

Councilor Trujillo asked the Appellants how long they have owned the house.

Mr. Cline said since 2005.

Councilor Trujillo said, "I heard a comment. You said if the owner makes a change. Did these owners... these owners are now making a change, but this is something the previous owner did. Right. So how does that fall, because the previous owner made the mistake and changed it. These people bought the house, it has stow, as I call it, on there. In my opinion, all they are doing is replacing what is already on there. How would they know unless, or until they came to the City of course, to get their permit that this was not acceptable. I know about the Code and all of that, but I'm saying, the previous owner messed up. These people did."

Mr. Rasch said, "Yes, that's a very good point. I've been trained by the City Attorney that land use buyers, since there is no statute of limitations, that the buyer buys the liability is true. I was trained by the City Attorney."

Councilor Trujillo said, "If you live on the Historic side of town, it gets rough, and that's the unfortunate thing that we have. And I know we have these rules to keep Santa Fe like Santa Fe. But at the same time, too, I can't even see the house.... from the pictures that you were showing me I can't see the house from the street and that's what hurts me, that we put these rules on certain things, and I don't really think you're taking the Appeal from what the house looks like."

Councilor Trujillo continued, "And the other concern I had also is this is a frame structure. What's next. We we going to say access and handrails affect their house. This is my concern, is that we make it so difficult for people when they try to fix up their house. Okay, you answered my question. I don't have any more."

Councilor Rivera said, "I heard you mention earlier that if somebody had changed windows and used elastomeric stucco, or done some other changes, that would make it a non-conforming or a non-contributing structure. Is that correct?"

Mr. Rasch said, "The Board's jurisdiction is to determine how much of the historic integrity remains in the exterior of the building. And there isn't a Code citation for how much change is too much change. So there is this gray line for where that is. So the Board has to make that decision based on recommendation of staff. In terms of wooden materials, like portals or windows, we use the 30% rule. If a window is rotten and less than 30% is rotten, we can't replace the whole historic window, you have to put in a dutchman. But if more than 30% is rotten you can replace the whole window. So we have a standard for wood, but I don't have that standard in Code for exactly how to make that determination. It's up to the Board whether the building still retains historic integrity, or not."

Councilor Rivera said, "So if they had replaced windows and done other exterior changes that truly would have made the residence non-conforming, we wouldn't have gone back and made them, at this time, when they're looking for an elastomeric change, to redo the entire structure. Is that correct?"

Mr. Rasch said, "If it were a non-contributing building, I could even approve elastomeric stucco administratively. It wouldn't need to go to the Board."

Councilor Rivera said, "Then the reason this is coming here is because, in your opinion, it hasn't reached the point where it cannot be considered a contributing structure again."

Mr. Rasch said that is correct.

Councilor Lindell said, "Typically, I am a real stickler with the stucco. In this case, I think this case has gotten kind of convoluted over time, and I see the H-Board came to tie vote with the Chair breaking the tie. I am unfamiliar with a product called dryvit. It is an elastomeric, but it's hand applied, it's breathable and it does present the mottled appearance. But this case, I don't think that it's nearly as clear cut as a lot of the ones that come in front of us. I think that there are past indiscretions from previous owners, short staff not having the ability to have violations brought up until years afterward. I just don't think this is the clear-cut kind of case that I like to be such a stickler. So those are my comments."

Councilor Maestas said, "It's unfortunate that our Code can be this complicated, and so I kind of feel your pain on that. But in reading the deliberations of the Historic Design Review Board, I think they were very flexible in granting elastomeric surfacing on the surrounding buildings. So to me, they really wanted to work with you, but I think they took a hard exception on the building in question, and I respect the Historic Design Review Board. They put a lot of time and effort into this. It's not easy for them. There are a lot of issues like this that may seem, perhaps, unfair. But I think in this case, I don't want to start taking too much discretion in overturning the HDRB decisions, and start creating precedence in this. It's difficult enough to enforce these, given our resources, our desire to preserve the historic and unique Santa Fe Style. And this is difficult for me, but it doesn't really matter whether it was a tie vote or not. It wasn't a tie vote, there was a tie breaker, and they voted to uphold this and deny the request to use elastomeric stucco on that building. So, just a word of caution to my colleagues about overturning the HDRB's decision."

Councilor Ives asked Ms. Brennan what is the standard of review we're applying here.

Ms. Brennan said, "Councilor Ives, this is a *de novo* proceeding."

Councilor Ives said, "I wasn't totally clear why the Memo was referencing arbitrary and capricious, because that didn't seem to be the threat by the applicant."

Ms. Brennan said, "Councilor, it was raised by the Appellant."

Councilor Ives, "I'm curious about that provision that says, '*Additional information cannot be presented at a de novo hearing.*' So I would love to take that up with you later. I don't need to know about it now, because it didn't really apply given the nature of the letter."

Ms. Brennan said, "We do admit evidence that is presented to everyone. There is an opportunity to submit something 10 days ahead. This letter came in quite far ahead, addressed only to the Mayor as I understand it. I believe at the time I did see it, and suggested that it needed to be disregarded. It is being offered tonight, not as the Appellants have said, not in support of the argument tonight, about looking forward, so it should be disregarded in any event with respect to this proceeding."

Councilor Ives said he would say he thinks it's an honest mistake for people to submit something, possibly to the Mayor's Office, as opposed to the City Clerk and/or all of the Governing Body, understanding it might become part of the record. He said we may want to reconsider some of what we do there.

Councilor Ives said he is curious about other instances where mistakes have been made in various rulings when the H-Board has come back years later, or even beyond a decade later, and required an owner to correct prior mistakes that have been approved, apparently, by prior actions of the H-Board.

Mr. Rasch said, "In the 13 years I've worked for the Historic Preservation Division, I can only think of things that were much more short term.

Councilor Ives said, "My point is that the precedential value of this, given the particular facts of this matter, in my mind is very very limited, so I would just state that"

Councilor Ives continued saying, we talked about hardship, and asked what is a hardship.

Mr. Rasch said, "This is a very good point. The preservation community does recognize that historic preservation costs more, than non-historic preservation. That is a give, that it costs more. Again the training I've gotten from the City Attorney is that monetary issues are not part of the hardship clause. The hardship has to be something else. In this case, a stucco hardship is very hard to prove. For example, I had a recent case which you may be seeing, about the color of a stucco, and how do you prove you can't have brown stucco. Same thing here, how do you prove you can't have cement stucco. Some of the hardship isn't really relevant to every standard in our Code that well. Others are, I can't have a step in my house because I'm ADA challenged. Now there's a good hardship, that one we can really grasp, but when it's about color or material, that hardship is a difficult thing to prove. But, we typically do not admit monetary hardships, because we understand preservation costs money."

Councilor Ives said he isn't sure, and won't try to weigh-in on whether he considers this to be an accurate assessment of what constitutes a hardship, especially as he can think of a number of friends in Santa Fe who, if you told them they had to spend an extra \$5,000 to paint their house, it would be beyond a hardship. It would become an impossibility. He said, "I would not that I think it relevant here, simply based on Code Section 14-5.2(C)(5)(b) which says, '*Exceptions need to meet all 3 of the following criteria, the second of which are required to prevent hardship to the applicant.*' So I think it is directly relevant here."

Councilor Ives continued, "I am having a hard time understanding how the use of elastomeric here would damage the character of the District, give that every house that appears to surround the property has elastomeric coatings on it. Can you tell me why."

Mr. Rasch said, "That is exactly why, in my Staff Report, I felt they met that criteria."

Councilor Ives said, "I just know the Board found that none of the 3 requirements were met and denied the request. I'm just trying to walk through them and make sure I understand them."

Councilor Ives continued, "And then the 3rd one, which is, '*...strengthen the unique heterogenous character of the City by providing a full range of design options to ensure that residents can continue to reside within the Historic Districts.*' I'm not sure that the difference in material here constitutes a change of design options, so I'm not sure this provision can even be said to be applicable here. But if it were, and if the point is to ensure that residents can continue to reside within the Historic Districts, having a material that protects your structure for 20 years, understanding it used to be practice annually or semi-annually to restucco mud stucco structures, it would seem to significantly enhance the ability of a resident to continue to reside within the Historic District. I guess where I'm coming from is I think this is a unique enough circumstance where there have been enough problems in the past in terms of enforcement and what has allowed that it doesn't become precedent setting, and I'm inclined to grant the appeal but strictly limiting it to findings that clarify the very very strictly limited precedential value of this case for anything in the future."

MOTION: Councilor Ives moved, seconded by Councilor Dominguez, to: "Grant the appeal and making specific findings with regard to this particular matter, which I believe distinguishes it from other cases, being that there was approval given to a prior owner for a Buckskin color which was applied as an elastomeric and therefore there are 14 years of circumstance in which the elastomeric which is now proposed to be excluded, has actually been allowed, so the other is simply replacing like with like in the instance."

DISCUSSION: Mayor Gonzales said, "What else it means, obviously, is this isn't carte blanche for everyone who is living in a conforming structure to go out and get new stucco on their homes, using synthetic stucco. Do you interpret it that way David. Okay."

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: None.

Explaining his vote: Councilor Maestas said, "With those provisions and to avoid the precedent nature, I'll vote yes, reluctantly."

Mayor Gonzales said, "And David, before we go to the next one real quick. This issue of materials, alternative materials that can be used that will not violate the integrity of the structure, because obviously we don't want materials.... if this was an adobe building home, my vote would have been very different based on some of the evidence you said, if it doesn't allow the adobe to breathe, it could have some long term impacts on reducing the integrity of the building. How does the Historic Design Review Board start to take up the ability to use materials that are evolving in the market place, that are more cost beneficial for homeowners to use, and still not violate the integrity of the structure."

Mr. Rasch said, "As you know, I am looking forward to rewriting the Historic Code for just this purpose, to allow a 21st Century Santa Fe style, and that will be toward more sustainable materials. So we are heading that way, but we're doing it cautiously."

Mayor Gonzales said, "Okay, that makes sense and it should be done cautiously."

Councilor Ives said, "One last point. I know David, you had said there is potentially a significant difference in terms of appearance, based on whether the material is sprayed on or hand painted. I would certainly would hope my motion, and you have to tell me if I'm SOL, included a condition that the elastomeric coating would be hand applied."

Mayor Gonzales said, "As represented by Mr. Cline, he will use the same process of putting it on the building, so I think that would be included in our direction."

Ms. Brennan said, "And in the Findings."

Mayor Gonzales said we'll make sure we're on that.

- 5) **CONSIDERATION OF BILL NO. 2015-44: ADOPTION OF ORDINANCE NO. 2016-4 (COUNCILOR DIMAS). 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. (JESSE GUILLEN)**

Mayor Gonzales asked if this means people can drive a Moped without a helmet, or what does this Ordinance do.

Jesse Guillen said this bill simply adopts what the State Legislature passed at the last Legislature in 2015. He said he has seen an Autocycle in Santa Fe, noting it is set up like a tricycle, but it has more protection around it, with a steering wheel, airbags, seatbelts, pedals and such.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Ives, to adopt Ordinance No. 2016-4.

DISCUSSION: Councilor Ives noted the definition provides, "*....in which the driver and all passengers ride in a 'completely enclosed,' tandem seating area.*" He said that doesn't describe anything he has ever seen riding on any road in Santa Fe, New Mexico and this country, because it inevitably has sides but is open on the top, so it's not completely enclosed. He asked what the Legislature meant with this language.

Mr. Guillen said, "I saw that as well. I honestly do not know what that entails there. There are roll cages, at least the headbar that pops up above the head, but there is no roof to them. So honestly, I don't know the meaning of this."

Councilor Ives said it doesn't look completely enclosed to him.

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

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

Against: None.

Absent for the vote: Councilor Maestas.

- 6) **CONSIDERATION OF BILL NO. 2015-45: ADOPTION OF ORDINANCE NO. 2016-___ (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR IVES AND COUNCILOR MAESTAS). 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. (DAVID RASCH)**

The staff report was presented by David Rasch from his Memorandum of October 16, 2015 to Mayor Gonzales and City Council Members, in this matter which is in the Council packet. Please see this Memorandum for specifics of this presentation. He said he was directed to provide a status review of the Airport Terminal as a historic structure, which he presented to the Historic Districts Review Board. The Board recommended unanimously landmark status for the building. That set into motion a series of required hearings, with this being the final hearing. He said in the meantime he brought forward and received unanimously approval for a resolution of design standards for the exterior and the interior to be handled by Staff in the Historic Division with the Chair of the Historic Districts Review Board, which was unanimously approved by the Governing Body. He said we are following through tonight on the first path of the landmark.

Ms. Brennan said, "I just wanted to emphasize that you are required to have this public hearing under Code, which provides that you shall hold a public hearing, once the recommendation is made, which is why it was scheduled."

Public Hearing

Former Karen Heldmeyer, 325 E. Berger, said when the Airport was renovated the last time, it was a huge win for the City of Santa Fe. It was revamped to fit the security regulations at the time, noting those are continually evolving in a most distressful way. She said there was no question it would be renovated in such a way as to keep the historic fabric, because everybody loved it – locals and tourists. She said we won a lot of awards for the renovations, as well as a lot of publicity. She said when the new

renovations came up because of the new security regulations, people not being able to get to the bathrooms or having to go through security to get to the bathrooms, that the historic character would be kept. That assumption didn't seem to be shared by some of the contractors who were hired to look into this. She attended Committee meetings, where it was said, 'Oh, you know we didn't think we would have to show this to the Council. We're contractors, we know what we're doing.' Those Committees said this isn't just any Airport, it is a particular gem in the City and we have to it right.

Former Councilor Heldmeyer continued, saying we still have to do it right. The question that has arisen is whether it has to be done through the Landmark Ordinance, or if it can be done with the Resolution you passed with design standards, noting that decision is up to the Governing Body. She said the bottom line is, "Don't screw it up. This is a very important building. Don't screw it up."

Marilyn Bane, Santa Fe, said, "Picking up on Karen Heldmeyer's point. I'm not here tonight to ask for landmark status, although I would love it. I think the Resolution [Ordinance] is a good thing, and I'm very grateful to the Mayor and this Council for crafting such a Resolution that would include the Historic Preservation Division, intensely. I would expect that David, in consultation with the Chair of Historic Preservation Board, would in fact have access and would be able to make a real contribution. So I'm asking you all... I'm not a terribly trusting person, so my recommendation would be, of course, to postpone the landmark status, pending a few months of meetings and making sure that happens. And when we're confident that the Historic Preservation Division is intimately involved, and is, in fact, allowed the access in the contribution that I think you envision. So that would be my recommendation, postpone the landmark until we know for a fact that that department will be involved. However, I will also qualify that. I spoke with Jon Bulthuis earlier on this, and he is very very confident, based on conversations he has had very recently, I think yesterday, so I'll let him say that. But, if you have doubts, just hold off on the landmark until we're sure it works."

Mayor Gonzales thanked Mr. Ross for his leadership of the Airport Advisory Board.

Stephen Ross, Chair, Airport Advisory Board, thanked the Mayor and Councilors for all they do. He said, "The Airport Advisory Board actually took this matter up a couple of times, maybe 3 times, last Fall and participated pretty actively in the compromise that Marilyn just described, which we think is a good one. And sent a recommendation to the Governing Body at its November meeting to, number one to endorse the Resolution this body then subsequently passed. Enthusiastically, the whole Board in favor of that and to recommend to you that you not consider landmark status for this structure on this application. There are a number of reasons for that, but the most important issues they were facing, in our opinion, at the Airport are the functionality of this structure. And I repeat, nobody on the Airport Advisory Board wants to make significant changes, or any changes to the Airport, that aren't necessary to preserve the functionality of the structure. We're in the 21st Century, and this building was constructed and designed in the 1950's when there was no FAA, no TSA, there was no security at all. In fact, there was no commercial air service.

Mr. Ross continued, "I think what the Airport Advisory Board would like to see at the terminal, is that it remain a functional and contributing part of passenger air service here, and not be relegated to the status of the original Albuquerque terminal. I don't know if any of you know where that is, it is west of the current Sunport. It was a beautiful old building, built in 1939, that the City declared as a landmark a number of years ago, and it's an office building. It's really not being used. I think we all think it would be very cool if this building, our current terminal, could be preserved and used. So when people walk in the building from the airplanes, they see this cool, old building, and go wow, that's cool, but where's the bathroom. I think the Board is interested in trying a compromise that is in place now, seeing how it works. And the Board will support Jon and everybody else, in ensuring that the historic character of building is preserved. He said, like the H-Board, the AAB respects and is enthusiastic about the historic character of the structure."

Mayor Gonzales said we have more than 30 requests by members of the public to get access to the slots left on the Airport Advisory Board. He said, "I'm not sure what you guys are doing, but there is a lot of excitement for people to move onto the Board. I think that's great."

The Public Hearing was closed

Mayor Gonzales said he appreciates finding alternative ways to protect the integrity of the design of the Airport. He said having flown out and come home to this Airport, the design really says Santa Fe at first glance. He said when you walk in, as outdated as the internal functions are, you still get that sense of this very cool, authentic community and we don't want to lose that. The idea of being able to have design standards in consultation with David in any design or expansion, just assures that great feeling when you walk off a plane and see this building that you know you are in Santa Fe, is able to be held without having the landmark status that would, in many respects, confine and prohibit our ability to expand, which means we would have to find other land and more money to build a terminal which would be costly and expensive. He said he would hope the Governing Body would deny this request. However, because we have brought a resolution, we have a pathway to ensuring design standards are in place which meet the intent of the request of the H-Board.

Councilor Lindell said she would like to hear from Mr. Bulthuis, regarding his conversations with Airport consultants we are working with on the Airport, and the input Mr. Rasch has given them.

Jon Bulthuis said the dialogue in the master planning is ongoing, commenting we are at the stage where we have provided some documentation, in terms of the future expansion areas. However, this certainly is an opportunity for us to work with the consultant to incorporate the Resolution and the design standards in the master plan itself, which will come back for review and approval by the Governing Body in the next year. He said there is an opportunity to create better language that reflects tonight's conversation in that document, which is great. He said that will live beyond, perhaps his or David's tenure at the City, and provide assurance that he thinks the Historic Santa Fe Foundation and Ms. Bane expressed they were looking for.

Councilor Lindell said the Council adopted that Resolution for a very clear reason. She would like to clarify that the consultant should be clear that we are the client and that we are driving this plane, although it seems that might not need to be said. She said we are the ones who say what we want this to be. And we've been very very clear with that Resolution of how we want it to be and what we want that process to be. She said a large part of that is that we are depending on Mr. Rasch to make sure this is done in the most possible respectful way of the historic character of that building.

Mayor Gonzales asked if the Governing Body has to approve ultimately the master plan that has been adopted.

Mr. Bulthuis said yes, you will, but the master plan will be brought back through the committees and City Council.

Mayor Gonzales said the Council could reject or adopt that Plan, and he assumes there will be some public review to ensure the standards are in place.

Mr. Bulthuis said, "All of the above."

Ms. Brennan said, "Mayor, I just wanted to say that with respect to the master plan, you will have to approve it. It think the conversations that Jon is having, indicating very clearly to the consultants, that the design standards control. And they would in fact control, because the master plan, with respect to design, is a general document that provides guidance, whereas the Resolution provides specific design standards."

Councilor Ives said he wants to make sure he is clear what we're talking about and who is putting this forward, because in the packet material there is the action by the Historic Districts Review Board, recommending landmark status to the Governing Body. He said, "But am I hearing that HDRB is not necessarily as clear on that point, at this point in time, or simply that to some degree, the requirements for upgrading an Airport in this day and age, would pull us away, or put us in conflict, if we approved landmark status from what needs to make that Airport the vital economic driver and point of entry into Santa Fe that it needs to be."

Mr. Bulthuis said, "I think I'll just comment on some remarks that have already been made, that David made, and that Chairman Ross made, about preserving the historic character of the structure, while maintaining the functionality of it, is unimpeded. So this applies not only to the work that is going on today, because that project is underway, but for future expansions any additions that we are currently seeking funding from the Legislature for. So the H-Board, itself, did make the ruling and had the vote that you spoke about, but following that, staff worked with staff. So I worked with David, we worked with the Airport Advisory Board, we worked with Kelley, to kind of have this alternate solution to the goal of making sure that those preservation characteristics and methodologies are incorporated for future projects. So, I think your are correct in reading that the HDRB voted for the landmark and is recommending that, but since that point, a lot of work has been done to achieve that goal through another means."

Ms. Brennan said, "if I can just add to that, Councilor. A landmark status is the equivalent of a significant status within the District. A significant status, as an example, it's a fairly restrictive status. All are primary façades and cannot be added to, or altered in certain ways, so it's very restrictive. And looking at the Airport, not just at the need to expand and change, and its depths of security needs, but things like electronic communications equipment on roofs are not allowed. Those kinds of realities really do not work well with the Airport terminal, while everybody wanted to preserve the historic characteristics and appearance of the building."

Councilor Ives thanked her for that clarity. He asked, "The final question I would have then, is whether or not, given the master planning process and the anticipated changes, is there any opportunity at any point in the future to go back and look for landmark status, not that we necessarily ever would want to go there. Because, again, airports are constantly in flux, based on security and other safety issues. If you know the answer to that question."

Mr. Bulthuis said, "I believe that opportunity would be there in the future if this Governing Body or a subsequent one want to pursue that."

Councilor Ives said then it would be very different than a significant designation.

Mr. Rasch said, "If we do carry out the master plan we're looking at, which is doubling the footprint of this building, it may not be eligible for landmark status, because it will have lost a lot of historic integrity. But if we do this remodel and future expansion properly, that historic structure will remain intact."

Councilor Ives said, "Good. Thank you."

Councilor Rivera said, "I thought when we had a meeting out there, that it was mentioned that the tower belongs to the FAA."

Mr. Bulthuis said, "The FAA leases the tower from the City, but the structure itself belongs to the City, including the tower."

Councilor Ives said what is before us is approval of the Ordinance which would give it landmark status, and he thinks we've heard compelling arguments that landmark status is not appropriate at this time, given the master planning process, the oversight of the Historic Review Design Board and the anticipated additional changes that will be needed to the Airport structure in the future.

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to deny approval of this Ordinance.

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: None.

7) CONSIDERATION OF BILL NO. 2015-42: ADOPTION OF ORDINANCE NO. 2016-5 (COUNCILOR MAESTAS). AN ORDINANCE SUBSECTION 18-10 SFCC 1987, TO REDEDICATE A PORTION OF THE MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES AND BIKE AND PEDESTRIAN PATHWAYS, AND REMOVING THE PROVISION FOR ALLOWING THE USE OF EXCESS FUNDS FOR GENERAL MUNICIPAL OPERATIONS. (OSCAR RODRIGUEZ)

Councilor Maestas said there were people here and wanted to speak on this, and apologized for not moving this up on the agenda. He said he will reserve his comment until we hear from the public as a courtesy. He said all this Ordinance is ensuring Transit gets all the funding originally dedicated to it. He said in looking at the historical allocation of these funds, the General Fund has consistently been allocated 22-25%, and all of this in the face of changing and great needs by the public transit system. He said, "I think this is probably one of the most egregious bridging strategies, because we're using money primarily dedicated for public transit." He said we know the population of the City that depends on public transportation. This change eliminates any possible sub-allocation to the General Fund so public transportation gets the funding it needs per this Ordinance.

Mayor Gonzales said to expand, the Municipal Gross Receipts Tax you are referencing, was specifically to support the creation of our bus transit system, and because there are excess funds beyond operational costs that have existed, and the Council used those funds for City government, this Ordinance would be to support a hard block in moving outside of transit issues. However, it would still remain within the Councilor's purview to determine how to allocate these funds annually to support transit issues. He asked Councilor Maestas if this is correct.

Councilor Maestas said yes, and the intent is to first consider transit needs, and if the needs are fully met for the entire 1/4%, then 2/3 of the excess can go to the General Fund and 1/3 to Quality of Life programs. He said we haven't been allocating it that way, and we've been making a fixed allocation to the General Fund and Quality of Life, while the transportation system needs are unmet. He said Mr. Bulthuis's email of May 12, 2015, he details it very well on packet page 13. We are forced to borrow money to buy buses and the debt service was taken from its operating fund, which isn't equitable and fair. He said there is \$1.5 million in ICIP for purchase of rolling stock for the next 4-5 years. He said there are unfunded requests in the ICIP for bus shelters. He said the needs are great and are unmet, and the General Fund is siphoning those funds to what he considers to be a core service of the City. He is willing to go into greater detail, he would like to hear first from the people who have been waiting for 3 hours to comment on this. He asked Mr. Bulthuis if he has anything else to add.

Mayor Gonzales said we can get to Mr. Bulthuis later, because he understands the Councilor's points about where the funds would be directed.

Brian Snyder said, "If more money, I think I'm stating the obvious, if more money is allocated to Transit and taken from the General Fund, for example 56 and 22 is the split now. If the 56% rises to 70% that is a decrease to the General Fund and we're going to have to make up that difference by reducing services, increasing revenues, decreasing expenditures, some mechanism. I just want to call attention to that. I think in past years, as long as I've been City Manager we've tried to address Jon's needs and

requests. Recently there was the bus purchase out of funds that they had some questionable funds, I guess. But my point of going on about this is that there are tremendous needs in Transit, an aging fleet, operational needs. I have asked Jon to look into doing a City-wide evaluation of fare box numbers, collections. We talked about that during the budget cycle last time, to really get a handle on how are the riders in this community using the services, and to make sure we are providing the level of service we can provide to this community at the times of day, the routes and those kinds of things.”

Mr. Snyder continued, “I think that's important as we move forward as we have a budget discussion and make sure we meet Transit needs, we can live with ourselves, and not just putting buses on streets. The example is the Museum Hill Route that was scaled back a couple of years ago. To meet the service level, we reduced the frequency and type of bus being used to go the Museum Hill Route. Here again, what I'm asking Jon to look at is to why it is, as buses travel Cerrillos, Airport Road, Community College, various routes, how are we meeting the level of service. Are we meeting or exceeding or underserving the level of the needs of those areas. I think that will play true into budget discussions, to make sure funds are allocated properly. As well as when we do have to increase Transit funds that we make sure we are provided the resources needed for the system, but realizing if we increase that average 56% spend of this funding in transit, we're going to have to decrease the General Fund which is our hardest hit area which we have to really have to focus on during the budget discussion. It's not a caution, but it is a reality of where we are right now.”

Mayor Gonzales said that stage already has been set. We know there is a \$15 million deficit that has been covered by various bridging strategies including the bus GRT, the CIP GRT, the Stormwater Fee and others. He said, “I'm supportive of this, but we need to start prior to the budget, passing similar Ordinances that forces these issues. But one of the things I hear from Brian loud and clear is that we're not going to solve it in one year. So how we go about the timing of the use toward the General Fund over some period of time of these strategies is something the Finance Committee needs to deal with during its budget deliberations.”

Mayor Gonzales continued, “If adopted, you just eliminated \$1.5 million as being part of the plan and then we have to find it in this year's budget, as opposed to determining how to curtail it. It is okay with me, because one of my primary goals is to create that realignment, but this eliminates it immediately from the General Fund in consideration of how we deal with things.”

Councilor Maestas said this is almost a back-up measure to ensure the original dedication is implemented, which is to finance the acquisition, operation and maintenance and other expenses for or incidental to the provision of a public transportation system – shelters, rolling stock, Southside Transit Center. He said the City could be open to liability for not providing the necessary service as intended in the Ordinance.

Mayor Gonzales said that could be true in a number of areas, commenting this isn't different from Stormwater or the CIP GRT which was enacted by the Council to fund CIP projects, but it got stopped.

Councilor Maestas said we are depriving our public transportation system of \$1.25 million, noting he understands currently our GRTs are running \$2.5 million above projections.

Mr. Snyder said, "That is ballpark. Yes."

Councilor Maestas said we are now \$2.5 million above budget, so this isn't putting the City in a hole because we're running above projections of GRT, and we will make whole the funding made in 1991, commenting many of our people rely on this service. This is exercising physical discipline, and ending a bridging strategy as well as addressing a social justice issue. He asked, if it's needs based, how is it that the allocation has remained almost fixed to the General Fund, Quality of Life and to the Public Transportation System. He said this broken and we need this backup to make sure we implement this revenue as dedicated originally.

Public Hearing

Sonya Maria Martinez, Chainbreaker Collective, said this is a member based organization, economic and environmental justice non-profit as well. She said she would like to parallel what Councilor Maestas has stated. She said, "The voters approved this tax over 20 years ago, and were promised this money would go to Transit. That promise to the people has been broken repeatedly since, the Transit funding has been raided. As a bridge strategy, this needs to end. The only difference from the Water Fund issue is that Transit has been starved of funds owed to it, while Water has a surplus. As stated, it is a social justice issue. Transit is an essential service our City's most vulnerable people really rely on every day to get to work, to school and about their business everyday. And I think, being a community organizer, I can really talk to people one-on-one, and I see these issues, and they are very true in our City, and our people depend on you to remedy this issue and to recognize we are under-funded in this situation. We don't have enough stops, we have people going to work that have to wait hours just to get to the first bus stop and then to get downtown. They spend most of their time just waiting for the bus. I hope that, in your hands, you see fit to make the right decision on this, and we voice and parallel the concerns that Councilor Maestas has brought up, to thank you very much."

Manuelita Jacquez, on behalf of Chainbreaker Collective, said 20 people showed up to this Council meeting, but had to go home because they have children, but wanted their voices to be heard, and read the statements from 3 of the people who were willing to leave a statement:

Sharia Silva wrote, "I have been riding the bus for almost 7 years. I use the bus and trails to get all of my necessary areas of life – work, school, shopping, family, houses, meetings and career. The underfunding of Transit causes me to waste up to 6 hours a day, waiting and riding, which also has ruined my chances of several good jobs."

Natasha Wiley wrote: "Due to lack of transportation on weekdays and weekends to the Community College, I had to go out of my budget expenses and I had to buy a care."

Bridget Wolf wrote: "I am on the Transit Advisory Board and I am a bus rider. I live off Airport Road in Tierra Contenta, and there is no bus access west of San Felipe going west. And no bus access west of Paseo del Sol West. The newly-annexed part of the City has no buses. So we ask you, all of us together, to please support our community by voting in favor of this proposal. Thank you."

Valerie Romero said she is to represent the social justice issue. She represents some of the Southside, because when she was an at-risk youth, he resided in the shelter for years at a time, before she went to *[inaudible]*. I ask you if you would please consider being in compliance with the mandates required by the Ordinance requires under law. She said, "I'm asking you if you can just provide more measures that would be more inclusive of individuals. Please keep into considering the number of individuals that utilize these services, in addition to the students. And I also want you to consider those in our criminal justice systems and are trying to get a ride to there probation and parole office, and the costs to the individuals on fixed incomes that is required to ride on the bus system. Thank you very much."

Martin Dike, 48 Aviation Drive, said he lives in the annexed portion of the City. He is a full-time student at Santa Fe Community College and a bus rider for economic and environmental reasons. He said it's been his understanding that Santa Fe Trails, for at least 7 years, has been operating under a deficit. He has heard the conversation about "in the excess," but Transit has never received its original dedication since its inception, so it can fund operating. He knows personally, a lot of ex-riders that can't use the bus and drive their cars because just getting from point A to B and back takes 4-6 hours, commenting he has that experience himself a few times, noting it took 4 hours plus each way for him to pick up his prescription. He said a gentleman asked if we are meeting or exceeding the demand. He said a lot of people have no choice because of the schedules, noting he has walked home from the SFCC because there is now no bus service because there aren't enough rider.

Mr. Dike continued, saying next month there are 3 holidays – Lincoln's, Washington's and President's Birth, and the SFCC has classes on those days, and any student who has classes will have to walk to and from at least to the Mall, because of the weekend schedule. He said the schedule isn't meeting the needs of the public. He said he has received bad grades for missing classes, because he couldn't get to the SFCC. He said this system doesn't need any cuts, it needs to be expanded. He said the money has been there, but has never reached its intended department. He understands a lot of City areas need funding, but this is a public service that is definitely needed. He understands about removing the cap for Quality of Life Funds and agrees with that, but thinks that opens another loophole for another bridging strategy. He can see raising the cap, but not leaving it open.

Bruce Weatherbee, 329 Rosario Hill, said he rides the bus a lot, but he could survive without it. He and his wife consciously sold their automobile years ago to lessen the impact on the environment, and changed their lifestyle. He has met a lot of great people on buses over the past 7 years. He said Santa Fe likes to consider its diversity, but needs to recognize the diversity of income in Santa Fe. He isn't near the high nor at the bottom, and is someplace in the middle. He said we need to provide bus service to people, and it is important for a healthy community. He attended a meeting in Taos of the Town and County government, and the City Manager said 34% of the people in Taos don't have personal transportation, noting that largely is a rural area. He said earlier tonight you spoke about the Health and Hospital Study Group, and one of the issues that came up is getting people to the Hospital. He said transportation is important. He commends Councilor Maestas for putting this forward because it is critical. He said earlier Councilor Dominguez talked about the impact of the loss of hold harmless funds. He said we have chosen as a State to give corporations a huge tax break a few years ago, and it's come home to rest on the

poorest people in our community. We can't afford to do this any longer and we have to find a better way to deal with it. He appreciates the City Manager's remarks about trying to look at what this will do to other parts of the budget, but please don't continue to have the burden fall on those that it will hit the hardest.

Tomas Rivera, Director, Chainbreakers Collective, with 400 dues paying members, the bulk of whom are transit bus riders. He supports this bill because Transit needs haven't been met for a long time, and if all the money is allocated to Transit, he still doesn't feel the needs would be met. He said Transit needs to expand with more services. This is an essential service that allows people to survive, by getting people to work, in school. He encouraged the Governing Body to vote in favor of the Ordinance tonight, commenting the people voted on this with the intention of the proceeds going to Transit. He said this the next step in the right direction to remove this bridging strategy, and a good precedent toward a sound, fiscal policy of not having bridging strategies and not raiding funds allocated to specific things.

Mr. Rivera continued, reading a statement into the record from Colin Messer, Chair, Transit Advisory Board, as follows:

Recurring capital funding for buses is essential for sustained reliable transit operations. This amendment ensures that our fleet will constantly be replaced in and efficient schedule, without service interruption as we now face. To satisfy the needs of Transit was the spirit of the original Resolution as I recall. Councilor Maestas' amendment clarifies its intent and makes Transit whole. Thank you for your support.

Mr. Rivera said, "Oh behalf of Chainbreakers, thank you also.

The Public Hearing was closed

Mayor Gonzales said these revenues have not been used as part of the bridging strategy to fill the \$15 million deficit. He said if this is adopted tonight, basically the deficit would grow by \$1.25 million, so it would be about \$16.25 million that we would have to overcome.

Mr. Snyder said that is correct.

Mayor Gonzales asked Councilor Maestas, as a member of the Finance Committee, why not bring this issue forward in totality with the budget, which is about to come up, as opposed to doing it right now. He said if adopted, it basically takes it out of the Finance Committee process to factor this in as one of the corrections that need to be made. He said another question, is why stop here, and why not have resolutions addressing the issue of all the rest of dedicated revenues going forward, that play an important environmental or social justice impact for the community. He said, not to put Councilor Dominguez on the spot, but he is interesting in hearing his perspective as to whether these kinds of big budget implications are appropriate, need to be part of the big budget fix in its totality as opposed to the piecemealing that it potentially brings forward. He is interested in Councilor Dominguez's point about why not let it be part of the adopted budget so we can consider the budget in its totality as opposed to doing it now and setting us back another \$1.25 million.

Councilor Maestas said the urgency is here and we're balancing the budget on the backs of people relying on public transportation. He was alerted to the problem when the City purchased buses on a loan, with a debt service payoff of 12 years, with a bus life of 8-10 years which is less than the debt service period. He wanted to know why we were borrowing money to buy buses in view of a long standing dedication to Transit of 1/4%.

Mayor Gonzales said that isn't his question.

Councilor Maestas said the urgency is here, and its easy to transfer money from a fund with almost \$100 million. He said this is a service that needs every cent meant to be dedicated to it. He said if we keep the bridging strategies in place, we continue to kick the can down the road, and prop-up the budget and the financial state of the City. He wants to address these issues so we have a better idea of the true financial condition of the City going into the budget. If we don't show discipline now, how are we going to show discipline during the budget hearings, and we going to have a flurry of policies and do it down. He thinks this will help the budget process, and doesn't see the value in waiting until then. He suggested limiting the scope of our problem by addressing this now going into the budget hearings, this is his thinking.

Mayor Gonzales said this would be fine if we had proposed a series of cuts we would do to cover these costs, but in acting tonight, without addressing the complementary cuts in the General Fund, basically kicks that can down the road to a point where we are going to have to address it anyway.

Councilor Maestas reiterated our GRT revenues are \$2.5 million above projections and if that trend continues, "we can easily cover this and still have a surplus of GRT revenues."

Councilor Dominguez said he has thought long and hard about this proposal. He said part of him says what good is a Transit system if we don't have libraries, recreation centers and other things this fund could potentially help to fund. He said what he hears Councilor Maestas saying, that the way it is now is that its too proscriptive to the General Fund and we're trying to flip it so that it's more proscriptive for its intended. And the General Fund will still get its money, but it will be less proscriptive and not automatically calculated. The reality is Jon can spend only so much money, and the surplus needs to go somewhere and not just stay there and not get used. He said the problem is not really in this bill, but in that our Transit budget is too narrowly focused, which means it can't spend as much money as is generated by the tax. He thinks during the budget process we need to expand that focus to include the needs that people need. He thinks Councilor Maestas is trying to get to that with some of this language.

Councilor Dominguez continued, saying the idea is to create better access to public transportation, which means more than just getting money and spending it on buses. It means we have to have clearly defined crosswalks, and easy access to bus stops, all of those things. He said, "I will say that we have to be a little bit careful Councilor Maestas, because we could, although not very likely, land up in the same situation we're in with the Water Division, with a GRT that will continue to feed into a fund where we can't spend the money fast enough." He said we would have to grow a huge bureaucracy to be able to spend those funds.

Councilor Dominguez continuing, saying it's not likely, but if the feds all of a sudden starting pumping money into the State, and if the sources of revenue we weren't anticipated happen and we don't have a clear handle on the GRT, that is a fund that could come very flush. He doesn't see this as having a real big impact on the overall budget, and it depends on how wide we open the Transportation budget during the hearings. He said we could narrow the budget so much at Transit can't spend the money generated by the tax. Or we could open it more and allow expenditure of the funds generated. He said, however, the rubber hits the road when we have those budget discussions with staff. He said, "I don't see any harm in this bill, I think it's actually good. In fact, what it may do in the future, is increase bus ridership, public transportation participation and increase revenues in the fund."

Councilor Dominguez continued, saying he has an amendment he would like to make in the bill on packet page 6, line 7, add after "pedestrian pathways," *with the priority given to bike and pedestrian pathways that connect to bus stops*. He we're not going to spend money on a pedestrian pathway as a shortcut to get to a trail, but we use that money for pedestrian pathways will give easier access to public transportation ridership. He reiterated that the rubber hits the road in the budget discussions and how we define the Transportation budget.

Councilor Lindell said she doesn't think this is in any way going to expand transportation, and we're trying to keep with where we are now. Secondly, she is unsure the reason Councilor Maestas wants to exclude the General Fund, if there are funds for distribution after Transportation. She is unsure why we would want to exclude the General Fund and direct monies to recreation and she doesn't support this part of this. She said we already have mammoth problems with the General Fund, we're taking \$1.25 million with this bill. And if there are funds left over, we're directing those away from the General Fund.

Councilor Maestas said he wanted to make sure he held quality of life programs harmless, because they're vital. The only changes he made he thinks are positive in expanding the umbrella of eligible programs. There was no motivation to limit anything. He noted many of these programs are funded by the General Fund, so it will go back to the General Fund if there is an excess. It is targeted only to these quality of life programs. He said this suballocation will still fund those quality of life programs funded by the General Fund. He said, "I think the General Fund is still going to get that money if there really is a true and honest excess. And that's the real issue we should be discussing." He said Mr. Bulthuis should be talking about excess funds and the true need of the public transportation system, commenting he is sure Mr. Bulthuis will say they do have more than \$1.25 millions of needs in Transit for the foreseeable future.

Councilor Lindell said she understands, but it is very clear in the Ordinance that General Fund has been excluded, that entire paragraph has been stricken.

Councilor Rivera asked Brian Snyder, "Brian, in your position here now and in the past, do you recollect any time where the General Fund has spent money on Transit for any reason, buses or anything else."

Mr. Snyder said, "I can't speak to that. I don't recall any specific time one way or the other."

Councilor Rivera asked Jon Bulthuis, "If this were approved and the excess funding did or the funding did come to you, I think the expectation would be that you address those social justice issues, some you heard tonight with regard to specific areas of town and long wait times and long ridership times. So would this be enough money to address those issues."

[Mr. Bulthuis's remarks here are inaudible because his microphone was turned off].

Councilor Rivera said, "So we would still have long wait times, long turnaround times, long ridership times."

Mr. Bulthuis said he thinks the City Manager talked about taking a look at the system, doing tweaks to the system, trying to get service where people are buying it. *[The balance of his remarks are inaudible because his microphone was turned off]*

Councilor Rivera asked if he recalls any time where the General Fund given money to Transit since he has been on board.

Mr. Bulthuis said we haven't had to go to other revenue generation.

Councilor Rivera asked Mr. Bulthuis, "If you receive this funding, would it be fair to say that you could maintain without coming to the General Fund and asking for additional monies."

Mr. Bulthuis said the capital needs could spend the \$1.25 million in addressing the rolling stock maintenance, but there may not be new shelters and such.

Mr. Snyder said, "I don't have much to add to Councilor Rivera's questions. It touched on what I wanted to get at, which is there are large needs and Councilor Maestas talked about the infrastructure needs, capital needs in the bus transportation system. Without the federal and State monies we used to get which funded bus replacement plans, it is no different than Solid Waste. We try to replace 3-4 vehicles a year, because that's what it takes to stay up with the large fleet we have similar to Transit. We don't have a plan in place right now, because the funding has dwindled to nothing. So I would reiterate what Jon was saying, is that the \$1.25 million could be dedicated solely to Transit for the purpose of bus replacement. And that would not expand service, but it would create a more reliable service and a mechanism for funding capital needs we don't have right now, because federal and State funding has dried up. That's where we are right now."

Mr. Snyder continued, "But with that in mind, back to Councilor Dominguez's question during the budget process. If Transit gobbled up that entire amount, then it leaves a \$1.25 million gap in the General Fund which is added to the \$15 million, so that's where we are. But like Councilor Maestas said, there is that need, there's lots of needs in Transit, but an additional \$1.25 million could be plugged into the capital need to replace buses to deliver a level of service that the community needs."

Mayor Gonzales asked if this Ordinance is needed to add the \$1.25 million back into Transportation. The goal of the Ordinance is to ensure all of the transportation GRT tax stays in transportation. If we didn't have this proposed Ordinance, would the Council through the budget process, be able to develop and vote on a budget that would have 100% of the proceeds of the tax to go toward Transit issues. He said, "I was wondering what this Ordinance does that the Council can't do already on its own."

Councilor Ives said the language in C(1) talks about financing the bus system, there is no change to that language, and in that sense it doesn't affect how much of this funding gets allocated. It eliminates the possibility of funding going to the General Fund which has been the practice in our prior budget. So, notwithstanding if there had been significantly more needs in the Transit system, decisions were made of the consequences of allocating funding from this GRT to the General Fund.

Mayor Gonzales asked, if this is Ordinance in place, could there be a budget recommend and adopted that takes all of the money generated by the Transit tax and puts it into transit.

Councilor Ives said yes.

Councilor Dominguez said it is in the order that you do that. What this does is to say that before you do that, we have to have a good transportation plan for the money generated for transportation.

Mayor Gonzales said that can be adopted through Finance Committee action.

Councilor Dominguez said technically it can, and is what he was alluding to earlier. He said technically if Transit is able to spend only so much money and we're generating more money than that, we have the ability, just as with water, to move that money to another fund, but not until transportation needs are met.

Mayor Gonzales said Councilor Maestas brought up a good point that we need to exercise some fiscal discipline to solve some of our budget issues, and use the GRTs for stated intentions. He just thinks what is about to begin is the Finance Committee's deliberation on this year's budget and a plan to fix the deficit. He asked if we are going to begin adopting a series of ordinances that take the place of the actions the Finance Committee needs to do in developing a budget. He asked, "if the Finance Committee can develop a budget that meets the goals as stated, which is all of the bus tax promised to go into Transit could go into Transit, and that exists today without this Ordinance, and if the Finance Committee agreed that the funds would go first to address transportation issue first, as part of it's policy, then you can begin, as part of that conversation to work on the adoption. Is the Finance Committee comfortable with the practice of resolutions coming in that, prior to any deliberation, begin to dictate how and what, or what can funds go for without being able to deliberate as a whole first, make a recommendation and then the Council being able to say yes we agree to this, or no, you should have put all the money into transportation and not used some of it somewhere else."

Councilor Dominguez said, "As the Finance Chair, that's what's been happening and that's the problem, and this is just one small example of many of the things that need to be fixed throughout the City in terms of making sure we have everything..."

Mayor Gonzales said basically, we've passed a Resolution saying we're cutting off the use of Water Funds coming in, and if we pass this tonight, it will be an Ordinance directing everything to go into transportation. We've talked about the reallocating the Stormwater Fee. What we're basically going to do is to pass a series of laws that completely restricts your ability to do anything besides raise revenues or cut services, because you won't have access to that.

Councilor Dominguez said he doesn't see it like that. He said in terms of budget development and budget hearings, there are lots we can do, and there are some Governing Body mandated restrictions. He said just because we have a policy for this fiscal year saying we can use water funds for anything other than water, doesn't mean the next fiscal year we can't say we want to use water funds for stuff other than water.

Councilor Rivera said he doesn't think the public is going to like that.

Councilor Dominguez said that's just an example. He said this starts to establish some sense of framework in ensuring we have a sense of priorities. He said if the department can't spend all the money, that is when the deliberations about how the budget is developed.

Mayor Gonzales said, then why should we stop here. He said let's expand this to say we are no longer going to use the CIP GRT money to fund operations, we're going to stop that and it's going to go only to CIP and we're no longer going to use the Stormwater Fee we charge people every month to fund other operations outside of it.

Councilor Maestas said he is introducing that legislation tonight.

Mayor Gonzales said basically what we are about to do is set precedence that there will not be a multi-year strategy in fixing our budget. He said the Finance Committee will confront a series of resolutions requiring an end to the use of dedicated, pledged revenues to fund the overall cost of operating government. He said he is okay with going that route, but doesn't think it's fair to say we're only doing it for the bus, but not for Stormwater, for CIP.

Councilor Dominguez said we have started doing it for CIP and are starting to move operations from CIP.

Mayor Gonzales said but we're not doing it by ordinance that mandates by this budget cycle you are going to stop using it for operation funds.

Councilor Dominguez said it is correct, it isn't being done by Ordinance, but thinks CIP isn't as narrow as this.

Mayor Gonzales said the need is \$240 million, and we're not meeting our ADA requirements you brought up the other night. He said, "It's 11:00 p.m., we're working on this one particular Ordinance. We don't have the benefit of the full budget process and the conversation aligned to that. I'm in favor of this, but I feel uncomfortable with us acting as a Council creating these specific laws that I think restrict the Finance Committee's ability to present a budget that will help us address many of our issues. My feeling is, if this Council is going to adopt this tonight, then I think we have to adopt a Resolution that does the same in all these dedicated revenues we have. And then get ready, because right now what this mandates right now is that with the \$4.5 million for this fiscal year and the \$1.25 million, we're going to pull close to \$6 million from current expenses in either Fire, Police, Parks, Recreation or Libraries to pay for this, or someone's going to propose a revenue increase to fund this. And if we want to do this now and deal with the ramifications on the Finance Committee, that's for you guys to work through. And I'm fine with it, but I think it very much restricts the areas that you guys got to move to."

Councilor Maestas said, "We're talking about an order of magnitude of \$15 million versus \$16.25 million. And what's the alternative to not ending these bridging strategies. Are we going to do the same thing we did last year. We're going to absolutely require a transfer from the Water Fund to the General Fund. We were told last year we were out of reserves and we couldn't do that anymore, now we have reserves. And I don't think that's going to be acceptable to the public. I think they want to see us exercise some fiscal discipline here."

Councilor Maestas continued, saying he has asked for a roadmap, and someone has said we can balance this budget in 2-3 years, but doesn't know how we can do that without Water Fund transfers.

Councilor Dominguez said we're working on that.

Councilor Maestas said we can phase it.

Mayor Gonzales said, "Councilor Maestas, everything you're saying, I'm going hurrah. But there's not a set of offsets or tax increases that are being proposed with it. And I think, I feel it's great to say yes, this is going to go and it's going to meet some of the social justice needs, and it's going to meet its intended consequences, but it's already pledged either to pay for positions in Fire, Police or somewhere else, and we don't have an offset right now. My only point is if we're going to remove a revenue source from the budget outside of the Finance Committee process, we ought to be talking a little bit about how we're going to replace it, either with a cut or with an alternative revenue source. And the Committee is going to have those conversations, but it's not going to be done in the totality of, all right, if we're going to eliminate the use of subsidies of the Transit Tax into the General Fund, we're going to talk about how we're going to cover those costs now."

Mayor Gonzales continued, "If we're going to eliminate the use of subsidies of the Transit Tax into the General Fund, we're going to talk about how to cover those costs now. If we're going to eliminate Stormwater Fees being used for things other than stormwater, we're going to talk about which costs we're going to offset right now. Because we're making these decisions in a vacuum, or siloed way, and it's really setting up the Finance Committee to do it basically one year, as opposed to some type of multi-year fashion that might make sense, setting the Finance Committee up to propose a series of cuts that either

equal \$15 million or revenue increases, or a combination in this fiscal year that just gets it done now. And I haven't heard that is necessarily the request, unless you're going to come forward and say we're going to solve it this year, so get ready."

Councilor Dominguez said, "On the global scale, quite frankly Mayor, to solve it in one year, means that we have to have draconian action and that's not something I support and something I will advocate for. This doesn't necessarily do that. This sets some parameters. I still think we have the flexibility to either meet this or comply with it during the budget process. What we could do, as a compromise is quite simply putting that it's subject to budget approval. I think, as the Finance Chair and an advocate of what I think you advocate for it as well, is we're just simply saying that during the budget deliberations, Transit gets taken care of, Transit gets what it needs, what it can spend. And that revenue gets spent in Transit first, and then Quality of Life stuff, and all the other stuff there is second."

Councilor Maestas said he doesn't think we can solve all the budget problems. He said, "I think we have this issue before us right now, I think we've heard pretty compelling testimony from the public, this really is almost a no-brainer. I mean, we're strengthening the original dedication of these funds for public transportation. And as I said before, right now our revenues were \$2.5 million above projected. So right there, I can pledge the \$2.5 million to cover this \$1.25 million without draconian cuts, without affecting positions, without layoffs, so we can cover this."

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to adopt Ordinance No. 2016-5, "with the caption amendment on page 1, line 13, after "Pathways," to add, *and removing the provision for allowing the use of excess funds for general municipal operations*; and Councilor Dominguez's amendment on page 4, line 7, after "pathways," to add *with priority given to bike and pedestrian pathways that connect with the Public Transportation System*; and I'm open to any friendly amendments from Councilor Dominguez.

DISCUSSION: Mayor Gonzales asked Ms. Kelley for her input on the amendment.

FRIENDLY AMENDMENT: Ms. Brennan said on (d) in the bill, there is a date of July 1, 2016, supplied, that should not be that date, it should be the date given which is the date that the tax became effective. This is the last line on page 4, line 17 on page 4. That date July 1, 2016 is not correct. The date that was originally there is correct, January 1, 1992, because it is the effective date of the tax, not of this amendment. **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 Maestas said he wanted to put a cap on the Quality of Life Programs of 11%, because that has been the historical allocation to Quality of Life Programs, but I think when we were deliberating on this Councilor Ives asked if the excess to Quality of Life is in excess of 11%, so he felt it unlikely, but a possibility, so he would not include his proposed portion of the amendment on line 2.

FRIENDLY AMENDMENT: Councilor Ives proposed an amendment to the second item on the amendment sheet. He said, "I actually would keep that in there, but at the end of that insertion identified as paragraph 2 on the proposed amendment, at the end of the language, add the following wording: *And any amount left unspent above the 11% shall be used for general municipal operations.*" It is important because Subsection (c)(1) above, talks about in the event the public bus system is ever discontinued. And granted we're dealing with an unlikelihood, but that's in the Ordinance now, and it says that the funds allocated pursuant to this paragraph shall be use for general municipal operations, and the discontinuance of the public bus system shall not affect the allocations set out in Paragraph 2 below, in the event the public bus system were discontinued. And you were trying to meet the allocations in Paragraph 2 below, given we've eliminated the General Fund if we don't put a limitation on the amount going to Quality of Life, the 100% of the gross receipts would go to Quality of Life and I don't think that's what anybody intends as well. So I think we could simply add that language to clarify that after the 11% goes to Quality of Life, the balance goes to the General Fund, if there is any. And I have to suggest that I don't think anything we're doing tonight in any way, shape or form, dedicates these funds more to the public bus system than was the case without any of the amendments. Because in Paragraph (c)(2) on page 3 of the Ordinance, the original language was, 'After satisfying the provision of a public bus system which has been modified to read, 'after satisfying the distribution provided for in Paragraph (c)(1) and I honestly do not see any difference in that language, so it is incumbent on us during the budgeting process to either allocate this GRT totally to the public bus system or not, but that opportunity in the budgeting process is in no way shape or form changed by anything in the language that is proposed here." **THE AMENDMENT WAS FRIENDLY TO THE SECOND, BUT NOT FRIENDLY TO THE MAKER.**

EXPLANATION BY THE MAKER OF THE MOTION: Councilor Maestas said this language basically restores the language he is striking. He said on page 3, line 17, it already says, "*In the event that the public bus system is ever discontinued, the funds allocated pursuant to this paragraph shall be used for general municipal operations.*" He said by restoring the language as Councilor Ives suggested, basically restores the same possibility of what's been happening and what has been past practice.

Councilor Ives disagreed, saying he doesn't believe that to be the case in this instance, because we are eliminating Subsection 2(a), which calls for any amount not dedicated to the public bus system, which assumes there is a public bus system, then that is a division of what remains, 2/3 to general municipal and 1/3 to Quality of Life. So what we're taking out is where there is a public bus system, and unused funds. He said by eliminating that language, you are saying those remaining funds go to the Quality of Life purposes, but in the event of the discontinuance of the public bus system, it says, " shall be used for general municipal operations and the discontinuance shall not affect the allocation set out in paragraph 2 below.

Councilor Maestas said those Quality of Life programs are all funded by the General Fund, so it would go to the General Fund anyway.

MOTION TO AMEND: Councilor Ives moved, seconded by Councilor Dominguez, to amend the motion, with an amendment to the second item on the amendment sheet, which he would keep, but at the end of that insertion identified as paragraph 2 on the proposed amendment, add the following wording: *And any amount left unspent above the 11% shall be used for general municipal operations.*"

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

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

Against: Councilor Maestas.

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Responding to the Mayor, Councilor Maestas said his motion is on the floor.

Councilor Dominguez asked if there would be an objection to amend the motion to indicate that this is all subject to budget approval.

Ms. Brennan said, "This is an Ordinance that dedicates proceeds of GRT. I don't believe a budget resolution can affect it. In other words, just as with the Water Fund, you had to modify the Ordinance in the last budget cycle. It would require an amendment to the Ordinance."

Councilor Dominguez said, "I get that, I will say then, that my expectation and anticipation is that, as I said before, we'll really kind of see the programmatic possibilities when we have discussions on that budget."

Mayor Gonzales said, "I think if this passes, we're \$6 million down off the bat. You guys are going to walk into your first Finance Committee meeting in a deficit. And it's much easier to adopt it tonight, without having to adopt it with accompanying cuts or tax increase that are going to be proposed. I would prefer that the Finance Committee be able, in its totality, to address these issues so we know in a more comprehensive way, what we're going to cut or how we're going to add, to be able to properly direct these revenues into the areas they should be in. So, I realize this all in the responsibility of the Finance Committee. I'm going to oppose it tonight, because I actually think it's better when it is done as a Finance Committee, when addressing the overall budget situation. As opposed, to piecemealing a set of requirements which puts you into a position, before you have your first Finance Committee, we're already at \$6 million that have to be shaved off the budget for this year."

Mayor Gonzales continued, "And we can't count on how much we are ahead, we're only 6 months into the year. We don't know how we're going to finish the year, and we don't want to get in the business of expanding and counting on revenues consistently to stay at the levels that we are right now. That's what got us into this issue the first time. Every time gross receipts revenues went up, we expanded the level of service. When gross receipts go down, we go down, and we don't have reserves to be able to cover those costs. So the Finance Committee as a whole needs to really, in right sizing, address how we're going to cut costs from our government so we can properly dedicate revenues where they should to fulfill the promises we made to the public. But what we're doing tonight, and what we did when we adopted the water resolution Councilor Bushee brought forward is, we have by Ordinance, by law, have said that no longer is a transfer going to be allowed in the General Fund as part of any consideration on how we address our budget issues. It will solely be dedicated in these areas."

Councilor Maestas said if we're talking about general principles and approaches to budget management, "I distinctly remember last year, we were already in the throes of having a budget hearing, and we got a budget from your administration that was a balanced budget that included a critical precedent-setting transfer from the Water Fund to the General Fund that had not been approved. So we didn't have time to even consider a balanced budget without that transfer whose policy was not approved, to the point where DFA could not approve that budget because we hadn't approved that policy. And it was embarrassing for us. You know, you wait until the budget hearings and then we're going to be overwhelmed with all these bridge strategies and trying to lay out a 2-3 year plan. Here we have an opportunity to make one decision to demonstrate that we're exercising some fiscal discipline and we're stopping the practice of propping up the budget. And we still have enough time to know what we're dealing with, and we're dealing with a situation where the General Fund is going to take a \$1.25 million hit."

Mayor Gonzales said, "That was in place, but that was something that had been adopted through previous..."

Councilor Maestas said, "Not to that level."

Mayor Gonzales said, "Yes, to that level. So look the issue is we're going to get the opportunity to correct it and right-size, and there's full expectation that the Finance Committee will be able to do that. My whole point is that the Finance Committee hasn't started yet to address this issue. You can on the very first meeting, but I would also say we started this conversation with this Council several months back when there was a series of conversations from Oscar to the Council on the deficit, and there was a request to start asking for ways and priorities that needed to be set so we could figure out how to address the current budget. I think what you've advocated for, in terms of setting priorities where revenues that are dedicated in certain areas start going to those areas is a good start."

Mayor Gonzales continued, "But if we're doing it by Ordinance, then why stop here, let's go to the other places, but then the Finance Committee is going to be completely locked down in being able to address the budget is the only point. So regardless how this goes tonight, you also get the chance to act and to right-size and correct things. I'm just advocating that hopefully, you give yourselves a little bit more breathing room to address these issues so it can be done in a holistic way."

Councilor Rivera said he wants to thank everyone for hearing us out, for bearing through all this. He said, "And just so you all understand, if this does pass tonight, the *status quo* is going to be maintained. None of the issues you brought up are going to be maintained, and none of the issues you brought up are going to be addressed. It's just going to be about maintaining the *status quo*. And I think what the Mayor is saying is, through the budget process, the *status quo* would have been maintained anyway. It just gives us less flexibility. I apologize for keeping you here so long, I think had I known, I think Councilor Maestas would have moved this up. But so just everyone knows the issues brought up probably will not be addressed. It's about maintaining what we currently have. So thank you."

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

For: Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas and Councilor Rivera.

Against: Councilor Lindell, Councilor Trujillo and Mayor Gonzales

Explaining his vote: Councilor Trujillo said, "I didn't say much, but it amazes how we can't send a simple vote to the voters to properly get a million dollars for roads, but we're going to add another \$1.6 million now to the deficit. And we're so close to having the budget hearings. That's my concern. We talk about getting our house in order, and I hear that from every single one of you, that we need to get our house in order, we can't do this. And I understand what you're trying to do Councilor, do what was right, what was intended. I too believe we can get that process done during the budget hearing and we put top prior to the buses and I think we can do that. I'm just saying we're looking at \$15 million, now it's going to be 16 point something. I really see this as going. I can imagine what the public's going to say tomorrow about that, adding another \$1.6 million, because the newspapers will twist this. I think we could address during the budget hearings. That's where I thought we were going to have that addressed, and I've got to vote no."

Explaining his vote: Councilor Dimas said, "I was really seriously considering abstaining because I'm not going to be around for budget hearings, but I've heard all this, and my question is to the Chairman of the Finance Committee, Council Dominguez. Are you comfortable with this Ordinance, with this bill." **Councilor Dominguez** said, "I am. I'll tell you why. I don't think it locks us down so much that we can't start to look at getting our house in order, as Councilor Trujillo said, well getting our house in order. So I don't think it's too much. In all the experience I've had on the Finance Committee, which is 10 years, 4 years as Chair, Governing Bodies are much more amenable to swallowing smaller pieces of crow that having too much to have to deal with. And so this is a small piece. This is just one way to try to get us on the right path, or it's one attempt, one small piece of getting us on the right path. I don't think it's so large of an issue that we're not going to be able to balance the budget, and it's not going to be setting too much of a precedent. I think it's the prudent thing to do. I think it's the responsible thing to do. But what the Mayor rightfully said, it's just going to be a lot of work that we're going to have to do when it comes to budget because we need to have our hands tied to some degree, but not so much that we can't do anything else. And I think the budget process allows us to do that. That's not a good analogy. So, to answer your question, yes. I feel comfortable. **Councilor Dimas** said, "Well, that makes a difference to me, because like I said, I'm not going to be around and you are left on the Council and Mayor are going to be the ones who are going to have to decide this, and I'm going to have to live with it as a constituent and a citizen, that's going to be nice actually, because then I can write *The New Mexican* and bitch and complain all the time. I vote yes."

Explaining his vote: Councilor Dominguez said, "Yes, I said everything I was going to say."

Explaining his vote: Councilor Rivera said, "Yes. I agree this going to lock us down some, but what it always back to me is really what the voters had voted for and what they had designated this money for. So, knowing that it's going to lock us down some, handcuff us in some way, I think it's what the voters had wanted and what they approved initially. So I'm going to vote yes."

Explaining his vote: Mayor Gonzales said, "No, but with the caveat that I do support the intent of it, I just want to support the Finance Committee's ability to exercise the fiscal discipline that we need, and to develop a budget that pulls this out of this. So I'm looking forward to all that."

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Amended Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of January 13, 2016, is incorporated herewith to these minutes as Exhibit "13."

Councilor Dimas

Councilor Dimas said he won't be attending the last meeting in January 2016, but he will be attending his last two Council meetings in February.

Councilor Maestas

Councilor Maestas introduced the following:

1. An Ordinance amending Subsection 13-1.7 SFCC 1987, to limit the allowable use of revenues to include only Stormwater System Operation and maintenance activities directly associated with Stormwater drainage infrastructure, excluding such activities in Parks and Streets. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."
2. A Resolution directing staff to use the Water Enterprise Fund to pay in full the balance of the 2006 Water Capital Outlay Bond in the amount of Thirty-Three Million Six Hundred Thousand Dollars. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Maestas said we had a week with 4 snowstorms, and our street network is a collection of State highways and local streets, and we share responsibilities to keep the streets clear. He realizes the difficulties associated with sanding and keeping the streets clear of snow. He said it is time for us to revisit our ice and snow management plan, look at the fleet. He had a lot of calls from constituents who are calling staff directly, and the staff is telling them things he is unsure are true. He said, for example, much of our fleet our sand trucks are in the shop which the reason they're not out on the street. He said a constituent told him who spoke to a supervisor who told the constituent that a night shift crew didn't show up to clear roads on a particular evening, noting the constituent lives on either Calle Militar or Camino Militar. He said he doesn't know who to believe, and asked Mr. Snyder for a briefing on our snow and ice control plan, our facilities, how the crews are coordinated. He asked for an explanation of what happened on January 9th, and that was an unusual event. A lot of our constituents are angry and don't understand. He said the briefing can be done at committee.

Councilor Trujillo said this can be done at Public Works, and asked Mr. Snyder to ask Mr. Pino and Ms. Huseman to set something up for the next Public Works meeting, and to invite Councilor Maestas to attend.

Councilor Ives

Introduced the following:

1. An Ordinance amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a requirements section to the Residential Green Building Code; and amending Section 14-8.2(D) with regard to best management practices.
2. A Resolution establishing target goals for the City's Green Building Code to meet the goals set forth in the U.S. Mayors Climate Change Protection Agreement, the cities goal of becoming carbon neutral by 2040, and the need to conserve water resources due to the projected effects of climate change.
3. A Resolution amending Resolution 2014-96, to direct staff to coordinate free transportation and parking options for patients and volunteers of the Mission of Mercy Program sponsored by the New Mexico Dental Foundation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."
4. A Resolution directing City staff, under the guidance of the City Manager, to develop a Stormwater Management Program that updates the City's Stormwater Management Policies.

Councilor Maestas asked to be added as a cosponsor.

5. An Ordinance amending Section 9-3 SFCC 1987, the Public Campaign Finance Code to include a definition for qualified small contribution; establishing a new Section regarding qualified small contributions; and establishing a new section regarding reporting of qualified small contributions and matching payments.

Councilor Ives asked the City Manager about the damage to the portal just to the east of Plaza, and what is happening there, commenting it has taken a long time for something "one might think was relatively straightforward.

Mr. Snyder said he will look into it, commenting it is going through an insurance process as well as Historic, and provide a status update.

Mayor Gonzales

Mayor Gonzales introduced the following:

1. A Resolution directing staff to develop a plan to sponsor and implement a "Performance Encore" in October, 2017. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
2. A Resolution directing staff to complete an assessment on the benefits and costs of implementing an Automated External Defibrillator (AED) Program and report back to the Governing Body within 90 days; and directing staff to seek out funding opportunities to support such a program. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "18."

Councilor Maestas, Councilor Ives and Councilor Trujillo asked to be added as cosponsors.

Councilor Dominguez

Councilor Dominguez asked Mr. Snyder to thank the staff for the work they have done during the storms. He said in 2006, we didn't have enough equipment to deal with storms and we bought a lot of equipment, and the public got mad because we bought a bunch of equipment to deal with storms. He asked him to ask staff to continue their hard work.

Councilor Dominguez reminded the Governing Body of the Finance Committee Workshop on Tuesday. He said the entire Governing Body is invited to attend. He worked with staff to give them direction of what to provide, primarily as a framework and a way to open the discussion.

Councilor Lindell

Councilor Lindell introduced an Ordinance authorizing the execution and delivery of a Water Project Fund Loan/Grant Agreement by and among the New Mexico Water Trust Board ("Water Trust Board") and the New Mexico Finance Authority ("Finance Authority"), and collectively with the Water Trust Board, the ("Lenders/Grantors") and the City of Santa Fe, the ("Borrower/Grantee") in the amount of \$150,000, et al. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit " 19."

Councilor Trujillo

Councilor Trujillo said congratulations for the New Year's Eve celebration on the plaza that was really nice and they had a really good time.

Councilor Trujillo is having a problem in dealing with the Sigma Insurance Company in terms of claims. He said he feels as if everything he submits they deny, such a typical bloodwork saying it's not covered. He said if he is having these problems, he's sure a lot of the employees are. He asked if he asked Mr. Snyder to look into this and let him know what's going on, commenting it is frustrating, and he had no problems with the last insurance carrier.

Councilor Trujillo said his daughter celebrated her 14th birthday last week, and wished her a Happy Birthday.

Councilor Rivera

Councilor Rivera said he had no communications.

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.

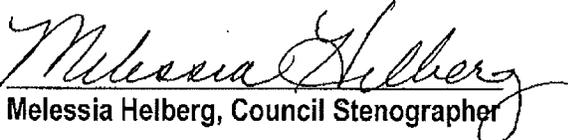
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
January 13, 2016

The Governing Body of the City of Santa Fe met in an executive session duly called on January 13, 2016 beginning at 7:25 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; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe.

PRESENT

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

ABSENT

Councilor Bushee

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Marcos Martinez, Assistant City Attorney
Matthew O'Reilly, Asset Development Director (7:25 p.m. – 7:54 p.m.)
Nick Schiavo, Public Utilities Department Director (7:54 p.m. – 8:10 p.m.)

There being no further business to discuss, the executive session adjourned at 8:10 p.m.


Yolanda Y. Vigil, City Clerk