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 SANTA FE CITY COUNCIL MEETING
 Wednesday, March 9, 2016

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CONSIDERATION OF BILL NO. 2016-9: ADOPTION OF ORDINANCE NO. 2016-11. 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 TOTAL AMOUNT OF \$150,000, EVIDENCING AN OBLIGATION OF THE BORROWER/ GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF WATERSHED RESTORATION AND MANAGEMENT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT AND AN ADMINISTRATIVE FEE SOLELY FROM NET SYSTEM REVENUES OF THE WATER MANAGEMENT FUND; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT

Approved w/amendment

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REQUEST FROM MEOW WOLF FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT MEOW WOLF, 1352 RUFINA CIRCLE WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE; THE REQUEST IS FOR THE FOLLOWING SPECIAL EVENTS: MARCH 18, 2016 – GRAND OPENING (PRIVATE EVENT) 6:00 P.M. TO 12:00 A.M.; MARCH 18, 2016 – GRAND OPENING – 6:00 P.M. TO 1:00 A.M.; MARCH 20, 2016; HANDSOME FAMILY – 6:00 p.m. to 1:00 a.m.; SASSMOUTH – 6:00 P.M. TO 1:00 A.M.; MARCH 23, 2016 – CocoRosie – 6:00 P.M. TO 1:00 A.M.; MARCH 24, 2016 – CocoRosie – 6:00 P.M. TO 1:00 A.M.; MARCH 25, 2016 – LOCAL SHOWCASE – 6:00 P.M. TO 1:00 A.M.; AND MARCH 26, 2016 – LOCAL SHOWCASE – 6:00 P.M. TO 1:00 A.M.

Approved [amended]

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Approved

44-61

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Approved

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 9, 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, March 9, 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 Carmichael A. Dominguez
Councilor Mike Harris
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

Others Attending

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

6. APPROVAL OF AGENDA

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

11. CONSENT CALENDAR

- a) **REPORT ON 2016 NEW MEXICO STATE LEGISLATIVE SESSION. (INFORMATIONAL ONLY). (MARK DURAN)**
- b) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2016-07, APPEAL BY JENNIFER DAY FROM THE JANUARY 12, 2016 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD, IN CASE "#H-15-106, WHICH DENIED THE EXCEPTION REQUEST TO APPLY GREEN STUCCO TO THE RESIDENCE LOCATED AT 1244 CAMINO DE CRUZ BLANCA IN THE HISTORIC REVIEW DISTRICT. (THERESA GHEEN)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 24, 2016

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of February 24, 2016, as presented.

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

9. PRESENTATIONS

- (a) **CITY OF SANTA FE 2008 PARKS BOND SPECIAL AUDIT BY MARTY MATHISEN, ATKINSON AND COMPANY, FOR THE STATE AUDITOR'S OFFICE. (LIZA KERR)**

A copy of City of Santa Fe 2008 and 2010 Parks and Bonds Compliance Audit, prepared by Atkinson & Co., is incorporated herewith to these minutes as Exhibit "1."

A copy of a letter dated February 26, 2016, with attachments, to Mayor Javier M. Gonzales and City Councilors, from Timothy M. Keller, State Auditor, regarding City of Santa Fe 2008 Parks Bond Special Audit, is incorporated herewith to these minutes as Exhibit "2."

A copy of the *City of Santa Fe 2008 Parks and Bonds, Exit Conference Agenda*, dated February 23, 2016, is incorporated hereby to these minutes as Exhibit "3."

Marty Mathisen, Atkinson & Company, handed out copies of the index used at the Exit Conference held on February 23, 2016 [Exhibit "3"], which has references to page numbers of the more significant findings of the Audit. He noted the Entrance Conference for the audit was on December 2, 2015. He said the State Auditor was pretty firm that we needed to finish by March 1, 2016. He said they interviewed 15 of the 17 people they requested, but two were retired and didn't return phone calls. He said they got all of the information they needed and the audit has been issued. Mr. Mathisen said a legal opinion was required in the audit scope, and provided a lot of information, the framework to finish the evaluation of the Parks Bonds.

Marty Mathisen, Atkinson & Company presented the information in Exhibit "1." Please see Exhibit #1 for specifics of this presentation.

Timothy M. Keller, State Auditor said, "I just have a few brief comments, and will be here for your questions as well. I appreciate that you start on time.... and my apologies for being a little late. I think the IPA summarized the audit in a very thorough way. I would like to make a few statements, but first want to thank each of you for your public service. And one of the things a State Auditor gets to do, which is fun for us, is we do local government audits. That's an odd position, in that it's State-wide, but our mandate is State agencies and local governments. We actually do this kind of thing a fair amount. There usually aren't this many dollars at stake, but this is, I wouldn't call it routine, but it is sort of standard course of business for our office. So hopefully, we were able to provide a public service as designed into our Constitutions in some ways at least for each of you in the City of Santa Fe."

Mr. Keller continued, "First, I just want to say that we though we set out to try and answer as many questions as we could. You can't always answer all of them through an audit, but I think what we have here is enough questions answered to provide some closure. And I hope that's the case, given the amount of dollars that were spend and the amount of time it's taken to research this issue. We do hope that now there is enough information to sort of make whatever changes need to happen and so forth, and move on. So, hopefully, we have accomplished that goal."

Mr. Keller continued, "Secondly, we do believe this is, in many ways, a cautionary tale that any government goes through when there is budget pressure. You are always going to look for funding to try and not have to lay anyone off, it's that simple. And not that that's explicitly what happened here, but we know that's a common issue whenever budgets are tight, and this isn't the first time that these kinds of issues have been identified at a city, or a county, or even State government for that matter. Now, that being said, there's obviously this notion of tax exempt status for the bonds, and that really is kind of the fulcrum for where you've got to be careful in terms of how you use these dollars. And, as we mentioned in the audit, we do think in many ways, technically, these different transactions that happened did essentially

put the bond at risk for that. However, I do want to say that the fact that the City has not heard from either rating agencies or bond holders on this issue is a great thing. And we hope there is not an issue with that going forward, but certainly, whenever you go over the allowable thresholds you run the risk of your tax exempt status being in jeopardy, at least for that particular bond."

Mr. Keller continued, "The second thing to highlight on this is that, at the end of the day, if you look at the percentage, \$2 million on top of a \$30 million bond issue might not seem like a lot, but at the end of the day there was an essentially a \$2 million mistake, however you want to talk about it or categorize it, some of it can be fixed, some of it can't be, etc. But, at the end of the day, we also want to be really clear. That's a \$2 million mistake from the audit perspective, and something that, regardless of entity, whether it's this city or another city, we hope we don't see again, because it can have some negative repercussions, especially with respect to the tax exempt status."

Mr. Keller continued, "Now that said, we do see problems like this around the State, so the notion of what earmarked funds can be used for other projects does happen all the time. And this actually, I believe, is our 4th audit just in one year on this topic. So in many ways, this issue is common. I will say that the dollars in play here were much bigger, of course, than we usually see. But, nonetheless the concept is quite common and in many ways, too, the investment that you made in the audit and hopefully clarifying some of these issues is actually doing a service to the rest of the State and other cities. Because the legal opinion you have, and this is an example as something that I know our office is going to use to hopefully make it easier in the first place for a city to say, no, you can't do that with those funds. You can only use 5% and we'll be able to point to this audit, essentially for that. So, I know that wasn't your intent, but in many ways you have, hopefully, helped out some other folks around the State as well with this issue."

Mr. Keller continued, "Lastly, we are encouraged by some of the changes that have been made since the Bond period. What we're going to do, as auditors, we have to, by mandate, have to sort of look backwards and audit. So whether we're encouraged to do that is actually irrelevant. What we are going to do is we're going to test in your annual audit next year to make sure a lot of these changes were implemented, and so we'll be to do that and provide those as part of your audit next year through what, in our office, is known as a referral. It's like a capital or legal referral to your accounting firm to look into these issues. So that should, again, provide closure hopefully, that some of these changes are in fact in place and helping."

Mr. Keller continued, "So I think with that, I just want to appreciate your time and allowing me to share a few words with you, and also for the interest that the community, Council and Mayor have shown in getting to the bottom of what happened to this. And hopefully, we've at least answered most of those questions. Thank you."

Mayor Gonzales thanked Mr. Keller for his remarks.

The Governing Body commented and asked questions as follows:

- ◆ Councilor Ives thanked everyone for the good work in helping the City explore the bond issuance and its history through time, and appreciates the detail and the clarity on the law. He appreciates the remarks that the steps the City has taken since these issues have come to our attention, so we don't have such recurrences moving forward. He said there are still things in the document he finds troubling in terms of timekeeping, and an area where we will have greater opportunity to see accurate records are kept and maintained as we move into new systems. It is his hope we don't run into these kinds of issues again.
- ◆ Councilor Ives continued, saying in the report on page 4 there is a statement, "*State law prohibits and federal law discourages the expenditures of bond proceeds of noncapital items.*" He said it would appear there is a dual standard that applies in this situation, but is unclear on that distinction. He asked if there is anything we need to do to clarify that language within the law or is there anything we can do.

Mr. Mathisen said he and David [*inaudible*] talked about and thought this was the best wording. He said both State and federal law prohibit the expenditure of bond proceeds on working capital [federal word] or maintenance and operation [State word]. With regard to the consequences and remedies for violation, the State law is silent. The federal law has several exceptions, a 5% exception if you spent 95% of the bonds, although there is a complex analysis to calculate the available funds. If there were no available funds, then spending the federal funds may be okay. The reason they say State law prohibits and federal law discourages it, is that there are exceptions in the federal law for violations that are narrow and small. He said the best policy is for the City to say they will spend zero under both federal and State law. He said federal law provides you can't spend bond proceeds on working capital – anything that is not a capital project.

- ◆ Councilor Ives said he hopes our policy will prevent any of this type of expenditure under the State law prohibitions.
- ◆ Councilor Rivera said on page 6, Mr. Mathisen talked about the Specific Identification of Activity or Amounts, and talked about memos that were written and approved. He asked if the memos were approved at the highest level of our government, or were they approved by mid-level managers or elected officials.

Mr. Mathisen said one memo was written from a City official to a City Councilor. The others were budget-type memos over \$50,000, noting \$67,000 per year was put into the Marty Sanchez Golf Course budget for two years.

- ◆ Councilor Rivera asked if those memo go through the Committee and then the Council, or were they just internal memos.

Mr. Mathisen said they were internal memos, and said, "I would ask for an opportunity to check my file to see exactly what process they went through."

- ◆ Councilor Rivera said Mr. Mathisen can get back to him with that information.
- ◆ Councilor Rivera said he wants to see if we need to make improvements to the way our mid-level managers make decision.
- ◆ Councilor Rivera, referring to #6 on page 7, Mr. Mathisen talks about the decision that was made that improvement of a park included maintenance of a park, asked where that decision was made – at the highest level or mid-manager.

Mr. Mathisen said it was made before the Finance Committee, a committee of the City Council, on November 14, 2011.

- ◆ Councilor Rivera, referring to page 8, said he talks about budgets greater than \$50,000 for a single transaction, and asked if he is going to look at procurement throughout the City to ensure monies hadn't been spent on the same vendor for other groups or department.

Mr. Mathisen said, "I guess my answer is that we probably did not do what I think you're asking me. We tested the 16 Budget Adjustment Resolutions that were over \$50,000 which required Council approval. There was a particular circumstance around each one of those. Some were quite a bit more than \$50,000, but all were greater than \$50,000, and there could have been multiple vendors in some of them. For the ones detailed in the BAR Resolutions, we thought they were correctly approved."

- ◆ Councilor Rivera asked, regarding the employee where you said there was a conflict of interest between an employee and the procurement that employee was making, was there any discussion with the vendors themselves, to make sure there were no bid wars, or inside information being given to specific vendors.

Mr. Mathisen said, "We don't have an opinion about that, but we did look at every scrap of paper in the file, and put the facts in that condition of that finding. Meaning that for all the bids, all were lower, but the P.O.'s were filled out later. The City didn't overpay based on the existence of other bids. The vendor was a potential conflict of interest person and that conflict of interest can be in the interest of the City. But it should be transparent and the City should benefit by doing business, and that should be better documented next time.

- ◆ Councilor Rivera thanked Mr. Mathisen for his time and for doing such a thorough job, and reiterated his request for the information on the memos.

Mr. Mathisen thanked Councilor Rivera for his "close read of this financial statement and special audit."

- ◆ Councilor Dominguez said he doesn't really have questions and will try to be brief. He said, "I think over the course of 7-8 years and paying attention to this, I've asked plenty of questions. And there are times when I grow more and more frustrated. Not necessarily with the work that has been done. Thank you very much for the work you have done. Thank you to the State Auditor as well for entertaining this. And thank you to the Audit Committee, and particularly thank you to POSAC for the work they've done in implementing a Parks Bond project and improving the quality of life for the constituents of this community. I think it was important that this work had to happen, because there was a level of transparency that needed to occur with regard to the Parks Bond and the audit. And it's all about making sure we keep the promises we have made to the public. One of those early promises was that we were going to do an audit so we could provide that transparency the public was asking for."
- ◆ Councilor Dominguez continued, "I guess I take some exception.... let me back up a little bit. I think the public and this Governing Body need to understand that at that time, we had a strong City Manager, but we had no stability or strong leadership in the Finance Director Office. In other words, the employees did the best they could, but there was a revolving door with regard to the Finance Directors we had. We have some stability now, and I think that's one of the reasons you've seen some of these systemic changes implemented. That's a good thing for the Governing Body and for the taxpayers in particular."
- ◆ Councilor Dominguez continued, "I do take some exception to the, I guess you called it the difference that you identified, in that the previous City Attorney and the previous City Manager did not document their conversation with the previous Bond Counsel. And I have to say that the question about how you define maintenance was asked not only once, it was asked many many times in many many different ways. I remember having conversations about you determine or define the transition of one sidewalk to a new sidewalk, and whether or not preparing the old sidewalk, because you have to bust it out a little bit, constituted.... whether you were allowed to use bond monies for those sorts of things."
- ◆ Councilor Dominguez continued, "And so the issue was not something that was insignificant enough to just pass through a telephone conversation. There were lots of discussions about how you define that. And so the Governing Body took the recommendation from management at that time. And we had the conversations that we had, and it's documented in the minutes and everything else."
- ◆ Councilor Dominguez continued, "Let me back up a little bit more even. I'm not entirely satisfied with the Water Audit that occurred, that you all weren't a part of, but that was required by a different piece of legislation by the Governing Body. There are lots of gaping holes in that one. So I don't necessarily want to get into that tonight, but I just think it speaks to the fact that we need to have better systems and better management of our projects."

- ◆ Councilor Dominguez continued, “And that just leads to my closing, Mayor. The two things that I get out of this, are number one, project management. I think this Governing Body has recently indicated that we are going to be paying special attention, and a lot of attention to project management. And management may think that is micro-management by the Governing Body, but when you do not get down to that level, it’s these sorts of things that happen. So that’s one of the things I take away from this. And really, the other one is how do we manage bond monies, not just with regard to the Parks Bond, but Water Bond monies, across the table. How is it that we’re going to utilize those funds. Are we going to allow it to be used for only, strictly capital improvements. Are we going to allow the exception that it be used for operations and maintenance to the extent we can. And I just think it really requires this Governing Body to continue to have that conversation and how it is that we are going to use bond monies. And we are obviously, through our budget, in the midst of some of those discussions right now.”
- ◆ Councilor Dominguez continued, “I just want to thank the public and everyone for the work they’ve done. There are lots of questions that I have. I went through the document quite thoroughly, but now is not the time to ask those questions, because some of them I don’t think you’re going to be able to answer, just based on the information you’ve given us today. But it was a very good job and thank you very much for the work you’ve done.”
- ◆ Councilor Trujillo said, “Thank you all for the audit. It’s unfortunate that it had to come down to this. I’m on the same page as Carmichael. We’ve been here since 2008. Back in 2008, we wanted to improve our parks. They were really in bad shape, really bad shape. And this money was meant to improvement them, and they did improve them. You can see the process throughout the entire City of City. And, I’m just going to speak for District 4. Those parks are now top notch, thanks to the constituents for approving the bond. But yes, we see that there were some glitches, and I do think we’re making the proper recommendations to fix this so we don’t have that happen again.”
- ◆ Councilor Trujillo continued, “I think my biggest concern now, is that we can put this behind us, and the entire community can see that we did our due diligence, we’ve done the audit. Over the past years, I’ve been hearing from a lot of constituents, and it’s all been negative, extremely negative – you guys mismanaged this, you guys stole this – all these negative things about it. And yes, there was some mismanagement, but the money was not spent wrong. The money was spent on the parks. That’s one thing I think people need to understand is that the money was spent on the parks. You can see that. And people have been saying had we not done this audit, we’re not going to get the constituents to fund another bond issue somewhere down the line. So my hope is from this audit, and I truly hope everyone goes on line and reads it. It’s there. It’s a document that’s on the State Auditor’s website, it’s open to anybody. So I would definitely hope if you have not seen it, please go on the website, look at it, you make your own determination of it.”

- ◆ Councilor Trujillo continued, "I just hope we can put this behind us and look forward to what's going to happen next. We have had discussions about having some other bonds somewhere in the future, so I'm hoping that we can look forward in the next few years to see if we can get some bond issues. We've got streets, buildings in District 4 in this City, and my hope is let's see if we can put this behind us. The proof is right there. Anybody can look it. And let's just move forward. Thank you to all the auditors for your hard work. I do appreciate it very much."
- ◆ Councilor Maestas said, "Thank you for the presentation. I think this is a culmination of probably a very difficult period that started with the recession. I was a Mayor during the recession, and I know it was very apparent in reading the background, that a lot of people were involved in trying to really reduce the impacts to real people and avoid layoffs. But again, sometimes good intentions sometimes have consequences. I think what we really need to do is to be as vigilant as possible going forward. I agree with what's been said so far, but I think what we on the Governing Body really want to hear from staff is, okay, what's the plan, we've responded to these findings, and I accept the response. But I think we need to see that."
- ◆ Councilor Maestas continued, "So in my opinion, when the REDW Report came out, it probably created more questions. And it wasn't because anyone was trying to do anything nefarious. I think when you're trying to revisit a bond program that goes all the way back to 2008, obviously there are going to be challenges with finding people that can speak credibly to what occurred. It's going to be a challenge to locate records, so there's a whole number of problems I think that would be expected trying to go back to 2008. But I think this kind of exposed the soft underbelly, if you will, of the City, in terms of how we manage projects for work that is done internally. I think we did a good job for external contracts, but I think we kind of threw the book away when we did the work ourselves. I think as Councilor Dominguez said, our project management system really needs to be comprehensive, formalized, institutionalized, very robust with key checks and balances."
- ◆ Councilor Maestas continued, "We just received our 2015 Annual Financial Report and there was a significant deficiency in terms of tracking the progress of construction projects. The finding in this Financial Report is that we had no information on the progress of construction projects, and this was in 2015. So I think we have a long way to go, but I think this really is going to "scare us straight," into properly managing projects and I guess records management goes along with that. And I'm glad no fraud was found. I think a lot of folks thought there was a lot of that kind of activity going on. I'm really pleased with that. I felt strongly that we needed an impartial 3rd party, such as your office, to step in and assist us with this. And I think you guys really did a great job. I know we handled our procurement process, you oversaw the whole process in the selection of the auditor, but the proof is always in the pudding. We need to be vigilant to ensure we follow through on all these commitments to make sure this doesn't happen again."
- ◆ Councilor Maestas continued, "And I think too, maybe it really exposes our old way of managing bonding projects. One thing I think we should do, is not bond the project development phases of a project, and use commercial case or a line of credit, and only bond the construction phase of projects. Because, as you said, we've well exceeded the 5-year of the use of the bond proceeds. I'm going to take a very close look at that in maybe changing the way we bond our projects. And

also, I really would like your recommendations to our Internal Auditor to determine if there are maybe other smaller audit areas that we can embark on. Because we do compile an internal audit plan and I think that would really be beneficial to the City, in addition to your oversight efforts in future audits.”

- ◆ Councilor Maestas continued, “So again, I want to say to the community that this is a positive step forward, and it’s not finished. We still have a lot of work to do, but I’m very happy to be a part of this and to put this painful period behind us. The recession decimated a lot of communities, and quite frankly, I won’t think the City has fully recovered from that. So, I think in the end, we are going to benefit from it, and we’re going to have a better City government from it. So thank you.”
- ◆ Councilor Villarreal said, “To piggy-back on that piece that Councilor Maestas said, I guess this is an open question to staff and my fellow Councilors, that if we’re going to move forward in order to continue to show the City that we’re committed to transparency and accountability now that we have these recommendations in place, what is our plan to move forward. We have this structure. They did a very thorough audit, and went through all these pieces, and I appreciate that, so I’m just curious, and maybe this is a bigger discussion later on, what is our goal now that we have actual items and action items that we can move forward. And how do we get there to get these recommendations implemented.”
- ◆ Councilor Dominguez said, “Let me take a stab at that, Mayor, real quickly. I think that we have been told by our Finance Director that it is not unusual to have zero findings in an audit. And so that is one of the goals that you can say we have. And I think City management can talk a little bit more to the details and the processes and the systemic changes that have been made, to make sure we continue to move forward. But transparency... there is no formula for transparency. I think it’s something you have to continue to work at, and it has to continue to evolve, and we need to continue to check ourselves and make sure that we provide that transparency whenever and however we can. And some of that is policy, and some of that is just internal management. So AI would deter to management to answer some of those really detailed questions.”

Brian Snyder, City Manager, said, “We have many things we have implemented in the recent times from the way we do timesheets, the way we calculate our time to processes, to closeouts, to a number of things that were identified throughout the audit. And the audit did acknowledge that we have implement, though after the fact since 2008, largely with our 2012 bonds. We have those things in place. I can’t speak to how things were done in the past. But, I take audits very seriously. Everybody on my staff in the City knows that I take audits very seriously, whether it’s parking, or IT, or finance. When we have any findings, I want to know why we have the finding and what we’re doing to solve those problems, and what plan we have in place to attack them and remove them. We may have another finding the following year, but our goal is always to keep the findings minimal and eliminate them, and take them seriously and not just keep them on the books.”

Mr. Snyder continued, "There are a number of findings we're dealing with, I believe it's in IT, that come from the year 2000's that have been carried on the books for a long time. And we're developing strategies to address them, but some of them are very costly. We bring recommendations forward, some are too costly to address, whether it's a new generator which is a \$100,000 to \$250,000 expenditure. When other means are in place, or needs are out there, some of these needs are not always met. That being said, I believe it's staff's responsibility to relay to Council why we're bringing this forward, and what we're trying to accomplish, as well as its audit finding and go through the process."

Mr. Snyder continued, "So, we have a lot of things in the works, a lot of things in play. I realize this is your first Council meeting. But we're working on a new ERP system that will help us manage time, manage finances different, not only internally, but externally to you and externally to the community as to how our expenditures are going, what our budgets really look like, what kind of software, as an example, does not even have a budget in softer, or a budget entooled to it. So we're using antiquated systems to deal with a complex budget, no excuse intended, but that's just a reality of the situation."

Mr. Snyder continued, "So, we're putting things in place, or we believe we're putting things in place to address some of your questions, and at the same time, keep the transparency coming, whether it's through the committee process, through our website, whatever it may be."

- ◆ Councilor Villarreal said, "Thank you. I think it just helps the public to know what we're doing, because we don't always talk about the things that are happening internally, that we are making changes, and it does say that some of the things have already been in place, just some of the things that maybe you just mentioned. I know I'm new, but there's probably other people in the public that don't know about that as well, but thank you."
- ◆ Councilor Harris said he has a question for Mr. Keller. He said, "So regarding the tax exempt status, basically I heard you say that no news is good news. I wonder how long, what kind of timeline, or what kind of window would you expect that good news of what we're relying on."

Mr. Keller said, "I think the best thing that I can say is, we did at the end of the audit really encourage the City, which I think they're already looking into, you're already looking into, to really get a legal answer to that question. So the short story is the Bond isn't fully expended, so, there's still about \$800,000 available. And the way the math works, you can almost get back down to that 5% threshold if you spend that \$800,000 appropriately. So the good news is you're getting to a point where we're talking about \$100,000 off on a \$30 million bond issue, so you're pushing against a soft of materiality threshold. Now that said, that's not our decision, and it's not really yours, it would really be up to, in this case, the bondholders. But I think, just sort of, the reasonable standards for materiality makes me confident that it's not going to be an issue, but it should certainly be a top priority for internal City Council to clarify."

- ◆ Councilor Harris Finding said, "You may have noticed as part of Finding #9, the views of responsible officials, it does note that the Governing Body should see a BAR that will reprogram the balance of the proceeds this month."

Mr. Keller said, "Yes."

- ◆ Councilor Harris said, "So I think what I heard you say is that's the critical thing for the Governing Body to really look at to make sure we don't put ourselves further at risk. Is that fair?"

Mr. Keller said, "Right. It is, and the one where, I think, Councilor Ives mentioned if you just follow the State standard for that \$800,000, and make sure 100% of it goes to capital infrastructure, new capital infrastructure in a park, that's going to protect you from these kinds of issues."

- ◆ Councilor Harris said, "So it's probably not necessary really to consider the PSL Rule, that seems fairly complex. I read the paragraph, I didn't comprehend the paragraph quite frankly."

Mr. Keller said, "Yes, and we had a long discussion about this internally, and I do want to thank Sunalei Stewart, who is our Chief of Staff here and Kevin Surasao the head of Special Investigations, and allow them the opportunity I'm about to say that could be wrong."

Mr. Keller continued, "As I understand it, the rules, it all depends on how you capitalize and what rules are based on the definition that the IRS puts forward. And you could reach out to them and ask for clarification. You could write them a letter proactively giving them a heads up, etc. However, there is a question about, okay, is \$200,000, after you spend \$800,000 worth that kind of effort. And that's really a determination that you guys are going to have to make. I have to be clear, as State Auditor, I would prefer that you just follow the State law which is zero unexpended. But I think at a certain point too, you want to understand what the cost benefit is there."

Mr. Keller continued, "So, the short answer is there are avenues to alert the IRS to these issues and essentially ask them to make a ruling on your decisions for capitalization. But the challenge with that is, I don't know how long it's going to take for the IRS to respond, and will they even say, if it's deemed worthy from there. And I honestly don't know, but there options you can look at. Anything else."

- ◆ Mr. Harris said, "No. Thank you Mr. Keller."

Mr. Snyder said, "Just to continue what Mr. Keller has said. The City staff has been working with his office in detail. We have a detailed plan, we don't have to get into it now, but we have a detailed plan and a detailed approach to moving forward to addressing some of your concerns. And moving forward, we have an opinion from our outside bond counsel, and a number of other things that should address the concerns that were raised, as well as some of the questions you were just asking. And we can definitely report back on that."

- ◆ Councilor Maestas said on the point of what staff is doing, “On the 2012 bonds, I know you mentioned that before Brian, but do we have a solid plan, knowing what we know now, to really smoothly implement the remainder of the 2012 Park Bond. I think from this point forward, there probably should be a zero tolerance for any kind of infractions related to the findings in here on the 2008. So can you just maybe briefly address how we’re handling that current bond. Because I would hate for us to have a similar finding or a problem with the 2012 bonds after hearing what happened in the 2008.”

Mr. Snyder said, “We are approaching the 2012 Bond as a totally different animal. We’re not doing any maintenance using that, or whatever term you want to use. Staffing is set up differently on that. We have our timesheets in place, some of those things I was mentioning to Councilor Villarreal, have been implemented and we are fully engaged in the process.”

- ◆ Mayor Gonzales asked, with regard to the things staff has put in place over the course of the past 16 months, do you feel we have adequate safeguards in place through the new policies that have been enacted to prevent the issues of timesheets, the allocation of costs between parks or maintenance for its capital. Are some of those policies in place.... I know the policies are in place, but do you feel they are adequate to prevent further findings in this area.”

Mr. Mathisen said, “Policies that are in the report, I thought were good ones. We did make a recommendation and another Councilor kind of noted this, that your Internal Audit should audit that these policies are being followed. That they’re correctly implemented. And that’s just to get them... and you have to stick with that for a while until you have a new protocol, a way of doing things, and all of a sudden the old one has gone away. So, the.... based on everything that has been said tonight and our audit, and everything, I feel pretty good about it. And a concept of internal control is monitoring. You have to keep watching, because internal controls can degrade, become less effective, so...”

Mr. Mathisen said, “That’s right.”

- ◆ Mayor Gonzales said, “So basically, you feel pretty good that there are policies in place, but they have to be monitored over time to make sure they are adhered to.”
- ◆ Mayor Gonzales said, “I want to concur with what the Council has said, to thank you and the Auditor for time you have put in, helping to bring the level of transparency. I also think it is appropriate to thank the Parks workers who, through all of this, endured an enormous amount of criticism by facts that people didn’t really know what was going on. Right. Lots of allegations of fraud, stolen money, things not being appropriately done, some of it from people on the POSAC and on Council and other places, making those statements, wondering aloud whether that had taken place. And when that happens, and finds its way into headlines and then the public assumes that, in fact, that is taken place.”

- ◆ Mayor Gonzales continued, “And all through this process, we haven’t acknowledged the incredible work that Parks workers have done to do exactly what was asked of them. I think it’s important on this note, as we try and close this chapter, that there is a recognition that the work was done, that the promises made to the public to improve the parks took place, and that we should be proud of the work that was done and proud of the work that public employees did, and the role they played to make sure we could have parks we are proud of.”
- ◆ Mayor Gonzales continued, “And so I hope, as we go forward, as we look to continue to try to improve processes, or maybe in some cases still look backward and see if there is still blame to be had, that we always recognize there are public servants that did their job when asked to do their job. I will also say that we asked the management to provide a management report that was done last year, that was largely discounted. But that report produced a whole trial balance of expenditures that actually occurred, backed up by invoices, backed up by pictures, that showed that all of this discussion around did, in fact, the Parks Bond money actually make it into the parks. But despite that management report, I think people still believe that, in fact, that didn’t happen. This audit allowed for that third party validation, as Councilor Maestas indicated. It further focused a key element that the auditor brought up which I think is significant, not only for Santa Fe, but for the rest of local and State governments, is this allocation of bond money toward labor. “
- ◆ Mayor Gonzales continued, “And maybe, because I’ve been around a little bit of the accounting environment, I understand that bond money should go for capital cost. There is no way that, in my mind, that I would even think that it could be interpreted to be used for maintenance costs. But I guess you have to be in the audit world to understand that that’s the case. And certainly from my standpoint, I do believe it has to be a zero policy of any of the costs going into maintenance. It just does not make any sense that we can even stretch to believe that we would use bond funds to cover the maintenance costs, that we have the ability to document it and we deal with it appropriately.”
- ◆ Mayor Gonzales continued, “One last thing I will say, and I’ve had conversations with Carmichael on this issue, is that I am going to bring forward a Resolution to create a Budget Committee that allows for proper oversight of both the budget and the CIP projects on a more regular basis. What is clear that, despite the fact that the Council is kept in the know, and even the POSAC, there wasn’t regular oversight to be able to capture some of these questions that were happening. And I think to your point possibly, that you opened the door to, this Committee could play that role on a regular basis to make sure that spend is occurring appropriately. And that when it comes to the issue of bonds, there is Council oversight, as to the regular expenditures that are taking place, so that transparency exists. So there is opportunity for improvement.”
- ◆ Mayor Gonzales continued, “I want to thank you very much for using this as more of an opportunity for us to learn as opposed to using it as a hammer to try to point and create fault. But really, to highlight where mistakes were made and improvements could be made. And I think you’re providing a great services to our citizens by taking that approach, and we certainly will commit to you that the recommendations that have been brought forward that we take very seriously and will assure that our internal audit and the Council continues to make sure that the findings that have

been highlighted, that the policies are in place to make sure those don't continue to happen. So thank you. Appreciate it. Thanks for your time."

10. ORGANIZATIONAL SESSION

Mayor Gonzales said he will present his nominations for each of the Committees and ask there be a motion to approve the nominations with a second, followed by a voice vote on the Committees in their entirety. He asked Ms. Vigil if this correct and she said, "Yes sir."

a) APPOINTMENT OF MAYOR PRO-TEM

Mayor Gonzales appointed Councilor Signe I. Lindell to serve as Mayor Pro-Tem of the Governing Body.

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

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

b) APPOINTMENT OF PARLIAMENTARIAN

Mayor Gonzales appointed Peter N. Ives to serve as Parliamentarian of the Governing Body.

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

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

c) APPOINTMENT OF CITY COUNCIL COMMITTEES

Mayor Gonzales said it was incredibly difficult to find the right balance to assure that there is District representation as well as to match where people's passions are with committee opportunities. He said, "I did, particularly make a late decision on the Finance Committee to open the Finance Committee to both City Councilors that are just joining the Council. Because of the budget process right now, I felt it was important they step in very quickly and be a part of that so that they can fully participate in the development of the budget.

Mayor Gonzales submitted the following appointments to the City Council Committees for approval:

1) FINANCE COMMITTEE

Councilor Dominguez, Chair
Councilor Lindell
Councilor Villarreal
Councilor Ives
Councilor Harris

MOTION: Councilor Ives moved, seconded by Councilor Rivera to approve these appointments

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

2) PUBLIC UTILITIES COMMITTEE

Councilor Rivera, Chair
Councilor Lindell
Councilor Villarreal
Councilor Maestas
Councilor Trujillo

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

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

3) PUBLIC WORKS/CIP AND LAND USE COMMITTEE

Mayor Gonzales thanked Councilor Trujillo for the work he's done over the last two years, and look forward to his continued efforts in helping to provide our Public Works/CIP and Land Use Committee to move forward, but he has asked Councilor Ives to Chair the Committee.

Councilor Ives, Chair
Councilor Villarreal
Councilor Maestas
Councilor Rivera
Councilor Trujillo

MOTION: Councilor Lindell moved, seconded by Councilor Ives to approve these appointments.

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

4) BUCKMAN DIRECT DIVERSION BOARD

Councilor Dominguez
Councilor Ives
Councilor Harris (alternate)

MOTION: Councilor Villarreal moved, seconded by Councilor Ives, to approve these appointments.

DISCUSSION: Councilor Dominguez said the alternate is invited to attend and participate in all of the BDD meetings, so he would encourage the alternate, Councilor Harris, to attend and participate in discussions. He asked Mr. Snyder to relay this information to the BDD so they understand and consider these changes and/or additions.

Mayor Gonzales said with Councilor Dominguez knowing the budget/finance, Councilor Ives the legal side and Councilor Harris the construction side, he believes the City is well represented given the current issues of the Buckman Board.

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

5) SOLID WASTE MANAGEMENT JOINT POWERS BOARD

Renee Villarreal
Joseph Maestas
Mike Harris

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

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

6) CITY BUSINESS AND QUALITY OF LIFE COMMITTEE

Councilor Lindell, Chair
Councilor Harris

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

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

7) COMMUNITY DEVELOPMENT COMMISSION

Renee Villarreal

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

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

8) PUBLIC SAFETY COMMITTEE

Councilor Rivera

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

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

9) WATER CONSERVATION COMMITTEE

Councilor Ives

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

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

10) BICYCLE AND TRAIL ADVISORY COMMITTEE

Councilor Maestas

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

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

11) SANTA FE JUVENILE JUSTICE BOARD

Councilor Dominguez

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

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

12) SANTA FE MPO TRANSPORTATION POLICY BOARD

Councilor Maestas
Councilor Dominguez
Councilor Trujillo

MOTION: Councilor Lindell moved, seconded by Councilor Harris, to approve these appointments.

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

13) NORTH CENTRAL REGIONAL TRANSIT DISTRICT

Councilor Maestas

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

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

14) MAYOR'S YOUTH ADVISORY BOARD

Councilor Villarreal

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

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

Mayor Gonzales said, "I want to thank everybody for agreeing to serve on the leadership of these important committees, and certainly for the commitment by the Councilors to represent their Districts on the committees. I honestly believe we're going to see a lot happen over the next two years, thanks to the leadership that is in place. And welcome Councilor Lindell to making a lot of speeches, public appearances, hand-shaking, kissing babies, and now and then I have to get a soda, all the important things. So I think you will be a very good Mayor Pro-Tem. I'm looking forward to it."

CONSENT CALENDAR DISCUSSION

No items were pulled from Consent for discussion.

12. **REQUEST FOR APPROVAL OF A FOUR YEAR PROFESSIONAL SERVICES AGREEMENT WITH OUTSIDE IN PRODUCTIONS FOR THE SUMMER BANDSTAND SERIES IN THE AMOUNT OF \$59,359 PER YEAR FOR A TOTAL OF \$237,436. (DEBRA GARCIA Y GRIEGO)**

Debra Garcia y Griego, Director, Arts Commission, presented information regarding this matter from her Memorandum of February 25, 2016, to the City Council, which is in the Council packet, regarding this matter. Please see this Memo for specifics of this presentation.

Mayor Gonzales asked if there is a component for southside concerts.

Ms. Garcia y Griego said yes, noting there is an agreement to produce 4 concerts on the south side, pending sponsorship dollars. She said the exact locations have yet to be determined.

Mayor Gonzales said, "What I would suggest is, if we can't find the sponsorship dollars, to make sure they happen, that additional from OTAB or through the Lodgers' come into this."

Ms. Garcia y Griego said, "I think that's a good idea."

Councilor Dominguez said he was under the impression this was already in the works, "or that was already agreed to that we were going to use that funding source for southside concerts. But what you're saying is, depending on how much we get in private monies, the rest will come from OTAB."

Mayor Gonzales said we need to provide that direction. He said, "But yes, I will work to try and raise sponsorship dollars as I did for the New Year's Eve program. And if we can raise it we will to the degree we can, and then we would ask OTAB to finish what is left. But with this, I think we need to make very clear that the southside concerts will go on, regardless of what is raised through sponsorship dollars."

Ms. Garcia y Griego said, "Yes, Mayor."

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

DISCUSSION: Mayor Gonzales asked, "With that, is that clear, Yolanda, in terms of what's in the record."

Ms. Vigil said yes.

Mayor Gonzales said, "Okay. Very good."

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

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

Against: None.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY. EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(7)AND (8) NMSA 1978, DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, PENDING MATTERS RELATING TO THE MARKET STATION CONDOMINIUM, BUCKMAN DIRECT DIVERSION COST-SHARING WITH SANTA FE COUNTY AND WATER RESOURCES AGREEMENT MEDIATION WITH SANTA FE COUNTY; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE (KELLEY BRENNAN)

Responding to a question from the Mayor, Ms. Brennan said, "Mayor, I believe we will need 30 minutes at least."

Mayor Gonzales said, "To members of the public, we will be back at 7:15 p.m. for the evening session.

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Council go into Executive Session, in accordance with the Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, as recommended by the City Attorney for discussion regarding threatened or pending litigation in which the City of Santa Fe is a participant, including, without limitation, pending matters relating to the Market Station condominium, Buckman Direct Diversion cost-sharing with Santa Fe County and Water Resources Agreement Mediation with Santa Fe County; 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 Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

The Council went into Executive Session at 6:45 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:30 p.m., Councilor Ives moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda.

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

For: Mayor Gonzales, Councilor Ives, Councilor Lindell, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Councilor Maestas, Councilor Harris, Councilor Dominguez and Councilor Rivera.

15. REQUEST FOR APPROVAL OF BUCKMAN DIRECT DIVERSION COST-SHARING AGREEMENT WITH SANTA FE COUNTY. (KELLEY BRENNAN)

Kelley Brennan, City Attorney, said no action is needed because this was resolved last year through postponement.

**Mayor Gonzales with the consent of the Governing Body moved
Items #16 and #17 were moved to the end of the Evening Agenda**

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

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:30 p.m. There was the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Carmichael A. Dominguez
Councilor Michael Harris
Councilor Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of *Bullet points on a permanent fix to the budget difficulties*, submitted for the record by Jon Hendry, is incorporated herewith to these minutes as Exhibit "4."

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

Jon Hendry said he is speak about the City's budget, and handed out a list of bullet points, and said he would like to direct the Governing to City Capital Improvement Plans, which on page 8 has \$30,000 for this year for a study to consolidate City facilities. He said his proposal asks to look at preserving City facilities as well as to consolidate the City, County and federal offices to land that the City owns off Siler Road. He noted his reasons are on the handout. He said he has two more reasons which are not, noting the second basement beneath the Convention Center there are a bunch of cars. If you check the odometers, there is less than 1,000 miles per year on these cars because the cars are for City workers to drive from City facility to City facility, because we are so spread out in this small City. His said his proposal is to move everything to Siler Road, consolidate everything down there and pay for it by turning City Hall, the Convention Center and the old Kearney buildings and the County building to a private developer in return for them building us a new state-of-the-art facility. He said these are a few ideas and a few reasons he thinks the City needs to reorient itself and move City functions together with Kearney functions and

move to where the people live. He said the City of town these days is closer to Siler Road than to the City Hall. We aren't raising any revenue because of the government buildings and other things we have "down here," and thinks you will agree with him. He thanked the Governing Body for considering the proposal, reiterating the City has \$30,000 to do it.

Miles Conway, Communications Director, AFSCME Council #18, welcomed new Councilors Harris and Villarreal to the Governing Body. He said he wanted to touch on the budget crisis, specifically the word on the street that manna from heaven has appeared and there may be a wonderful opportunity by refinancing the City's debt to free-up a lot of the monies you have to run your City operations. He said his hope and message tonight would be to be very cautious and to stay the course with the plans that have been struck over the last few months to address the \$15-\$18 million deficit crisis. He said, "Our thoughts and position by the union is we've all gotten our blood up and hunkered down and prepared to make some very meaningful and structural changes to the City, that AFSCME remains at the table. If the hard choices entail us giving up some vacant positions, if we are going to see cuts to public services, that AFSCME remains at the table to see that on the other side of addressing this crisis, that our City comes out stronger, that we deliver the public services people expect and pay for, and that we don't sacrifice the safety and the health of the public services that are being delivered to the citizens of Santa Fe. So my message tonight is let's not use this opportunity of new monies to take anything off the table. It sounds like the pound of flesh maybe has turned into ½ pound of flesh, you're shaking your head..."

Mayor Gonzales said it's a full pound of flesh and more.

Mr. Conway continued, "I hear that, so let's not take anything off the table, let's not use this as an opportunity to strike the discussions on revenue, look at the fees we need to collect, to look at the efficiencies we have to make. Thank you members of the Council. Again welcome Councilor Harris, Councilor Villarreal. I look forward to meaningful exchanges to you in the future, between yourselves and the union representing your City employees. Thank you."

Patrick Romero said he lives in the heart of Santa Fe, 1161 Maes Road right in the center of town. He grew up on the north side, and fortunate to be a son of working class government retired works, and they still have the house his dad built in 1968. He said he is a Chief Steward with AFSCME, Local 3999, and has worked 10 years for the City. He said he is Santa Fe and grateful for the City and its employees who ensure clean water, safe streets, sewers that flow, and parks that are improved by hand with hand tools and apparatus and also very and clean and green chemical-free parks which is what the community wants. He said as we move forward, they want the balanced approach with a methodical study on our needs to move forward with the City. He said AFSCME is here to move forward and to offer what it can in the process for the impact of any cuts in personnel which is a double-edged sword. However, there will be cuts to services for those out there. He said to the Councilors and Mayor Gonzales, new Councilors Mike Harris. We come from a different background and we come together after many years, noting they did a lot of years in the Schools together, as he did with Councilor Dominguez. He welcomed Councilor Villarreal, and congratulated to all that were reelected. He said, "We appreciate all that you're doing, but we're here together, to work together as it takes all of us. And we are, I am, they are, we're Santa Fe. Thank you very much."

Joe Lee Ortiz said he liked what the Mayor said about getting frequent checks on how you are going to utilize the monies, the taxes in Santa Fe. He said he usually does that at his house, and his wife usually doesn't like that, because she says I'm a tight-wad. "I just want to keep my family afloat." He thinks you have the responsibility to keep the family of Santa afloat. He has worked for Santa Fe Trails for 21 years, and he lives in Santa Fe. He said goes above and beyond his call of duty. At the Sheridan Transit Center they get tourists that visit and there is trash, so he picks up the trash, because it is a reflection of whether we care or not. These are some of the tax monies that keeps the City going, and the people coming to Santa Fe. He said he goes back many generations, and Eddie Ortiz was his primo, and they named the school after him. He comes from a long generation of people, of teachers, and volunteers his time in jails and prisons for 25 years, and some of them have changed. He said, "I hope that you folks will continue as professionals and concerned citizens of Santa Fe as we implement some of these issues. If we don't implement these issues with heart and mind and the courage to do what is right, what's the use. We voted you in office, and we have confidence in you. Welcome Mr. Harris and Ms. Villarreal. Thank you very much."

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
March 9, 2016**

STEFANIE BENINATO: I'm Stefanie Beninato. I too, am a citizen of Santa Fe, although sometimes I don't think that the City treats me that way. I can't get public records requests that I should be able to get. Haven't been able to find out how much Josh Harris is being paid to defend the City against my fraud case. I would like everybody to know once again, that Mr. Josh Harris of Lewis and Brisbaugh in Albuquerque which is a national firm, you are paying him \$150 an hour plus gross receipts. And at the Court of Appeals, I've just asked to have the Abatement statute enforced for the no cost provision. That is that I get to for no cost. It says an individual, a person, a corporation or an association of persons may go in under the abatement at no cost to stop a public nuisance. Mr. Harris actually wrote to the Court and they replied that we are paying for it, that the City is not a corporation. He doesn't even cite any statute, case law, any kind of interpretation that would actually justify that position, and most of you know that in the City Charter 101B, it says the City is a municipal corporation and we are named a municipal corporation. So then my question is why are you paying him at all. Why don't you get an ethical lawyer. I know you have problems with ethical lawyers or getting ethical lawyers, because your own City Attorney has told you that I don't have standing in a particular case. She misrepresents the law to you. And anybody who is an historian and has an esthetic interest in historic preservation has standing to bring *[inaudible]* with esthetic concern. That

was *Sierra Club v. Morton*, it's a 1975 case adopted by the State Supreme Court in *Ramirez v. Santa Fe*. I have a suggestion, it's sort of a small suggestion, not like the big one that Jon Hendry gave you, is that you get rid of people who are not honest, who are not transparent, people who have perjured themselves, and I could name names, people who have falsified public records, I could name names, and others you are paying on contract to lie for the City of Santa Fe. Thank you very much."

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, March 9, 2016.


Melessia Helberg, Council Stenographer

William Mee, Agua Fria Village, congratulated the new Councilors. He said, "I am here tonight to talk about the myth of a municipality building its way out of deficit. This is a similar tale to a municipality annexing lots of area for future growth. But we know how this fable ends because of the UNM Bureau of Business and Economic Research 2012 study, saying the City of Santa Fe annexed areas have greater infrastructure, law enforcement, fire and social needs than they do a tax base. This results in the negative effect on the budget. When we formed the West Santa Fe River Alliance in 2015, we formed a small committee to see how much area housing of development costs over the long run. What should the impact fee charged to a developer be for each unit of development. We studied what was happening in Florida where senior citizens on fixed incomes across the State banded together to pass a law requiring each municipality to prove new development would make more money for the entity without the taxpayer subsidizing roads, sewer, water and other costs."

Mr. Mee continued, "Many Florida cities had already gone bankrupt at this point by financing bonds for development grids. The impact fees there ranged from \$2,000 to \$10,000 per unit per year. He in Santa Fe, our impact fees and affordable housing fees have been halved or eliminated since 2013. So clearly, we're not heading in the right direction on this. The cost to a municipality by accepting a new development are permanent. They are forever. The city is legally liability to provide a certain amount of services to its citizens. And it's clearly more than the City receives in the associated property taxes and gross receipts taxes. I think the City should study these impacts and then set associated impact fees that cover the true cost. Thank you."

G. APPOINTMENTS

Occupancy Tax Advisory Board

Mayor Gonzales made the following appointment to the Occupancy Tax Advisory Board:

Jon Hendry – (At-Large) – Reappointment – term ending 02/2018.

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 Dominguez, Harris, Ives, Lindell, Maestas, Rivera, Trujillo and Villarreal voting in favor of the motion and none voting against.

Mayor's Youth Advisory Board

Mayor Gonzales made the following appointments to the Mayor's Youth Advisory Board:

Augustine Martinez (alternate) (Santa Fe Prep) – term ending 12/2017;
Anthony Rivera (Santa Fe High School) – to fill unexpired term ending 12/2016;
Adrian Olivas (Alternate) (Aspen Community Magnet School) – term ending 12/2016;
Vanessa Juarez Morales (Alternate) (Tierra Encantada Charter School) - term ending 12/2017;
Rudy Flores (Santa Fe High School) – Reappointment – term ending 12/2017; and
Brittany Gurule (Santa Fe High School) – Reappointment – term ending 12/2017.

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

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

Children and Youth Commission

Mayor Gonzales made the following appointment to the Children and Youth Commission:

Tommy Rodriguez – to fill unexpired term ending 01/2017.

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

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

Veterans Advisory Board

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

Dorothy Seaton – to fill unexpired term ending 05/2016.

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

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

Airport Advisory Board

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

Michael Szczepanski – term ending 02/2018.

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

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

Santa Fe Film Commission

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

Deborah Dozier Potter (At-Large) – term ending 03/2017;
James D. Gollin (At-Large) – term ending 03/2017;
Kirk Ellis (Industry Leader) – term ending 03/2018;
David Sontag (Industry Leader) – term ending 03/2017;
Edward McLoughlin (Industry Leader) – term ending 03/2018;
Elias Gallegos (Industry Leader) – term ending 03/2018;
Adam Shaening-Pokrasso (Digital Media) – term ending 03/2017;
David Aubrey (Digital Media) – term ending 03/2018;
James Lujan (Educational) – term ending 03/2018;
NaNa Rivera (Educational) – term ending 03/2017;
Andrea Meditch (Educational) – term ending 03/2018;
Doug Acton (Film Crew) – term ending 03/2017;
David Manzanares (Film Crew) – term ending 03/2018;
Pamela A. Pierce (Non-Profit) – term ending 03/2018; and
Bruce C. McKenna (Non-Profit) – term ending 03/2017.

Mayor Gonzales noted that there were more than 70 requests to be appointed. He said he is bringing forward a Resolution asking for the appointment of 5 alternates, commenting he hopes that will be done shortly.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve these appointments.

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

Mayor Gonzales asked Yolanda Vigil, City Clerk, to provide an update of appointments that will be coming up over the next quarter, so members of the Council can submit nominations if they would like to do so. He asked that be ready in the next week or so.

Ms. Vigil said she already has it prepared and will submit it tomorrow.

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2016-9: ADOPTION OF ORDINANCE NO. 2016-11 (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO AND COUNCILOR RIVERA). 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 TOTAL AMOUNT OF \$150,000, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF WATERSHED RESTORATION AND MANAGEMENT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT AND AN ADMINISTRATIVE FEE SOLELY FROM NET SYSTEM REVENUES OF THE WATER MANAGEMENT FUND; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. ALAN HOOK)**

A copy of Proposed Amendments to Bill No. 2016-9, submitted by City Staff, is incorporated herewith to these minutes as Exhibit "5."

A copy of the *Testimony of Anne Bradley, Forest Conservation Program Manager*, entered for the record by Anne Bradley, is incorporated herewith to these minutes as Exhibit "6."

A copy of the newspaper advertisement for this Agenda Item, submitted for the record by Anne Bradley, is incorporated herewith to these minutes as Exhibit "7."

A copy of an article *Forest Ecology and Management* from the Journal Home Page, submitted for the record by Kathleen Prlich, is incorporated herewith to these minutes as Exhibit "8."

A copy of a Memo to Interested Parties, from David Metz, Shakari Byerly and Greg Lewis, Fairbank, Maslin, Maullin, Metz & Associates, dated March 28, 2011, regarding findings from a recent survey of City of Santa Fe Voters, entered for the record by Matt Piccorello, is incorporated herewith to these minutes as Exhibit "9."

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

A packet of materials entered for the record by Arthur Firstenberg is incorporated herewith to these minutes as Exhibit "11."

A book, *Fire Ecology in Rocky Mountain Landscapes*, by William L. Baker, entered for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "12."

Alan Hook, Water Resources Coordinator Assistant, presented information regarding this matter, from his Memorandum dated January 21, 2016, with attachments, to the Finance Committee & Public Utilities Committee, regarding *Approval of City Ordinance and NMFA Loan/Grant Agreement for Water Trust Board Project No. 349 in the amount of \$150,000, for Watershed Restoration and Management within the Santa Fe Municipal Watershed*, which is in the Council packet, noting the proposed Amendment which was distributed to the Governing Body [Exhibit "5."]. Please see this Memorandum for specifics of this presentation.

Mr. Hook noted the Loan Grant Agreement is from the Water Trust Board in the amount of \$150,00, with 80% a grant and 20% a loan. The \$15,000 would be paid as soon as we agree on the Loan Grant Agreement, and goes toward the Cost Share Agreement with the Forest Service over the next 3 years, noting it is a 50-50 Cost Share Agreement for treatment within the Santa Fe Municipal Watershed for protection of our water supply for Nichols and McClure Reservoirs which provide 40-50% of the drinking water supply throughout the City. He said staff recommends approval of the Ordinance, the associated Loan Grant Agreement, and the Budget Adjustment Request.

Public Hearing

Mayor Gonzales gave each person 2 minutes to address the issue.

Jose Varela Lopez said he is the Supervisor, Santa Fe Pojoaque Soil & Water Conservation District. He said they also do vegetation treatments for defensible space. They have homes, but in the lower part of the watershed. He said they believe it is important to undertake treatments in the upper part of the watershed as being proposed tonight, to diminish the risk of a catastrophic fire above the City's water impoundment structures. The crews to implement the restoration efforts in the upper part of the watershed, obviously are very limited because there are no roads. He said, "So, I just want to say that we applaud the City's continued restoration efforts and the proposal before you and hope that you approve it. Thank you for your time."

Jan Moyer said wanted to talk about the prescribed burns that people call water protection projects or restoration. She said it is interesting that so many times these projects are called those things, but the outcome is a lot of prescribed burns. She is opposed to the prescribed burns for a variety of reason. She said her request is to learn more about the issues involved in the prescribed burns. She said everything she quotes will be from the Physicians Official Responsibility or from published findings. She read from an article, *The Hidden Health Cost of Controlled Burns, from Physicians for Social Responsibility*, which says that, "The following information will reinforce the importance to health of finding safer alternatives for prescribed burns. In a 2009 study, researchers collected foliage and [inaudible] from 7 forests across the continental United States. These samples were set alight in a U.S. Forest Service Fire Laboratory, where scientists detected large amounts of mercury. The same facility, 95% of all the mercury stayed in the foliage and all of the [inaudible] and deciduous samples contained mercury at levels ranging from 13 to 71 milligrams per gram of fuel." She said if you burn one acre of the forest you are releasing 13.81 tons of carbon. That translates to 14,000 pounds of carbon dioxide. She said, "I urge you to stop this project at this point and inform the public about it, because I think the public should have something to say about it, and they're talking about \$150,000, but if you read all the way through to page 52, it says there is another \$239,000 required. This project, once you agree to it is going to be every year for 20 years. That is an awful lot of forest that is being burned. Read the science."

Anne Bradley, a resident of Santa Fe County, read a statement into the record in favor of thinning forests and controlled burning to protect the watershed and urged passage of the Ordinance. Please see Exhibit "6," for the complete text of Ms. Bradley's statement.

Kathleen Prlich said she is here to represent the Multiple Chemical Sensitivity Task Force, a State-wide group which for 20 year has been advocating for the rights of those permanently damaged by exposure to toxic chemicals, and are opposed to continued burns, especially since there is a 20 year contract without review to see what effect it would have synergistically on the health of population. The want to know what protections have been put into the bill. Ms. Prlich said the caption of the bill as stated in the newspaper publication talks about water, but no mention of fire. Ms. Prlich entered a copy of the published notice for the record [Exhibit "7"]. Ms. Prlich is an RN, and said all of us know someone who has asthma, COPD, emphysema, pulmonary disorders. People exposed to particulates can risk their health through the effects. She asked what the affect of burning air going to be on the tax base who moved to Santa Fe specifically for clean air. She said tourists come to Santa Fe for clean air. She said it isn't only a

water issue, it's also a air quality issue. The particulates in the air will impact the City's income and will impact the tax base. She said the MCS Task Force is opposed to this and believes it needs further information. She isn't an attorney in New Mexico, although she is licensed in other jurisdictions, and her concern is what does the newspaper notice say, because she doesn't see the word fire.

Arthur Firstenberg read a prepared statement into the record in opposition to the Ordinance and the project it contemplates, and entered several items into the record [Exhibits "11" and "12."] Please see Exhibit "10," for the complete text of his statement. He said, "Please turn this project down. Thank you."

Dr. Cate Moses asked the City Council to vote against this Ordinance. She said there has been no public discussion, and there is so much obfuscation that most of Santa Fe doesn't understand the proposal. She said the word "fire" appears once in the 52 pages, noting it's not a water project it is a fire project. She said virtually said no one that will speak in support of prescribed burn does not have a vested financial interest. These a lucrative private contracts. She said Anne Bradley said there has been 100 years of fire suppression which isn't true. She said fire suppression by the U.S. Forest Service ending in 1972, so we've had the years since then of starting fires, not putting them. She said the Cerro Grande Fire resulted from a prescribed burn set by the U.S. Park Service that got out of control, "I think we all know that." She emphasized that in the scientific community there is no agreement on he efficacy of prescribed burns. It is not a foregone conclusion that prescribed burns prevent larger catastrophic fires. She said, "In fact the opposite is being proven in current peer review science. She would like the opportunity to speak to the Councilors at more length over coffee, and present the scientific evidence. She said burning is highly controversial and doesn't believe the Council is being presented with that information. It has destructive potential to human health, it destroys wildlife, noting in the proposal they don't "call trees, trees. Trees are always called by people wanting to do prescribed burns as excessive fuel." Dr. Moses entered an article into the record [Exhibit "8"].

Colin Haffey said he resides in Santa Fe. He said he did his Master's research on post-fire recovery after a large number of fires in Arizona and New Mexico, and looking where areas where trees come back, and if not, what comes back. He was a Firefighter on Los Conchas Fire and saw the devastating effects of that fire, and then following the event, the disastrous effect of major flooding. He said it's not a matter of "if fire and if smoke, but when fire when smoke." He said we know from the science and the records in this watershed that these areas have not burned in more than 100 years in most cases, and they are due for a big fire. The efforts taken by the Forest Service are in the hope of mitigating that risk and reducing the risk of the following catastrophic flood. He said they hope those efforts will be successful and "I hope you will support this project. Thank you."

Dr. Alexander Evans, Research Director, Forest Stewards Guild, Santa Fe, said he is a resident here with his children and wife, and rely on water from the Santa Fe Watershed. He wants to speak on his expertise as a forest ecologist. He said as Mr. Haffey said, it's not a question of if these forests will burn, but when. He said these are fire adapted forests, and burned fo thousands of years

before the Europeans got here, and they will continue to burn, regardless of what we do. He said we really have a choice about how they burn, not if they burn. He said, "Contrary to some of the statements that you have heard, there actually is very good scientific consensus that thinning and prescribed fire is very effective at reducing the severity of fire. Not only are our scientific studies stacked quite high in proving this point, but we can go out on the landscape and see. In the Wallow Fire in Arizona recently, there is excellent on the ground evidence where you can see high severity fire coming down the mountain, and fuel treatment is changing that severity and protecting homes. Similarly in the Angora Fire, the treatments through thinning and burning, enabled the firefighters to save home. So, in the watershed we have a choice as to whether to restore the forest and bring back healthy conditions similar to sort of pre-contact time, or to ignore the problem and see it all go up in a catastrophic fire. So like other speakers have said, I'm happy to bring in a large body of evidence to illustrate this point, and would be more than happy to share any additional information with the Councilors. Thank you."

Glen Wikle said he wanted to address what the previous speaker said that "there is not scientific consensus. When someone is saying there is scientific consensus on this matter, they have a one-sided view. They have their blinders." Mr. Wikle said our watershed hasn't burned in 100 years, commenting that is not an area that has a fire ecology. It is a different type of system. And if you look at the research, you will find these studies are based on scattered points around the United States and Southwest. As researchers have started to look at neighboring systems, they find there are other ecosystems that don't follow this mode of so-call "fire ecology." Mr. Wikle said an earlier speaker talked about transparency, and asked if we have transparency, why is there is so much obfuscation in the wording of the Ordinance proposal and the 50 pages of backup information. For example it is billed as a water project, it's a forest management project. He said we hear terms like restoration which is an euphemism for cutting down trees and burning what's left. The other euphemism is "thinning," which sounds like you're going into your back yard and cutting down some roses, no. He said thinning means removing, and one of the other speakers said, as much as 75% of the full grown, mature trees. He said if you take a walk in some of the areas in the watershed that have been thinned recently, you can see how sunlight reaches the ground, burns it up, and there's no moisture left. If you go deeper into the forest where it hasn't been thinned, you'll see that we have moist, healthy, under-story in those forests. He said, "So this is ecological destruction that would be brought on by this so-called restoration."

Mr. Wikle continued, saying there is evidence, scientific studies, that show that it might or might not work. You are talking here about funding an experiment. He said maybe it won't work in the watershed, but it's our taxpayer dollars in a year of crisis that will be used to fund this scientific pyrotechnic experience, commenting we will know maybe, in 100 years, if it was successful. He reminded the Governing Body we are in a budget crisis, and it is unclear how much of the City's budget is going toward this – \$30,000 this year, if I calculate it correctly. He suggested they spend the money on something that matters.

Estan Krasilovsky said he works with the Forest Stewards Guild, a non-profit organization based in Santa Fe for 32 years. He said this is a passionate issue, and a lot of people care about the watershed. He is a firefighter and works with communities and forests, and he applauds the City as being on the right

path with its management strategy to protect the water and work in the forest. He said the choice before you with the Water Trust Board funding is a good choice and "you should go for it." It will help to keep the treatments happening so the watershed is protected every summer and Spring, noting there is a high degree of wildfire risk. He noted Colorado Springs, Leavenworth, Washington have been devastated, and there were lives lost in Flagstaff in the last few year from post-fire flooding. He said aside from the fire risk which the City understands, and you have a progress Fire Department and Water Division, and are working toward that. He said aside from this, our mountains important to the people live in the City, its economy, the tourists, the ski basin, the trails, and all those values are at risk from wildfire. Replacing these would be difficult and at a high cost. He said, "I encourage you to keep on the path you're on and keep protecting our watershed the way the Fire Department and Water Division are proposing."

Andy Otto, Director, Santa Fe Watershed Association, said the Association supports the Resolution wholeheartedly. One of the unique aspects of the management and the municipal watershed, is that the end user is helping to pay for the management of the watershed itself, which is unique in the world and the West in so many ways. He said, "We urge your support of this as we do. Thank you."

Matt Piccorello, Community Forestry Coordinator, Forest Stewards Guild, said he is a resident of Santa Fe. He said fire is part of southwestern forests whether a prescribed fire or a wildfire, there is a strong consensus that fire is a necessary part of maintaining resilience for southwestern forests, including the Santa Fe Watershed. Their goal as manager, is to return fire to the landscape, whether prescribed fire or having a forest that is health and resilient that can withstand fire, and fire will play the natural role it should play. There are important discussion and debates can be held as to how to best restore our forest and make them more resilient to disturbance such as climate change and wildfire, and they are having those discussion. He said we know what doing nothing looks like. He said if you look at Las Conchas fire scar, that is what doing nothing looks like. If you want to see what post-fire impacts could look like you can go to Santa Clara Canyon and see the devastation that has occurred there. There is consensus that fire is a necessary part of southwestern eco-systems, but doing nothing is not an option. Mr. Piccorello entered a study by Dr. Ellis Margolis, now working for the U.S. Geological Study in Santa Fe to reconstruct the fire regime and fire history for the Santa Fe Watershed [Exhibit "9"], which is sound and recent science addressing the fire regime in the Santa Fe Watershed.

Brent Bonwell, President, Santa Fe Fat Tire Society, said the Society generates more than 7,000 hours of volunteer labor, most of it in the Santa Fe Watershed area, and have been working with the City to get the Silver Ride designation for the City for its recreational opportunities for mountain bikers. We support this measure because we feel we need to protect the forest. The Jemez Ranger District has been in pursuit of that since 2000, and catastrophic wildfires. He said, "You can see the damage here just from the Pacheco fire. The Rio Nambé is now a scar from here to that wall, 6 feet deep, when it used to look just like the Big Tesuque Creek does. A catastrophic fire would wipe out all of the recreational activity which is a big economic driver for the City. It's going to burn, it's a question of that happens and how it's managed. We're in favor of this, because it's the best way to protect the forest from catastrophic fire, and preserve the recreational opportunity to go along with that in the future. Thank you."

Bill Armstrong said his name has been once in vain this evening by a person. He said he will begin by saying that fire within the forest of the southwest is an inevitable occurrence. We have hot, dry, windy weather ever year. We have fuel or vegetation that is extremely volatile, noting we make turpentine out of pine trees. We have an infinite number of sources of ignition. The highest incidence of ignition is lightning outside of people. It isn't a question of whether or not these forests burn. It's a question of how they burn. This is the choice you fact here this evening in supporting this proposal. He said the suppression policies of the past have been a failure, commenting you can see the results of this in the Jemez on the other side of the Rio Grande. He said he is a Prescribed Fire Specialist with the U. S. Forest Service, and has been involved in the Santa Fe Watershed since its inception. He said, "I would send an invitation to all of you to come and to see your watershed. I would like to extend that invitation. We can set up a time to go out take a hike. And you can see areas where we have thinned and burned and done all of what is being talked about here, and you can make that judgement for yourself as to what it looks like in the aftermath. So I extend that invitation, it's much easier to discussing when we're looking at something, that it is here in this room. So thank you."

Bob Simison said he and his wife, Susan, moved here from California 8 months ago for the clean air. He said his main concern about the proposal is the amount of pollution it puts into the air when the fire is happening and it lingers for some time afterwards, so it has effected people with lung disease – asthma, COPD and such. He said, "I think the Council needs to find another way. The other concern we have is the amount of carbon going into the air." He said they are trying to determine how to write about climate change and what has been done. He said much of it has been done and obfuscated for far too long. We're putting our planet at risk, and why should Santa Fe participate in that by putting more carbon into the atmosphere. He said his wife has been a researcher for many years, and is an excellent researcher, noting she spent the last 3 days trying to find out more about this proposal. And it's very difficult. I think the City and the Council needs to be a lot more transparent about this proposal. The other speakers have said it is either a water management issue or a fire issue, and it's very difficult to find that out from the documentation. He said, "Thank you very much for listening. Please, let's look for another solution, okay. Thank you."

Monica Steinhoff said she has lived in Santa Fe for 40 years. She said it is good that some citizens looked into this project, although some people say the alternative is nothing or doing this project the way it is. She thinks there are many alternatives, and urge the City Council, including the new members to look it further and include the public more and be more truthful, because you only used on document. When someone researches this and says 70% of the trees will be destroyed and go up in smoke and add to the carbon, this isn't the only solution. We're not proposing doing nothing. We are proposing to do something the public knows about and it's not sitting somewhere in a 60 page document. She said we have to look the money involved here which isn't addressed, noting there is a loan happening and other costs. She wants to know what chemicals used, because in firefighting they drop a lot of chemicals on the ground which are toxic. The wildlife in the forest has no place. One acre is a time is a lot of land where all the animals have to leave. She urges you to look more deeply into this and include all the things that were said tonight, noting it's not like one side is totally right or wrong. You need to keep all

these things in mind and not make a decision tonight.

Page C. Press said he isn't a forest expert, but has lived here his whole life and spent a lot of his time in the forest, and feels he has a right to his opinion. He pointed out that of the 4 large fires in Northern New Mexico in the past 20 years, only one was caused by lightning, two were caused by downed power lines sparking huge fires in the Pecos and Jemez. He never hears Forest Service people talking about mitigating the trouble with the power lines and all the trees abutted against power lines in the forest, which is of major concern to him. The one fire caused by humans was the Pacheco Canyon fire, which was an abandoned campfire. He feels strongly about having a way to put out information when fires should not be allowed in the forest during dry periods. He said in his research, post fires that we natural versus fire management fires, the vitality of the forest seems to be a lot less than the human fire management or controlled burns. The returning forest after a natural fire seems to have more vitality and more health for the ecosystem. He questions any experts who say we have a beautiful forest that is going to return, because the evidence doesn't support that. He said, "Overall, I can't give my good will toward this project, especially when there seems to be a lot of hidden agenda. A lot of the citizens of Santa Fe are not aware at all of what you're doing. And I think there should be a lot more public input. I think people should be aware and have a voice. And this is the first time I've come forward to give my voice. So thank you for the time you give to me."

Stefanie Beninato said she would echo what other speakers have said about transparency. When you call a project a water project, and you talk about restoration you're not really describing what's being proposed and what will happen and prescribed burns and maybe some thinning, but not in the upper watershed. They've already said it's too difficult to get in there. There is a lot of debate about the best way to approach this, and doesn't think this public hearing for you to really understand what you are agreeing to. She said I would echo what Page just said, which is the major fires have been human causes, either because of power lines being too closed to trees and not being trimmed back. Or, in the case of the Cerro Grande fire which was a prescribed burn, noting they did a backfire and the backfire went out of control. That was a huge fire. She has been through several fires, having lived close to Los Alamos. She thinks this needs to be thought through a lot more and would urge you to inform the public about what this Resolution really is about and let people come and give you their input.

Jan Boyer asked to be recognized again as she had spoken previously.

Mayor recognized her for a quick statement.

Ms. Boyer said, "All the people who are getting paid to be involved in the fires, keeping saying there will be a fire. I begin to wonder are they planning on setting it..."

The Public Hearing was closed

Councilor Villarreal asked how the funding mechanism for this is structure, and if City money is

used for this purpose, and clarify what that looks like and how long the loan term is.

Alan Hook said the Loan/Grant Agreement is structured, it is 80% grant, and it is a reimbursement program, and reiterated his presentation from his Memorandum of January 21, 2016 . Our expenditures are \$60,000 per year, so \$50,000 is our cost-share of the \$60,000 we would be spending. There is a match and we utilize the Forest Service match of \$60,000, so that's \$180,000 over the 3 year, noting there is \$10,000 the City would spend as much – \$30,000 total over 3 years. There is another \$29,000 years we would spend for monitoring for the project itself – water quality monitoring on the Santa Fe River, the middle part of the watershed before the River comes into McClure in Nichols.

Councilor Villarreal said then the duration isn't for 20 year.

Mr. Hook said he thinks the 20 year reference was in 2010. There was a 20 year plan in partnership with the Watershed Association, the Forest Service, the City and the Nature Conservation, which looked at these kinds of improvement with 4 parts – vegetation management, water management outreach and education for 4th-5th grades, adult educational hikes into the watershed and financial management. The financial management is a reflection of how the Water Divisions puts funds for protection of its sources.

Councilor Villarreal asked the reason the water management name was used, noting people testifying tonight asked why fire isn't used in the description of this project, instead of water management. Is it because its coming from the Water Trust Board.

Mr. Hook said yes. The category under the Water Trust Board from the State actually is watershed restoration and is specific to that terminology. He said we use Santa Fe Municipal Watershed, noting it is our plan and program. He said it is the Water Division providing those funds in partnership for the Forest Service to protect our sources. The language comes specifically from the Water Trust Board and the State.

Councilor Villarreal asked what are your methods to facilitate or start a prescribed burn in terms of the materials used.

Mr. Hook said he would prefer Sandy Hurlocker, a Forest Ranger, to address that.

Councilor Villarreal would like more transparency about what materials are used, so people aren't fearful of toxicity.

Sandy Hurlocker, District Forest Ranger, Espanola, Santa Fe National Forest. He has served in that capacity for 14 years. He said they use a combination of slash fuel with a drip torch of gasoline and diesel. He said they use "ping pong balls," which is a combination of glycol which is antifreeze and potassium manganate inside the ball. He said for safety of aviation, a machine infuses the liquid into the ping-pong balls as it shoots it out of the side of a helicopter. He said they have done quite a bit of research on a project in the watershed in terms of safety and they are satisfied the amounts they see are minimal.

Councilor Maestas said he acknowledge he received many phone balls and emails and wants to acknowledge the concerns on behalf of residents living in the foothills near our watershed. He said it needs to be mentioned that our watershed won't cleared with fire alone, and there will be some mechanical clearing. He asked if watershed management techniques entail just mechanical clearing and if that will be included in this plan.

Mr. Hook said each year there is a targeted amount of 20 acres under the Cost Share Agreement of thinning of vegetation and about 28 acres targeted for thinning for piling and burning. He said some of that larger vegetation will be piled and burned. There is a goal of 800 acres per year of broadcast burning which mimics a lightning strike fire and moving slowly through the forest floor. He said we allow flexibility by the forest service, if it isn't possible in a drought year. These are the guidelines they are looking at for the next 4 years. He said we are in more of a maintenance phase in the Municipal Watershed Plan. A lot more work was done in the last 4 years. In the previous Cost Share Agreement 2010-2014, approximately 6,000 acres were treated, and the Forest Service had congressional funding in that period. We're in the phase where we've done some of the initial entry and mechanical and hand thinning in the lower portion of the watershed.

Councilor Maestas said for him, it comes down to balancing the environmental impacts from resorting to clearing via controlled burns and protecting our watershed. He said he too is pained by it, but he's also familiar with the impact of past fires. The Pacheco fire nearly filled Nambe reservoir with silt and is now closed for recreational purposes. The Las Conchas fire devastated the Santa Clara Creek watershed, commenting it looks like someone dropped a bomb on it. He said we are having to battle the impact of climate change as well. He said they are finishing a basin study that climate change is anticipated to reduce our surface water supplies significantly in the future. He said we are fortunate to have all these water resources, commenting that we depend heavily on surface water. He said it if means resorting to this kind of watershed protection we need to side on protecting the watershed. He would ask for future efforts entailing any kind of burning, that there be a very robust public involvement process. He said in this partnership we will defer to the Forest Service, but he doesn't want to do that entirely. He wants to use our own public information resources, and combine our resources and ensure that we have a redundant public notification process in advance. He said he will insist on that, noting he has made prior comments to that effort, commenting he believes this effort is vital to protecting our watershed.

Mayor Gonzales said Porfirio Chavarria, Santa Fe Fire Department, over the last 6 months from the City's point of view has been very proactive in relaying the forest service intents on prescribed burns to the broader community, to ensure that the public understands it's happening. He said what Councilor Maestas is asking, the staff is doing to the best that they can. He understands the worry people have when they see smoke without being informed as to whether it is a natural fire or a prescribed burn. He said the Forest Service has Twitter and a website where they lay-out what is going to happen and how long.

Mr. Hook said he would add that the reservoirs in the watershed are our cheapest source of water, because it's our plainer sources. He said as compare to the City wells, Buckman wells, Buckman Regional Water Treatment Plant, having those sources has provided environmental services in water quality a we move forward, so the volatile organic carbons, some of the suspended solids, all of that is at such a lower

level because of the health of the forest in the Santa Fe Municipal watershed. And we don't have to spend the extra money on extra treatment that Buckman Regional Water Treatment has to do through the Rio Grande. He said Canyon Road is, per gallon, one of our cheapest sources and one of the treasures of the City to be able to drink the water coming from the Santa Fe River.

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to adopt Ordinance No. 2016-11, with the proposed Amendment [Exhibit "5"].

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

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

Against: None.

- 2) **REQUEST FROM MEOW WOLF FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT MEOW WOLF, 1352 RUFINA CIRCLE WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE; THE REQUEST IS FOR THE FOLLOWING SPECIAL EVENTS: MARCH 18, 2016 – GRAND OPENING (PRIVATE EVENT) 6:00 P.M. TO 12:00 A.M.; MARCH 18, 2016 – GRAND OPENING – 6:00 P.M. TO 1:00 A.M.; MARCH 20, 2016; HANDSOME FAMILY – 6:00 p.m. to 1:00 a.m.; SASSMOUTH – 6:00 P.M. TO 1:00 A.M.; MARCH 23, 2016 – CocoRosie – 6:00 P.M. TO 1:00 A.M.; MARCH 24, 2016 – CocoRosie – 6:00 P.M. TO 1:00 A.M.; MARCH 25, 2016 – LOCAL SHOWCASE – 6:00 P.M. TO 1:00 A.M.; AND MARCH 26, 2016 – LOCAL SHOWCASE – 6:00 P.M. TO 1:00 A.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of March 4, 2016, which is in the Council packet, noting the location is within 300 feet of La Petite Academy. Ms. Vigil noted there is a letter in the packet from Nicole Trujillo, Executive Director, La Petite Academy, stating there is no opposition to the sale of alcohol at the Meow Wolf location, and stating La Petite Academy would like to grant a "permanent waiver to Meow Wolf indefinitely.

Public Hearing

Vince Kadlubek, Manager, Meow Wolf, was sworn. He congratulated Councilor Villarreal and Councilor Harris. He said they are opening next week, noting they just got their certificate of occupancy. He said it was good working with Land Use Staff, commenting they were smooth, effective and thorough and worked with every step of the way. He said he is here to request a waiver of the 300 feet location restriction to serve liquor on their premises for the stated dates. He communicated to Mary Kay at State Alcohol & Gaming, she is supportive of their efforts and she was hoping they could get a permanent waiver, which La Petite was willing for them to do. He said they limit alcohol sales to after 6:00 p.m. He said he realizes there is no precedent for a permanent waiver, although it is possible to do so. He said the

Nighttime Economy Task Force has recommended that permanent waivers be considered in the future, so we don't have to go through this every single time for locations that have already been waived. They are requesting a waiver for the events being held between this Council meeting and the next Council meeting, noting they will have a few more. He said this is a bridge between our current opening and the Duel Brewery getting a permanent off-site location inside our building to serve through its New Mexico Brewer's License. That is expected in the next 3 months.

Mayor Gonzales said then until that time, you will be coming in for a series of waivers.

Mr. Kadlubek said yes, pretty much every time they have a music shows which tend to be on weekends, 9:00 p.m. to 1:00 a.m. They have done these events for the past 8 years and they are well experienced. He said he would appreciate the granting of this waiver so we can move forward.

Speaking to this issue

Stephanie Beninato was sworn. Ms. Beninato said appreciates that Meow-Wolf requested for several waivers at one time, rather than requesting the piecemeal. She would opposes a permanent waiver anywhere in the City because waivers are for temporary use in serving alcohol and not a permanent. She said if they want a permanent use, then it needs to be zoned correctly, with a bar is the other thing they need to do. She said that sounds where Meow Wolf is going anyway, with another company there who will be serving alcohol. She said she isn't that not familiar with the area, but she wonders, again, why the City doesn't come up with an alcohol distribution plan, " so we can see where you are and where the City wants alcohol distribution to occur, that serve the needs of the population, whether our location or the tourist population. Thank you ."

Trent Edwards, owner, Duel Brewing, was sworn. Mr. Edwards said he has been in business for about 10 ½ years, and just expanded in Albuquerque, and now has 30 employees. He said it is difficult to be in business and challenging. He said one the challenges the most recent speaker talked about, the City discussing an alcohol distribution plan. He said the Rufina area is getting ready to take off. He said there is a lot of attention, energy and creativity happening in the area, and it will bring a lot of economic attention and creativity to Santa Fe. He said has lived here since 1987. He had to get waivers signed from La Petite and there is a church across the street. He said he is a big fan of people practicing their religion wherever they can. He got a waiver from the church across the street. He said to have an event in their parking lot, he has to go to La Petite and the pastor of the church for permission, but it is a hindrance in many ways. He said in business, you have to evolve to meet the demands and the desires of the City and the clients coming in. He said in the City, churches are popping up in industrial area, and Santa Fe is limited in terms of where you can have a brewery. He said they have never had violations or problems with Alcohol and Gaming. He said his livelihood and that of many people depend on us acting legally. He said all of the regulations deal with the serving of alcohol. He said if the idea is control alcohol, there already are laws in place to do that.

Mr. Edwards continued, "But as you can see, if you're in my shoes and I have to go and meet with the pastor to have a festival outdoors, I don't believe it is a bad idea at all to have some kind of waiver that the

pastor or La Petite can say they have no issues with them conducting their business, they're good neighbors, good citizens of Santa Fe, I think we can do this. That's really what I wanted to say. We should all be proud of Meow Wolf and what they're doing, because I visited there today, and when you see it, you are going to be amazed and very proud of this happening in what was once a vacant industrial area that didn't appear to have much life going on in it. So thank you very much."

The Public Hearing was closed

Councilor Dominguez said he has one question of Mr. Kadlubek. He said, "Let me first say that just because this complies with all of the State of New Mexico laws and regulations does not mean much. I think the State of New Mexico laws leave a lot to be desired. So, although I appreciate that you are law abiding, I think those aren't the best that can be. And that's evidenced on the fact that we are one of the worst States in the country, with regard to DWI deaths and alcohol related abuse health issues. I just want to make that statement."

Councilor Dominguez continued, "So this kind of application is not new, it's come up before. There have been other establishments that have laid out the calendar for the whole year and said we want a waiver to be able to serve alcohol. And it's kind of a way around opening a bar in many ways. I think this application is a little different because alcohol was served at one time, and it looks like you are moving in the direction of getting the documents and license to do this. But this more than having an alcohol distribution policy, because we're talking about alcohol density. We're talking so many other things than just distribution. There are so many licenses the State of New Mexico allows that it's ridiculous. And it's no wonder we are one of the worst in the nation when it comes to alcohol-related issues. So, the question I have for you Vince, is knowing that and understanding your model better than anyone else, what kinds of best practices are you going to incorporate into your operation. And you have to tell me more than having bands and the required notices, what are you going to be really establish and implement the best practices to make sure you have a successful event, but the rest of the community feels safe about your events."

Mr. Kadlubek said Meow Wolf has been at this for 8 years and throwing major events for the past 5 years, and many of the events have more than 1,000 people attending events. He said they are proud they have not had an incited, or cited at any of the events, or had fight break-out, never had the police called.

Councilor Dominguez asked if it is by design.

Mr. Kadlubek said it is by design, commenting they have above and beyond bonded security at ever event, it is important to stage security at certain locations and next to each bard. This includes a cluster around the front table near the entry. He said, "Our point is that we are creating a very strict law at the beginning of every event that is highly visible and looks pretty intimidating. The people who attend our events they know it is to keep out those who are under-age, and those who are already in the *[inaudible]* or have caused trouble in the past. So we're really trying to create that. And then everywhere alcohol is being served, we make sure there is a security presence, so that's one thing."

Mr. Kadlubek continued, "We also, as a collective.... it's an interesting thing as a collective, because everybody who is there is from Meow Wolf, which is sometimes 30, 40, 50 people at the event, will have ownership of that event. So ownership, they all kind of feel this ownership. So, even though we're not all on the clock, *per se*, we're all looking out for the success and health of that event."

Mr. Kadlubek continued, "And so, the last thing is we have an attitude of communication and sort of transparency with everybody. We don't like a sense of aggression, or exclusivity. We want to create a feeling of openness and we just sort of expect that sort of respect back. I feel like the culture has... I don't think it's luck, I think the culture actually has been a positive culture, so we haven't had the incidents. We will be doing the wristbands as you said. We'll also be doing stamps on top of that, so we will be both stamps and wristbands so we can the right color of wristband. We're also ordering wristbands. An easy thing for people to do is to see what color wristband, and run over to Party City and get that exact color.... so we're ordering custom wrist-bands that have our print on them. So, we're trying to take those steps."

Councilor Dominguez asked, "What about public announcements about the dangers of over-drinking, binge drinking, driving while intoxicated, what the standard drink is, and all of those things, because those are good things. I'm glad you're implementing a positive culture and those thing are happening, and security guards which goes without saying, and the wall and the segregation is an interesting concept. What best practices are you implementing aside from the culture, because the culture can change with one little shove here or there, and things can change."

Mr. Kadlubek said they don't post the signs, they haven't in the past, but he would be open to doing that, if that would be something you would want in there.

Councilor Dominguez said, "I'm in support of this, but I want you to be open to working with other organizations that understand what best practices are and understand how to best implement some of those best practices. Because, as I said, New Mexico isn't a model state when it comes to alcohol regulation. We can do a lot better, and I certainly think the City of Santa Fe can do a lot better than the State of New Mexico. And we are. We are a very responsible community, but we cannot become lax with that. So I just wanted to make that statement, and I'm glad that you would be willing to work with organizations."

Mr. Kadlubek said, "I appreciate that. Yes. Thank you."

MOTION: Councilor Lindell moved, seconded by Councilor Harris, to grant the waiver of the 300 foot location restriction and allow the dispensing/sale of alcoholic beverages at Meow Wolf for the following Special Events:

- March 17, 2016 - Grand Opening (Private Event) - 6:00 p.m. to 12:00 a.m.;
- March 18, 2016 - Grand Opening - 6:00 p.m. to 1:00 a.m.;
- March 19, 2016 - Handsome Family - 6:00 p.m. to 1:00 a.m.;
- March 30, 3026 - Sassmouth - 6:00 p.m. to 1:00 a.m.;
- March 23, 2016 - CocoRosie - 6:00 p.m. to 1:00 a.m.;
- March 24, 2016 - CocoRosie - 6:00 p.m. to 1:00 a.m.;

- March 25, 2016 - Local Showcase - 6:00 p.m. to 1:00 a.m.; and
- March 26, 2016 - Local Showcase - 6:00 p.m. to 1:00 a.m.

with all conditions of approval as recommended by staff.

FRIENDLY AMENDMENT: Councilor Villarreal said she would like to amend the motion to make sure, as stated in La Petite’s letter, “that there is regular outdoor maintenance and making sure that the surrounding properties are cleaned-up after events. To be explicit is important, I think.” **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

Against: None.

Explaining her vote: Councilor Lindell said, “Yes, and we’re very much looking forward to the opening next week.”

Explaining his vote: Mayor Gonzales said, “Yes. And just congratulations to Meow Wolf and Duel Brewer, great examples of entrepreneurship, faith in our City, expanding the boundaries when it come to art and creativity in what is experienced in the collective. We certainly are going to be cheering you on for great success, appreciate it.”

Mr. Kadlubek invited everybody to attend the March 17th Opening at 5:00 p.m. at their space.

- 3) **CONSIDERATION OF RESOLUTION NO. 2016- ____ : case #2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT) (Motion for Reconsideration approved at the February 10, 2016 meeting of the Governing Body – Public Hearing)**

Items H(3), (4) and (5), were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum dated March 1, 2016, for the March 9, 2016 Meeting, to the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "13."

Mayor Gonzales asked Kelley Brennan, City Attorney, to provide oversight for the new Councilors and said he believes Councilor Harris "has to step out on this one, right. He does have to recuse himself on it."

Ms. Brennan said, "There is no conflict. Certainly disclosure is called for..."

Mayor Gonzales said he understood Councilor Harris was on the Planning Commission.

Ms. Kelly said Councilor Harris was on the Commission, "but I do not believe there is a conflict under our Code."

Mayor Gonzales iterated his request for an overview just for the new Councilors.

Ms. Brennan said, "I think *[inaudible]* is the better person to talk to, to speak to the project itself. But, if you're talking about procedural issues."

Mayor Gonzales said, "I think talking to procedural issues and not so much the project."

Ms. Brennan said, "This matter came for hearing on a recommendation of the Planning Commission to approve. The Council... I believe there were two hearings. The first hearing, the Traffic Engineer was not present and there were traffic issues the Council wanted to discuss that were postponed. And the second hearing, those matters were discussed subsequently, and the Council voted not to approve, based largely on traffic and density problems. Subsequently, new information was provided and there was a motion to reconsider. The motion to reconsider was approved, subject to the provision that there be a public hearing. So tonight, this a reconsideration. It is not a *de novo* proceeding. It is a reconsideration with a public hearing with information. I spoke to both Councilor Villarreal and Council Harris regarding the need to be familiar with the record and the minutes, so they had all the facts that were before the Councilor before."

Mayor Gonzales asked if Councilor Villarreal or another Councilor have questions just processing why we're here. None of the Councilors indicated they have questions.

Mayor Gonzales said we had agreed to a public hearing, but it happened at the meeting on February 10, 2016. So the consideration we have before would be for the General Plan Amendment, the Rezoning, and the adoption of the Findings of Fact.

Ms. Brennan said this is correct.

Mayor Gonzales asked staff to make the presentation brief and add any new information they feel is relevant so we can allow the applicant to have time to go over issues with the Council that haven't been addressed.

Donna Wynant presented information regarding this matter. Please see Exhibit "13" for specifics of this presentation. Ms. Wynant said she has nothing new to add, noting John Romero and Keith Wilson are here to answer any questions. She said she will stand for questions.

Public Hearing

Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, Agent for the Applicant, was sworn. Mr. Hoeft said, "Thank you very much for allowing me to make a presentation again, and I will be brief, because we've heard this now several times, and this case has been going on since April of last year, when we had our first ENN meeting. We had two Planning Commission meetings on this as well, because it was postponed in the middle of the night. It was about midnight and we had to stop, and then we had two City Council meetings as well. And then we had a reconsideration. So this has been going on for almost one year. April 2015 was the first ENN meeting, and a second ENN meeting August 2015. So I really appreciate the time."

Mr. Hoeft continued, "And what I felt, given that this is a bit fragmented, is that we kind of lost sight of the whole case and all the elements of the case. And so what I would like to do is quickly go through this again, present the project, highlight the benefits of the project as we see them and then stand for questions."

Mayor Gonzales asked Mr. Hoeft in highlighting the project if he will be addressing to the issues that led to the denial in the original case, and Mr. Hoeft said yes.

Mr. Hoeft continued, "And so what I wanted to do is to first highlight the project. The project sits on 12 acres of land. The density is 240 dwelling units. The project sits on South Meadows Road. To our north is 599, to our south is South Meadows. In terms of context to be, I think it's very important to highlight the context, Cottonwood Mobile Home Park is to our left. Across 599, there is a Senior Housing Project that's approved which is in the County. And heading east, there is the new interchange, commercial development by the Montoya Family called Village Plaza which is earmarked for a grocery store of 75,000 sq. ft., plus ancillary original uses. That's been approved now for about 10 years. And to the south there are residential uses. If you continue further to the east, there is the Nancy Rodriguez Community Center, the La Familia Medical Center and then the Santa Fe Fire lot. And I think the key in looking at this whole plan is just to kind of to say, rather than indicate, 'this' is State land 'down here,' 'this' is Cottonwood Mobile Home Park. In terms of the area developed there isn't a lot of extra area within the region. The area is well populated with development and plans for development in 'that area.'

Mr. Hoeft continued, "Most of all I would like to highlight on this, because I know at the last meeting we had a discussion regarding infrastructure and the infrastructure in the area. We look at this site as very well suited from an infrastructure standpoint, and I want to clarify infrastructure at this meeting, which is what I'm referring to is water, sewer, roads, electrical, gas. So in that sense of an infrastructure, the site

has really teed-up well. And I say you is because there are a lot of sites around the City that you've got to string a water line a mile. You have to build a new interchange, for example. You have string a gas line for quite a distance. This site has a new road, South Meadows Road, water, sewer in South Meadows Road, a new interchange right nearby. And we know there is a problem at Agua Fria and South Meadows Road, and we'll get to that in a second. But from the infrastructure standpoint, the site is well suited. We also know that to the north of the subject site is that the City of Santa Fe did a lease on the 3 acres for a Fire Station. And of course to our east is the brand new school, Camino Real, which is I think now is 2 years old. So that essentially is the context of the area."

Mr. Hoeft continued, "When you look at the site itself, into the design, the design is to focus the development in the center of the project, get the buildings away from the roadway, give a buffer from the roadway to the buildings of about 100 feet and cluster the units within the 5-B center area. And just for reference, 'here's' the school site next to us, 'here's' the City-owned land, here's South Meadows Road. Another thing I would like to highlight briefly is the land across the street from the subject site is open space. And we've had, just to iterate this point again, and to remind everybody, we've had discussions with Richard Thompson at the City of Santa Fe Parks & Open Space, and the City is interested in that land. It's approximately 10 acres of land. It's where the County trail system network is heading through and we had a talk with them about using that land, in terms of for the trail, rather than the Park Impact Fees. So essentially what we have as an option, is to pay the Park Impact Fees as part of the normal City of Santa Fe impact fee process, or we can donate land in exchange rather than doing the impact fees. So the land is on the table. Mr. Thompson has expressed interest in the land and it's directly across the street from the subject site and it's labeled open space on your Plan. And that's where the trail network goes through for the Trails went."

Mr. Hoeft continued, "So that's the site, that's the region in the area, and I would like to highlight one more time, and we've talked about this on several occasions, but again, I would like to kind of talk about that. This Plan is consistent with the General Plan. That Plan encouraged population and greater densities in future grown areas, so this is a future grown area. This is Phase 2 of the Urban Area Staging Plan which goes until 2025. We're right in the middle of that cycle. Can we just compact urban form. It encourages areas in development that can be served with City utilities, which I indicated earlier with our infrastructure, we've met that. It also encourages an efficient use of existing utility lines, roads and parks. So again, you've got a site with the infrastructure in place combined with land across the street that can be developed to the City for a park. "

Mr. Hoeft continued, "Another thing I would talk about is the R-1. In terms of design, when the site came into the City of Santa Fe via the annexation process and SPAAZO, it came in as R-1 because it was the default of the zoning. The site didn't have a master plan. There wasn't anything on the site, and so because of policy, the City of Santa Fe defaulted it to R-1 zoning. We are taking it up as part of this project to R-22. We're not maximizing the site. The maximum density for an apartment project could be R-29. We're at a comfortable capacity at R-22. I just wanted to highlight that."

Mr. Hoeft continued, "On of the issues we got in the last hearing. I know Councilor Dominguez talked about it a lot. It was the infrastructure discussion, so I like to call it an urban fabric discussion, rather than infrastructure. Where I'm headed with that is that we see this area as having a brand new school next

to us that has open space to the south and City of Santa Fe land to the norther, commercial development closer to the Interchange, combined with the new interchange, there is quite a bit of urban fabric in this area already. It is combined with the fact that there already is a rather high density development to our east, and again 'this' is State land 'over here,' owned by the State. So if you look at the area as urban fabric, there is a lot going on in that area is what I'm trying to highlight. We do see it as infill because it is a staging area for the General Plan, Stage 2."

Mr. Hoeft continued, "And I'm just about to wrap up here. The last thing I would like to highlight is economic impact. And so we know that right now, because we've got all the articles in the local newspaper regarding the demand for multi-family housing. We know that the occupancy rate right now is around 97% with a vacancy rate of about 3%. That is true, and we have a market study that demonstrates that there is a critical demand right now for multi-family projects. The other component of it is GRT and job creation is the last thing I want to highlight is that in multi-family projects, we have a ration of 1:1 in terms of jobs to units. If you have 240 dwelling units, that represents roughly 240 jobs. Those are construction jobs, they are temporary as is the nature of construction jobs, but during the process of the cycle of the project, roughly 240 construction jobs will be created via the granting of this project. And then when the project is finished, it will have approximately 6 permanent jobs and terms of staff and maintenance."

Mr. Hoeft continued, "So with that, I appreciate the time to present the project essentially from the beginning again so you can get a full picture. I stand for questions."

Mayor Gonzales said he will hold questions until the public can address the Council.

Speaking to the Request

All those speaking were sworn en masse, and given 2 minutes to speak to the request

Mayor Gonzales asked everyone to keep in mind that the Council has had the opportunity to read the minutes from the previous public hearing and asked them to refrain from repeating that information, and to keep to any new, relevant information you might have.

Linda Wilder Flatt [previously sworn], said this has been beaten around the bush many times, and it seems Gerhart has been around for a long time. She is trying to decide if it is good or not. The main thing she would like the Council to consider that housing is very important in the community because it is lacking, particularly affordable housing. She questions the actual cost of living in the Gerhart Apartments, which seem relatively high in cost. This is one issue. Secondly, there are a lot of small issues, noting traffic has been discussed which is really important because it can be very congested out there when children are coming to school and when school is out.

Ms. Wilder continued, saying Mr. Hoeft has worked to present them well, but she is concerned about the minor issues that can really make a difference. It seems to be isolated, even though he says it's a part of the urban structure. There are not proper sidewalks and these need to be done. She said they have to go a distance to get good food for the residents. Mr. Hoeft said something about a grocery store,

but she has no idea when it will happen, commenting it has been talked about for quite a while. So there are a lot of issues she hopes that the Council would consider, and think before they vote yes.

William Mee, Agua Fria Village [previously sworn], said in November, he and his wife met with the Principal of El Camino Real Academy. He told them the school is built for 650 students, but there are now about 880 students, so they will have to go through the redistricting process. He also told them that the sidewalk is a big issue. There is a sidewalk in front of the school to the end of the school property, and then there is no sidewalk all the way from the Academy up to South Meadows Bridge, and then from the Bridge to Agua Fria. The problem is that a lot of the students are from Cottonwood Village, but under State law if you're within 1/4 mile of a school you can't use the school bus, so you can't address the safety concerns of the kids walking along the road. There is a drop-off and pretty tall weeds. He said the the City could keep the weeds cut and blade that for the kids. He said the Sheriff parks there during school hours and he understands that responsibility has been given to the City police. The parking lot sees too small for all of the parents picking up kids, so it is difficult for that to happen.

Rick Martinez, 725 Mesilla Road [previously sworn], said he still thinks this will bring a lot of traffic, and doesn't think the area will be able to keep absorbing traffic, noting there is still a lot more vacant land for the future. They did do some improvements in making the roundabout to get the traffic off where there is a gated community. He said they did their homework and did move the gates up further. He is disappointed about the affordable housing. If you live right next to a school, you should have an affordable house. He said, "This, in lieu of things, is still moving out of control. Thank you."

Stephanie Beninato [previously sworn], said the Governing Body has considered this project several times, but there are still unresolved issues. It seems that having housing next to the school might be a good idea since the school is at capacity and beyond, seems to indicate there is a population that could be served by these apartments. She understands there are traffic and safety issues, but we also need housing, and the City has rejected a lot of housing projects in the past year, and it seems these people have gone out of the way to redesign. She opposed WIPP trucks coming through Cerrillos and St. Francis, and we actually helped the 599 route built. She finds it ironic there is so much development along 599 where nuclear has been and will continue to be shipped through the City.

Lois Mee was sworn. Ms. Mee said something she brought up to the developer is that the elevation of the subject property is higher than the school, and a 2-3 story building won't get any sunlight until mid-day. It looks nice with the school that is built there now. She asked about a community center for the residents can use for events. She is a Trustee for the Nancy Rodriguez Community Center, which is not far away from the site. Right now, the Center is booked on the weekends through July and most of August, so there is nowhere in the area for people to have birthday parties, bridal showers and such. So she wants the developer to build something that could accommodate 50-70 people for events.

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

- Councilor Rivera asked the price range of the proposed apartments.

Mr. Hoeft said it will be in the range of \$800 per month for 1 bedroom, up to \$1,200 to \$1,300 for a 3 bedroom.

- Councilor Rivera asked if approved when would the apartments be finished.

Mr. Hoeft said it would be the end of 2018 to beginning of 2019.

- Councilor Rivera thanked John Romero for staying around for this hearing. He said this is being heard again because of the new information regarding traffic at South Meadows and Agua Fria. He asked Mr. Romero the current traffic situation at that intersection.

Mr. Romero asked if he is speaking of current operation/situation or the planned improvements.

- Councilor Romero said current operation.

John Romero, Director, Traffic Engineering, said currently in the morning it is failing for eastbound traffic. The primary reason is the implementation of the school in that area.

- Councilor Rivera asked the primary times it is failing.

Mr. Romero said it is the rush hour, so it would be any time between 7:15 to 8:15 a.m., commenting it is a really high peak 15 minutes during the peak hour.

- Councilor Rivera asked what happens when school is over, are there issues.

Mr. Romero said the study for the project didn't look at school let-out times, because those peak times don't correlate with the peak p.m. times for an apartment complex, which would be more of a 5:00 time period as opposed to a 3:00 time period. He said they did a preliminary study of the intersection prior to the school being placed, so it wasn't based on actual traffic and they had to do a lot of assumptions to try to determine where cars would be coming and going from. When they did the preliminary analysis, they noted no failures.

- Councilor Rivera said the new information which came forward has been addressed in Mr. Romero's memorandum. He asked if the plan is for 2015-2016, going into 2017-2018 and how it coincides with the completion of the Gerhart complex.

Mr. Romero in the currently approved City capital budget there is \$200,000 programmed for FY17-18 for design of the intersection, and \$1.2 million for construction for FY 18-19. He said funding is made available based on the program amount, they would have the intersection designed and improved by end of calendar year 2019 at the latest.

- Councilor Rivera said that would be months from completion of the Gerhart project.

Mr. Romero said based on their timetable to go through development approval, assuming it is approved, and then getting it constructed and occupied, he thinks, worst case scenario, we would be "within less than a year's timeframe from when they open to when we would have the intersection constructed.

- Councilor Rivera asked if the roundabouts at Cottonwood and Agua Fria would be constructed around the same time, and if those would be on a completely different timeframes.

Mr. Romero asked Keith Wilson to comment on this, commenting for tonight's program, he thinks we have the funding for the roundabout at Cottonwood and Agua Fria programmed the year before this, but would like Mr. Wilson to comment.

Keith Wilson, Planner, MPO, said the federal funds for Agua Fria and Cottonwood is in federal fiscal year 2018, which starts October 1, 2017, so within that timeframe the design should be complete and moving into construction.

- Councilor Rivera asked if there is a possibility that both could be worked on at the same time.

Mr. Wilson said yes it might be possible, but said obligated federal funds have to be spent within a certain timeframe. He said they could see if it can be done near the end of the fiscal year, it might coincide with the 2019 timeframe.

- Councilor Rivera said he doesn't want them to coincide, because it will create too much havoc in the area and what he is trying to avoid, and would like staggered construction.

Mr. Wilson said they will try to coordinate some of that time.

- Councilor Rivera asked if we are looking to making improvements to the intersection long-term to stores and other things being built will that be included in the \$200,000 for design.

Mr. Romero said yes, a precursor to design would be an alignment study where we will determine whether to a roundabout or just improve the signalized intersection. He said they will be adding a growth factor at least to a 10-year time period.

- Councilor Rivera said he asked for these cases to come back to the Council, and sees the critical demand for this type of housing. His biggest concern were traffic issues at South Meadows/Agua Fria, but believes those have been addressed to his satisfaction from what he has heard tonight.

- Councilor Ives said when we were looking at this on December 9, 2015, we talked about the fact that the project itself might shed \$300,000 to \$400 in impact fees that might be used at this intersection, and you previously estimated \$1.4 million for doing one of the alternatives at the intersection. And now we have identified the \$1.4 million to come from the City. He asked what happened between then and tonight where all of a sudden we have \$1.4 million for the intersection already in the CIP.

John Romero said that hasn't changed. He said when we proposed to program the \$1.4 in the capital budget was at the time Gerhart was denied, so we were presuming we wouldn't get any of that money. It's since been approved in the budget. He said there are two bullets in his Memo explaining that we are still recommending that the Developer contribute its fair share contribution toward the intersection based on the percentage of traffic, as well as not presuming getting any money. In his memo two bullets contribute fair share, but that it also contribute the amount equivalent to the Roadway Impact Fees would be, in lieu of impact fees. So they would give us a check for that amount at the onset specifically for this intersection and the Developer would be credited the impact fees at time of development. If this were to be approved, we would have this money early on, and would get design started earlier with money that would go toward construction. He said, "Again the \$1.4 million is programmed, but if this was to be approved, by the time we need the money, it would probably be much less than that, that the City would need to contribute."

- Councilor Dominguez said one of the big issues for him for the school which was articulated in the past and tonight. On page 26 of tonight's packet you say that your development "will be utilizing the school next door."

Mr. Hoeft said yes, and asked to clarify more.

- Councilor Dominguez said no, because he is asking if the record is correct.

Mr. Hoeft said yes, they will be utilizing the school next door.

- Councilor Dominguez said, "I'm asking if the record is clear that your development 'will be utilizing the school next door.' He quoted from the minutes, 'Mr. Hoeft continued, but what I wanted to get to, in terms of Councilor Dominguez's point, is we did a quick study [that is better than no study at all] that demonstrated the number of students that would be coming from our development and utilizing next door.' My question is if your development will be using the school next door."

Mr. Hoeft said, "That is correct, and to clarify that study, what I was indicating there was there was a concern there, because we have 240 dwelling units that there is going to be a ratio of 120 kids coming from the school [apartments?], and so what I asked our market analysis person to do was to figure out how many anticipated kids from K-8th grade would be attending the school. And so they ran a study and that number came to, until any give time, about 26 children."

- Councilor Dominguez said he is glad they are doing market studies because he didn't ask about a market study, but it's good we're thinking in those terms, because this Governing Body has been criticized for approving developments without considering the impact on schools.

Mr. Hoeft said he can hand that out if he would like.

- Councilor Dominguez said no, because his question has to do more with the fact that is on 128 of the packet, the Property and Asset Management form indicates that the elementary school zoned for proposed development is Agua Fria, so he is confused.

Mr. Hoeft said, "I believe at the time that was written, I think it was Agua Fria Elementary School, but I believe that school has closed, and now it's El Camino Real if I'm not mistaken, so that school was replaced by this school."

- Councilor Dominguez said that's a good catch, but the next question is if Agua Fria is a middle school.

Mr. Hoeft said, "I believe the school immediately next door goes to the 8th grade."

- Councilor Dominguez asked if Agua Fria School a middle school.

Mr. Hoeft said he doesn't know the answer to that question.

- Councilor Dominguez said, "In your document, your application, you actually say that the middle school zone for the proposed development is Agua Fria. So you didn't know then, or you know now, or you are as confused as I am."

Mr. Hoeft said in filling out the forms, they call the Santa Fe Public Schools and asked what elementary school, what middle school.

- Councilor Dominguez said that statement is wrong.

Mr. Hoeft believes it was accurate at the time he wrote that.

- Councilor Dominguez said he is asking if that is wrong, not if it was accurate at the time.

Mr. Hoeft said what he knows right now is the school next door is K-8, which includes middle school.

- Councilor Dominguez said, "I was going to save my speech for later, but I'll just make it now. When you look at land use and in terms of this application with regard to Chapter 14, it's a pretty tight application. There are lots of technical issues and legalities and land use jargon and all that stuff, so it's a pretty tight application and I want to commend you for that. This has nothing to do with the application, the applicant or the representative. But it leads to the confusion, right. You

can't answer to me directly whether or not this piece of document I'm looking at is right or wrong. And part of the problem we've had in this part of the community for many years, is that we have been told, and I've been living out there for 25 years now, just build it and they will come. Right. That commercial piece that is in your presentation right there, has been in the works for, what, 10 years. And we don't know if it's going to happen in the next 2 years or the next 10 years after that, quite frankly. We've got the zoning for it. But my point is that we continue to be told that, build it and they will come. And that is troubling for me, especially when we don't really even know whether or not Agua Fria is the middle school these students will be attending."

- Councilor Dominguez continued, "And so that's part of my concern. I want to commend Councilor Rivera for addressing the traffic issues, because that certainly is a huge improvement. The traffic out there is a mess. And part of my advocacy for the Northwest Quadrant was because if we continue to just grow out in this side of town, traffic issues aren't going to get any better. Right. And so this is certainly an improvement, although I think it really falls short of what really needs to happen out there, but that's not really the applicant's problem, or it's not part of the Code that we are abiding by. And so my concerns are the public schools. I can't get a straight answer on that still."
- Councilor Dominguez continued, "And then the other is the quality of life. And as I said, we keep saying the urban fabric. That's an interesting term, because I would think that everything that we have out there currently, and in the future, is part of that urban fabric. But just like Tierra Contenta, which was promised commercial development so it's a walkable community, the urban fabric doesn't always work out. And so again, we're going to continue to increase density in a part of town that really is struggling to develop that urban fabric. Again, this is a great project. The application is great. This has nothing to do with whether or not you are complying with Chapter 14 and all the things we've set forward, but I just really have problems with the quality of life issues. And I was joking earlier, I kind of in a way know how Bernie Sanders feels. Because, if I vote against this, I could be seen as voting against multi-family housing. On the other hand, voting against this is a statement to try to protect and improve the quality of life of people who really need lots of help, and it goes beyond just a little bit of open space and some traffic improvements. It's about access to food. It's a food desert out there. If you told me today that there's an application coming in for that grocery store next week or next month, I might feel a little differently about things. But I really don't know when or for how much longer this area is going to be a food desert. And so I just wanted to make those statements, Mayor. I'm going to be voting against this project, but again the application is pretty solid and I appreciate that."

Mr. Hoeft asked to respond to some of the comments, briefly.

- Mayor Gonzales said no.
- Councilor Lindell said she has two comments on this. First of all, she is glad we are seeing this again. She said there is a statement in the application about the need for housing. And the market sets prices and the market sets demand, noting she worked in real estate for a number of years. She said the cost will be no more than what the market dictates they will be, commenting this is

how that works, and it's worked that way for a long time, and expects it to work that way for a long time into the future. She said a corollary to that is that a grocery store and restaurants will show up in the area when people at a much higher pay level than she is do market studies and determine that taking the risk of those businesses will be successful for them. That's what business people do. They take a risk for a return. She said she thinks more housing gives us a better chance of having the population we need for someone to take the risk.

- Councilor Lindell continued, "To comment on the page Councilor Dominguez was looking at, page 128, the Santa Fe Public Schools. You know there are a bajillion forms I think you have to fill out for this. If Agua Fria has never been a middle school, I think it's incumbent on Santa Fe Public Schools to catch some of that in these applications, and it's not necessarily completely incumbent on the developer. Also, I don't think it's fair for us to hold the developer responsible for what is already established for traffic design. I think what we have here, we have the potential to end up with better traffic than what we have now, and also 240 units of housing, which seems like a pretty good deal to me. So those are my comments on this. Thank you Mayor."
- *[Councilor Harris's remarks here are completely inaudible because his microphone was turned off.]* Councilor Harris said something to the effect that he wants to be certain as this project moves forward that it is noted that we need decent pedestrian connection. He understands there is a sidewalk in front of the School.

Mr. Romero said that is correct.

- *[Councilor Harris continued, but his microphone was still turned off]* He said he thinks it is possible to ensure pedestrian access from the apartments to the school and across the bridge and roundabout.

Mr. Romero said as he understands Councilor Harris question. There is sidewalk in front of the school and they will be building a sidewalk in front of the apartment, so the property will be connected to the School via the sidewalk. Past that portion, it would require more curb and gutter and sidewalk. If it was an additional requirement, it would take away from the funding available for the intersection.

- *[Councilor Harris continued, but his microphone was still turned off]* He asked something about whether there is improved access to the bridge.

Mr. Romero said he assumes not. He said South Meadows was made to a rural standard, constructed by the County. So the County is having to urbanize its portion right now. He assumes there is no curb and gutter if there is no sidewalk from the School to the bridge. He asked if Councilor Harris is asking about a disconnect between the sidewalk in front of the school to the sidewalk that's on the bridge. Yes. I know when the road was built to a rural standard, and I do know the school updated its frontage with curb and gutter and sidewalk, but he doesn't recall the School extending that to the bridge. He is unsure why they would have done that. He said, "So it is confirmed that there is no curb and gutter between the School and the bridge."

- *[Councilor Harris continued, but his microphone was still turned off]* Councilor Harris asked if there is money for sidewalks in this area from the MPO.

Keith Wilson, MPO, said, "Not specifically. There potentially will be federal funding under the Transportation Alternatives Program, which is federal funding for bike and path type projects in general. We are expecting a call for projects later this year, but typically for federal funds, you're not looking at a \$20,000 sidewalk project, just because of all the rules and regulations that come with that. Typically you want a high value project. I will say I have a meeting with Santa Fe Public Schools on Monday, where we're looking at pedestrian connectivity from that school to the Cottonwood Mobile Home Park. I think we've got some ideas of how they make a connection from there. So I'll be meeting with them on Monday relating to that. I don't know the details, but it's kind of in relation to the Transportation Alternatives Program funding. We're just trying to figure out potential projects that they could apply for funding, and that was one of the ones we have on the agenda to talk about. I don't know the details of it. I'm pretty sure it's not just extending the sidewalk."

- Councilor Harris asked where the crossing would be.

Mr. Romero said we would determine that at the time the park is being developed. It would likely involve a crossing where we could fit a median refuge for pedestrians so they don't cross all lanes of traffic at once. They can cross to the median, wait and cross again. But he thinks we wouldn't know the location until the park is designed and laid out.

- Councilor Harris asked if your group has looked at the sidewalks as he just discussed from your proposed development across the school property and on to the bridge. He asked if that is something his group might be willing to participate in.

Mr. Hoelt said, "We have not looked at that distance. On my map here, you're talking about 1000 feet from the School corridor all the way to Agua Fria. We have met with the schools and are planning a connection between the subject site and the school, so you don't have to come out to the sidewalk. We will have sidewalks along the front of the apartment project. We met with the school officials to have a connection directly from the apartment project into the School, without having to come out and walk all the way around. And so we have had those meetings. We have not discussed the sidewalk all the way from the School down to the bridge. I know, from looking at the map here I just showed John, there are two parcels there that front that area and I believe they are on the market for sale. So my assumption is that when those come in for development they would be required to make those improvements just like we're required to make the median improvements and sidewalk improvements in front of our site."

- Councilor Maestas said he isn't going to rehash what he said. It seems whenever we hear similar requests or actions, many times it comes down to transportation. He assumed the Traffic Impact Analysis is more localized and looks at the impact from this particular development. He said when we're considering a development like this that is at the fringe of the City, we have to be concerned about the broader transportation network. He asks, what needs to come first – the local street to

facilitate the development, or is the development is catalyst for a more developed local street network. He thinks this is a classic case. What concerned him the most is that there were comments that basically criticized the hodge-podge nature of the parcels, the different owners, and lack of emergency access, the lack of a local street network to the point it said we should have local streets spaced 1,000 feet apart. Someone else made those comments, and it wasn't John Romero. He sees that there is a disconnect. He said our concern about transportation, emergency access and pedestrian connectivity has a greater context far beyond the Traffic Impact Analysis. He said we need to broaden the scope of a traffic impact analysis, or broaden the scope of the development review team well beyond the traffic impact analysis. He wants to place the burden on developers. They are concerned about their development and its impact on the transportation system, but in our process we're not looking at the greater transportation area.

- Councilor Maestas continued saying another issue is that the a.m. peak was already breaking down in that intersection, and asked Mr. Romero if this is correct that it was already level of service F during the peak. He thinks the contribution to the intersection was about 3.7%, the calculation in the TIA, so it will add 3.7% of the traffic volume.

Mr. Romero said that was the calculation and that's what that would mean.

- Councilor Maestas said the issue is the intersection is already breaking down, and is at the worst level of service. However, we don't have a mechanism to say, hold on a second, something has to give here. We either need to correct this problem first before consider additional development that would add to the traffic volume, or come up with a solution in conjunction with processing or approving the development which we are doing here. He thinks we need to get our act together, because he sees a big disconnect. He still thinks the Traffic Impact Analysis and the scope is much too localized, and we need to start to thinking broader in our analysis. We need to make sure all of the staff is on the same page. He would like to have a discussion off-line to see if we can figure out how to look at transportation in a broader context, and make sure staff are fully coordinated and agree on staffs' position before putting it on paper and it goes to Planning and Zoning and the full Council. He thinks this warrants additional discussion and this is a perfect example of how we need to be looking at a broader network. This is unique because it's at the fringe of the City near a major arterial.
- Councilor Villarreal said from a philosophical point of view we wouldn't be in this situation if we had thought or had foresight or forward thinking about what we were going to do when we thought about annexing land into the City. She said we are in this place and it keeps coming up over and over again, because there is no clear strategy about what is the plan for new lands in the City. She said it is connectivity as well as how we pay for services, what kind of development we want. She thinks that updating the General Plan would help with that, as well as road infrastructure and what it will cost into the future in certain areas. She said as a planner, it is disappointing to her that we are in the same rut, over and over again. She said we have tools and resources, and the planning staff is very well equipped to think about that. We have a long term Long Range Planning staff. She wants to make that point, because we're in this situation over and over again because of that. She was hoping perhaps staff would elaborate about what the Southwest Area

Master Plan says about this area. It wasn't in the notes, and would like a simple answer to the question of what was the future plan for the southwest area for this particular portion of the area plan.

Greg Smith said, "There is in fact a memo in the file on page 57 of the Council packet from Reed Liming of the Long Range Planning Division. Essentially, Mr. Liming says that the policies and the designations that were adopted.... let me back up and say the zoning in this part of the area was adopted, as we indicated earlier, in the SPAAZO process in 2008-2009 annexation. The zoning for this parcel was subject to and included in the Southwest Area Master Plan, between 2001-2007. The land use designations in the Southwest Area Master Plan *[inaudible]*. The Southwestern Area Master Plan did show this as an R-1 density, and that is what is reflected in the original Plan. *[inaudible]*

- Councilor Villarreal said she still thinks the R-1 zoning was an arbitrary zoning designation because they didn't know what to do with that area.
- Councilor Villarreal continued saying, if we're talking about specifics about connectivity, she would like Mr. Hoeft to elaborate about the pedestrian walkability piece, which isn't so much about sidewalks although those are extremely important, but she is thinking about the connectivity from the development into what would be the open space and the development of the open space and eventually the Santa Fe River Trail, and what you are committed to do to have that connection.

Mr. Hoeft said John Romero touched on that earlier when he said that the plan..... He said, "This is essentially the area in front of the subject site, and the school. And Mr. Romero indicated in his piece is that there would be a safe area, a break in the median, that would allow people to be able to be able to cross, stop and then continue to cross to the open space on the other site. What happens on the site, in terms of the trails, is up to Santa Fe County and its open space program.

- Councilor Villarreal said so there will be a pathway and asked if there would be some way to be able to connect later, or are we talking about doing about it ahead of time.

Mr. Hoeft said as this is being designed, because there is a condition of approval as part of the application, that we have to have the medians design by the time of final development plan, if this is approved. He said Mike Lujan who is doing the design could have that designed into the plan at this stage and we would take that as a condition of approval. He asked, "Mike is there a problem with that." Mr. Lujan said it is possible.

- Councilor Villarreal said then you're willing to say that is a condition of approval.

Mr. Hoeft said yes, to make a connection from the subject site via the median in terms of having a safe area for pedestrians to cross, yes, we will.

- Councilor Villarreal said there was a discussion about bus routes to this area, and asked if there was negotiation or if they have an idea of what that could look like and if there will be a stop, and if the developer would pay for a sheltered area for pickup.

Mr. Hoefft said, "Yes. Interestingly, we did meet with Santa Fe Trails on this a couple of times to find out what the plans are. The route that goes up and down Agua Fria is heavily traversed, I believe by buses. And we were making a recommendation that they come off, come down South Meadows Road, use the roundabout at the intersection at the interchange and then come back to Agua Fria and there could be a stop near the school, and at the time, they weren't interested in that route. They said they didn't want to come off in that direction. We would be more than willing to sit with them again and have the conversation to see if that decision has changed. Their comment was that, from the school standpoint, the kids aren't using Santa Fe Trails in that age bracket. And so they didn't think the route would be a very valuable route to them. But that was a year ago, so maybe their opinion has changed."

- Councilor Villarreal said she thinks that would come up, because the people living in the apartments probably would utilize this route, so that's something for the future.
- Councilor Villarreal asked why they opted for a gated community versus just having it open.

Mr. Hoefft said it is a security for the residents. He said pursuant to comments by Mr. Martinez at the ENN meeting, there was a concern, and thinks his comment was is you gate it at the entrance itself because it would create a stacking problem on the roadway. So they elected to put the gates to the side. He said the perception of security is pushed to the side so you don't just drive down the road and see a big gate.

- Councilor Villarreal asked if that issue is still negotiable.

Mr. Hoefft said it is planned to be gated at this stage and they adjusted the gates accordingly, it's a security issue essentially.

- Councilor Villarreal asked about the impact fees, and what they are willing to pay up front.

Mr. Hoefft said there are 3 impact fees – the Roadway at \$311,000, Parks and then Police and Fire. The Parks will be an offset with the land across the street and Mr. Thompson will continue with his plan to want the land dedicated for a park. The final impact fee will be the Police and Fire. He thinks the total impact fees on the project is roughly about \$500,000.

- Councilor Villarreal said, "Ms. Ladd is here in case there are questions about housing, but I think it's late and the only thing I want to say is that I've learned a lot since I was on the Planning Commission, and in understanding the financial constraints on multi-family dwellings and development. It is different from single family dwelling. It is something she thinks the public should understand is that financial requirements are very different, and we don't get that information to thoroughly understand the nuances about why there aren't enough affordable

housing rental units. And what it comes down to is that we don't have enough market rate, and that is dictating the entire market as Councilor Lindell was saying. I think that if we had that better explanation of the market and supply and demand, then it would alleviate the fear that we are looking at market rate and it is a bad thing. Market rate will prevent us from having this high need for all types of housing right today."

- Councilor Villarreal continued, "I just wanted to make that point because of the size of density of this development, which is very different from what we were dealing with on Agua Fria. And I do know and understand we are in a crisis situation. And I made calls around town to see what apartment capacity is, and they're all pretty full, and there were only a few that had available rentals. I guess my point at this juncture is that I want to be able to plan into the future and we haven't done that very well in Santa Fe. But I do understand the need for this particular type of housing. I think this development looks nice, but from the design standards, I think there is a lot more we can look at. I still think these amenities for people on fixed incomes and the surrounding areas should be looked at for all development junctures. I understand better about what multi-family housing means to Santa Fe and once we have more development for market rate that it actually provides us an opportunity for the Housing Program to be able to have funding so we can decide what kind of affordable housing projects we want to be involved in."
- Councilor Villarreal continued, "That being said, I know it's late, I don't know if anyone else had any questions, but those are the things I'm concerned about and I just want us to be able to plan into the future and do it well than just plopping something down. And we could prevent these road issues if we thought about areas that need development, and this is a potential area. But again, you have to think of this in a more strategic comprehensive way. So that's all I have for tonight."

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-21.

DISCUSSION: Ms. Vigil asked if this contains Councilor Villarreal's friendly amendment.

Mr. Smith said he would suggest that the General Fund Amendment itself does not require conditions of approval. Specific conditions would better be attached to the rezoning than to the General Plan Amendment.

Mayor Gonzales asked Councilor Villarreal her condition.

Councilor Villarreal said, "It was based on the connection to the open space from the apartment complex, to have that road pedestrian access right up front."

Mr. Smith said staff would suggest that would be a condition of approving the rezoning.

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

For: Mayor Gonzales, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: Councilor Dominguez.

- 4) **CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2016-11. CASE #2015-58. GERHARD APARTMENTS REZONING. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT). (Motion for Reconsideration approved at the February 10, 2016 meeting of the Governing Body – Public Hearing)**

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to adopt Ordinance No. 2016-11, with the condition as stated by Councilor Villarreal, regarding the connectivity from the apartment complex, to have that road pedestrian access right up front.

DISCUSSION: Mayor Gonzales asked if that is agreeable to the Applicant, and Mr. Hoeft said it is.

Councilor Dominguez said, "I don't know if it necessarily needs to be a condition, but I think it needs to be part of the record that at development plan approval, that some of these connectivity issues need to be addressed by the Planning Commission in as much detail as possible, because there is where there will be some... I don't necessarily want to kick it to the City Council. I trust that the Planning Commission will take care of it and review it appropriately, and make sure those connectivity issues, whether pedestrian or vehicular, be addressed appropriately at that level."

Ms. Brennan said, "I believe that this is guidance to the Planning Commission and would be in the findings, but is not a condition *per se*."

VOTE: The motion with the amendment, and guidance to the Planning Commission, was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: Councilor Dominguez.

Explaining his vote: Councilor Rivera said, "And I agree with Councilor Dominguez about the quality of life issues, and that the need for housing is critical right now, so, yes."

Explaining his vote: Mayor Gonzales said, "Yes, and I would argue as I have in the past, and would submit for the record that part of quality of life is access to housing that is affordable and in relation to where the worker lives. But all the conversation was right tonight."

Mayor Gonzales said, "On two quick points before I ask Kelley on direction of #5, Councilor Villarreal there is an opportunity during the budget to address the issue of funding appropriately a General Plan rewrite. So I would encourage you as you move onto the Finance Committee to look at that as you begin the budget discussions and work with the Planning staff to see what it would cost to begin to work on Chapter 14 and any updates to the General Plan."

Mayor Gonzales continued, "The second component, Brian, and this goes to the issue that the Councilors spoke a little bit about tonight. I have requested since November that we begin this process of moving forward with presenting overlay options for the Council to look at and for the Planning Commission to deliberate on. And I haven't really seen anything come forward. I did speak briefly to Lisa and Alexandra and I would like the plan to be submitted to me as to a timeline when the overlay zones could be actually discussed by the Council so the Planning Commission can begin to debate what they would look like, where they would be. The idea is to allow us to start directing where housing seems to be appropriate, especially high density housing and infill development that reflects concerns of neighborhoods and present opportunity to attract and to retain young people and older to live in our community at a more affordable route. So if we can have a plan that might come forward, certainly within a period of time as to a calendar when we can get this moving. I think it's critical that we get it underway."

Councilor Villarreal asked if the plan would also including funding sources needed to make that happen for overlay or corridor plan.

Mayor Gonzales said it would have to address all those issues, including any incentives that we would have in play.

Councilor Villarreal said she means funding sources for staff to be able to do the right plan.

Mayor Gonzales said yes, commenting if we have to contract it he assumes we would address that issue. However, he thinks there has been a discussion internally with Lisa and Alexandra and thinks there is a feeling we can handle that internally.

- 5) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR GERHARD APARTMENTS FROM DECEMBER 9, 2015 MEETING OF THE GOVERNING BODY. (KELLEY BRENNAN)**
 - a) **CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT.**
 - b) **CASE NO. 2015-58. GERHART APARTMENTS REZONING TO R-21. (Postponed at February 10, 2016 meeting of the Governing Body. If Items H(3) and (4) above are approved, Supplemental Findings of Fact and Conclusions of law will be prepared for a future meeting of the Governing Body)**

Responding to a question from the Mayor, Ms. Brennan said, "Item 5 is no longer necessary as the decision is different. We will draft new findings to present at the next Governing Body meeting."

The Council then returned to the balance of the Afternoon Calendar

16. MATTERS FROM THE CITY CLERK

A copy of the Canvass of Election Results for the March 1, 2016 Regular Municipal Election is incorporated herewith to these minutes as Exhibit "14."

CANVASS OF ELECTION RESULTS – MARCH 1, 2016 REGULAR MUNICIPAL ELECTION

Ms. Vigil said she will enter the final numbers for the record, and reviewed the final numbers. Please see Exhibit "14," for specifics of this presentation. She said the Governing Body can approve the Canvass of Election Results, but it isn't requires.

14. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 9, 2016, is incorporated herewith to these minutes as Exhibit "15."

Councilor Maestas

Councilor Maestas introduced the following:

1. A Resolution calling for a Feasibility Study for transit consolidation between the City of Santa Fe and the North Central Regional Transit District. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."
2. A Resolution directing staff to use the Water Enterprise Fund to repay in full the balance of the 2009 Series A and B Water Capital Outlay Bonds in the total amount of Fifty-Five Million Six Hundred and Seventy-Five Thousand Dollars.

Councilor Trujillo

Councilor Trujillo introduced an Ordinance relating to the sale and consumption of alcohol on City property; amending Subsection 23-6.2 SFCC 1987, to authorize the sale and consumption of wine only in the areas designated for concessions and seating at Fort Marcy Ballpark in accordance with State and local laws and regulations. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "17."

Councilor Harris

Councilor Harris had no communications.

Councilor Lindell

Councilor Lindell introduced a Resolution authorizing staff to convert the family kitchen at the Santa Fe Community Convention Center into a commercially rated kitchen available to rent by the culinary community. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18"

Councilor Maestas said he would like to cosponsor the Resolution.

Mayor Gonzales

Mayor Gonzales introduced an Ordinance amending Subsection 18-1.4 to include businesses selling goods represented as authentic Native American within the Native American Arts or Crafts District; and creating a new Subsection 18-5.29 to establish the Native American Arts or Crafts District, and establishing regulations for sale of Native American Arts or Crafts within the District. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "19."

Mayor Gonzales asked the Chairs of Business and Quality of Life and Finance Committees to do what they can to keep the Ordinance moving on track so we can have it in place before the Summer, noting it is a truth in advertising Ordinance requiring disclosure of the origins, the Artist and the materials used.

Councilor Lindell asked to sign on as a cosponsor of the Ordinance.

Councilor Dominguez

Councilor Dominguez congratulated Santa Fe High for being District Champions.

Councilor Dominguez introduced an Ordinance amending Section 18-18 SFCC 1987, to repeal the Municipal Capital Outlay Gross Receipts Tax upon the payoff or refinancing of the debt secured by this tax revenue.

Councilor Dominguez welcomed and congratulated his new colleagues. He said two of his favorite sayings are, "The Road to Hell is paved with good intentions," and keep that in mind. And contrary to what the public may think, "Politics makes strange bedfellows."

Councilor Dominguez is curious about Councilor Maestas' bill on the Regional Transit District, and wants to follow it closely, because he thinks it goes beyond finances. We need to address the level of service or look at that as much as possible, given some of the discussion with regard to Councilor Villarreal's question on transportation and City buses. He will work with Councilor Maestas in this regard.

Councilor Villarreal

Councilor Villarreal said she would like to cosponsor Councilor Lindell's Resolution and Councilor Maestas' feasibility study for transit.

Councilor Ives

Councilor Ives said he would join as cosponsor of the Mayor's Ordinance, Councilor Lindell's Resolution and Councilor Trujillo's Ordinance.

Councilor Ives introduced the following:

1. A Resolution amending Resolution No. 2008-40 regarding membership of the Santa Fe Water Conservation Committee to include term limits for Committee members. A copy of the Resolution, is incorporated herewith to these minutes as Exhibit "20."
2. A Resolution instituting a City-wide all-electronic payment policy for employees and vendors to the extent permitted by State law. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20 ."

Councilor Rivera

Councilor Rivera 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 10:35 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
March 9, 2016

The Governing Body of the City of Santa Fe met in an executive session duly called on March 9, 2016 beginning at 6:49 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe is a Participant, Including, without Limitation, Pending Matters Relating to the Market Station Condominium, Buckman Direct Diversion Cost-Sharing with Santa Fe County and Water Resources Agreement Mediation with Santa Fe County; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe.

PRESENT

Mayor Gonzales
Councilor Dominguez
Councilor Harris
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Rivera
Councilor Trujillo
Councilor Villareal

STAFF PRESENT

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

There being no further business to discuss, the executive session adjourned at 7:29 p.m.


Yolanda Y. Vigil, City Clerk