



SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
June 11, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 28, 2014	Approved	6
<u>PRESENTATIONS</u>		
FINDINGS REGARDING FEASIBILITY AND FISCAL IMPACT OF ESTABLISHING A SINGLE- STREAM RECYCLING PROGRAM FOR THE CITY OF SANTA FE		6-7
INTRODUCTION OF MISS SANTA FE, ASHLEY FRESQUEZ, AND PROCLAMATION FOR “MISS SANTA FE DAY”		7
OVERVIEW OF SANTA FE BUSINESS INCUBATOR		7-9
SMOKE FREE HOUSING DAY PROCLAMATION		9
EXECUTIVE SESSION	Approved	10
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	10
REQUEST FOR APPROVAL OF APPOINTMENT OF AND PROFESSIONAL SERVICES AGREEMENT FOR BRIAN K. SNYDER AS THE CITY MANAGER	Approved	10-11

ITEM

ACTION

PAGE #

CONSENT CALENDAR DISCUSSION

REQUEST FOR APPROVAL OF RENEWAL OF FISCAL YEAR 2014/2015 COMPREHENSIVE INSURANCE PROGRAM COVERAGE FOR CITY OF SANTA FE; A.J. GALLAGHER RISK MANAGEMENT SERVICES

Approved w/direction to staff

11-13

CONSIDERATION OF RESOLUTION NO. 2014-46. (A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2013/2014 ENDING MARCH 31, 2014

Approved

13

CIP NO. 823 – DEFOURI STREET AND GUADALUPE STREET BRIDGES IMPROVEMENT PROJECTS

CONSIDERATION OF RESOLUTION NO. 2014-47  
A RESOLUTION SUPPORTING A TIME EXTENSION FOR THE DEFOURI STREET AND GUADALUPE STREET BRIDGES PROJECT MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

Approved

14

REQUEST FOR APPROVAL OF BUDGET TRANSFER – PROJECT FUND

Approved

14

CONSIDERATION OF RESOLUTION NO. 2014-48. 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

Approved [amended]

14-15

REQUEST TO RATIFY APPROVAL OF ORACLE JD EDWARDS EXTENDED SUPPORT BY GOVERNING BODY ON MAY 28, 2014

Approved

15-20

ITEM

ACTION

PAGE #

CONSIDERATION OF RESOLUTION NO. 2014-43. A RESOLUTION THANKING THE LEAD TASK FORCE AND OPERATIONS TEAM FOR THEIR SERVICE AND STATING THE CITY'S INTENTION TO ENTER INTO A COALITION MEMORANDUM OF UNDERSTANDING TO FURTHER THE LEAD MISSION

Discussion only – previously Approved under approval of Consent Calendar

21-23

REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT WITH JEFFREY ALBRIGHT OF LEWIS ROCA ROTHGERBER LLP TO REPRESENT THE CITY IN PRC CASE #13-00390-UT

Approved

24

REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2014: BILL NO. 2014-19: 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 A FIRST AMENDED AND RESEATED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE BUSINESS INCUBATOR, INC., TO RESTRUCTURE AND ADD TO THE CONTRIBUTIONS AND OBLIGATIONS OF THE CITY AND SANTA FE BUSINESS INCUBATOR, INC.

Approved

24-25

APPROVAL OF 2014 CIP BOND ISSUE FOR \$18 MILLION

Approved [amended]

25

CONSIDERATION OF RESOLUTION NO. 2014- \_\_\_\_ . 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 AND PUBLIC SAFETY SERVICES RELATED TO PHASE 2 ANNEXATION AND OPERATION AND MAINTENANCE COSTS FOR INFRASTRUCTURE OF PARKS AND RECREATION FACILITIES AND LIBRARIES

Postponed for 3 months

26

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY MANAGER	None	26
MATTERS FROM THE CITY ATTORNEY	None	26
MATTERS FROM THE CITY CLERK	None	26
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	26-29
 <u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	30
PETITIONS FROM THE FLOOR		30-35
APPOINTMENTS	None	35
 <u>PUBLIC HEARINGS</u>		
REQUEST FROM ELDORADO SERVICE COMPANY, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0195 FROM GUARDIAN SANTA FE PARTNERSHIP TO ELDORADO SERVICE COMPANY, LLC. THIS LICENSE WILL REMAIN AT THE ELDORADO HOTEL, 309 W. SAN FRANCISCO STREET	Approved	35
REQUEST FROM LOYAL HOUND, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LOYAL HOUND, 730 ST. MICHAELS DRIVE, #3-RW	Approved	36
REQUEST FROM THE ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT THE ELKS CLUB, 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THIS REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON JUNE 15, 2014, FROM 12:00 P.M. TO 4:00 P.M.	Approved	36-37

ITEM

ACTION

PAGE #

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 19, 2014 FROM  
6:00 P.M. TO 8:00 P.M.

Approved

37-38

ADJOURN

38

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
June 11, 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, June 11, 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**

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

**Members Excused**

Councilor Joseph M. Maestas

**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 add new Item 10(d) for a Smoke Free Housing Day proclamation.

Mr. Snyder said he would like to pull Item #15 from the afternoon session and postpone it for 3 months, as recommended by the Public Works Committee.

Responding to Councilor Bushee, Mr. Snyder said the Resolution on *Solarize Santa Fe!*, was approved at the Finance Committee, and met the requirement to have one Committee approval so that is why it is on the Council Agenda.

Councilor Bushee said it was postponed at Public Works and she will pull it to see the source of funding.

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

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

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

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

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

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

**Against:** None.

## **11. CONSENT CALENDAR**

A copy of *1% Lodgers' Tax: Community Arts Promotion*, regarding item 11(h), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, June 9, 2014, regarding Item 11(i), is incorporated herewith to these minutes as Exhibit "2."

- a) **BID NO. 14/30/B – LIQUID ALUMINUM SULFATE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; CHEMTRADE CHEMICALS US LLC. (VICTOR ARCHULETA)**
- b) **BID NO. 14/31/B – SALT CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; DPC INDUSTRIES, INC. (VICTOR ARCHULETA)**

- c) BID NO. 14/32/B – SODIUM HYPOCHLORITE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; DPC INDUSTRIES, INC. (VICTOR ARCHULETA)
- d) BID NO. 14/33/B – LIQUID SODIUM PERMANGANATE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; F2 INDUSTRIES, LLC. (VICTOR ARCHULETA)
- e) BID NO. 14/34/B – SODA ASH, DENSE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; THATCHER CO. OF ARIZONA, UT. (VICTOR ARCHULETA)
- f) BID NO. 14/36/B – WATER DIVISION ADMINISTRATION BUILDING PHOTOVOLTAIC (PV) PROJECT; POSITIVE ENERGY, INC. (NICK SCHIAVO)
- g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WEBSITE DESIGN SERVICES FOR SANTA FE COMMUNITY CONVENTION CENTER (RFP #14/21/P); STUDIO X, INC. (RANDY RANDALL)
- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – 1% LODGERS' TAX FUNDING FOR COMMUNITY ARTS PROMOTION PROGRAM (RFP #14/19/P); THIRTY (30) VENDORS): ASPEN SANTA FE BALLET; AXLE PROJECTS; CENTER FOR CONTEMPORARY ARTS OF SANTA FE, INC.; GEORGIA O'KEEFFE MUSEUM; INSTITUTE OF AMERICAN INDIAN ARTS; LENSIC PERFORMING ARTS CENTER CORPORATION; MUSEUM OF NEW MEXICO; PARALLEL STUDIOS; EL RANCHO DE LAS GOLONDRINAS; SANTA FE CHAMBER MUSIC FESTIVAL, LTD.; SANTA FE CHILDREN'S MUSEUM, INC.; SANTA FE COMMUNITY ORCHESTRA; SANTA FE CONCERT ASSOCIATION; SANTA FE DESERT CHORALE; SANTA FE INDEPENDENT FILM FESTIVAL; SANTA FE INTERNATIONAL FOLK ART MARKET; SANTA FE LITTLE THEATRE, INC.; SANTA FE OPERA; SANTA FE PRO MUSICA; SANTA FE SYMPHONY ORCHESTRA & CHORUS, INC.; SANTA FE TEEN ARTS CENTER; SANTA FE WOMEN'S ENSEMBLE, INC.; SITE SANTA FE; SOUTHWEST ROOTS MUSIC, INC.; SOUTHWESTERN ASSOCIATION FOR INDIAN ARTS; SPANISH COLONIAL ARTS SOCIETY, INC.; TEATRO PARAGUAS; THEATRE GROTTESCO NORTH AMERICA, INC.; WHEELWRIGHT MUSEUM OF THE AMERICAN INDIAN AND WISE FOOL NEW MEXICO.  
(ANN BLYTH AND RANDY RANDALL)
- i) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES ON BEHALF OF SANTA FE COMMUNITY CONVENTION CENTER (RFP #14/09/P); TKO ADVERTISING. (RANDY RANDALL)
- j) REQUEST FOR APPROVAL OF AGREEMENT – DESIGN-BUILD SERVICES FOR STORMWATER MANAGEMENT IMPROVEMENTS, ARROYO CHAMISO AND SANTA FE RIVER (RFP #14/28/P); THE RAINCATCHER, INC. (BRIAN DRYPOLCHER)

- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF AGREEMENT AND GRANT AWARD – BUS AND BUS FACILITIES PROGRAM FOR SANTA FE TRAILS; NEW MEXICO DEPARTMENT OF TRANSPORTATION, TRANSIT & RAIL DIVISION. (KEN SMITHSON)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
  
- l) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FITNESS PROGRAM INSTRUCTOR FOR FORT MARCY COMPLEX (RFP #14/35/P); JULIE BRETTE ADAMS. (LIZ ROYBAL)
  
- m) REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2014/2015 HUMAN SERVICES PROVIDERS; RFP #14/24/P; EIGHTEEN (18) VENDORS: ART PROGRAMS IN HUMAN SERVICES; CASA MILAGRO; CATHOLIC CHARITIES OF SANTA FE; FOOD DEPOT; FOOD FOR SANTA FE; INTERFAITH COMMUNITY SHELTER GROUP; KITCHEN ANGELS; LA FAMILIA MEDICAL CENTER; LIFE LINK SANTA FE CLUBHOUSE; LITERACY VOLUNTEERS; NM IMMIGRANT LAW CENTER; SANTA FE COMMUNITY SERVICES; SANTA FE FARMER’S MARKET INSTITUTE; SOLACE CRISIS TREATMENT CENTER; SANTA FE RECOVERY CENTER; ST. ELIZABETH’S HOMELESS SHELTER; FOOD POLICY COUNCIL AND SANTA FE ROC.  
(TERRIE RODRIGUEZ)
  
- n) REQUEST FOR APPROVAL OF CHILDREN AND YOUTH COMMISSION FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2014/2015 CHILDREN AND YOUTH FUND; RFP #14/30/P; THIRTY-SIX (36) VENDORS: ART SMART (FACT); BIG BROTHERS BIG SISTERS; BOYS & GIRLS CLUB; COMMUNITIES IN SCHOOL; COOKING WITH KIDS; FIRST SERVE; GERARD’S HOUSE; GIRLS, INC.; GIRLS ON THE RUN; IMPACT PERSONAL SAFETY; INTERNATIONAL FOLK ART MUSEUM; LAS CUMBRES COMMUNITY SERVICES; NATIONAL DANCE INSTITUTE; NM CENTER FOR THERAPEUTIC RIDING; NM SUICIDE PREVENTION; NEW VISTAS, PIE MUSIC PROGRAM; PIE MEDICAL SCIENCE ACA/SCRUB CLUB; PARTNERS IN EDUCATION FOUNDATION; PLANNED PARENTHOOD; PMS TEEN HEALTH CENTER, RANDALL DAVEY AUDUBON; SER DEVELOPMENT CENTER; SANTA FE CHILDRENS MUSEUM; SFPS ADELANTE; SFPS AGUA FRIA AFTERSCHOOL; SFPS SALAZAR AFTERSCHOOL; SFPS SWEENEY EARLY INTERVENTION PROGRAM; SFPS TEEN CENTER; SITE SANTA FEP; SF TEEN ARTS/WH 21; WISEFOOL; YMCA OF CENTRAL NM; YOUNG FATHERS; YOUTH SHELTER FAMILY SERVICES AND YOUTHWORKS!  
(TERRIE RODRIGUEZ)

- o) **REQUEST FOR APPROVAL OF GRANT AWARDS AND AGREEMENTS – SENIOR SERVICES PROGRAMS FOR DIVISION OF SENIOR SERVICES; STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
  - 1) **FOSTER GRANDPARENTS PROGRAM**
  - 2) **RETIRED SENIOR VOLUNTEER PROGRAM**
  - 3) **SENIOR COMPANION PROGRAM.**
    - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- p) *[Removed for discussion by Councilor Rivera]*
- q) *[Removed for discussion by Councilor Ives]*
- r) *[Removed for discussion by Councilor Trujillo]*
- s) **CONSIDERATION OF RESOLUTION NO. 2014-43 (COUNCILOR DIMAS, MAYOR GONZALES, COUNCILOR BUSHEE, COUNCILOR MAESTAS, COUNCILOR LINDELL, COUNCILOR RIVERA, AND COUNCILOR TRUJILLO, COUNCILOR IVES AND COUNCILOR DOMINGUEZ) A RESOLUTION THANKING THE LEAD TASK FORCE AND OPERATIONS TEAM FOR THEIR SERVICE AND STATING THE CITY'S INTENTION TO ENTER INTO A COALITION MEMORANDUM OF UNDERSTANDING TO FURTHER THE LEAD MISSION. (TERRIE RODRIGUEZ)**
- t) **CONSIDERATION OF RESOLUTION NO. 2014-44 (COUNCILOR DOMINGUEZ). 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. (MARCOS TAPIA AND HELENE HAUSMAN)**
- u) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2014:**
  - 1) **BILL NO. 2014-17. 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 (COUNCILOR DOMINGUEZ). (MARCOS TAPIA AND HELENE HAUSMAN)**

- 2) **BILL NO. 2014-18. 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" (COUNCILOR LINDELL AND COUNCILOR IVES). RANDY RANDALL AND ISAAC PINO)**
  
- v) **CONSIDERATION OF RESOLUTION NO. 2014-45 (COUNCILOR MAESTAS, COUNCILOR BUSHEE AND COUNCILOR IVES AND COUNCILOR DOMINGUEZ). 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. (MARCOS TAPIA AND BRIAN SNYDER)**
  
- w) *[Removed for discussion by Councilor Bushee]*
  
- x) *[Removed for discussion by Councilor Rivera]*

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 28, 2014**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of May 28, 2014, as presented.

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

*Mayor Gonzales exercised the prerogative of the Chair and moved to Item #10 prior to Items #9 and #9.1*

**10. PRESENTATIONS**

- a) **FINDINGS REGARDING FEASIBILITY AND FISCAL IMPACT OF ESTABLISHING A SINGLE-STREAM RECYCLING PROGRAM FOR THE CITY OF SANTA FE. (LAWRENCE GARCIA)**

Lawrence Garcia reviewed *Single Stream Recycling*, which is in the Committee packet. Please see this document for specifics of this presentation.

Responding to Councilor Dominguez, Mr. Garcia said the rate he was speaking about was the rate of diversion and not the rate customers pay.

**b) INTRODUCTION OF MISS SANTA FE, ASHLEY FRESQUEZ, AND PROCLAMATION FOR "MISS SANTA FE DAY."**

Mayor Gonzales read a proclamation into the record declaring June 11, 2014, as Miss Santa Fe Day in New Mexico, and presented the proclamation to Miss Fresquez..

Miss Fresquez said she is honored to represent the State Capitol at the Miss New Mexico Pageant.

**c) OVERVIEW OF SANTA FE BUSINESS INCUBATOR. (MARIE LONGSERRE AND FABIAN TRUJILLO)**

A power point presentation *About Business Incubation*, dated June 10, 2014, entered for the record by Marie Longserre, is incorporated herewith to these minutes as Exhibit "3."

A packet of information prepared by NBIA, regarding business incubation, entered for the record by Marie Longserre, is incorporated herewith to these minutes as Exhibit "4."

Marie Longserre, Executive Director, Santa Fe Business Incubator, introduced Sean O'Shea, Program Director.

Ms. Longserre presented information via power point. Please see Exhibit "3" for specifics of this presentation. Ms. Longserre noted the second handout from the NBIA [Exhibit "4"]. She noted NBIA is the largest of its kind in the world. She said she has served on the NBIA Board, and in 2012 Chaired the NBIA and will be representing NBIA in Spain in two weeks at the International conference.

Regina Wheeler, CEO, Positive Energy Solar, a New Mexico solar installation company headquartered in Santa Fe, said the company was born in the Incubator in 1997, one of the first graduates of the incubator. She thanked Ms. Longserre and the Governing for having such a great facility and programs to support new businesses.

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

- Councilor Dominguez thanked Ms. Longserre for her work in the community, and said the Incubator is one of the gems Santa Fe has to offer. He said on page 3 of the presentation, it talks about the 16 resident clients, and asked Ms. Longserre if she has demographic data – minorities and such.

Ms. Longserre said she doesn't have the information with her, but she can forward it to him. She said typically they have seen a very balanced blend of women and minority owned businesses, and that's over a long period of time. At any one snapshot, it could swing one way or the other. Typically the technology businesses will be Ph.D.'s coming out of LANL, and occasionally there are minorities. She will provide specific information he needs.

- Councilor Dominguez noted that 39% of the clients are in energy technology, and Ms. Longserre said yes.
- Councilor Dominguez asked the number of clients ages 18-25.

Ms. Longserre said they don't get whole lot of clients younger than 25, although they have had some graduate students from Johns Hopkins working on a pharmaceutical company. She said it is typical, nation-wide, that most businesses are started by a little older demographic, but they have had a blend throughout time.

- Councilor Dominguez would like that information.

Ms. Longserre said they do not ask ages and that would be illegal for them to do, and she can't provide accurate information. She said normally it is difficult for someone not to have a job and to be able start a business and have the money they need. She can pick out a few for him that she knows are young, but she can't give him age ranges, reiterating people have to have sufficient means to not be on salary for 2-3 years in order to start a business.

- Mayor Gonzales said he and Councilor Lindell would like to sit with Ms. Longserre and talk about a 5-10 year plan, and what we can do to help address risks of solvency inherent in this industry. He wants to be sure the resources are in place that, as time goes by, the incubator doesn't have to go away because of financial issues. He said she does everything she can to keep costs low, and we need to figure out how to continue to support and create more revenues so the incubator stays healthy and continues to do what it is doing. It is a key gem for Santa Fe and the south side.
- Councilor Bushee said she was here this was formed. She asked how quickly they are filling the bio-incubator, the wet lab. What are the next steps for businesses that hatch from the incubator.

Ms. Longserre said the wet lab is doing well, noting there were 2 early on in a pilot launch, and they're up to 3 now. She said there have been inquiries from companies in Albuquerque who are willing to drive up, and we have companies and individuals that are coming here from other places and are very excited about using the lab. It is a shared place and it is very much on track, and even ahead of where she would have projected at this point.

Ms. Longserre said, regarding second stage companies, it is typical that more and more incubators are being called on in our communities to serve pre-incubation idea stage, early seed stage, development stage and what we call second stage. So some of the programs she outlined, will

continue to serve those clients, noting for some of them, particularly technology companies, the issue is going to be access to capital. She said we can only do so much about venture capital situation in New Mexico, but they are focusing on some specific industries, and the reason they chose the bio-lab, because that is one place they are seeing growth.

- Councilor Bushee asked over the years if she has tracked the number of businesses which have been able to stay in Santa Fe once they have left the Incubator.

Ms. Longserre said they are in the process of implementing a new software program, IncuTrack, through a small contract with the City, which will provide information on those kinds of trends over the long term.

- Councilor Rivera agrees that the Incubator is a "gem" in the City and definitely in District 3. He asked what is the capacity for new businesses.

Ms. Longserre said right now they are almost full, but that could change tomorrow. She said the process of business incubation should be a roll-in and roll-out over time. She said they have been asked if they need more buildings, but that costs a lot of money. She said, "If we can be more selective in the companies we help, have greater impact on them and accelerate them quicker, then they can come in and out of the program. We feel we are right about where we should be. It would be great if we had a few more spaces. But really, I think we're at the sweet spot for this community right now, unless we were to expand some of the clients that we serve. We may be slightly undersized, but not to add much, and to add space may just create big, empty spaces. So it's a good thing for business incubator not to be 100% full. In fact, it's the worst practice to be 100% full." She noted the average of most incubators is considered good at 75% , and they typically run at 85-90%, and right no closer to 96%. However, they will graduate somebody and that problem will be solved.

- Responding to Councilor Rivera, Ms. Longserre said the average length of stay is just under 4 years, about 3.8 years.

Ms. Longserre thanked the Mayor and Councilors for their continued interest, support and delighted that "we will continue to work together because of our long partnership with the City, and welcomes those conversations.

#### **d) SMOKE FREE HOUSING DAY PROCLAMATION**

Councilor Ives, on behalf of Councilor Maestas, read a Proclamation into the record declaring June 11, 2014, as Smoke Free Housing Day in Santa Fe, and gave the Proclamation to Ms. Cohen.

**Shelley Cohen, Project Coordinator, Live Smoke Free Santa Fe**, thanked the City for the Proclamation, and for what they are doing in terms of making Santa Fe smoke free.

**9. EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(2) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, APPOINTMENT OF BRIAN K. SNYDER AS THE CITY MANAGER.**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, that the Council go into Executive Session for discussion regarding limited personnel matters, appointment of Brian K. Snyder as the City Manager, in accordance with §10-15-1(H)(2) NMSA 1978.

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

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

**Against:** None.

The Council went into Executive Session at 5:55p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:35 p.m. Councilor Rivera moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

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

**Against:** None.

**9.1 REQUEST FOR APPROVAL OF APPOINTMENT OF AND PROFESSIONAL SERVICES AGREEMENT FOR BRIAN K. SNYDER AS THE CITY MANAGER.**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dimas, to approve the appointment of and Professional Services Agreement for, Brian K. Snyder as the City Manager, on the terms discussed in executive session.

**DISCUSSION:** Mayor Gonzales congratulated Mr. Snyder and welcomed him as the new City Manager.

Mayor Gonzales reviewed the details of the City Manager's contract as follows: "Under compensation, the Council has agreed to a salary of \$140,000 per annum, effective June 11, 2014. One of the provisions... the Contract was made available in the packet. So in the packet, if you have the contract out, what was deleted was the last line of Item B, that does not grant the City Manager an automatic COLA adjustment. Any type of pay adjustment will be held and determined by the Council based on performance and evaluation. One of the other item that was left unfilled was the lump sump payment if there is a separation, and that would be equal to a three-month salary. The Manager will continue to be entitled to a vehicle allowance of \$325 per month. And, as the Contract states, also, his professional fees and other miscellaneous items will be covered."

Mayor Gonzales continued, "There is one provision that I think is important that the Council did mandate, is that within the 30 day period, the Council is going to provide a list of directives or goals they would like to see the Manager fulfill over the next year. There will be a performance plan that will be executed upon mutual agreement of those goals. And those will be the matrix that the manager will be held accountable to. And so obviously, some of the high level ones will include addressing the fiscal soundness of City Hall being able to develop a pay equity plan for employees, finding ways to improve the efficiency of operations within City government. Those are all some of the items that I believe the Council will be bringing forward to the Manager as part of any type of performance, but that will happen in the 30-day period. And of course, once that's agreed upon, that will be a public document that we'll make available. All right. Welcome Mr. Snyder. Good luck. We wish you all the best."

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

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

**Against:** None.

**Explaining his vote:** Mayor Gonzales said, "Yes, and I want to say, as my first appointment, Brian, I cannot be more hopeful for your success. I know you have what it takes to take on the challenges, and I'm looking forward to the next four years serving alongside of you. So good luck and congratulations. Yes."

### **CONSENT CALENDAR DISCUSSION**

**11(p) REQUEST FOR APPROVAL OF RENEWAL OF FISCAL YEAR 2014/2015  
COMPREHENSIVE INSURANCE PROGRAM COVERAGE FOR CITY OF SANTA FE;  
A.J. GALLAGHER RISK MANAGEMENT SERVICES. (BARBARA BOLTRAK)**

Councilor Dominguez said in the Memo, there is a list of coverages, one of which is Employment Practices. He asked what does that mean.

Ms. Boltrek said that is employment claims, claims regarding employment.

Councilor Dominguez asked if the Skateboard BMX liability is new.

Ms. Boltrek said that is included in our General Liability policy, so it is not a new coverage.

Councilor Dominguez asked if the MotoCross track falls under that coverage, and Ms. Boltrek said yes.

Councilor Dominguez said he was trying to line up the 12 items with the summary provided by Arthur Gallagher. He said some of it lined up, but not all of it. He asked what is a Fine Arts Floater.

Ms. Boltrek said it would cover art we have in other parts of the City or perhaps in the gallery.

Responding to Councilor Dominguez, Ms. Boltrek said there are two kinds, it is art in transit and art in place. So we have a policy for all of the art in the City and any art we may have on loan in the gallery.

Councilor Dominguez noted our cost is decreasing.

Ms. Boltrek said no, it went up about 5.5% in total.

Councilor Dominguez asked what increased.

Ms. Boltrek said various policies increased, and she can get him a breakdown.

Councilor Dominguez asked if Employment Practices increased.

Ms. Boltrek said Employment Practices increased roughly about \$20,000.

Councilor Dominguez asked where to find that on the list she provided.

Ms. Boltrek said it is on page 4 of the listing, Professional Liability including Employee Benefit, Law Enforcement, Public Entity Management, and EPL refers to employment.

Councilor Dominguez said then that is basically Item 4, plus the others that are on the coverage list, and Ms. Boltrek said that is correct.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, to approve this request., with direction to staff to get information on the 12 items in the Memo in terms of what increased and what decreased and provide it to the Governing Body.

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

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

**Against:** None.

**11(q) CONSIDERATION OF RESOLUTION NO. 2014-46. (A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2013/2014 ENDING MARCH 31, 2014. (CAL PROBASCO)**

Councilor Ives said, with regard to the process, attached sheets identifying the various items came under several categories, for example, Adjustments not Previously Approved by City Council, Council Approved Capital Improvement Program Adjustments, Other Council Approved Adjustments. He asked, in terms of the Adjustments not Approved by City Council, there were a number which were significant in terms of total dollars, such as the Municipal GRT Railyard General, Adjustments to Railyard GRT Distribution based on revised budget, fire, wildland urban interface, youth conservation corps, NMEMNRD Fire Hazard Grant, and ½ % GRT Income Fund. He asked if any of these fall under the \$50,000 budget approval process, or is that simply for those types of categories where they appear to be revenue increases just to this quarterly assessment.

Mr. Tapia said he can get the details from Mr. Probasco, but on a lot of these things, the City receives grants that are not part of the budget process. We have budget adjustments that you have approved, and some we adjust, such as the rent assessed and it didn't go to Market Station, so they put the money back in the budget. He said they will come in for any expenditures within these that are above \$50,000, which go to Finance and then the Council.

**MOTION:** Councilor Ives moved, seconded by Councilor Rivera, to adopt Resolution No. 2014-46.

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

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

**Against:** None.

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

- 11(r) CIP NO. 823 – DEFOURI STREET AND GUADALUPE STREET BRIDGES IMPROVEMENT PROJECTS.
- 1) CONSIDERATION OF RESOLUTION NO. 2014-47 (COUNCILOR MAESTAS). A RESOLUTION SUPPORTING A TIME EXTENSION FOR THE DEFOURI STREET AND GUADALUPE STREET BRIDGES PROJECT MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DESIRAE LUJAN)
  - 2) REQUEST FOR APPROVAL OF BUDGET TRANSFER – PROJECT FUND.

*Councilor Trujillo said, "As with anything with the New Mexico Department of Transportation, just like I stated, I do work for the New Mexico Department of Transportation. I used to oversee these Municipal Arterial Programs, but I do not work for that Bureau any more, therefore there is no conflict of interest."*

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-47, and approve the budget transfer.

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

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

**Against:** None.

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

- 11(w) **CONSIDERATION OF RESOLUTION NO. 2014-48 (COUNCILOR IVES, COUNCILOR BUSHEE AND COUNCILOR RIVERA). 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. (NICK SCHIAVO)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, June 9, 2014, in regard to this item, is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee said she would like to cosponsor this bill, indicating she is very supportive of the intent. She asked Mr. Schiavo to identify the source of funding called for in the Resolution.

Mr. Schiavo said, "I don't have any funding identified for this from all the funding that I'm responsible, are Public Utility dollars. And it would be difficult for me to fund this out of Public Utility Department dollars."

Councilor Bushee said at Public Utilities, Mr. Schiavo mentioned there might be left over funds from some project or another that was solar.

Mr. Schiavo said there are potentially some funds left over from the CIP funds that he had a few years back, but he would need to make sure with Legal that he can use those funds for this purpose, because CIP should be some kind of tangible structure. This would only be for advertising.

Councilor Bushee said, "Just to be clear, there's some language in here that says the City staff is directed to work with the County to determine the County's interest in working with the City, which we know is there, and this initiative, including the County's interest in contributing funds in concert with the City's contribution of funds. So do I need to amend the language to indicate that, when available."

Mr. Schiavo said yes.

**MOTION:** Councilor Bushee moved, seconded by Councilor Ives, to adopt Resolution No. 2014-48, with an amendment to add language to indicate when funds are available.

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

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

**Against:** None.

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

**Explaining his vote:** Councilor Rivera said, "Yes, and add my name as well."

**11(x) REQUEST TO RATIFY APPROVAL OF ORACLE JD EDWARDS EXTENDED SUPPORT BY GOVERNING BODY ON MAY 28, 2014. (LISA MARTINEZ)**

Councilor Rivera asked Ms. Martinez what happened through this process that it turned into an emergency purchase.

Lisa Martinez said, "Ultimately what we determined was that it was not an emergency, and Robert can actually explain some of the details of the specifics of how we arrived at what we did, but it was not an emergency after all. And we went through and evaluated whether or not it was anything that would create a threat to public health, welfare and safety which is normally the requirements for an emergency, and so we determined that it didn't have to be that, but it was actually an exempt procurement instead."

Councilor Rivera said, "An exempt procurement that didn't go through the process though. What happened was that it got approved at the last meeting under an emergency procurement."

Ms. Martinez said, "And let me explain about how all of this transpired. If we go back to the budget hearings where I presented the IT budget, this was back on April 29, 2014. At that particular point in time, we had a request in our budget for an upgrade to the J.D. Edwards system which was going to cost \$480,000. We knew that there wasn't money available for that, and ultimately it was turned down by the Council. But on that particular day, we got information from Oracle where they told us, we may have another option for you, for you to be able to get what you need to be able to run your end of year tax reports without having to do the full upgrade at this point in time."

Ms. Martinez continued, "They didn't give us any specifics at that point, so we waited a couple of days for additional information. When they came back to us, they said for \$150,000 we can provide you what you need to run those end of rear tax reports. Essentially, what we are doing, is we are providing you the option to have an extended support system attached to what you have, and for \$150,000 you can do it, but you need to do it before, the initial date was May 22, 2014. So we sort of scrambling trying to figure out what it all meant, trying to figure out what we would get for that \$150,000, how long it would last. And we told them that we were working with the Council to try and figure this out. And so they said, okay, we will give you until May 31, 2014, to get this done. That's your deadline."

Ms. Martinez continued, "So when I visited with Brian and told him where we were, we had the discussion about how this is a lot of money, and we need to make sure the Council has to take a look at it. At that particular time, we thought that it would be an emergency procurement because we were trying to get it through the process and get it through quickly. Ultimately, we went back to Oracle during this time frame and we said, look, we have to figure out how to follow procurement processes that are established by the City. And so they said, well, okay, we'll give you until June 6, 2014. So, initially, we thought was an emergency, because we thought we were trying to get it done within that time frame. They did give us a couple of extension, and we didn't know what would happen if we didn't do it by those extension dates. It could have raised the price. They could have cut off the offer. We just had no idea what they would do."

Councilor River asked, "How come this didn't make it to Council. You said you found out a few days after April 28, 2014, that this offer was there and they extended it from May 20 to May 28, 2014, so there was ample time between the end of April and the end of May to get this in front of us. Why did that not happen."

Ms. Martinez said, "We were still trying to get some of the details of, like you said, exactly what it meant. The initial information they provided to us was over the phone, and there wasn't anything in writing, so we were trying to get something from them that told us exactly what we were getting. We didn't know how long this extended support last, what options were provided to us under this new provision. And what's tough about is that they almost have us over a barrel. They own the system. We have to buy this from them, it's proprietary. It's not like we can go to somebody else and get it, so we almost have to pay what they ask for when they ask for it, because we don't always know what the consequences will be."

Councilor Rivera said, "I understand that, and probably it even makes it more important... I guess there's no real reason why, because it is an exempt procurement, and they're the only ones that offer the service, why it couldn't come before us a lot sooner. I don't agree with the exempt procurement. I almost prefer the emergency procurement. At least that would have been a reasonable way to spend the money. Or under the emergency procurement, something that we could have done. With the exempt, I think it is even worse. I disagreed with this from the beginning. I voted no against it. It's already been done. I'm going to vote no again tonight. I think the whole way this thing came down was just.... and I understand and appreciate your explanation of it, but I still don't agree with it, but thank you for the explanation."

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

**DISCUSSION:** Councilor Ives said, "I just want to clarify something in my mind. My understanding was, at the last meeting, the emergency was with regard to adding it as an agenda item on our agenda at that point in time, as opposed to a quote, emergency procurement. And I think that was in part based on advice from the City Attorney at that meeting."

Ms. Brennan said, "That was the way I saw it as an emergency, and I realized there was a misunderstanding and miscommunication on my part about that, and I apologize for that. But yes, part of it was the Memo presented it as an emergency procurement, and I spoke about an emergency agenda not going through committee first, in addition to the agenda. So that's correct."

Councilor Rivera asked, "Just for clarification. Has the money or the contract been signed already and the amounts, the \$150,000, been committed already?"

Ms. Brennan said, "I assume so. Your vote was to accomplish that at the last meeting. This is merely to ratify that vote so that the public has had notice of the contract."

Councilor Rivera said, "So the money has been procured already for this contract."

Mr. Snyder said, "Yes, it has."

Councilor Dominguez said, "I just want to ask. This was originally proposed as an expansion during budget hearings. Correct."

Ms. Martinez said, "Yes, that is correct."

Councilor Dominguez said, "It was your number one expansion. And I'm just kind of curious why you didn't build it into your operational budget. Maybe Brian wants to answer that."

Mr. Snyder said, "As we discussed during the budget hearings, I had asked all departments to have a flat budget. And the expansion list that was presented during the budget hearings was anything over and above the flat budget. IT did provide a flat budget, and any department that had any request over and above their flat budget, it was presented in a way to the budget hearings to identify what the expansion /request was."

Councilor Dominguez said, "But you could have still provided a flat budget with this in there if you would have rearranged or maybe made some other sacrifices that maybe could have been made in the department itself."

Mr. Snyder said, "That is a possibility. I'm not sure how hard that was looked at. \$480,000 in the IT budget which is largely dominated by personnel costs and expenditures for equipment across the City was a little bit difficult to do. That's why we presented it as a flat budget with the needs being met within the flat budget, and this being an expansion – expansion from the standpoint of budget above the flat budget, not expansion as an additional purchase."

Councilor Dominguez said, "I certainly don't want to get into redoing budget hearings for this item or anything, but... I'm in support of this, but I think that in terms of the nature of how critical it was, and not that it wasn't brought up during the budget hearings, but it almost feels like something that needs to just have been automatically built in. That's all I have Mayor."

Mayor Gonzales said, "I think obviously one of the things that we could do is to improve the means of communication or process for how the Council is made aware of emergency and exempt procurements. And some of it can happen in these meetings or a lot can happen through correspondence through Mr. Rodarte's office, through the City Manager that is giving notice that there is a pending emergency that's going to be coming up. You outline what it is. Even if we didn't have the details. I agree, if you were here without any details of a request to go to \$150,000, I'm sure there would be an equal amount of criticism that you may be receiving tonight would be in place. So I think you needed to have the documentation certainly in place before it came forward, but there are means and mechanisms to be able to give a heads up and to give some background and understanding as to what the challenges that are going on, especially if you're going to ask the Council to approve either an emergency or an exempt procurement. Those should be far and in between the norm, and if it's going to happen there needs to be more communication and preparation for when it needs to take place."

Councilor Ives said, "I remember that day in the budget hearings very clearly, and I had asked a similar question, and the response I was given at the time was this was meant to highlight for us the significance of the various items that were on the IT list. And I know they were discussed, the critical nature of a number of those items that day and simply state, the Governing Body did not include that. But I would hope, certainly in the future and would be happy to give direction from this body that, for those types of critical systems needs they actually are built into the budget fundamentally, rather than being highlighted in any way. I would still love to see them highlighted, but have them be definitely a part of the budget, as opposed to something that we're not proposing to cover in the first instance. So thank you."

Councilor Bush thanked Ms. Martinez for the information. She said, "I voted against this the first time because I didn't want it as an emergency procurement. But what I will ask you is, are you happy with the service with the profit. And it feels a little like they were holding us over a barrel, and that is the other piece of why I objected initially, and I want to support you now, but I want to understand."

Ms. Martinez said, "In a lot of ways, we are over a barrel. We knew that our support for this system was ending at the end of April which is why we made it part of the budget request. And actually, at one point during the course of the hearing the \$480,000 was approved to be included as part of the base. But then, when it came up again on April 29, 2014, I believe it was Councilor Maestas that suggested that it come out until we evaluate a little bit further what it is that we really need. So it was right at that point in time when I had just that little piece of information about a possible second option that might cost less. I didn't have the details, and so we immediately started working to try to gather that information to figure out what it meant. And no sooner did we get it than all of a sudden they say, okay, but you've only got a couple of weeks to do this."

Ms. Martinez continued, "And so, believe me, my intent was never to try to do something at the last minute or try to get the Council to approve something without having adequate information. I apologize that I was out sick that evening. But as soon as we got it, we got it in front of the folks that needed to see it. I visited with Brian about it. We met with staff, so we were actively working through that whole time period to try and get the information we could. And it's unfortunate that it is proprietary and that we can't go anywhere else for it, and so we really are stuck with the minimal options in front of us to be able to do this."

Councilor Bushee asked Ms. Martinez if she is happy with the product.

Ms. Martinez said, "I don't know that I have it yet."

Councilor Bushee said, "The previous product let's just say. The relationship. Is it still worth pursuing."

Ms. Martinez said, "Yes. I believe the relationship is good and I think the most important thing, of course, that we'll get out of it is that we'll be able to process our W-2s at the end of the year. That's the main thing. If it wasn't for that, we'd probably say, okay, we'll try to make do and figure out how to make the system work, but that was the one component essentially that we're paying for."

Councilor Bushee said, "Thank you. I'll support this."

Mayor Gonzales said, "I would just add that the software industry is not for the faint of heart. They build in these maintenance contracts. They hold onto the proprietary status. I'm actually hoping, whenever we get to a point to start relooking at our software systems that we can go out for an RFP and look at a true enterprise system that really meets the needs of the City. We're kind of just hopping along. This is a system that has been in place. We don't have enough money to start from scratch for an RFP so we have to figure it out."

Mayor Gonzales continued, "And I will tell you, how you've laid out the situation makes sense. All the sales people who have to sign these agreements act on quotas, have to meet those quotas by the end of the month. I can hear exactly what whoever our contact is, whatever their boss is saying, you close this thing by May 31<sup>st</sup>. You tell them that. But obviously, they weren't going to walk away from us, but how were we to know that. It's just the way the industry is. You were in a tough spot. I think we can learn a lot through this process in terms of communication. You can't go wrong in communicating too much what the situation is, even if things are very fluid and they're going to be changing. That's obviously something we're talking to the Manager about in terms of how we can increase communication from the administration to the Governing Body about things that are coming up. It is a tough thing to get through and you did it well."

Councilor Rivera asked Mr. Rodarte for the definition of an exempt procurement.

Mr. Rodarte said, "An exempt procurement, in this particular situation, would refer to anything that is proprietary or you're upgrading an existing system, something that exists that you can't get out of and you have to upgrade and/or you can't go anywhere else."

Councilor Rivera said, "It basically means we don't have to go to bid. There's only one person, or one company that can provide the service."

Mr. Rodarte said, "It depends. Exempt procurement might mean different things for different situations. Vehicles for example, exempt procurement might mean you might be able to get it through the manufacturer, go through like Chevrolet, to deal with warranties or whatever. In this particular case, you can get it only through one particular organizations."

Councilor Rivera asked, "How many exempt procurements have by-passed the normal process, the normal committee process in the procurement process in general. I know emergency procurements can do that. How many exempt procurements have done that."

Mr. Rodarte said, "I'm going to say none, because we have to follow the procurement guidelines of the threshold. I have the power, as the Director, to approve procurements under \$50,000. Anything above that does come to the Governing Body for approval. And you'll see some on the finance packet next week."

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

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

**Against:** Councilor Rivera.

**11(s) CONSIDERATION OF RESOLUTION NO. 2014-43 (COUNCILOR DIMAS, MAYOR GONZALES, COUNCILOR BUSHEE, COUNCILOR MAESTAS, COUNCILOR LINDELL, COUNCILOR RIVERA, AND COUNCILOR TRUJILLO, COUNCILOR IVES AND COUNCILOR DOMINGUEZ) A RESOLUTION THANKING THE LEAD TASK FORCE AND OPERATIONS TEAM FOR THEIR SERVICE AND STATING THE CITY'S INTENTION TO ENTER INTO A COALITION MEMORANDUM OF UNDERSTANDING TO FURTHER THE LEAD MISSION. (TERRIE RODRIGUEZ)**

Yolanda Vigil said Councilor Dominguez just wanted to be added as a sponsor, but he didn't pull the item for discussion.

Mayor Gonzales said then this has already been approved and Ms. Vigil said yes.

Mayor Gonzales asked to go ahead and hear from Captain Jerome Sanchez.

Captain Jerome Sanchez said, "What I would like to do since I'm here, is to introduce Detective Casey Salazar. He's going to be helping me with LEAD. LEAD is very slow going right unfortunately. We only have two clients at this time. The good news is that the two clients are cooperating, one is doing very very well, and the other one is questionable at this time, so we're trying to nurture her and make sure she continues with her processes and continues through. We're about months into it and we have two clients."

Mayor Gonzales asked if it is a function of the Courts, or how do we get more clients.

Captain Sanchez said there is an ongoing operation which started today. He said he is new to the process, LifeLink is new to the process and so are the case managers, so there are a lot of growing pains. One of the issues was getting hold of a proper case manager. They would prefer a female case manager since both clients are female. Today it was a male, and they couldn't contact him. He said this will be addressed in the next meeting with the rest of the members. He said, "We're very busy. Here we are in the summertime. We're trying to stop people from kicking in doors, so I'm going to have to say that LEAD is on the back burner, but we have to prioritize what we are doing, so."

Councilor Dimas asked if there is a waiting list, or a list of people who might qualify that we are putting through the process, or are we letting it lay dormant.

Captain Sanchez said we have two, reiterating because of issues in trying to get hold of people and other things they're trying to iron out, they have protocol issues. He said it slows us if someone is on probation and parole. He said there are a lot of protocol issues which is slowing this down. He said with the new case form we're doing, part of the initiative is to get some people enrolled in LEAD. He said we will have these two people for two months, and then all of a sudden, we will enroll 10.

Councilor Dimas asked if people are being trained Dimas, commenting that the Officers should already know what to be looking for, and if they haven't then they should be trained.

Captain Sanchez said the process of a year is really in full implementation from April. As a whole, the only officers that are trained in the program right now are in the Property Crimes Division, because mainly what they do is deal with heroin addicts who are our property crime offenders. She said when she spoke to the Council previously, not a single person that "we have arrested or dealt with on a burglary, there hasn't been a single one that has not been an addict – 100% of those people are addicts." She said they have deal with the existing protocols, part of which is that they can't be on probation, they can't have X amount of drugs, there's a lot of things in this that they cannot do.

Captain Sanchez said, "The other thing is we didn't understand what the capacity was going to be, because in April we were working with \$100,000 at that point. I'm happy to say we have secured another \$200,000 from the Open Society Foundation, so the budget is increasing. And now we just need to find some time to devote to getting some clients through."

Councilor Bushee said then this is your busy season. She asked if there is any more staff to dedicate to you.

Captain Sanchez said ultimately what will happen, since we now have our new Police Chief, is he will meet with the new Chief, and come up with his strategic plan which outlines LEAD and property crimes for the next three years. He said, "So in the strategic plan, part of it is going to be LEAD securing more funding from the Legislature. One of the little things that we can do is to dedicate a time where the Property Crimes Division goes out for a day and solely devotes that time to LEAD participants and trying to gather as many as we can. Again, I have 5 Detectives in property crimes, and so we have to prioritize what we're doing."

Councilor Bushee asked if Public Safety Aides could assist in this, and Captain Sanchez said no.

Councilor Bushee said she is just trying to get him some backup.

Captain Sanchez said the other thing is they also have to train the entire Department at some point. They were afraid they were going to start putting a bunch of people in the Program and they wouldn't have case managers to deal with them. Now that they have secured funding, he is hoping to get 30 within the next year into the program. problem.

Councilor Dimas said most of the addicts with which they are dealing are long term addicts and well known to the Police Department. He said a majority of them will be on probation, and many can't qualify under the set criteria by the Program. He asked if we can find a way to help some of the long term addicts in some way. He said there are a lot who would like to be helped, but the criteria we've set is so stringent, he is unsure we're really reaching out to those who really want help – those who are long term addicts and don't have a choice but to commit property crimes and do the things they've been doing. He said in the future, we really need to start looking at going a little bit further with this program and try to make it work in that way. He said we will be dealing in the first phase, unfortunately, young people who have just gotten into drugs and heroin. He things in the long run, we will end up with people who are long term addicts, and therein is the problem.

Captain Sanchez said, "Therein lies the huge problem in Santa Fe. I've explained this to you all before. 15 years in investigations, working intimately with drugs for the last 15 years, I have never seen it this bad. I grew up here, born and raised here, and I have never seen it this bad. We are dealing with an epidemic.... I agree with you to a certain degree, sir, but we are seeing 17-19 year old kids in the throes of addiction whom we have to target with LEAD. LEAD is just one initiative with the strategic plan. I am happy to say the Detectives are on board with treatment as opposed to incarceration, and both. We are aggressively going after drug dealers. We are also looking into scholarships. I'm happy to say that Detective Salazar is one that brought this initiative forward, is when we do arrest those people who fall into that category that they cannot go into LEAD. He is looking at scholarships from in-patient therapy programs. The second person we put in LEAD was as the result of Detective Salazar finding, and helping her find an in-patient program where she obtained a scholarship. LEAD is just one initiative. There are many things that we can do."

Mayor Gonzales said one of the reasons he wanted to bring Captain Sanchez up here was to say thank you for the work he's doing. He said, "I don't know, but I can only imagine how tough it is out there for the work that you're doing. Not only to keep our neighborhoods safe, but trying to intervene with some of our youth and show them some alternative paths. I want you to know we all appreciate. I want to say I'm sorry for asking you guys to wait as long as you did tonight. I tried to get hold of you earlier, but next time we'll make it a point to try and be more accommodating you guys' time, because you already give a lot to us. Thank you for your patience tonight, we really appreciate it."

Terrie Rodriguez said there are more things to come from LEAD. You will have Muchas Gracias at the next City Council where we will be wrapping up the team that gathered the information and is ready to start the implementation. She said, "We are asking for the remainder of the \$200,000 the City has committed to LEAD for the next fiscal year, as well as the \$200,000 that has been committed from a private foundation." She said the Police are a little sad this is slow, but she isn't. She wants this to be done in such a way that the City can be an example of a LEAD program done right, evaluated right and the system set up so we can do the best we can, and to expand it to juveniles as well. We want to make sure we get it right.

Mayor Gonzales said, "That says a lot about our Police Officers that they would like to see more in there."

Councilor Dominguez said this is good information. He said, "You know you have a great community you're living in when you have community services and the Police Department working together on all this. There's lots of room to grow and improve."

Councilor Bushee wants to see this expanded to juveniles, and asked if we need to shift the program at this point and allow juveniles into it.

Ms. Rodriguez said at this point, we are waiting for the DA's office, because there is a whole separate set of laws when you are working with juveniles. That is a piece she sees us working on to change those laws to have this program available.

**12. REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT WITH JEFFREY ALBRIGHT OF LEWIS ROCA ROTHGERBER LLP TO REPRESENT THE CITY IN PRC CASE #13-00390-UT. (MARCOS MARTINEZ)**

Marcos Martinez noted his Memo of June 2, 2014, which is in the Council packets, and said he will stand for questions.

Responding to Councilor Bushee, Mr. Martinez said this will be a cost sharing with Bernalillo County and Santa Fe County.

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

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

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

**Against:** None.

**13. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 9, 2014: BILL NO. 2014-19: 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 A FIRST AMENDED AND RESEATED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE BUSINESS INCUBATOR, INC., TO RESTRUCTURE AND ADD TO THE CONTRIBUTIONS AND OBLIGATIONS OF THE CITY AND SANTA FE BUSINESS INCUBATOR, INC. (COUNCILOR LINDELL AND MAYOR GONZALES). (FABIAN TRUJILLO)**

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

**DISCUSSION:** Councilor Bushee asked how this came from Development Monte Sereno to the Incubator.

Mr. Trujillo said, "Yes. In 1992, there was a consent degree."

Councilor Bushee said she knows about the consent degree and asked how it was linked to an incubator.

Mr. Trujillo said he is unsure exactly how, but it was part of the negotiations in the consent decree.

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

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

**Against:** None.

**14. APPROVAL OF 2014 CIP BOND ISSUE FOR \$18 MILLION. (ISAAC PINO)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, June 9, 2014, in regard to this item, is incorporated herewith to these minutes as Exhibit "6."

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

**FRIENDLY AMENDMENT:** Councilor Ives said, "On the ITT line, it indicates ITT Upgrades. I'm just wondering if that needs to be expanded so it is ITT expenditures."

**DISCUSSION ON THE FRIENDLY AMENDMENT:** Mayor Gonzales said that is in the description so it should be okay, and asked Ms. Brennan to speak to whether it is appropriate when it goes out for a bond if we have ITT with a description on it for upgrades.

Ms. Brennan said, "If it is expenditures and upgrades. Yes."

**THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

**Against:** None.

*[STENOGRAPHER'S NOTE: The complete exchange between Councilor Dominguez and Yolanda Vigil during the roll call was inaudible because Councilor Dominguez's microphone was not turned on. Ms. Vigil said, "That's correct. This is what was approved at Public Works on Monday.]*

Mayor Gonzales said, "Thank you Ike. Well done."

15. **CONSIDERATION OF RESOLUTION NO. 2014- \_\_\_ (COUNCILOR IVES). 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 AND PUBLIC SAFETY SERVICES RELATED TO PHASE 2 ANNEXATION AND OPERATION AND MAINTENANCE COSTS FOR INFRASTRUCTURE OF PARKS AND RECREATION FACILITIES AND LIBRARIES. (MARCOS TAPIA AND JUDITH AMER)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, June 9, 2014, in regard to this item, is incorporated herewith to these minutes as Exhibit "7."

This item was removed from the Agenda and postponed for 3 months.

16. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

17. **MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

18. **MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

19. **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 June 11, 2014, is incorporated herewith to these minutes as Exhibit "8."

**Councilor Dimas**

Councilor Dimas had no communications.

### **Councilor Bushee**

Councilor Bushee Introduced the following:

1. An Ordinance relating to impact fees, Section 14-8.14 and Park Dedication, Section 14-8.15 SFCC 1987; amending Section 14-8.14(C), (E) and (F) and Section 14-8.15(C)(2) to remove the 50 percent reduction of residential impact fees, adopt a new fee schedule, amend definitions and amend the Park Dedication Section.
2. A Resolution adopting the "Impact Fee Capital Improvements Plan 2020 for Roads, Parks, Fire/EMS and Police," to meet the State required Impact Fee program 5-year update as called for in the State Development Fees Act (5-8-30 NMSA 1978).
3. A Resolution authorizing an amendment to the 2012 General Obligation Bond (GO) Bonds Parks and Trails Implementation Plan to reallocate \$2 million currently designated for the River Trail underpass at St. Francis/West Alameda to bike-pedestrian trails and related infrastructure projects. A copy of the Resolution is incorporated herewith to this Ordinance as Exhibit "9."

Councilor Bushee asked Mr. Snyder to try to get something done with the red caboose with all the weeds at the edge of the park on St. Francis – paint it or something.

Ms. Brennan said, "We're talking to Santa Fe Southern and parties with whom they are doing a sub-contract and they have expressed a willingness to either remove that, or repaint it and use it in landscaping and give it to the City to maintain it.

Councilor Bushee noted there also "are tons of weeds in and around it too."

Councilor Bushee wished everyone a Happy Father's Day.

### **Councilor Ives**

Councilor Ives introduced a Resolution amending the Administrative Procedures for the Santa Fe Homes Program ("SFHP"); amending Section 16-1 SFCC 1987 to make SFHP requirements applicable to condominium units; to remove sunset date from fractional fee schedule and to make other changes to the Administrative Procedures as necessary. A copy of the Resolution is incorporated herewith to this Ordinance as Exhibit "10."

### **Councilor Dominguez**

Councilor Dominguez said he didn't make it to the local banking event yesterday, which was Councilor Ives' birthday. He asked where he can get a briefing on the event.

Mayor Gonzales said he asked for packets which should be in his mailbox, and if not, he will make sure it is there by tomorrow.

Councilor Dominguez would like the packet electronically, if possible.

### **Councilor Lindell**

Councilor Lindell introduced a Resolution endorsing the City of Santa Fe's partnership with global running culture in facilitating participant transportation associated with the Santa Fe half marathon, on September 14, 2014. A copy of the Resolution is incorporated herewith to this Ordinance as Exhibit "11."

### **Councilor Trujillo**

Councilor Trujillo reminded everyone of the Children's Fishing Derby on Saturday, 6:00 a.m. to noon, for anyone 11 years of age and under fish for free. He said they will be stocking trout on Friday. He said everyone holding a valid N.M. Fishing license will be allowed to fish in the River after 12:00 noon. He said "hats off" to Parks and everybody who works on the Fishing Derby. He said 3 bicycles will be given away, noting the first 10 to catch a fish will get a prize.

### **Councilor Rivera**

Councilor Rivera introduced the following:

1. A Resolution directing staff to explore the options for establishing a program whereby retired and refurbished City computers will be available for donation to indigent children and youth. A copy of the Resolution is incorporated herewith to this Ordinance as Exhibit "12."
2. A Resolution directing staff to study the feasibility for offering a reduced rate for use of the Santa Fe Community Convention Center by local Santa Fe residents. A copy of the Resolution is incorporated herewith to this Ordinance as Exhibit "13."

**Mayor Gonzales**

Mayor Gonzales said the Rodeo Parade on Saturday, is at 10:00 a.m., and starts at Ft. Marcy.

Mayor Gonzales said we are launching *The Mayor's Challenge*. He said more than 20 City teams have signed up, not one City Councilor has sponsored a team.

Councilor Bushee, Councilor Ives and Councilor Dominguez said they will be team captains.

Mayor Gonzales said there have to be 4-6 employees per team, noting his team is ineligible to win, but they are going to good. He said he will find employees to be on the teams. He said it consists of 100 minutes of exercise a week, you have to eat healthy, and you have to do an hour of community service.

**END OF AFTERNOON SESSION AT APPROXIMATELY 8:40 P.M.**

**EVENING SESSION**

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

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 8:40 p.m. Roll Call indicated the presence of a quorum as follows:

**Members Present**

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

**Members Excused**

Councilor Joseph M. Maestas

**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 June 11, 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 "14."

\*\*\*\*\*

**VERBATIM TRANSCRIPT  
OF AGENDA ITEM #F  
EVENING SESSION  
CITY COUNCIL MEETING  
JUNE 11, 2014**

LUCINDA VIGIL:

Thank you all for listening to me and I wish you the best with our Mayor Javier Gonzales. I don't know if he's Speedy Gonzales, but we'll see. Do you ever wonder why they call the City of Holy Faith, the City Different.

MS. HELBERG:

What is your name.

LUCINDA VIGIL:

I'll get there. It is because of Tommy Macaione who came here from Italy to paint the landscape. He would rent a flatbed truck from Jesus Rios, and for the Fiesta Parade he would ride around the Plaza announcing his bid for Mayor de Santa Fe. He was named El Diferente. He watched all of us grow up. My name is Lucinda Vigil. I am the seventh of nine children and during those days, the 1950's, 60's and 70's, on Sundays, after washing all the dishes, my father would give me a quarter and I would walk to the municipal swimming pool which is now names Salvador Perez. That is where I learned how to swim. In 2005, after Corbin Hayes drowned in the Rio Grande, that motivated me to re-certify my life guarding, and water safety instruction skills. Water is our most precious resource. Curious how Governor Richardson negotiated the release of hostages. I read his book *How to Sweet Talk a Shark*. It was not for penicillin or quinine, it was for clean water. I wonder why my mouth is on its way to "molachoville." Is it because of the fluoride, or the penny candy that I ate as a child. In the Spring of 1919, according to Gregorito Rodriguez's book *Singing from My Echo*, the well at Cerro Gordo and Palace Avenue became contaminated with typhoid. I only knew 3 of the 11 children my grandparents had because of this epidemic. In Guanajuato, Mexico, there are mummies in the museum who are petrified because of the salt in the water. During the course of my re-certifications, I developed a fungus on the ankle of my right leg, and with natural *remedios* it took me two years to get rid of this infection. I swam at the Genoveva Chavez Center, Salvador Perez and Bicentennial Pools. I worked at the [inaudible] Walk-up Center in Los Alamos for 9 months, observing that the life guards actually went on deck with whistles and fanny packs, with respirator masks inside them. Ron Robinson who spent his life working for the recreation department here in Santa Fe could never find my application for a life guarding position here in Santa Fe. I address this with all of the City Councilors, but only one, Rebecca Wurzbarger, returned my Christmas card and I have a copy of it here. I would like to give it to you.

MAYOR GONZALES:

Thank you.

LUCINDA VIGIL:

In closing, I would like to ask this Council and our Mayor, Javier Gonzales, if we care about our kids and citizens of Santa Fe that use these recreation facilities, can we improve the quality of water in our public swimming pools. In Albuquerque, I have heard that there is an

infra red light that purifies the swimming pool water. Can a study be done. In the meantime, life guards will have to ingest magnesium and zinc to remedy the effects of the chemicals in the water. And I also want to sing you a song because you sang *Volver*. So this it is. *O Fair New Mexico, I love I love you so.*

MAYOR GONZALES: Thank you Lucinda. Thank you very much.

STEPHANIE BENINATO: I am Stephanie Beninato. I'm here to talk about public records request. I know this is sort of appropriate that you just had to hire somebody in a public records case. So I unfortunately had to sue the City of Santa Fe because my house flooded in 2011, and even though Mayor Coss told me that he knew it could not happen again, and even though I've gotten emails from Ike Pino telling me that they were working towards a resolution, unfortunately, that wasn't really an effective resolution. So I've been asking for a public records request and I'm not getting them. And I brought one to your attention a couple of weeks ago about the easement, the lawyer that you all hired in Albuquerque for this case, saying there is an easement on the property. There is no documentation, even though the City said maybe this document would help you. When I asked for an as-built plan for the storm drain drop inlets, I was told after several weeks that there wasn't any. I knew that was not true, because I knew people had told me that at least two departments have copies of this plan. On June fourth when I was being deposed, I mentioned this to the lawyer on the record, that the City was not being honest with me about these records. Initially he was going to direct the City not to do public records request which I told him I would, number one, come here and talk about it today, but also I would have made a motion to amend my complaint to include public records violations. And again, finally, yesterday, he gave me a copy of the plan which was Plan for Storm Drain Drop Inlets and Outlets. Hello, if I didn't name it right, and you were so willing to give me my own survey back on the easement question, why wasn't I given this map as maybe this is what you are really asking for. So that was eighty-two days after I initially asked for it that I get it. The case law on this is very clear, despite the lawyer in Albuquerque's attempt to try to cut me off from being able to ask about public records request. And what it says, is in order to further this [inaudible] IPRA makes it clear that all public entities must furnish records without regard to who is requesting the records and cannot require disclosure of the reasons for inspecting the records. New Mexico's policy of open government is intended to protect

the public from having to rely solely on the representations of public officials that they have acted appropriately. The actual standard is the lawyer actually wanted to keep me from getting these records, is that there has to be a specific exemption within the State Public Records Act, there has to be a statutory or regulatory exemption of privilege adopted by the courts or grounded in the Constitution. These are the only reasons that the City can deny public records. I think it's really important that officials begin recognizing this and that the City becomes a whole lot more transparent and is a lot more responsive to public records requests, including one which was one of my permits that was issued in 2006. I've asked for the complete record because some was destroyed during the flood. Again eighty-two days later, I have not gotten that. That's computerized. That should be easy. Why didn't I get it. Again, I would ask that you direct the City Manager to be looking into this. And I'm sorry the Mayor walked out on this. Thank you very much.

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

MARIAM LETH-ESPENSEN: I'm back with more documents.

MAYOR PRO-TEM IVES: And if you would please begin by stating your name once again for the record.

MARIAM LETH-ESPENSEN: It's Mariam Leth-Espensen. So I prepared for you all kinds of things. I have dug and dug and researched and come up with all kinds of documents, and warranty deeds and survey plats dating back to 1922. So, I'm telling my son, who practices law in California about all my finds. And he says, mom, it's not necessary. You have a District Court Decree from 1953, and all you have to do, and all the City has to do is apply what he calls the rule of presumption of regularity. And what that means is that unless a court overturns the Decree from the District Court, that Decree stands. Neither the City Council, nor the City Attorney has the authority to overturn a court decree. But I have provided you with all the information that I have spent days and weeks digging up so you can have a clear understanding of why I am not mistaken when I say there has been encroachment from the west, encroachment from the east and the zoning regulations have not been applied. All the information is in the packet. I'm not going to waste your time. I know you're running late. I just want to bring your attention to one other thing, which is a Zoning Permit Action Sheet which is dated June 14, 1993, which clearly says, and I quote, no

backout onto Loma Lane or access easement will be allowed, and I have that enclosed. This declaration is echoed also in the letter from Julian Grace, dated July 26, 1994, also enclosed. And I quote, the City has not approved parking on the northeast corner of Castillo Place 622. The City does not recognize the parking plan, nor does the City recognize the agreement between the two entities. In other words, all the parking spaces on 622 Castillo Place are in violation of zoning. And what that translates into, and a special gift to you, Mr. Mayor, are two pictures of what the parking situation looks like in the daytime and at night time on Loma Lane. The other thing I would like to bring to your attention, is that with all of the wonderful rain that we had, the holes in the easement are now gouges. And I can only imagine unless something is done about it, it will get worse. So I have prepared 3 packages. I have appealed in front of you three times now, and what I'm asking is to restore Loma Lane with its easements to the legal description outlined in the 1953 Court Decree, enforce zoning regulations and maintain Loma Lane with easements according to the 1993 City County Resolution. I did well. Three minutes.

- MAYOR GONZALES: Perfect, thank you so much. You can give those to Yolanda. That would be wonderful, thank you.
- MARIAM LETH-ESPENSEN: And could I expect to hear back from somebody.
- MAYOR GONZALES: You should be able to hear back from us.
- MARIAM LETH-ESPENSEN: What would be the time.
- MAYOR GONZALES: We'll ask Ms. Brennan. Give us about six weeks, four weeks to six weeks to get back to you.
- MARIAM LETH-ESPENSEN: Six weeks.
- MAYOR GONZALES: Thank you.
- MARIAM LETH-ESPENSEN: And whom should I expect to be contacted by.
- MAYOR GONZALES: Ms. Brennan from the City Attorney's Office. Thank you.
- MARIAM LETH-ESPENSEN: You [indicating Ms. Brennan].

KELLEY BRENNAN: Nodded yes.

**END OF VERBATIM TRANSCRIPT**

\*\*\*\*\*

**G. APPOINTMENTS**

There were no appointments.

**H. PUBLIC HEARINGS**

- 1) **REQUEST FROM ELDORADO SERVICE COMPANY, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0195 FROM GUARDIAN SANTA FE PARTNERSHIP TO ELDORADO SERVICE COMPANY, LLC. THIS LICENSE WILL REMAIN AT THE ELDORADO HOTEL, 309 W. SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of June 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not within 300 feet of a church or school. Ms. Vigil said there are staff reports in the packet regarding litter, noise and traffic, and staff recommends that this business be required to comply with all of the City's Ordinances.

**Public Hearing**

There was no one speaking to this request.

**The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Lindell, to approve the request from Eldorado Service Company, LLC, for a transfer of ownership of Dispenser License #0195 from Guardian Santa Fe Partnership to Eldorado Service Company, LLC, and the license will remain at the Eldorado Hotel, 309 W. San Francisco Street, with all conditions as recommended by staff.

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

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

**Against:** None.

**2) REQUEST FROM LOYAL HOUND, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LOYAL HOUND, 730 ST. MICHAELS DRIVE, #3-RW. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, from her memorandum of June 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not within 300 feet of a church or school. Ms. Vigil said there are staff reports in the packet regarding litter, noise and traffic, and staff recommends that this business be required to comply with all of the City's Ordinances.

**Public Hearing**

There was no one speaking to this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to approve the request from Loyal Hound, LLC, for a Restaurant Liquor License, beer and wine on-premise consumption only, to be located at Loyal Hound, 730 St. Michaels Drive, #3-RW, with all conditions as recommended by staff.

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

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

**Against:** None.

**3) REQUEST FROM THE ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT THE ELKS CLUB, 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THIS REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON JUNE 15, 2014, FROM 12:00 P.M. TO 4:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, from her memorandum of June 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil noted there is a letter of no opposition in the packet from Kate Schlechter, Pastor, Christ Lutheran Church.

**Public Hearing**

There was no one speaking to this request.

**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 wine at the Elks Club, 1615 Old Pecos Trail, for a benefit car show on June 15, 2014, 12:00 p.m. to 4:00 p.m., with all conditions as recommended by staff.

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

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

**Against:** None.

- 4) **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 19, 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 June 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said this was approved at the last City Council meeting. However, the applicant had given an incorrect date, so the correct date for this is going to be Thursday, June 19, 2014, 6:00 p.m. to 8:00 p.m., at El Museo Cultural. She said there is a letter in the packet from Carl Gruenler, Chief Business Officer, Santa Fe Public Schools saying the District will refrain from issuing a decision regarding opposition or non-opposition to this request.

**Public Hearing**

There was no one speaking to this request.

**The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, 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 19, 2014 from 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 Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**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 9:00 p.m.

**Approved by:**

---

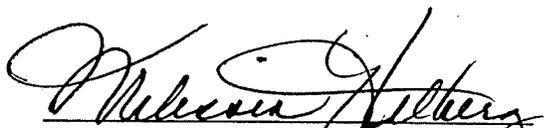
**Mayor Javier M. Gonzales**

**ATTESTED TO:**

---

**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**



**Melessia Helberg, Council Stenographer**

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
June 11, 2014

The governing body of the City of Santa Fe met in an executive session duly called on June 11, 2014 beginning at 5:59 p.m.

**The following was discussed:**

- 1) In Accordance In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(2) NMSA 1978, Discussion Regarding Limited Personnel Matters, Appointment of Brian K. Snyder as the City Manager.

PRESENT

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

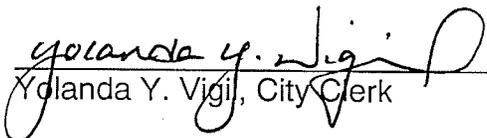
ABSENT

Councilor Maestas

STAFF PRESENT

Brian K. Snyder, City Manager (7:10 p.m. – 7:29 p.m.)  
Kelley Brennan, Interim City Attorney  
Yolanda Y. Vigil, City Clerk

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

  
Yolanda Y. Vigil, City Clerk