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May 28, 2014**

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**REQUEST FROM CYNTHIA CANYON FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND SPIRITS AT THE FORMER FIRST STATE BANK BUILDING, 100 N. GUADALUPE, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, 417 AGUA FRIA STREET. THIS REQUEST IS FOR TREND MAGAZINE'S 15<sup>TH</sup> ANNIVERSARY CELEBRATION TO BE HELD ON JUNE 5, 2014 FROM 4:00 P.M. TO 11:00 P.M.**

**Approved**

**38-39**

**CONSIDERATION OF RESOLUTION NO. 2014-41. A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES**

**Approved**

**39-40**

**ADJOURN**

**40**

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 28, 2014**

**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, May 28, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Members Excused**

Mayor Javier M. Gonzales

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Mr. Snyder asked to amend the agenda to add a new Item #11 Emergency Declaration, for the Oracle JD Edwards extended support. The Council will be voting on this today and ratifying it at the meeting of June 11, 2014, after it appears on the Agenda. He said Ms. Brennan is passing out a letter from IT. This is a substantial cost savings on which we need quick action.

Councilor Bushee asked if we are just voting to declare an emergency so it can be on tonight's agenda.

Mr. Snyder said he is asking that the Governing Body approve it tonight, and it will go through the process, but there is a deadline for this offer of May 31, 2014, we just became aware of.

Councilor Bushee said her recollection is we first vote to declare an emergency and then vote on the item.

Ms. Brennan said, "You can do that Mayor Pro-Tem, Councilor Bushee."

Councilor Bushee said then we are going to vote on it tonight.

Mayor Pro-Tem Ives said, "And then to cure any notice issues, we'll take it up at the next agenda as well."

Ms. Brennan said, "That is correct."

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

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

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

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

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

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

**Against:** None.

## **10. CONSENT CALENDAR**

- a) **BID NO. 14/29/B – SHERIDAN MESSAGE KIOSK & BUS SHELTER LIGHTING FOR DOWNTOWN TRANSIT CENTER; TLC COMPANY, INC. (MARY MacDONALD)**

- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) REPLACEMENT VEHICLES FOR TRANSIT DIVISION; BOB TURNER FORD D/B/A POWER FORD. (ROBERT RODARTE)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – 2013 DEPARTMENT OF HOMELAND SECURITY GRANT ADVANCED TRAINING FOR SANTA FE POLICE DEPARTMENT SWAT TEAM; GOVERNMENT TRAINING INSTITUTE (GTI). (LIEUTENANT ANDREW PADILLA)**
- d) *[Removed for discussion by Councilor Maestas]*
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – WATER CONSERVATION MARKETING AND OUTREACH PLAN AND IMPLEMENTATION; PK PUBLIC RELATIONS. (LAURIE TREVIZO)**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – REPAIR AND MAINTENANCE SERVICES FOR HVAC UNITS AT SANTA FE COMMUNITY CONVENTION CENTER; YEAROUT SERVICE, LLC. (RANDY RANDALL)**
- g) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – FY 2014/15 SERVICE, REPAIRS AND EQUIPMENT FOR WASTEWATER TREATMENT FACILITY; JCH, INC. (LUIS OROZCO)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO CAPITAL IMPROVEMENT PROGRAM AGREEMENT BETWEEN OWNER AND CONTRACTOR – FY 2013/14 WASTEWATER DIVISION PUBLICLY OWNED TREATMENT WORKS REPAIR, REPLACEMENT AND EXTENSION CONTRACT, CIP 947; TLC COMPANY, INC., D/B/A TLC PLUMBING AND UTILITY. (STAN HOLLAND)**
- i) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 TO CONSTRUCTION CONTRACT – SANTA FE RESERVOIRS INFRASTRUCTURE IMPROVEMENTS PROJECT FOR WATER DIVISION; RMCI, INC. (ROBERT JORGENSEN)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT – NORTHWEST WELL PERMIT APPLICATION AND LITIGATION; LEE WILSON & ASSOCIATES. (BILL SCHNEIDER)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER FUND.**
- k) *[Removed for discussion by Councilor Bushee]*

- l) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – UPGRADE SOFTWARE SERVICES FOR PARKING DIVISION; T2 SYSTEMS, INC. (SEVASTIAN GURULE)  
1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PARKING FUND.
- m) *[Removed for discussion by Councilor Bushee]*
- n) CONSIDERATION OF RESOLUTION NO. 2014-36 (COUNCILOR MAESTAS AND COUNCILOR IVES) A RESOLUTION ADOPTING THE CITY OF SANTA FE INVESTMENT POLICY TO FORMALIZE THE CITY POLICY RELATED TO INVESTMENT OF CITY FUNDS. (MARCOS TAPIA)
- o) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 25, 2014:  
  
BILL NO. 2014-16: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND AMONG THE CITY OF SANTA FE (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$3,500,000, FOR THE ACQUISITION OF TRANSIT BUSES FOR THE GOVERNMENTAL UNIT’S PUBLIC TRANSPORTATION SYSTEM; PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES FROM THE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS, PURSUANT TO AN INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; SPECIFYING DETAILS OF THE LOAN AGREEMENT, INCLUDING THE NET EFFECTIVE INTEREST RATE; 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 AGREEMENT AND INTERCEPT AGREEMENT (COUNCILOR BUSHEE). (MARCOS TAPIA AND JON BULTHUIS)
- p) CONSIDERATION OF RESOLUTION NO. 2014-37 (COUNCILOR IVES, COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR RIVERA, AND COUNCILOR DIMAS. A RESOLUTION ENDORSING THE GREEN LODGING INITIATIVE; AND DIRECTING STAFF TO EXPLORE WAYS TO CONTINUE, FUND AND EXTEND THE GREEN LODGING INITIATIVE TO ALL LODGING FACILITIES IN THE CITY OF SANTA FE. (NICK SCHIAVO)
- q) *[Removed for discussion by Councilor Maestas]*

- r) **CONSIDERATION OF RESOLUTION NO. 2014-38 (COUNCILOR BUSHEE) A RESOLUTION ENDORSING THE NORTH CHAPTER REGIONAL TRANSIT DISTRICT'S FY 2015 BUDGET PROPOSAL, APPROVING THE FY 2015 CITY OF SANTA FE REGIONAL TRANSIT PLAN AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY 2015 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL. (JON BULTHUIS)**
  
- s) **CONSIDERATION OF RESOLUTION NO. 2014-39 (COUNCILOR DOMINGUEZ) A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CERTAIN CAPITAL EXPENDITURES UNDERTAKEN OR TO BE UNDERTAKEN BY THE CITY; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. (MARCOS TAPIA)**
  
- t) **CONSIDERATION OF RESOLUTION NO. 2014-40 (COUNCILOR DOMINGUEZ). A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO, DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES PAID TO 1) ACQUIRE LAND, PLAN, DESIGN, EQUIP, RENOVATE AND IMPROVE PUBLIC PARKS, BIKE-PEDESTRIAN TRAILS AND RELATED INFRASTRUCTURE PROJECTS, AND 1) ACQUIRE, INSTALL, CONSTRUCT, UPGRADE AND IMPROVE SUSTAINABLE ENVIRONMENT PROJECTS; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. (MARCOS TAPIA)**
  
- u) **CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_ (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO EXPLORE POTENTIAL CITY OF SANTA FE TAXPAYER EMPOWERMENT POLICIES RELATED TO OUTSOURCED CITY SERVICES THAT WOULD PROMOTE TRANSPARENCY, ACCOUNTABILITY, SHARED PROSPERITY AND COMPETITION. (JUDITH AMER). (Postponed at April 9, 2014 City Council Meeting) Postponed to June 25, 2014 City Council meeting.**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 14, 2014  
STUDY SESSION – APRIL 23, 2014**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of May 14, 2014, as presented.

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

**MOTION:** Councilor Dimas moved, seconded by Councilor Rivera, to approve the minutes of the City Council Study Session of April 23, 2014, as presented.

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

**9. PRESENTATIONS**

**a) INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES AND HIRED  
LATERALS. (DEPUTY CHIEF JOHN SCHAERFL)**

A copy of *Santa Fe Police Recruiting Snapshot May 2013-May 2014*, is incorporated herewith to these minutes as Exhibit "1."

Captain Sean Strahon presented the Law Enforcement Academy Graduates and lateral hires.

Mayor Pro-Tem Ives said, on behalf of Mayor Gonzales and the City of Santa Fe, it is a pleasure to have you on board at the Police Department. We have been hearing of recruiting issues, and more recently the success the Department is experiencing.

Councilor Bushee congratulated the new members of the Department and said we want to have as many of you here in our community as is possible.

Councilor Dominguez thanked them on behalf of the constituents and thanked the families for allowing them to work with us and for the public.

Councilor Trujillo welcomed them to the City of Santa Fe and thanked them for protecting our community.

Councilor Rivera thanked them for choosing Santa Fe as their place to work, and thanked their families as well. He thanked Captain Strahon for the outstanding recruitment.

Councilor Dimas said he was a Santa Fe Police Officer for several years and wore the badge proudly, and hopes they also will be proud to be a Police Officer, because it is a privilege to serve the City and to be a Police Officer here. He said there are a lot of good people in the Police Department, and said as a former Policeman, you watch each other's back all the time. He hopes to see the camaraderie in the department once again.

Councilor Maestas said as a former Mayor, he understands the importance of public safety to a community and understands the challenges you face. You have taken a solemn oath to protect this community and we have a lot of issues, but "I have no doubt in my mind that you're up for it. I congratulate you and your families... and you can count on our support."

At the request of Councilor Rivera, Captain Strahon introduced the members of his recruiting team in attendance.

Councilor Rivera thanked Captain Strahon and the members of his team.

Councilor Dominguez asked about the information provided [Exhibit "1"] on page 4, Officers Lost.

Captain Strahon said between retirements and resignations, they have lost 36 officers in the past 12 months. There have been 18 retirements and 18 resignations. He said there are 174 sworn positions on the Department, and right now, we're holding steady at a 9% vacancy rate.

Councilor Dominguez asked if we are keeping the same trend.

Captain Strahon said, "We've actually increased hiring, but with the annexation spots coming up, and with the retirements because of the changes in PERA we've fallen a little behind, but we've increased our hiring, but we're holding steady."

Councilor Dominguez asked if we are in the same trend of Police Officers retiring.

Captain Strahon said yes, "There are more Officers retiring at 20 instead of the 22.5 or 25 years, because it would be better financially for them to do that, rather than lose the COLA which is being phased out. Resignations... we've actually had an increase in people... we had a few leave because they went to a different department because of a family member getting a job somewhere else in the State. One example, is a principal and she couldn't get a job here, and wound up getting a job in Roswell, so he had to transfer there. We've had people to leave to go back to school full time to get their Masters. We did have some discipline resignations, which is good for us. That's generally where we're looking for the resignations."

Councilor Dominguez asked if the Police Department does exit interviews on the resignations, and do we know why for the most part.

Captain Strahon said they do know why, and reiterated the reasons previously stated for resignations.

Councilor Dominguez asked if there a standard policy in the Police Department to do exit interviews.

Mr. Snyder said he is unaware of a standard policy, but on the most recent action forms that have come to him, for an exit interview, because it is good information to get and consider with regard to doing something different. He will follow up on that.

Councilor Dominguez said this is something for the next Police Chief.

Councilor Dominguez said, in looking at the sheet on Backgrounds, it indicates that 81% of those who pass the testing fail the background check.

Captain Strahon said that is correct, which is due to past drug use, criminal activity in their past, prior job performance, failure to disclose which is an integrity issue and we immediately drop them. He said, "This is happening nation-wide. The applicant pool is getting smaller and smaller of people qualified for these positions. It's a very small, dedicated group we're all going after. It shows what we're dealing with. We test hundreds of people, and get them through testing, but we still lost 81%. And we have high standards, and we need to have high standards."

Councilor Dominguez asked if the criteria used in background checks are policy or measurements of the City. He asked if there is other criteria the City uses that's not necessarily City policy in looking at some of these backgrounds.

Captain Strahon said, "A lot of these are actually given to us from case law, and we're given guidelines from the International Association of Chiefs of Police, we follow that. We also have State disqualifiers,, such as conviction for domestic violence, DWI and any convictions for crimes of moral turpitude, such as fraud."

Councilor Dominguez said, "Maybe that's what I was looking for, State disqualifiers. That's all I have. Again, thank you very much for your work and your team as well. I think it's something that the City of Santa Fe is going to have to continually work at. I don't think we're ever going to have a sustained, fully staffed Police Department, at least for a long period of time. Whatever we learn, we learn, and we just have to keep on going. Again, thank you for your work."

Councilor Rivera said, "You go from applications to testing results. With regard to testing results is that written and the physical agility or is that both of them."

Captain Strahon said, "That's the whole package, yes sir. It encompasses the written, physical and oral interview. Yes."

Councilor Rivera asked, "Did we see a better success rate with the physical agility than we had in the past."

Captain Strahon said, "Yes, we have seen a little bit of a better increase since the Law Enforcement Academy has changed the requirements. But for some reasons, we're still seeing a decrease in female applicants, and we're trying to come up with a strategy to try to correct that. I lay some of that at the feet of media. They've made stories about how it's harder for females to pass these tests. I think that has created a confidence problem. I know for a fact, all the females that work with me can pass that test. And I know that the other applicants can. But when they hear it on the news, it affects their confidence."

Councilor Rivera said, "With regard to backgrounds, I had heard in the past... there was a college student that approached me that said he was not allowed in the department because he had student loans. He graduated from a university and had student loans. Can you verify if that is true or not."

Captain Strahon said, "No, sir. One of the things.... part of the criteria for the background is their credit history. What we're looking for is a pattern of delinquency with financial responsibility. Just because someone has student loans, like I had for 20 years, does not keep you from being a police officer, no. but if they had a pattern of not paying and defaulting, that may affect the outcome of the background."

Councilor Rivera said, in terms of starting pay, it appears we are comparable with everybody else, and ahead of some departments.

Captain Strahon said, "I showed our main competitors, and right now, yes, we're pretty comparable to Albuquerque Police Department, including the 5% raise they just got. Bernalillo County also is giving a raise starting July 1, 2014, and I included that in that number. Where we start losing, is the lateral pay. That's where we're getting hit."

Councilor Bushee said, "I would like to know what was different this time around. I'm astounded. Younger. Many of them from Santa Fe. It seems like they want to be in Santa Fe. What was different."

Captain Strahon said, "One thing that we did when I came into the position twelve months ago, was that we were having testing on Fridays which is hard to do for people that work. So, we switched it to Saturday and made it so it always was on the first Saturday of the month, so you knew when testing was. We started accepting walk-ins, as long as they have their application done, and followed what we put on the website, we would test them that day. As for the amount of people we've had from Santa Fe, I always knew there were people here in Santa Fe that wanted to work here. And I personally think that the outreach we did to the media, trying to get out some positive stories and inviting them to our testing so they can see what we're doing – I think that got the word out and people started seeing, hey I can do this. And the people that were on the fence finally came over and said, I'm going to go test, and they did."

Councilor Bushee asked, "Do you think the few that came up from Albuquerque with the turmoil they're experiencing down there, do you think that had anything to do with it, because our pay is competitive."

Captain Strahon said the pay is competitive, but is unsure how much he can speak to APD, noting the APD is having issues, but there isn't much he can say about that, and doesn't know how to respond to whether or not that was factor in their choice. He said, "We did talk to applicants who had applied to APD, and they did tell us they felt we treated them more like family and a person versus a number. And I did hear some comments from some female applicants that some of the testing that was going on, during the testing, they felt they were discriminated against, and inappropriate comments were made toward females, and that came back to us. We don't do that."

Councilor Bushee was disappointed there weren't many women in this batch. She said, "It was an astounding figure to see the 81% on the background failure. Along with the questioning Councilor Dominguez and Rivera had. If people admit that they've smoked, say marijuana, which is not your harder drugs, is that something that we still reject folks for."

Captain Strahon said, "If it's within a certain period of time, yes. It is still illegal. It's criminal activity. We do have a standard, and actually APD's and Bernalillo County's are actually higher than our when it comes to marijuana. Yes."

Councilor Bushee asked what we can do policy-wide which may not have to involve money at this point, to "really aid and abet and keep people here."

Captain Strahon said, "I've got all kinds of ideas. I've actually got pages of ideas. And what I want to do is to sit with the new Chief and discuss those with him or her, whoever it may be."

Councilor Bushee said she would love to hear them, talking about what we have done in the past, including ideas on shifts and such. She said, "I would love to hear the panoply of things that might exist out there, myself, personally, because this is an amazing thing tonight. I saw 17 new cadets and laterals."

Mayor Pro-Tem noted this item is on the agenda for 5 minutes, and rather than do a full discussion right now, do that at a later time.

Councilor Bushee said, "I don't want to hear them now, but I do want to hear them now. And I just wanted to ask the CM when is the Chief is coming on board, now that we have all these new officers."

Mr. Snyder said, "We are completing follow-up interviews and background checks and hope to have the Chief on shortly."

Councilor Bushee asked, "A week, two weeks."

Mr. Snyder said he can't commit to a definite time frame, but hopes to make a selection in the new future.

Councilor Trujillo said, "You said about the standard for dealing with smoking marijuana, that there is a time frame. What is that time frame."

Captain Strahon said, "It is within the last 3 years. APD and the BCSO is within the last 5 years."

Councilor Dimas said, "At our next Public Safety Committee, it would be a good idea if we could come up with some of the ideas you have, and the POA and other organizations, for retention and recruiting, and how we can, as a Council and as a City assist you in getting those things accomplished."

Captain Strahon said, "We can do that sir."

Councilor Dimas said, "Then that will be one of the things we will bring up at our next Public Safety Committee meeting."

Captain Strahon said, "I'll be ready."

Councilor Dimas congratulated him on his appointment to Captain.

**b) PROCLAMATION – LAW ENFORCEMENT APPRECIATION MONTH – MAY 2014.**

Councilor Dimas read a Proclamation into the record on behalf of Mayor Gonzales, declaring May 2014 as Law Enforcement Appreciation Month, and presented the Proclamation to Captain Strahon.

**c) PROCLAMATION – RODNEY TAFOYA. (COUNCILOR TRUJILLO)**

Councilor Trujillo said last month Rodney Tafoya accomplished something nobody has ever accomplished which is 300 victories as a pitcher. Councilor Trujillo, assisted by Councilor Rivera, read a Proclamation into the record declaring May 28, 2014, as Rodney Tafoya 300 Victory Day in Santa Fe, and gave the Proclamation to Mr. Tafoya.

Councilor Rivera congratulated Mr. Tafoya saying they played together for Richard Peck many many years ago, "and I was glad he was on my team and not the other teams. And I knew him at St. Michael's as well, and coaching there, I know he came and made us all look silly at times." He said Rodney has an amazing arm and hopes he stays in baseball as long as possible.

Rodney Tafoya expressed thanks to his mom and dad, saying without them and his family, this wouldn't be possible. He said, "It was a long time coming, and I'm real proud of the achievement, and I thank you guys for coming and for honoring me."

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Mayor Pro-Tem Ives said, "Before moving to the items pulled from Consent, I did want to, and I should have done this before, but I didn't have my paper. I just wanted to relate the nature of the Mayor's absence. He is actually in California this week to explore, identify and expand art business, cultural and educational opportunities between the City of Santa Fe and Los Angeles. He's been meeting with elected officials from the City of Los Angeles and Santa Monica, with Dr. Timothy Potts, the director of the J. Paul Getty Museum in Los Angeles, and with Randy Hambercamp, Managing Director of Programming, Education and Preservation from the Academy of Motion Pictures, as well as other participants. The goal on this particular trip is to build collaborative relationships that will grow and expand our film industry and to increase arts, cultural and economic opportunities. And this is a trip that was organized by Creative Santa Fe, a group locally many of us know and are familiar with, that is promoting arts and creativity and youth and various other activities here in the City of Santa Fe. And I did want to also mention that no City funds were used for the trip, so he is there on his own nickel for the City of Santa Fe. Thank you Mayor for doing that, and we look forward to your safe return."

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**CONSENT CALENDAR DISCUSSION**

- 10(d) REQUEST FOR APPROVAL OF AMENDMENT TO 2012 GENERAL OBLIGATION (GO) BOND PARKS AND TRAILS IMPLEMENTATION PLAN TO INCLUDE PAVEMENT REHABILITATION OF THE SANTA FE TRAIL AND GAIL RYBA TRAIL. (ERIK MARTINEZ)**
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – TRAILS FUND.**

Councilor Maestas said, "The nature of my comments are on the under-estimation of the original estimate for the improvement of Arroyo Chamiso about \$1.445 million, and I think the final cost was about \$500,000, and I want to make sure I'm clear on how we describe pavement maintenance. First of all, I'm concerned about the under-estimation. I know that's a good thing and that we have extra money, but I want to make sure, going forward, that we are credible in asking our citizens to approve future G.O. Bonds, and I want to make sure they have faith in those estimates. So, in the Memo it says that the original estimate was based on the Metropolitan Planning Organization estimate. Do they normally provide the estimates for projects in the G.O. Bond issues."

Erik Martinez said, "In this case, the MPO's Bicycle Master Plan was specifically referenced to acquire those projects and those estimates were developed through that plan. The issue was moving so quickly, those are the numbers we relied on. Keith Wilson with the MPO is here to describe how the estimates were developed, if you want to hear more about this case. But in this case, there were over-estimations when we realized the actual work we were doing didn't cost quite so much. In other projects, I imagine we might be in a similar situation, or maybe they might be under-estimated. But now that we are developing the projects, we are feeling our ways through those costs."

Councilor Maestas said, "I'm more concerned about going forward. Doesn't anyone from Public Works, vet these projects and maybe check the scope and the estimate before it is finalized and included in, such as the final list of projects in the G.O. Bond issue."

Mr. Martinez said, "We did initially look at the costs, but we didn't take a detailed look at them specifically, just because the whole bond issue was moving at such a quick pace, so we just didn't have the time to go through each and every project to vet those costs in a more precise way. So we're relying on the development of the project itself initially to vet those costs. Of course, with pavement rehabilitation, there is really no study or design associated with such projects, so the costs are acquired rather quickly through a contract agreement that the Streets Division has with the City. So those costs were realized rather quickly. The project is actually pretty well completed."

Mr. Martinez continued, "But, to answer your question, going forward, it is our desire to look at costs a little more carefully to ensure that we are more or less in the ballpark, although when we try to program and plan projects, there is a little bit of wiggle room."

Councilor Maestas said, "I don't mind, maybe factoring in some kind of contingency amount above the estimated price, but we need to come up with some kind of protocol that, okay, if we get a potential or a proposed project by the MPO, that somebody else does a peer review of the scope of the estimate, because in looking at the original materials from this GO Bond, we use the term repave. Repave can be anything, and I think it was under the category of maintenance. And if you look at what is being proposed here for additional work, we call it pavement rehabilitation, but it's a number of treatments from overlay to a minor seal to try to extend the life of the pavement. I just want to make sure that we have a more robust vetting process to check scopes and estimates before projects go into the GO Bond."

Councilor Maestas continued, "And then, I think we need to work on some standardization of describing improvements. If it's a number of improvements, like what is being proposed today, so be it. I'd rather provide more information than not enough to the public when we ask them to approve GO Bond issues. And we can work on this off-line, Mr. Mayor Pro-Tem, but I'm really concerned. I mean this is a million dollars under the estimate. And it's great that we have this extra money, but I want to make sure, going forward, that we are checking the scopes and estimates for these projects and providing even more information, instead of saying, we're going to repave that and we either underestimated the needed improvements or we over-generalized, because that could come back to bite us"

Councilor Bushee said this came up at BTAC last week, because the request for the River Crossing was initially \$2 million which was based on the MPO's planning estimate, is what Mr. Martinez said.

Mr. Martinez said, "You asked that question the other night. I looked a little further into that, and that particular project wasn't identified for that amount in the Bicycle Master Plan. I think that might have been generated through a previous project report that had estimated potential construction costs in the area of \$2 to \$4 million, excluding design cost. That project report was done back in either the late 1990's or early 2000's, so it has been date. But I don't know, if you recall, when the City undertook the study of that project along with the Acequia Trail Project at the same time, that's when that report was developed, so I think that's where the amounts might have been generated from."

Councilor Bushee said, "Well I share Councilor Maestas's sentiments, but I would also like to see that report if you can get your hands on it. And I would also suggest that if the estimate of \$2 million, which is half of what we put out as a request in the bonds... I mean \$2 million and now the cost is \$4 million, it just seems somewhere along [the line] there was a disconnect. So it would seem if you were going to put out a request for particular projects, and have us vote on it, it should have close to the right amount."

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

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

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

**Against:** None.

**10(k) REQUEST FOR APPROVAL OF REVISIONS TO UTILITY BILLING SPECIAL FEE AND PENALTY POLICY. (KATHY VALDEZ AND NICK SCHIAVO)**

Councilor Bushee said, "I just took this off to vote against it, from the same perspective that I took in Public Utilities. I really do feel this puts an unfair... I understand the dilemma staff is in, but I think it puts an unfair burden on those that rent, and I would rather see the burden on the property owners, so I will vote against this, so somebody else will have to approve this."

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

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

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

**Against:** Councilor Bushee.

**10(m) REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – TWO (2) HISTORIC PRESERVATION PROJECTS AND TRAINING; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS HISTORIC PRESERVATION DIVISION. (DAVID RASCH)**

- 1) PROJECT #1 – PHASE III SURVEY OF BUILDING HEIGHTS WITHIN HISTORIC DISTRICTS.**
- 2) PROJECT 32 – HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT CULTURAL RESOURCE DATABASE.**

Councilor Bushee said she wants the grant money, but she wants to make sure we have sufficient administrative support for that Division to be able to really enact and push this project forward. She said, "I guess this is directed to the City Manager. We have two people in that Division and no administrative support that I know of. Is there some way we're going to provide assistance to make sure this is a successful grant initiative."

Mr. Snyder said, "We will make sure that this is a successful initiative. My understanding is, and Matt O'Reilly is here to speak, or David Rasch is here to speak directly to that point. However, my understanding is that person that left the division recently and we are in the process of filling that vacancy."

Councilor Bushee asked how soon. She said, "I want to take the money of course. My concern is that it is a survey of all the building heights and it's a big undertaking, and it's also an archaeological review. So I just want to make sure that, in a timely way, we will have the support there that's needed."

Mr. Snyder said he can't speak directly to when the position will be filled, but if she wants details about how we will complete this matter, Mr. O'Reilly can speak to that.

Councilor Bushee said, "No. I just want a timeline, just to make sure that we're keeping tabs on this."

Mr. O'Reilly said, "This is the third phase of a survey of building heights that we've done in the Historic District. This is necessary, because..."

Councilor Bushee, "I just need a timeline on when we're going to fill the position."

Mr. O'Reilly said, "The position will be filled as soon as the Human Resources Department gets approval from the City Manager to fill the position, and then we will follow the normal hiring procedures."

Councilor Bushee said, "So then, my question is back to you Brian. Can you give me an estimate."

Mr. Snyder said, "I will review it. I don't have an estimate at this time, but it will be in the near future. I think the process is probably 30 to 45 days."

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

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

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

**Against:** None.

**10(q) CONSIDERATION OF RESOLUTION NO. 2014-41 (COUNCILOR IVES, COUNCILOR BUSHEE, COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR LINDELL , AND COUNCILOR DOMINGUEZ) A RESOLUTION AUTHORIZING PUBLIC UTILITIES DEPARTMENT STAFF TO APPLY FOR A U.S. BUREAU OF RECLAMATION (BOR) FUNDING OPPORTUNITY TO EVALUATE THE FEASIBILITY OF UTILIZING RECLAIMED WATER FOR ALTERNATIVE NON-POTABLE AND POTABLE USES. (WILLIAM SCHNEIDER)**

Councilor Maestas said, "Mr. Mayor Pro-Tem, I don't have any questions about it. I just wanted to make a statement for the record that I do work for the Bureau of Reclamation, but I do not work in this program, the Water Smart Program area. And I also wanted to mention that I have recused on record in both Public Utilities and Finance."

**MOTION:** Councilor Bushee moved, seconded by Councilor Rivera, to adopt Resolution No. 2014-41 as presented.

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

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

**Against:** None.

**Recused:** Councilor Maestas.

## **11. EMERGENCY PURCHASE**

A Memorandum dated May 27, 2014, to Robert Rodarte, Purchasing Director, from Lisa D. Martinez, Interim ITT Department Director, regarding Emergency Declaration – Oracle JD Edwards Extended Support, is incorporated herewith to these minutes as Exhibit "2"

Mr. Snyder noted the Memorandum which was distributed to the Governing Body [Exhibit "2"]. Mr. Snyder presented information relating to this matter from the Memorandum. See Exhibit "2" for specifics of this presentation.

Mayor Pro-Tem Ives asked Ms. Brennan to "explain the procedural aspects."

Ms. Brennan said, "You will be voting, as Councilor Bushee noted, on it being an emergency to take this action. And we will, once you have voted and if you approve the actions, bring it back with proper notice to the public for you to ratify in a separate vote at the next meeting."

Mayor Pro-Tem Ives asked if we need two motions/two votes.

Ms. Brennan said, "That's correct. The first one, that it is an emergency and the second that you approve or do not approve the motion."

Councilor Dominguez said, "Brian, when you say the purchase will be charged to 32128.520300, what is that. What fund is that."

Mr. Snyder said, "I do not know the specific fund. In speaking with the Finance Director about this, it will be proportioned across the City from usership, similar to grants and services we proportionally charge fees to utilities, parking across the entire City, based on their usership. And that money will be brought back into this fund. I'm not sure what that fund is off the top of my head. It's an ITT fund and that's where it will be purchased from."

Councilor Dominguez said then every department will be paying a little from their budgets to cover this \$150,000, and Mr. Snyder said this is correct.

Councilor Bushee said, "I know we have to do this, but is there is a reason we missed the deadline."

Mr. Snyder said, "I don't have a good reason for why the deadline came upon us so quickly. It is something we do need to do to maintain support. It is one of the items that was identified in our Presidio Report that we had done in the last 9 months which was identified as a need. It was not included in last years budget, and it was discussed during this Year's budget session. Moving forward..."

Councilor Bushee said, "It was included in this discussion this year.":

Mr. Snyder said, "It was included, but it was not approved. The \$480,000 was discussed during the budget hearings was not approved during the discussions."

Councilor Bushee asked the source of funds to pay this.

Mr. Snyder reiterated it will be taken from each department proportionately on a formula similar to that used for grants and services.

Councilor Bushee asked the reason it wasn't approved during the budget.

Mr. Snyder said, "It was discussed. And at that time, there was discussion around ITT, and the purposes of what this will get us. This is basically getting us support. And there were also items on the expansion list for ITT for, lack of a better term, were called band-aids, where fixes here and now to our existing systems weren't necessarily getting us to the next level. And there was much discussion on the concern about spending money on band-aid type fixes, rather than moving us forward. With that in mind, without support to the system, we need this support to the system so we can maintain usership of this system as we move forward into selecting a new platform. JD Edwards is our entire platform."

Councilor Bushee said, "I was astounded to learn in an Audit Committee subcommittee I'm on, and it seems across the board, maybe just not Public Works, but we have the software to enter timesheets by job and all of that electronically, but that we do it by hand, and then we somehow.... I don't even know if we end up getting it into the computer, like archaic was the word that was used by the person that described the system, which made it very difficult in the Audit subcommittee to discern, project by project, which person did what work and how to directly correlate. So I would just add it to the mix of things.... is that a training issue, or is that not wanting to enter the 21<sup>st</sup> Century issue, or..."

Mr. Snyder said, "You are correct. We still do timesheets manually across the majority of the City. There are some departments that don't. I believe Fire does not. That being said, within the last two months, I have initiated an electronic payroll system within our existing J.D. Edwards system and we're in a test phase of that. I'm testing it on myself, and H.R., Finance and IT, the City Manager's Office have all been brought up on the electronic timesheets. And to make sure any of the bugs and challenges are worked out, we expand to areas that have different types of pay codes. So, we're in the process of moving that forward. I can't answer why it hasn't been done in the past, but it's available to us and we're moving forward with that."

Councilor Bushee said she still looks forward, from the Committee's perspective, to the answer of why this was unfunded.

Councilor Rivera said as this moves through the process, he would like to have someone from IT present to answer this question, unless Mr. Snyder knows the answer.

Mr. Snyder said, "I don't have a definite answer. It's something I understand and I can get somebody from IT here to answer that directly, but it is my understanding it was something that was overlooked and when we did our overall..... we hired Presidio to do an overall evaluation, it's one of the items that came up as into deadlines, or when terms expired within agreements. It was brought to our attention within the last 9 months and that's why we brought it forward."

Councilor Rivera said, "This is the second emergency purchase we've done in the last 30 days. Something the City relies on so heavily I would think would be kept up with a little bit better, so I would like a little explanation from IT about that."

Councilor Rivera asked, "Does this meet the definition of an emergency procurement."

Ms. Brennan said, "I believe it does. The emergency that you're declaring is really an emergency about adding to an agenda. It's a necessity or emergency language in the rule. I think it would qualify as an emergency procurement, and certainly there is a sole source as well."

Councilor Rivera said, "I'm not sure that saving money makes it an emergency purchase. I know it sounds good, and will probably get approved tonight, but it's not the right way to go about doing business. Again, as this goes through the process, if we can have Robert Rodarte here as well as the language, which I've seen before at the last emergency purchase we did. And again, I don't believe this meets that definition, but if you can provide that language again as this makes it through the process, I would appreciate that."

Councilor Maestas said he takes issue with the deadline itself. He said, "We have been doing business with this company and we have support through the month of May. It amazes me that they couldn't extend the offer with enough time to give us the opportunity to have it go through the appropriate Committees and onto the Council for approval. It's a proprietary system." He said we can't just contract with another software company for a similar system. He is concerned on our ability to negotiate the deadline. He doesn't know if this is an ultimatum from Oracle.

Mr. Snyder said he understands this is the same deadline that has been given to the other entities that have approached Oracle across the nation with similar deadlines. He said the offer is good for the reduction in price to \$150,000 through May 31, 2014. He said, "This was their mandate."

Councilor Maestas has a question about procurement, noting this is essentially a sole source procurement, and asked if the emergency nature trumps the need to justify a sole source procurement.

Ms Brennan said, "I believe that a sole source procurement and an emergency procurement are different categories. And I believe this is, as I say, as I responded to Councilor Rivera, the emergency aspect is putting it on the agenda without going through the committee process under the Governing Body Rules. I believe it is a sole source procurement. It's not required to be an emergency procurement."

Councilor Maestas asked what justification is necessary.

Mr. Brennan said, "I believe we have to do a sole source justification, but I think that is a fairly obvious justification."

Responding to Councilor Maestas, Ms. Brennan said, "I think it would have to be justified as a sole source. I think it would be unusual in this kind of situation if there were alternatives, but I think yes. It does need to be justified."

Councilor Rivera said we are approving this tonight, which means the money can be procured tomorrow morning, or as soon as possible. He said, "If there are issues where it is not a sole source, or it does not meet the emergency definition under Procurement laws, then we're stuck. We're on the hook. We've already made the decision."

Ms. Brennan said, "It would be a contractual commitment that we would have made, however, authorization is required for municipalities to make commitments, and I'm sorry, I can't speak more to the procurement issue. It's not an area in which I have a lot of expertise, but I think we will have made the commitment, and would typically honor the commitment."

Councilor Dominguez said, "I think it's well documented that ITT is woefully inadequate, as discussed at length during the budget process. I think during the budget process it was identified as an expansion request and Mayor Pro-Tem Ives can speak more to that. It wasn't part of the regular operating budget, but the goal was to take an overall bigger picture look at ITT. And this is just another example of how critical our ITT capabilities are or are not. One of the things I would see during the process, not tonight, of course, but as this continues, is the correspondence from Oracle so we can look the time frames they've given us."

Councilor Dominguez continued, "We weren't supposed to upgrade until November, is that correct, and that's why it was part of the expansion."

Mayor Pro-Tem Ives said, "Just having just asked our ITT Director questions at the budget hearings on this point, on April 29, 2014, and believe I am correct on that date, because she informed us the next day support on the system ran out. So effective April 30, 2014, it wasn't being supported."

Councilor Dominguez said the memo says the upgrade would cost approximately \$480,000, and must be completed by November 1, 2014. "So I read that to say that you have until November 1<sup>st</sup> to purchase the upgrade"

Mr. Snyder said, "I understood it to be that that we had until November first to upgrade the system, purchase it, procure it, implement it and we using it so they could support it by November 1, 2014. The difference is we're upgrading to a newer version. The version we're currently on is outdated and my understanding from conversations with the IT Department Director is that Oracle would no longer support that older version. Therefore, they won't have trained staff on board to support that. So what we're buying is an upgrade to a newer version, implementing the newer version, so not only will we get the benefits of the newer version, but we're going to benefit from the support of the newer version and there is staff associated with it."

Councilor Dominguez said, "Then it's not just the upgrade to the newer version, it's the support for one year for the newer version."

Mr. Snyder said this is correct and the \$150,000 is an annual fee we're locked into and we have the option to renew it if we choose for up to two years after this. We're in the process of getting together an RFP for information on systems out there that we can move toward. Once we receive that and move forward, we're looking at 12-18 months of implementation, so the \$150,000 definitely would get us the upgrade and support for the next year. But more than likely, depending on how the proposals come back, we may be coming back to you for additional support for one more year until we get the new system."

Councilor Dominguez asked if the upgrade comes with automatic support, or is the \$150,000 the upgrade and the upgrade comes with the year of support.

Snyder said this is his understanding, we are paying for the upgrade that comes with one year's support, and the upgrade is from 8.12 to 9.1.

Councilor Dominguez asked if there was anything in between – an 8.13 or....

Mr. Snyder said there may have been different versions, but he can't speak to that, but he can get that information for him.

Councilor Lindell said, as written, she doesn't see that we are upgrading, and thought we were just having the opportunity to extend for two more years the support to the system we currently have. And the upgrade is \$480,000.

Mayor Pro-Tem Ives said, "In my experience, and having worked with software companies, there are various types of changes to their software systems that they consider to be essentially new versions of the software. If you think of Windows 2007 versus Windows 2010, when you have those types of major changes, often there is a significant impact going from the earlier version to the later version, and yes, the chances are there were many smaller upgrades and fixes to bug issues on the 8.1, but now moving to 9.1, it probably is functionally a very different system. Like with Windows XP which Microsoft recently stopped supporting, causing everybody to migrate from that platform, similarly with their 8.1, without any more support, everybody is migrating to either their new platform or to some other platform."

Councilor Lindell said she agrees with that, but it says, in summary, the approach is in lieu of upgrading. She is seeing this as a continuation of the support we currently have for \$150,000, rather than spending \$480,000 for upgrading to the newer system and premier support level. She doesn't think we're upgrading the system.

Mr. Snyder said Ms. Martinez is out ill today. He said his understanding, as explained previously, we are getting the latest version because they no longer had staff with skill sets to support it and didn't want to commit to maintaining that level of support on the 8.12 software, and we are moving to the 9.1 and getting the support with that.

Councilor Dominguez said then this is something on which CIP money can be spent.

Mr. Snyder said, "I believe that is correct. Yes."

Councilor Dominguez said last night we had a lengthy and fruitful debate about how to spend the CIP funds. He said, "Although it is an emergency, I understand, but that it's critical enough to be something that we would mainly want to include in our CIP package. It is a two-year program, but again, it seems to me that it's critical enough, that we should look at those potential funding sources for it. I just wanted to make that comment and bring it up."

Mayor Pro-Tem Ives said, "If I might, just make a few comments here. Topping the list on the expansion requests presented during the budget for ITT was, number one, base increase JD Edwards upgrade to 9.1. And that was listed at \$480,000. So I think that was the pricing we understood to be in place at that point. And it doesn't mean all of a sudden your system fails, it simply means they're not supporting it any more, so you are a bit more on your own in terms of where you go with it. Given it's such a critical system to the City, is in part why I've advocated for funding for these IT measures and to make those a priority. I think what we have here is an opportunity, hopefully, to take advantage of a significant discount offered by the company because of what they're experiencing across the nation, as they've probably told hundreds if not thousands of users that they are no longer supporting the 8.12 platform. And if you want to continue with that support, you've got to go to the 9.1 which is not an uncommon thing in that industry to my knowledge."

Mayor Pro-Tem Ives continued, "I just wanted to note in our Governing Body Rules, under 4(A)(3), it provides that 'in extraordinary circumstances, because of necessity and or emergency purpose, an item may by-pass the committee review process and be placed directly on the Council meeting agenda without being considered by any Committee.' And I would much rather proceed today and save \$330,000, than let the deadline pass. I have no reason to believe it's not a firm deadline, and we can certainly ask the City Manager, based on the actions taken here tonight, to follow up with Oracle in the next few days to determine whether or not there is flexibility in that timing. But, I would certainly hope we can approve both the motions, the emergency motion and then the action tonight with subsequent ratification and the provision of additional information at our next Council meeting."

Councilor Rivera reiterated his issue is more with how long we've known about this deadline, and doesn't believe it came upon it yesterday. He said this probably something which Oracle has been dealing with for a while, and asked how this slipped through the cracks – and he wants this answered. He said, "If there is no good reason for it Brian, I think there needs to be some policy changes or to make changes to whatever governs the way ITT does business." He reiterated that two of these in the past 30 days in his opinion is not appropriate. He reiterated his position on the issue, and offered to work with Mr. Snyder and staff to make these changes. He said this purchase is tying us down for two years. He said, "It says Oracle has offered to prolong extended support for an additional two years, 12-month increments, at an annual rate of \$150,000, plus GRTs. So, we're committing to a two-year contract, is that correct."

Mr. Snyder said, "That is not correct. My understanding is we get this price of \$150,000 for two years, it's a 12-month increment with the option to renew it for an additional year after that. And we're doing our due diligence to try to get a new platform solicited and procured, but the reality of the situation on us is that we most likely we will not be able to have a new platform in place within 12-months. But, we're only committing, at this point, to one year, or one 12-month period of \$150,000."

Mayor Pro-Tem Ives said, "Councilor Lindell, I think you are correct that basically, what we are doing is extending support because so many people were giving them difficulty with the forced change over and the pricing involved. So that would give us the flexibility to really do that strategic planning we've talked about to determine what systems would be best without compromising our current system."

Mr. Snyder said, "Just to touch on what you had stated earlier, Councilor Rivera, we can definitely speak off line. For the new Councilors that weren't involved in the previous budget process, some problems were identified within the ITT Division two budget cycles ago and it was elevated to a Department level. And at that time, we filled the position in the interim, and initiated an overall evaluation of the department, that's what I referred to earlier as the Presidio Report. And the Presidio Report looked at some of the basics of standard operating procedures and things that were in place and were not in place, identified some delinquent areas, that we are now chipping away at."

Mr. Snyder continued, "So we can definitely speak about it off-line. I would share that report with any of you. I think some of you have already seen that in previous discussions. But know that there is where this challenge was identified. And most recently, during the budget hearings, is when we became aware, within the last month or so... became aware of this potential \$150,000. I understand it's not necessarily a cost savings. It's a procurement concern of your and I appreciate that. And I don't intend to make it a habit to bring back emergencies to you. I look at this as an opportunity to potentially save the city money and wanted to get it on the Council agenda as quickly as possible. It is not my intention to bring emergencies before you, but at the same time, my signature threshold of \$50,000, I thought it important that we not put ourselves in a situation where we could be charge \$330,000 more."

Councilor Maestas said, "This horse isn't dead yet. You answered my question about the anticipated timeline for the RFP and trying to hire someone to do another ERP. I'm disappointed that it would take another year. So my question is, if you come to use for a second time, and say, okay, we're into the second option year for \$150,000, what's the nature of the billing. Is it divided over 12 months. Is it a pay as you go. Obviously, it's not going to be a one-time up-front fee if we release them two months into the second option year. So can you tell me the nature of the billing of the support."

Mr. Snyder said, "I do not have everything broken out, more than on an annual basis, but definitely we will get that information for you. And my estimate of more than a year to implement is based on recent history of what we're dealing with in the utility billing system proposals we got back regarding that. We're 12-18 months implementation period. It's a different system, yes, but it's a major system in itself. So we want to make sure that whatever we move forward with is, one the platform works, and two that we run in parallel for a little while to make sure that the operation is smooth. I won't have a definite time frame until we actually solicit proposals."

Councilor Maestas said, "And I think you have time. And perhaps the RFP can be structured such that whoever is awarded the contract can provide that extended support." He doesn't want to give Oracle another year and \$150,000, and "we should just show them the door at this point."

Mr. Snyder said, "I appreciate that, and we definitely will look at that option as well as options of fast implementation, the associated costs with that, versus a longer implementation period, the risks and such. We'll explore all those options as we solicit proposals."

**MOTION:** Councilor Maestas moved, seconded by Councilor Trujillo, "To declare an emergency regarding the Oracle JD Edwards Extended Support contract."

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

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

**Against:** Councilor Bushee and Councilor Rivera.

**Explaining his vote:** Councilor Rivera said, "I'm going to vote no, but I'm going to say that I think this would be a lot easier for me to vote for if staff were here to simply say, you know what, we messed up. We made a mistake. It wasn't on our radar. It wasn't something we were really keeping an eye on. But the way we're doing it, without staff here, without Robert Rodarte here, it just looks like a sleight of hand, so I'm going to vote no."

**Explaining her vote:** Councilor Bushee said, "No. I don't like to declare emergencies unless they're real emergencies."

**Explaining his vote:** Councilor Dominguez said, "I'm going to very reluctantly vote yes. I agree with what Councilor Rivera has said. I know two weeks ago we voted on making ITT a priority. And in a way, I want to thank staff, because I guess the delay, for lack of a better term, has made this a priority and it is becoming more and more of a priority. And so, because of that, I'm going to vote yes."

**MOTION:** Councilor Maestas moved, seconded by Councilor Trujillo, "To approve an emergency procurement in the amount of \$150,000, plus GRTs, for the Oracle JD Edwards Extended Support for up to one year."

**DISCUSSION:** Councilor Maestas said, "I agree with Councilor Rivera, I would like to see a modified policy on what we're going to do internally to track these agreements. And I would even like to know, kind of like, what is our procurement strategy in IT for some of these contracts. Status quo. Options to extend."

In this case, we're going to a new RFP, but my two issues are just tracking the terms of the agreements and expiration and developing an appropriate procurement strategy for each of our existing systems. So if staff could provide that, I don't know that we need to amend the motion. I think one month is more than enough time for staff to bring this before us."

Councilor Maestas asked Councilor Rivera if this is something he would favor.

Councilor Rivera said, "I would. I think it sounds like it needs to happen."

Mr. Snyder said staff will bring that forward along with this as it moves forward.

Mayor Pro-Tem Ives said much of that information on the existing systems is in the Presidio Report in terms of cycles and upkeep and such. It would be helpful to have this report as a part of the discussion.

Mr. Snyder said it is his intent to pull that section from the Report and attach it as this moves forward, noting it does lay out a summary of expirations.

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

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

**Against:** Councilor Bushee and Councilor Rivera.

**12. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**13. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**15. 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 12, 2014, is incorporated herewith to these minutes as Exhibit "3."

**Councilor Rivera**

Councilor Rivera would like to extend thanks to the Wastewater Division, Stan Holland and Brian Romero, for the tour of the sewer project on Agua Fria which was very interesting, noting it is a much better process than tearing up the entire street.

**Councilor Maestas**

Councilor Maestas introduced a Resolution relating to comprehensive tax reform for municipalities; calling on the New Mexico State Legislature to take immediate action on tax reform initiatives to bring balance, equity and financial stability to municipal governments. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4"

Councilor Maestas said he will be on travel next week, June 1 through 6, 2014, and is requesting to be excused by the appropriate Committee Chairs.

Councilor Maestas said his son is planning on graduating from High School on June 11, 2014, so he will miss the next Council meeting.'

**Councilor Dominguez**

Councilor Dominguez introduced the following:

1. An Ordinance authorizing the issuance and sale of City of Santa Fe, New Mexico, General Obligation Bonds, Series 2014, in the principal amount of \$5,800,000, payable from *ad valorem* taxes levied on all taxable property within the City, levied without limit as to rate or amount; providing for the form, terms and conditions of the bonds, the manner of their execution, and the method of, and security for, payment, providing for the award and sale of the bonds to the purchaser and the price to be paid by the purchaser for the bonds; and providing for other details concerning the bonds. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

2. A Resolution authorizing publication of a Notice of Sale of \$5,800,000 City of Santa Fe, New Mexico General Obligation tax exempt bonds, Series 2014, and authorizing the City Council, City Officers and City employees to take further action necessary in connection with the sale of the bonds. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

### **Councilor Lindell**

Councilor Lindell introduced the following:

1. An Ordinance relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; amending Ordinance No. 1997-1, for the purpose of approving and adopting an amended local economic development project participation agreement between the City of Santa Fe and Santa Fe Business Incubator, Inc., to amend the financial structure of the project participation agreement.
2. An Ordinance relating to the establishment of certain City of Santa Fe Departments; repealing Section 2-19 SFCC 1987, to delete the "Administrative Services Department;" creating a new Section 2-19 SFCC 1987, to establish the "Parks and Recreation Department;" and amending Section 2-21 SFCC 1987, to rename the "Convention and Visitors Bureau," the "Tourism Santa Fe Department." A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

### **Councilor Trujillo**

Councilor Trujillo said there is a pedestrian trail in Cochiti, and at the end of the trail there was a stop sign for pedestrians. He asked Mr. Snyder to talk to the DOT, whoever deals with the Rail Runner, to possibly put stop signs at the intersections where bicycles and pedestrians cross.

### **Councilor Bushee**

Councilor Bushee said she would like to cosponsor Councilor Maestas' tax reform bill.

Councilor Bushee asked the City Manager to follow up with Isaac Pino and Recreation staff with regard to Ft. Marcy and Salazar, because the on-going issue seems not to be resolved.

Councilor Bushee said, with regard to the subcommittees she has offered to serve on, but has yet to heard from anyone, and would like to know the status of that.

Mr. Snyder said he will be emailing her and requesting available dates to start the subcommittee meetings, noting he has been meeting internally with staff to develop suggested options to meet the Governing Body direction and open lines of communication with the members of the Governing Body with regarding available times. He will then set up some meeting dates.

Councilor Bushee would like to know how we are doing with transition teams and positions, saying "it seems like a lot of limbo." She said Mr. Snyder's contract was extended for 3 months, and asked when that term expires.

Mr. Snyder said it ends June 10, 2014. Regarding the transition teams, the plan is to have the transition teams wrapped up next week, but he has not seen reports. He said the Governing Body and media will get an invitation for a break presentation by each of the transition teams on their findings next Wednesday or Thursday.

Councilor Bushee said she had visited with some of the police folks who said they can't get anything signed or do anything until they have a Chief, and it's been a few months, although she knows we will be getting a Chief soon.

Mr. Snyder said, "That's not my understanding, because I've signed everything, or given comments on everything that has come to his desk. We have the command structure in place, we have Deputy Chiefs, and it is my role as City Manager to be Acting Police Chief in the current structure.

### Councilor Ives

Councilor Ives said he would like to cosponsor Councilor Maestas's bill.

Councilor Ives introduced the following:

1. A Resolution supporting the *Solarize Santa Fe!* Campaign – a public outreach, marketing and technical assistance initiative promoting the viability of solar photovoltaic and solar thermal systems to commercial and residential sectors; directing staff to work with Santa Fe County, the Santa Fe Green Chamber of Commerce, the Santa Fe Alliance for Clean Energy and other relevant entities in implementing the *Solarize Santa Fe!* Campaign. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8"
2. A Resolution relating to the City of Santa Fe Fiscal Year 2014/2015 Budget; amending Resolution No. 2014-35 to include the enactment of a property tax rate increase of 2 mills per \$1,000 of net taxable value to be used for ITT infrastructure, infrastructure and public safety services related to Phase 2 annexation and operation and maintenance costs for infrastructure of parks and recreation facilities and libraries. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

**END OF AFTERNOON SESSION AT APPROXIMATELY 6:52 P.M.**

**EVENING SESSION**

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

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:10 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

**Members Present**

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

**Members Excused**

- Mayor Javier M. Gonzales

**Others Attending**

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

**F. PETITIONS FROM THE FLOOR**

A letter dated May 28, 2014, with attachments, to the Mayor, City Councilors, from Mariam Leth-Espensen, entered for the record by Mariam Leth-Espensen, is incorporated herewith to these minutes as Exhibit "10."

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**VERBATIM TRANSCRIPT  
 OF THE REQUESTED PORTION OF AGENDA ITEM #F  
 EVENING SESSION  
 CITY COUNCIL MEETING  
 MAY 28, 2014**

MARIAM LETH-ESPENSON: My name is Mariam Leth-Espensen. I've been here before many times over many years. I was here recently, and I have prepared for you

additional information pertaining to Loma Lane a public street and its public easements. I know I can't cover everything in my three minute allotment, so I have prepared for you to review. [Exhibit "10"] Here's another one, and I have also prepared for the Mayor, who is not present today, along with a survey plat that I had prepared in accordance with 1953 District Court Decree that outlines the lots and Loma Lane with its easement. I hope the Mayor will appreciate it. It cost me twenty-four hundred dollars [\$2,400] plus taxes. So that's available. If I can entrust that to somebody to forward that to the Mayor. [The packet was given to City Clerk Yolanda Vigil].

There are many things I would like to address, but if I may address just the first item on the front page which is in reference to the second page of my package, with regard to a lot alignment adjustment pertaining to a property owned by Cecilia Dunn. I apologize for not having the most current documents that I retrieved this morning from records. Because on the lot line adjustments, I was confused to something in the notes which refers to, I believe, to Ordinance pertaining to another property on 221 Otero Street, also owned by Cecilia Dunn. So I went down to records to ask for help, and I got some interesting information. The lot alignment document that you have has reference to this document, and I apologize for not having copies for you, which is referenced in the lot alignment adjustment. But if you look at the lot line adjustment you will see that there is an additional piece of land that has been included in Ms. Dunn's property.

MELESSIA HELBERG,  
STENOGRAPHER:

Ma'am could you speak into the microphone.

MARIAM LETH-ESPERSON:

Yes. I'm sorry. That, I was told by the lady in records, does not belong to Ms. Dunn, that is a utility easement. The other thing I was told was that the notes that Red Mountain Engineers refer to in their preparation of this plat have not been recorded. I thought that was interesting. Anyway, so I was curious about this property on 221 having an effect on the property line on Loma Lane, and the lady who assisted me said that this was very curious, because it appears that the 221 Otero Street property has been sold twice, and the second time, it was recorded as a Quitclaim Deed, dated August 25, 1995, by Helen Anaya. But the lady in records could not find any reference to Helen Anaya ever having owned that property. And there is a discrepancy between the previous record of deed and the Quitclaim Deed. Specifically, what is not in the original deed reads

containing an area of 7242 square feet more or less. The other thing that does not appear in the original Deed, reads, this deed is executed for the sole purpose of recognizing a common boundary, although there is a slight variation in the surveys, it is a common line on the ground on the properties of the parties hereto. Well, as I said, there's no record of Helen Anaya ever having owned this property, so the lady thought I should get legal advice with this.

MAYOR PRO-TEM IVES: Ma'am.

MARIAM LETH-ESPERSON: I know my time is up.

MAYOR PRO-TEM IVES: And we certainly have your materials.

MARIAM LETH-ESPERSON: Yes. If I may just point toward the pictures I have enclosed at the end of my package, because it is virtually impossible to drive in my neighborhood. It's full of holes, both on the southern and the northern extension. The second picture depicts a big hole right outside my property lot. The reason that the streets are deteriorating is because there is an over use. My neighbors have tenants that park an average of 10 to 12 cars every single day except Sunday, and there are many other problems. It's all outlined in here with pictures. I hope you will consider it and I hope you will do something about my street. Thank you very much.

MAYOR PRO-TEM IVES: Thank you ma'am.

MARK FITZGERALD: Good evening City Councilors, Mayor Pro-Tem, City staff. My name is Mark Fitzgerald. I live at 848 Camino Consuelo. I am a new resident to Santa Fe. I moved here last December. My wife was relocated here for her job, and basically she followed me for 15 years, so now, the shoe is on the other foot and I'm following here. I got here just in time for the Mayoral Election and followed that, and I guess in the six months that have passed since we've moved here, we have fallen in love with Santa Fe. The City itself, the vibrancy of it, the amount of, how should I say this, investment that people make in this City for the betterment of it has caught me off guard. I continually, every day, run into things that just astound me. For the City, the size that it is, offers so much to its citizens. And I believe that when you move to a town and decide to make it your own, you should become invested in it, not just a token citizen. So I guess I'm just here tonight to say that we have decided to buy a house here. We're actually building a house in the south side of the City and

intend to make this our home for quite some time, and I would like to become involved in any way possible in any kind of volunteerism the City needs to make it an ever better place to live. I applaud all of you for your service and I look forward to living many happy years here. Thank you.

MAYOR PRO-TEM IVES:

Thank you very much. And bienvenidos.

STEPHANIE BENINATO:

I'm sorry that Mayor Gonzales isn't here, because I would really have liked him to hear about the problems with public records requests. I made a public records request, I don't know how long ago it was, and asked Risk Management, seems to be one of the really problem areas, for people who got flooded on the same night my house got flooded. And even though it said, see back, I didn't get the back of the copy. I requested it more than once. I still haven't gotten it. I asked for a public records request concerning an easement that the City might have across my property. I got the plat of my lot line adjustment saying this might respond, but it's not about might respond, it is whether it does or does not respond. Ms. Romero, this afternoon, made it clear that that plat does not respond to my request, that the City could not find a document that gives them an easement across my property, which is important to me, because the lawyer that you all hired in Albuquerque, at what, \$250 an hour, it would seem that would be about his normal charge. He has raised an affirmative defense that the City has an easement on my property. It is a bogus defense and it's frivolous and I am going to ask for sanctions because of it. I also asked for a public records request on the permits that were issued to my neighbor, because again, there has been 2 ½ feet of dirt added onto the north side of her property, against my will. My wall is disintegrating. There's chunks of concrete falling off of it. She does not have a permit. When I asked for the permits, and I was very specific, from June 2010 to the present, gave her name, gave the address, it's computerized, I got the first permit. I have the second field copy of the permit that was issued for the wall, because one of the condo owners wanted me to be his agent. And so I know that the City didn't give me a full and complete public records request. And am really wondering why, excuse me, why this City is having such a hard time really doing this. Or is it just me that they don't actually want to give complete public records to. Because again, this is a violation of the State law. You are supposed to give complete requests. And this is not a hard thing. It's not like going back 50 years. It's 4 years computerized. Should have been easy. I was also told recently, because I appealed, as you all know, the permit that was issued at 777 Acequia Madre, which some of you, without

discussion, dismissed my appeal, which I believe is unconstitutional. I think the whole... that part of the ordinance is unconstitutional. And when I have to notify the owner that I was doing the appeal on the permit that is in front of the building, it didn't have a city. And the street address was clearly not a Santa Fe address. So I went down and asked for that record, and I was denied that record. I was told by the people at the building... the woman at the Building Inspector's Office that you had been directed not to give me any information. This is a public record. And I also asked Ms. Valentine if she could help me get it, and she told me it wasn't available, the information wasn't available. That's a joke. You have to have the information if you issue a permit. So I found a way around that. I'm not going to tell you how, but I found a way around that, and I actually got the full address and their phone number, so it did exist and again, I'm wondering why, as a citizen of the City of Santa Fe who pays taxes who is here with full documentation, why it is that I can't get these public records. Thank you very much.

MAYOR PRO-TEM IVES: There being no more petitions, we move to appointments.

**END OF VERBATIM TRANSCRIPT**

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**G. APPOINTMENTS**

There were no appointments.

**H. PUBLIC HEARINGS**

Councilor Maestas said, "Mr. Mayor Pro-Tem, if I may, I would like to read a statement. It's regarding the next several agenda items. I disclosed at a prior meeting that I have an interest in a family business that owns an inter-local dispenser liquor license in Espanola that is currently for sale. And I stated on the record that I will be recusing myself, until the family license is sold, from voting on any inter-local license transfer request, and from any discussion this body may have about inter-local transfer licenses generally. I have asked the Interim City Attorney whether she believes that the family licenses raises any conflict with respect to tonight's agenda items, and she has advised me, that she does not believe there is any real or apparent conflict. As a result, I will be voting Agenda Items H(1) through H(5)."

**1) REQUEST FROM TWO FORKS & A SPOON, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT GALISTEO BISTRO, 227 GALISTEO STREET. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of May 20, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there currently is a Restaurant Liquor License at this location. However, the business has changed ownership, therefore requiring a new application. The location is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter, noise and traffic. Staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

**Public Hearing**

**Stephanie Beninato was sworn.** Ms. Beninato said, "As usual, I'm just going to say the same thing that I say when there are these transfers, especially in the downtown. And that is you have a plan, a liquor distribution plan, on the south side of town but you don't have a City-wide plan. And really, you need a City-wide plan. And some day somebody is going to get smart on the south side of town and they'll sue the City for failure to do equal protection, due process. I understand that this business needs this license. There was a license there I believe when it was an Italian Restaurant. So it's not that I'm particularly opposed to this particular license, but I can tell you, working in the downtown and coming into downtown on a Sunday morning I find empty liquor... empty beer bottles, shot, you know single shots, things like that on the streets. So obviously, people are walking out of bars or restaurants with alcohol or they're driving around with alcohol, or more likely they're walking out. So again, I think it's important that the City, if they want to control the alcohol distribution in the City for the health of the residents, and it's not just south side residents, then they should have a City-wide plan, rather than just a regional or section plan."

**The Public Hearing was closed**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to approve the request from Two Forks & A Spoon., for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Galisteo Bistro, 227 Galisteo Street, with all conditions as recommended by staff.

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

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

**Against:** None.

- 2) **REQUEST FROM MIX SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR A MIX SANTA FE EVENT TO BE HELD ON JUNE 17, 2014 FROM 6:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, from her memorandum of May 21, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter in the packet from Carl Gruenler, Chief Business Officer, Santa Fe Public Schools, stating that the District will refrain from issuing a decision regarding opposition or non-opposition to this request.

### **Public Hearing**

**Stephanie Beninato, was sworn.** Ms. Beninato said, "I just point out to you the obvious, that you are spending a lot of time tonight on liquor dispensation requests. And again, at El Museo there are actually one for June seventeenth and one for June thirteenth, that is number two and three. So within 4-5 days there will be two requests for exemptions at that particular location. They are for two different organizations, it seems like. I'm assuming that El Museo is a facility that gets rented out, so they can make some money. It's good, I guess for the Railyard. But again, why doesn't the City spend some time going to the Legislature to get rid of the 300 foot rule concerning churches, at least. I know these are schools, but churches, so that you're not wasting so much time every Council meeting giving these dispensations."

### **The Public Hearing was closed**

**MOTION:** Councilor Lindell moved, seconded by Councilor Trujillo, to grant the request for a waiver of the 300 foot location restriction and allow the dispensing/consumption of alcoholic beverages at El Museo Cultural de Santa Fe, 555 Camino de la Familia, for a MIX Santa Fe Event on June 17, 2014, 6:00 p.m. to 8:00 p.m., with all conditions as recommended by staff.

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

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

**Against:** None.

- 3) **REQUEST FROM PARALLEL STUDIOS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR "CURRENTS 2014: SANTA FE INTERNATIONAL NEW MEDIA FESTIVAL" TO BE HELD ON JUNE 13, 2014 FROM 6:00 P.M. TO 12:00 A.M. (YOLANDA Y. VIGIL)**

A copy of *The Santa Fe International New Media Festival June 13-29/2014*, entered for the record by Frank Ragano, is incorporated herewith to these minutes as Exhibit "11."

The staff report was presented by Yolanda Y. Vigil, from her memorandum of May 21, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter in the packet from Carl Gruenler, Chief Business Officer, Santa Fe Public Schools, stating that the District will refrain from issuing a decision regarding opposition or non-opposition to this request.

#### **Public Hearing**

**Frank Ragano, Co-Executive Director of Studios, was sworn.** Mr. Ragano provided a copy of the program for the Festival [Exhibit "11"] and invited the Governing Body to attend the Festival on opening night.

#### **The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to grant the request for a waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia, for "Currents 2014: Santa Fe International New Media Festival" on June 13, 2014 from 6:00 p.m. to 12:00 a.m., with all conditions as recommended by staff.

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

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

**Against:** None.

- 4) **REQUEST FROM THE SIGNATURE GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT THE SIGNATURE GALLERY, 102 E. WATER STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THIS REQUEST IS FOR THE FOLLOWING: PHILIP PAYNE UNVEILING – JUNE 6, 2014 – 3:00 P.M. TO 10:00 P.M.; AND INDIAN MARKET SHOW – AUGUST 21 AND 22, 2014 – 3:00 P.M. TO 10:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, from her memorandum of May 21, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter in the packet from the Rev. Daniel P. Dangaran, Pastor and Bishop, The Church of Antioch at Santa Fe, stating they have no opposition to the proposed events.

#### **Public Hearing**

**Stephanie Beninato was sworn.** Ms. Beninato said, "The same comment as before about wasting time, however I do applaud Signature Gallery, at least they came in for two waivers at the same time, and I think that, at least is more efficient."

#### **The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to grant the request for a waiver of the 300 foot location restriction and allow the dispensing/consumption of wine at The Signature Gallery, 201 E. Water Street, for the following: Phillip Payne Unveiling on June 6, 2014, 3:00 p.m. to 10:00 p.m., and Indian Market Show, August 21 and 22, 2014, 3:00 p.m. to 10:00 p.m., with all conditions as recommended by staff.

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

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

**Against:** None.

- 5) **REQUEST FROM CYNTHIA CANYON FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND SPIRITS AT THE FORMER FIRST STATE BANK BUILDING, 100 N. GUADALUPE, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, 417 AGUA FRIA STREET. THIS REQUEST IS FOR TREND MAGAZINE'S 15<sup>TH</sup> ANNIVERSARY CELEBRATION TO BE HELD ON JUNE 5, 2014 FROM 4:00 P.M. TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, from her memorandum of May 21, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter in the packet from the Rev. Tien-Tri Nguyen, Pastor, the Shrine of our Lady of Guadalupe, stating they have no objection to this request.

### **Public Hearing**

**Stephanie Beninato was sworn.** Ms. Beninato said, "So, the same comment as before, but I'm also a little concerned about the length of time this opening is occurring, or this party is occurring. It is from four to eleven, and all the others are a couple of hours. So my question is, how are they going to make sure that people are not over-served."

**Christina Procter, 739 Dunlap, was sworn.** Ms. Procter said, "I'm here on behalf of *Trend Magazine*, and thank you for the question from the public. The party actually is from 5:30 p.m. to 8:00 p.m., officially, but we will be there from 4:00 p.m., to set up, which is why we have the 4:00 p.m. time. And there is an after party from 8:00 p.m. to potentially 11:00 p.m., but it is a cash bar. And Santa Fe Spirits and Duel Brewing will be checking IDs, as well as following the regular procedures for making sure people are not over-served. Thank you so much, and I'm here to answer any other questions about the party. Thank you."

### **The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and spirits at the Former First State Bank Building, 100 N. Guadalupe, for TREND Magazine's 15<sup>th</sup> Anniversary Celebration, on June 5, 2014, 4:00 p.m. to 11:00 p.m., with all conditions as recommended by staff.

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

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

**Against:** None.

- 6) **CONSIDERATION OF RESOLUTION NO. 2014-42 (COUNCILOR RIVERA, COUNCILOR TRUJILLO, AND COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR MAESTAS, COUNCILOR DIMAS, COUNCILOR IVES AND COUNCILOR DOMINGUEZ). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (CHIEF ERIK LITZENBERG)**

Fire Marshal Reynaldo Gonzales; Santa Fe Fire Department, said, "We are recommending the restrictions due to drought conditions. However, we did get some rain this weekend, which did give us down to severe in the drought. However, we are not expecting it to last longer than a week, so we still would like to go forward with this Resolution."

**Public Hearing**

There was no one speaking to this request.

**The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-42, as presented.

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

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

**Against:** None.

Councilor Rivera asked the City Manager to make sure that we get this Resolution with fire restrictions out to the public.

Councilors Bushee, Maestas, Dimas and Ives and Dominguez asked to be added as cosponsors of the Resolution.

**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:45 p.m.

**Approved by:**

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**Mayor Javier M. Gonzales**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**



**Melessia Helberg, Council Stenographer**