

SUMMARY INDEX
 SANTA FE CITY COUNCIL MEETING
 April 9, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</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		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 31, 2014	Approved	4
<u>PRESENTATIONS</u>		
KEEP SANTA FE BEAUTIFUL'S GREAT AMERICAN CLEANUP EVENTS		5
PROCLAMATION – "NATIONAL SERVICE RECOGNITION DAY"		6
MUCHAS GRACIAS – MAURICE LIERZ		6
PROCLAMATION BATAAN REMEMBRANCE DAY FOR THE BATAAN DEATH MARCH		6-7
2014 FIRE SEASON OUTLOOK AND OVERVIEW		7-11
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISE AND PROMOTE CITY OF SANTA FE RECREATION DIVISION AND GENOVEVA CHAVEZ COMMUNITY CENTER; HUTTON BROADCASTING, LLC	Approved w/direction to staff	11-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION AND ENGINEERING SERVICES FOR BACA AND NORTH RAILYARD DISTRICTS; SANTA FE RAILYARD COMMUNITY CORPORATION	Approved	13-14
REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND	Approved	13-14
REQUEST FOR APPROVAL OF GRANT AWARD – FY 2014 SANTA FE METROPOLITAN PLANNING ORGANIZATION WORK AUTHORIZATION; NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	14-15
IN ACCORDANCE WITH THE REQUEST OF THE MAYOR AT THE MARCH 26, 2014 MEETING OF THE GOVERNING BODY, REPORT OF THE CITY MANAGER AND THE CITY ATTORNEY ON THE DEVELOPMENT OF THE RAILYARD; THE CONSTRUCTION OF THE UNDERGROUND PARKING GARAGE, MARKET STATION BUILDING AND ADJACENT INFRASTRUCTURE; AND THE SETTLEMENTS WITH THE CONSTRUCTION CONTRACTOR AND WITH RAILYARD COMPANY, LLC	Information/discussion	15-19
MATTERS FROM THE CITY MANAGER	None	19
MATTERS FROM THE CITY ATTORNEY	None	20
MATTERS FROM THE CITY CLERK	None	20
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	20-26
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	27
PETITIONS FROM THE FLOOR		27-29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>APPOINTMENTS</u>		
Public Safety Committee	Approved	29
Capital Improvements Advisory Committee	Approved	30
City Business and Quality of Life Committee	Approved	30
Economic Development Review Subcommittee	Approved	30-31

PUBLIC HEARINGS

REQUEST FROM SANTA FE UNIVERSITY OF ART AND DESIGN (SFUAD) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT SFUAD'S MARION CENTER, 1600 ST. MICHAEL'S DRIVE. THE REQUEST IS FOR A SANTA FE ALUMNI REUNION TO BE HELD MAY 2, 2014 FROM 7:00 P.M. TO 9:00 P.M.	Approved	31-32
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------	-------

CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-16. <u>CASE #2013-128</u> . HOMEWISE REZONING. JENKINSGAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES OF LAND FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 2868 RUFINA STREET	Approved	32-36
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------	-------

CONSIDERATION OF RESOLUTION NO. 2014-27. <u>CASE #2013-130</u> . 311-317 CAMINO ALIRE GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET	Approved	36-40
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------	-------

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-17. <u>CASE #2013-131</u>, 311-137 CAMINO ALIRE REZONING. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS REZONING OF 1.38± ACRES OF LAND FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET</p>	Approved	36-40
<p>CONSIDERATION OF BILL NO. 2013-42: ADOPTION OF ORDINANCE NO. 2014- ____ (MAYOR COSS). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.</p>	Withdrawn by staff	41
<p>REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT SECOND AMENDED PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC.</p>	Withdrawn by staff	41
<p>REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY</p>	Withdrawn by staff	41
ADJOURN		41

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 9, 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, April 9, 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 Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Snyder requested that Item 10(m) on the Afternoon Agenda be postponed to the Council meeting of April 30, 2014

Councilor Dominguez requested that Item 10(n) on the Afternoon Agenda be sent to the CBQL. He asked Ms. Vigil to send him an email about the next CBQL meeting date.

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to approve the agenda as amended.

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

7. APPROVAL OF CONSENT CALENDAR

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

Against: None.

10. CONSENT CALENDAR

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 24, 2014, regarding item 10(f), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 24, 2014, regarding item 10(k)(1), is incorporated herewith to these minutes as Exhibit "2."

- a) *[Removed for discussion by Councilor Ives]*
- b) *[Removed for discussion by Councilor Ives]*
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO MEMORANDUM OF UNDERSTANDING – USE OF PARKING PERMITS FOR COUNTY EMPLOYEES; SANTA FE COUNTY. (P.J. GRIEGO)**
- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – CITY OF SANTA FE RESERVOIRS CONCEPTUAL APPROVAL OF SALE OF REAL ESTATE – APPROXIMATELY 139 SQUARE FEET WITH A PORTION OF DESIGNATED PARK PARCEL OF THE EVELYN H. LISCHKE SUBDIVISION, LOCATED AT 2119 SIRINGO ROAD; MARY E. SCHRUBEN. (EDWARD VIGIL)**

- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – INCORPORATING ADDITIONAL REQUIREMENTS OF LESSEE REGARDING SERVICES PROVIDED IN LIEU OF RENT AND BETTER COLLABORATION WITH CITY STAFF TO PROVIDE SERVICES TO THE PUBLIC AT 201 W. MARCY STREET BY AGGIE DAMRON-GARNER, MANAGING DIRECTOR; LENSIC PERFORMING ARTS CENTER D/B/A TICKETS SANTA FE BOX OFFICE. (EDWARD VIGIL)

- f) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – FY 2013 SECTION 5307 URBANIZED AREA APPROPRIATION FOR TRANSIT DIVISION; FEDERAL TRANSIT ADMINISTRATION. (KEN SMITHSON)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- g) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – FY 2014 SECTION 5307 URBANIZED AREA APPROPRIATION FOR TRANSIT DIVISION; FEDERAL TRANSIT ADMINISTRATION. (KEN SMITHSON)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – 2014-15 AFFORDABLE HOUSING TRUST FUND ALLOCATION; SIX (6) VARIOUS VENDORS. (ALEXANDRA LADD)
 - 1) LIFE LINK (RENTAL ASSISTANCE)
 - 2) SANTA FE HABITAT FOR HUMANITY (SOLAR INSTALLATION)
 - 3) SANTA FE HABITAT FOR HUMANITY (EMERGENCY HOME REPAIR)
 - 4) HOMEWISE (DOWN PAYMENT ASSISTANCE)
 - 5) HOMEWISE (HOME IMPROVEMENT)
 - 6) THE HOUSING TRUST (DOWN PAYMENT ASSISTANCE)

- i) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS ALLOCATION; ELEVEN (11) VARIOUS VENDORS. (ALEXANDRA LADD)
 - 1) ESPERANZA SHELTER (EMERGENCY ASSISTANCE PROGRAM)
 - 2) HOMEWISE (DOWN PAYMENT ASSISTANCE)
 - 3) SANTA FE HABITAT FOR HUMANITY (DOWN PAYMENT ASSISTANCE)
 - 4) HOMEWISE (HOME IMPROVEMENT)
 - 5) SANTA FE RECOVERY CENTER (ACCESSIBILITY IMPROVEMENT)
 - 6) SANTA FE YOUTHWORKS (FACILITY IMPROVEMENTS)
 - 7) KITCHEN ANGELS (HOME DELIVERY SERVICE OF MEALS)
 - 8) SFPS ADELANTE PROGRAM (DEFERRED ACTION PROJECT)
 - 9) SFPS ADELANTE PROGRAM (GRADUATION PROJECT)
 - 10) ST. ELIZABETH'S SHELTER (SIRINGO FACILITY IMPROVEMENT)
 - 11) THE HOUSING TRUST (DOWN PAYMENT ASSISTANCE)

- j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE METROPOLITAN PLANNING ORGANIZATION PUBLIC TRANSIT MASTER PLAN (RFP #14/25/P); KRH GROUP, INC. (ERICK AUNE)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – COMPLETION OF PHASE II OF SANTA FE METROPOLITAN PEDESTRIAN MASTER PLAN FOR METROPOLITAN PLANNING ORGANIZATION; DESIGN OFFICE. (MARK TIBBETTS)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – ½ % GRT INCOME FUND.

- l) *[Removed for discussion by Councilor Trujillo]*

- m) CONSIDERATION OF RESOLUTION NO. 2014- ____ (COUNCILOR DIMAS, COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM. *This item is postponed to the April 30 2014 Council Meeting.*

- n) 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) *Referred to the Business & Quality of Life Committee,*

- o) CONSIDERATION OF RESOLUTION NO. 2014-26 (COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR RIVERA AND COUNCILOR LINDELL). A RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY AND FISCAL IMPACT OF ESTABLISHING A SINGLE-STREAM RECYCLING PROGRAM FOR THE CITY OF SANTA FE. (NICK SCHIAVO)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 31, 2014.

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of March 31, 2014, as presented.

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

9. PRESENTATIONS

a) KEEP SANTA FE BEAUTIFUL'S GREAT AMERICAN CLEANUP EVENTS. (GILDA MONTANO)

Gilda Montano reviewed what is happening during the Great American Cleanup. She said the Annual Great American Spring Cleanup is scheduled for April 26, 2014, and invited the neighborhoods, individuals and anyone needing community service to come and help. She said Keep Santa Fe Beautiful will provide bags, gloves and tee-shirts. She said the Parks Crews and Environmental Services Division crews help them to clean up, pick up all the trash after it is collected. She said this year, we will have some of fire department grant employees helping picking up green waste.

Ms. Montano said they also have asked the Schools to do campus cleanup. We've sent them flyers and we've offered them the bags and any other materials they need. She said BuRRT is having an amnesty day on April 26th as well, for City and County residents. This is a good opportunity for people to take large appliances, furniture, mattresses, any remodeling materials, electronic waste – computers, printers, monitors, televisions and small appliances. They also will be accepting household cleaners, automotive products, paint, solvents, poisons, fertilizer, batteries, etc. They also are going to allow residents to take any tires they might have, and the tires and green waste will be accepted on Saturday and Sunday. She said all of the information is in the packet she gave them. She invited the Governing Body to come out and help them to clean up, and they can assign them, or they can just do a cleanup in their own district, which also would be great.

Ms. Montano said on that same day, there will be a prescription drug drop-off at different places around the City where people can take old medications or those that have expired.

Ms. Montano said the Earth Day event will be at the GCCC on Sunday, April 27, 2014, and they will be giving away 125 trees, first come first served. They will also be serving appetizers and giving out recycling bins as well.

Ms. Montano said this is a great opportunity to clean up Santa Fe, especially since they won't be charged at BuRRT on that day.

Councilor Dominguez thanked Gilda for all her work this year and in years past, and especially for working with the Sidewalk Angels in Tierra Contenta. They are excited to participate again this year. He thanked her for meeting with him Councilor Rivera and the Sidewalk Angels.

Ms. Montano said Keep Santa Fe Beautiful is celebrating its 30 year anniversary. She thanked the Governing Body for allowing this program to continue.

b) PROCLAMATION – “NATIONAL SERVICE RECOGNITION DAY.”

Mayor Gonzales asked Councilor Maestas to read the proclamation.

Councilor Maestas, assisted by Mr. Dykstra, read the proclamation into the record, and provided a copy of the Proclamation to Mr. Dykstra.

c) MUCHAS GRACIAS – MAURICE LIERZ

Councilor Ives read the Muchas Gracias into the record and presented the Muchas Gracias Certificate to Maurice Lierz for his service with the City Audit Committee, which has become a permanent part of our Charter. He said the elevation of the Committee to that status and the impact of its transparency reflects the work of the Audit Committee.

Mr. Lierz said he has participated in a number of new beginnings, including the City Audit Committee. He noted the Committee members were appointed by the Municipal Judge. He said they met this afternoon, without him, so they are continuing their work. He said he has been impressed with the city's endeavor this year to get the audit submitted on time.

Councilor Ives said this the first time Santa Fe's audit has been on time, which will stand us in good stead with the State.

Mr. Lierz said he appreciates the City Manager's support in making this happen this year.

Councilor Bushee said she is the one who brought forward the idea of the Audit Committee and to make sure the Municipal Judge was doing the appointing. She is appreciative of Mr. Lierz's expertise, knowledge and independence, and that he brought forward issues to the Council.

c(2) PROCLAMATION BATAAN DEATH MARCH

Mayor Gonzales said today is the Bataan Remembrance for the Bataan Death March. He said many people from Santa Fe and New Mexico were in the march, and it is important to commit to remembering their sacrifices and what they did for their country.

Mayor Gonzales read the Proclamation into the record, declaring April 9, 2014, as the Bataan Remembrance Day, and presented the proclamation to General Salas.

General Salas shared a poem written by a war correspondent. He said the few remaining survivors of that Death March, who are 95, 96, 97 years old, met today to tell their story, and it is a beautiful story of courage, and of faith and of love. He said, "As far as nobody giving a damn, Alcalde it is clear that you, members of the Council and fellow citizens, it is clear to me that you give a damn. And I salute you and thank you for that."

d) 2014 FIRE SEASON OUTLOOK AND OVERVIEW. (PORFIRIO CHAVARRIA)

Mr. Chavarria said each year we have a fire season and but it depends on how severe it is, and how well prepared the City is to address that threat. He said this year, forecasters are calling for moisture impulses almost weekly, and forecasting snow possibly next week. He said this trend will continue until mid May or end of May. He said June will be hot and dry. He said the moisture will grow the fire fuels, and in June it will start to dry out, so we'll probably have a pretty severe season, especially with the continued drought. He said snowpack levels are 50% below normal, and in the Jemez at 1% of normal. We currently are at high fire danger and can go to very high and extreme.

Mr. Chavarria said we have an 8-person hand crew from the City that is doing some fuels work on private and public lands throughout the City. We also have two seasonal engine operators we hired to do home assessments on approximately 10,000 parcels in the City, noting this is a 7-10 year project. He said they just finished interviews to hire 12 youths from a Youth Conservation Corps grant we received, and they will be starting on April 21, 2014. He said we will then have a 20 person hand crew available to fight wildland fires in the State and City.

Mr. Chavarria said all of the departments are trained in wildland preparedness and they have a couple of brush trucks and tenders in the event we have a big event in the City. The other big component is preparedness, and using the Ready/Set/Go program from the International Association of Fire Chiefs and getting the message to homeowners with regard to what they can do to prevent fires, and in the event of evacuation, to know the necessary items they will need for an evacuation.

Mr. Chavarria said they are working with the Canyon Neighborhood area and Monte Serrano area, and they have created small fire committees within their community to address this problem. He is assisting them to create wildfire action plans which will go through all high fire danger areas, and getting the community involvement and buy-in to create plans which address their built environment, their structures, the natural environment of what fuels they have, what trees, vegetation, and how they can address those issue and the social aspect of getting people engaged in wildland fire awareness and then how we can better respond as the Fire Department to an incident.

Mr. Chavarria said some of the fuels projects they're working on through the action plans and some of the other cooperators, are working on the river corridor from Camino Pequeno to Cerro Gordo which provides 45% of our water. He said the loss of the watershed would be devastating to the City. He said they are working with the Nature Conservancy on some of their land and with Santa Fe Beautiful on the green waste pickup day on April 26th, and will be providing pickup in some communities for green

waste during the summer. Homeowners can leave green waste on the side of the road, through a coordinated event, through his office for pickup throughout the summer.

The Governing Body commented and asked questions as follows:

- Mayor Gonzales commended the Council for their efforts to create a model for wildland protection with the watershed. He said there has been great work by the Watershed Association with the support of the City Council. He said we know our watershed goes well beyond the City limits and is more broad than what we define in that area. He asked if we prepare requests for federal appropriations for more money for the City to expand our efforts in the watershed and to move further out to create more of a buffer and defense zone.

Mr. Chavarria said we have applied through the Assistance to Firefighters Grant for funds, but if you're talking about the Forest Service itself, there is a Good Neighbor Authority which isn't money, but allows us to do some of those projects on their property they have on the books that we may be able to address through the Hazard Mitigation Grant, and through the Office of Emergency Management, there are opportunities there that we have been pursuing.

- Mayor Gonzales said he would like to set a time he can meet with Mr. Chavarria and some of the non-profits focused in that area to see if there is more of a collective strategy we can do at the federal level.

Mr. Chavarria said he has been working with his department, the Watershed Association, Forest Service and the Water Department. They are now working toward the upper watershed and the wilderness area to see if there is any possibility of doing some fuels mitigation projects there, not necessarily chainsaws, but perhaps for fire.

- Mayor Gonzales said the work that has been done in the watershed has helped to protect the water supply, but we know it is still under threat, so we have to expand it. He asked if there is technology used by the Forest Service to determine the various levels of drought so we know where the danger spots are that are susceptible to getting this started. He said many times fires are started by humans, many times by lightning strikes.

Mr. Chavarria said there is plenty of modeling that addresses those issues – a whole host of software. He said they have worked with groups to initiate a model for lots of landscape to point out the potential impacts for fire at various locations.

- Mayor Gonzales commended Mr. Chavarria for the work he and the teams do, and said the Council is gratified with their funding and focusing on this area, because it is a tinderbox. He said the Watershed Association took on that responsibility and did an incredible job.

Mr. Chavarria said fire is part of the ecosystem, and we won't eliminate fire but we need to use it when it is appropriate, and try and benefit from that use. He said continued prescribed burns in the watershed will further protect us from a catastrophic fire in there and destroying our water resources.

- Councilor Bushee thanked Mr. Chavarria for his years of efforts in this regard. She said she promoted having green waste pickup twice a season throughout the City, and asked "would your pickup just be the folks you have been helping doing chopping and grinding and areas in foothills, or would you just be helping throughout the City."

Mr. Chavarria said they are trying to concentrate on the high hazard areas, using the green waste pickup as an incentive for people to protect their properties. He said the best impact we've had is people doing stuff 30 feet around their house. It saves lives and homes.

- Councilor Bushee asked, "Do you still have the funds or the potential to do what you were doing in the past few seasons, where you helped folks... you had shredding days with a grinder in the area."

Mr. Chavarria said yes, they have been chipping as well, and picking it up and hauling it to BuRRT which is one of the most effective ways, but using the portable chipper on site is another great way to do it. He said some of the action committees with whom he has been working have been asking if there is a way to create a grant program where the City would pay ½ of the cost of removal to a contractor and they can pick up the other half. There are other discussions on what we can do, other than what our City crews do, as well as what we can do in terms of Code enforcement and what Codes should we be adopting for our wildland fire areas.

- Councilor Bushee said some of the concerns are the homeless who are camping in the foothills and having campfires. They were at the point of wanting to pay for their own security guards. She hopes there is some help to them through the high fire seasons – to have some eyes and ears out there trying to make sure the human potential for causing fires is very limited.

Councilor Bushee would like a status report on what is left to do in the forest.

Mr. Chavarria said we have a really solid program, and part of the assessment will be done by the two people we hired, noting he hopes to do 1,000 property assessments this year. He said if people won't let them, then they do an assessment from the curb. That assessment will show up on our mobile data terminals, and they can pull up information.

- Responding to Councilor Bushee, Mr. Chavarria said we can arrange with the Forest Service for their fuels folks to come and let us know where they are with their projects. He said the lower section has been thinned, and now it is just continuing with the prescribed burns.

- Councilor Bushee suggested a map which shows what has been done and what is remaining. She appreciates his efforts. She said we need to continue the effort. She said Mr. Chavarria and his team have been great with the constituents in District 1.
- Councilor Rivera thanked Mr. Chavarria for his work and for being proactive, and for expanding the program which started many years ago, and it has evolved into something really great.

Councilor Rivera asked Mr. Chavarria to describe the burn process used by the Forest Service.

Mr. Chavarria said, "The Forest Service and federal agencies are required to prepare a burn plan based on 48 different criteria which ends up in a document that is 80 pages or more, detailing the fuels, the soil temperatures, the soil moistures that need to be there, what the weather conditions need to be on that day. So they set up parameters for each of the burns, which are approved by the Forest Supervisor, and/or the Regional Office, to see if the burn plan meets the stated objectives and is doable. It is also peer reviewed by other burn bosses who have done similar plans, to see the parameters are within acceptable limits. On the day of the burn, the District Ranger goes through a check list with the team, etc."

- Councilor Rivera asked if that continues even with the moisture levels are well below normal this year.

Mr. Chavarria said, "Yes. And they go through the plan, and if it exceeds those levels, then they don't do the burns. Those burns need to be in compliance with the plan, and the moisture levels are indicated in the plan, and they can only do them on certain days, certain wind directions. A lot of time it's even what is the lift on the smoke and which direction it is going to go. There are a lot of parameters that go into that decision on that day. And during the burns, those conditions continue to be monitored, and if things start to change, they will reevaluate and decide whether to continue the burn or to stop the ignitions."

- Councilor Rivera said there is a perception that, when there is a forest fire, that anyone that wants to help can do so, and that's not the case. We're part of the program that means you can't self-dispatch, and you have to be invited to participate.

Mr. Chavarria said this is correct. He said, "The Incident Commander at the fire says, I need 5 engines and it goes to the dispatcher, and they go, okay, here's our list, and they call us. You can't just show up to a fire and say, hey I'm ready, put me to work. This is to ensure that the credentials are correct and people have taken the necessary training, have the experience and are qualified to do the work they say they're qualified to do. And it's an accountability system, so the person in charge of the fire knows the personnel out there, and that people don't get lost or get hurt, and are accounted for."

- Councilor Rivera asked how many slash piles are in the reservoir area.

Mr. Chavarria said he is unsure, noting they have added some small thinning projects.

- Councilor Rivera asked if they still will burn those slash piles.

Mr. Chavarria said, "Yes. When conditions and resources allow it."

- Councilor Rivera said last year the Governing Body imposed burn restrictions, and we started fairly early and went month by month. He said although it was a tedious process, it gave us the flexibility if we received a lot of moisture we could stop it at any time. He asked when Mr. Chavarria things we should start that process this year.

Mr. Chavarria said he has discussed this with the Chief, and it seems to be a daily question. He said he thinks creating the process sooner rather than later is the best way to go.

Mr. Chavarria we are at an elevated fire restriction status in the City, more than the County or the Forest Service every day, no matter whether or not there is high fire danger or not.

- Mayor Gonzales said we are all very grateful for the work Mr. Chavarria does, a job well done. He said he has one of the most critical positions in the city to protect water shed and water supply. He said we are ready to support him with whatever he needs to do his job. He looks forward to spending more time with him, and "learning what you are doing and what I can do for you."

CONSENT CALENDAR DISCUSSION

10(a) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISE AND PROMOTE CITY OF SANTA FE RECREATION DIVISION AND GENOVEVA CHAVEZ COMMUNITY CENTER; HUTTON BROADCASTING, LLC. (IVIE VIGIL)

Councilor Ives said he pulled this item for a general request, especially in regard to those contracts on which we are looking at a series of amendments over ensuing years. He said, "The notion of the metrics we use to evaluate whether or not they've been successful, in producing the results we're looking for, is not a topic we cover thoroughly or well enough in our memos coming to Council, but I know I would be interested as these come, and this is really perhaps more directed toward Brian than anybody else, if it is possible to get from staff, as they're bringing these memos on multi-year contracts forward, just some statement of the efficacy of the contract in first instance."

Councilor Ives continued, "I know the Memo here recites that, 'In order to effectively advertise,' we've created all these different platforms to do it on, and to me that doesn't necessary speak to, we know it's been effective because. And that's sort of what I'm looking for. And I don't know if you have an explanation like that here today. If you did, I would love to hear it quickly, and know that I'm going to move to approve this in a moment."

Ivie Vigil said, "To gather the information of how our outreach is, I can speak to Hutton. They have a lot of those reports, and I can ask them for that kind of detail of the audience and so forth. I am currently new at this marketing and so I am learning on a daily basis, but I can gather that information, or find a way to get it."

Councilor Ives said it would be helpful to him, and would make the request, going forward, to have this kind of information in the packet, as we look at renewing multiple year contracts, we have some sense we're actually accomplishing what we hope to do.

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

DISCUSSION: Mayor Gonzales said the point made by Councilor Ives is something which should be practiced broadly across the enterprise, and in terms of any type of professional service contracts, should have the outcomes. So the input, in this case, we need money for advertising but we need to know what are the metrics for evaluating success and what is the outcome. The outcome obviously is to get more people to show up at our community centers, but how do we measure that. He said you can take that standard template and apply it where you can, especially when dealing with tourism.

Councilor Dominguez said it sounds like it might be a proper discussion for the taxpayer impoundment agenda that is moving forward. He asked if he would ask staff look at how we can roll that process into some of the legislation that is going to the BQL fairly soon. He would be happy to look at that and see if there is a way to roll it into that piece of legislation.

Councilor Dominguez asked Ms. Vigil if she is going to be doing all of the marketing for all of the recreation.

Ms. Vigil said it is a joint effort with Debbie Jo Almager, Recreation Division Director, herself, and Philip Lujan, the Administrative Assistant. She said they are all doing the marketing piece.

Councilor Dominguez asked if this is the team that has been doing marketing in the past.

Ms. Vigil said, "No, not in the past, just in the current year."

Councilor Dominguez said, then you're coming on board now to do the marketing.

Ms. Vigil said, "No. I've started it since the person who did it previously moved on."

Councilor Dominguez said then you're new relative to the year.

Ms. Vigil said, "I'm a numbers person, so I'm the Administrative Manager."

Mayor Gonzales said, as discussed with Councilor Trujillo, he would like to have the marketing plan presented to the Public Works Committee, and to make that marketing plan available to the rest of the Council, without you having to come to the full Council, so we can be briefed on the various ways you are wanting to increase participation at Parks and Recreation.

Ms. Vigil said they are working on that currently.

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

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

Against: None.

10 (b) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION AND ENGINEERING SERVICES FOR BACA AND NORTH RAILYARD DISTRICTS; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)

1) REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.

Councilor Ives said he has a quick question for Robert Siqueiros. He asked, when it comes to amendments of our agreement with SFRCC, if he can draw the line in that agreement where revenues brought in by the SFRCC revenue are to cover various expenses, versus when they come back to the City for amendments of those amounts.

Mr. Siqueiros said, for the most part, the revenues given to the City by SFRCC for the Leases is used to pay our debt service, and none of those funds are used to improve the Railyard as it is, or to fulfill the Master Plan. He said we are now focusing on the infrastructure, and it is approximately \$17 million.

Councilor Ives said he just wants to be clear on this, noting there have been amendments in the past dealing with modifications because revenues haven't been covering the debt service, so we've changed the terms of the debt service.

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

DISCUSSION: Councilor Bushee said, "It says that it's an approval of the amount of \$192,385, not to exceed a total amount of \$858,000, and asked if that study would rise to the level of \$1 million."

Mr. Siqueiros said, "No. The previous amount was the original contract, the \$858,000, is used right now to waterproof the south end of the parking structure, to make improvements to the south end of the parking structure and to prepare the site for the cinema structure. And we're currently doing that now."

Councilor Bushee asked the cost of the waterproofing and for preparing the site for the cinema.

Mr. Siqueiros said the short answer is, "Probably split down the middle."

Councilor Bushee said, "And those were things that were part of the original contract."

Mr. Siqueiros said the original contract was the developer that was going to previously build the theater.

Councilor Bushee said, "Right, so they didn't water proof it, or it didn't work."

Mr. Siqueiros said, "No, they didn't waterproof the first and level of the parking structure. The reason being is the previous design for the cinema was going to butt-up right against the parking structure, and there was going to be a tunnel from the parking structure to the theater. We are now fixing it. We're not fixing it, we're closing the tunnel and taking all the soil out, and then waterproofing it. Right now, we have a 45 foot hole there with properly engineered shoring which protects all the people that are working down in there. And that was what I include as part of the waterproofing, which is a big expense."

Councilor Bushee said, "Is it because you're finding water coming in, or it's just in preparation for the new theater."

Mr. Siqueiros said it is in preparation for the back-filling and building of Alcadesa Street.

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

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

Against: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "To be consistent, I'm going to vote no, and I'm also going to say, once again, that I don't feel this should be on the taxpayers dime.

10(l) **REQUEST FOR APPROVAL OF GRANT AWARD – FY 2014 SANTA FE METROPOLITAN PLANNING ORGANIZATION WORK AUTHORIZATION; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (MARK TIBBETTS)**

Councilor Trujillo said, "As always, anything dealing with the New Mexico Department of Transportation, I do pull off just to say I do work for the New Mexico Department of Transportation, there is no conflict of interest, because I do not work dealing with any of these funds, so I'll move for approval."

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

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

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

Against: None.

11. IN ACCORDANCE WITH THE REQUEST OF THE MAYOR AT THE MARCH 26, 2014 MEETING OF THE GOVERNING BODY, REPORT OF THE CITY MANAGER AND THE CITY ATTORNEY ON THE DEVELOPMENT OF THE RAILYARD; THE CONSTRUCTION OF THE UNDERGROUND PARKING GARAGE, MARKET STATION BUILDING AND ADJACENT INFRASTRUCTURE; AND THE SETTLEMENTS WITH THE CONSTRUCTION CONTRACTOR AND WITH RAILYARD COMPANY, LLC. (BRIAN SNYDER AND KELLEY BRENNAN)

A Revised Memorandum dated April 9, 2014, to Members of the Governing Body from Brian Snyder, City Manager and Kelley Brennan, Interim City Attorney, regarding Chronology – Railyard Development, is incorporated herewith to these minutes as Exhibit “3.”

Ms. Brennan said she put a revised Memorandum on the desks. She said, “There was a Memo in your packet that was a chronology for the Railyard, this is revised, and its marked ‘Date: April 9, 2014 (Revised)’ As you will see, I’ve added what you could call a bright line beginning of the project with the acquisition of the property in 1995. Some of my dates will be more specific than others. There’s a lot of material out there. I went through a small slice of this project and I’ve already dead filed boxes and boxes of material.”

Ms. Brennan continued, “Going through this process made me think that I want to develop a book of all these documents, minutes and so forth, over time, so there will be a record of what happened, and we won’t have to keep going through this kind of exercise. There were a couple of years of work before the acquisition and negotiation, so this, as I say is a bright line beginning, but there was work before that. So this has really been going on for a long time.”

Ms. Brennan said, “I’m going to continue to update and improve this chronology, because I do think it’s necessary.

Ms. Brennan reviewed the Chronology. Please see Exhibit “3” for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Mayor Gonzales said, “I appreciate that you brought this forward. I asked because there are three of us that are brand new and a few that just joined over the past two years. Obviously, this has a long history, there’s a settlement involved, and I just wanted to be able to hear from you, or get from you, as the result of that settlement, what we are able to ask, how we’re able to behave

regarding this relationship with RYCO as we go forward. And I say that, because, I've reached out to the SFRCC with the City Manager, and have asked them for a marketing plan to fill the rest of the railyard. One where we can jointly work with them. And I don't want to move down a path that could hurt potential agreements that were in place. So I guess, maybe if you could give us the do's and don't's as the result of the settlement, that might be helpful.

Ms. Brennan said, "I think that basically, the settlement was... amounted to a purchase of a condominium and established the condominium documents or generally formed the condominium documents that were eventually executed. And those condominium documents defined the relationship with the building owners going forward. And so, the Settlement Agreement, most of the provisions of the Settlement Agreement have been executed by the execution of the condominium documents, and the relationship is now governed by those documents. And those documents set a number of specific performance standards that both condo owners have to meet. Otherwise, what survives really, is the releases of the parties, whereby we released each other of all claims arising out of the construction projects essentially, and that would include the threat of litigation on the \$13 million."

Ms. Brennan continued, "Also, there were a number of provisions that are boilerplate, one of which you recently heard about, the anti-disparagement clause. And I'm not sure all of you had an opportunity to read it. I forwarded to you the letter that I wrote to the owner, pointing out that while you were exercising your legitimate legislative powers in talking about a matter before you, you are immune under legislative immunity. And that private utterances are private, but that truth is always an absolute defense. So that provision is outstanding, and I think we always have to be careful in any context not to disparage others."

Mayor Gonzales said, "The legislative process, if there was a point of view that was expressed in that area, we have the freedom, if you will, free of any settlement obligation to state an opinion or a point of view."

Mr. Brennan said, "And legitimately proceed in the public interest, while acting in your legislative capacity, absolutely. And staff does as well while responding to you asking questions. I would not want to say something that might be deemed disparaging as a matter of just saying it. But if someone asked me a question and my answer might be thought to be disparaging by someone else, nevertheless the immunity extends to staff answering questions and responding to your inquiries."

- Councilor Bushee said, "I just want to clarify, at the beginning when you were winding down the history, you referenced the lawsuit, and I think you meant to reference the letter that was threatened litigation, just in your long history. I just wanted to correct the record for you, you referenced a lawsuit, but we really just were dealing with threatened litigation, throughout all that history. Yes."

Ms. Brennan said, "No. The lawsuit I referenced, I believe is the lawsuit filed by Byrne. Yes. Otherwise, it was threatened."

- Councilor Bushee said, "Right. I know I asked you for lots of things. I could not open any of those documents that you sent me. And so, again, we're just talking about a Committee hearing. I read the minutes on Monday. No mention of RYCO in specific at all, but there was an assertion made by your City Attorney Judy Amer, that the Council had dealt with subsidence directly in some written manner, or some manner. And I, not being able to open those documents, want you to tell me if we had actual knowledge of subsidence in any of the discussions in the long history that you just delineated."

- Ms. Brennan said, "Councilor, I can say that you did, in a privileged document"

- Councilor Bushee said, "Something you referenced and sent me that I couldn't open."

Ms. Brennan said, "No. No ma'am. It is in a privileged document presented at an executive session."

- Councilor Bushee said, "Again, I have some previous documents that were attorney-client privileged and there was no written reference, and that is what I called you about. And so, I'm still looking to find that written reference, because I have no recall of it."

Ms. Brennan said, "Generally, Councilor, as you know, at the end of an executive session I will collect briefing memos."

- Councilor Bushee said, "Well then, maybe you and I can review it in private."

Ms. Brennan said yes.

- Councilor Bushee said, "That would help me, because nobody that I know of has any recollection. And back to disparaging. I mean I think we are back to the same place where there is always the potential for someone to threaten litigation and then there is the reality. You know, we were in a public hearing of a Committee discussing expenditure of public dollars to remedy a situation that was conducted by private contractors and none of those names are even actually mentioned. But I think it is everybody's right on this body to discuss things in public, and I hope that we tend to do that in public and not in private, in executive session."

Councilor Bushee continued, "That's where the majority of my votes against the entire purchase, and project and settlement of things came from. I felt we did too much of it, at least initially, behind closed doors. And for me, a bad result in spending, continuing to have to spend public dollars. So I will continue to say and offer my opinion as a representative of that District actually where the Railyard is, that, if I continue to have concerns, I hope staff will bring forward... I would like for myself, as time goes on, an actual accounting of additional funds that had to be spent or expended

for repairs as we move forward. And so I hope it's Bob or somebody else that keeps that record, and that is a public document, so people can also track that. I think that should be on our website."

- Councilor Dominguez thanked Ms. Brennan for putting this together, noting some was previous to his tenure as a City Councilor beginning in 2006. He said, "Nonetheless, I guess the question that I have is, I know that in this timeline, you referred to several letters or some letters that were sent. Are those part of the public record."

Ms. Brennan said, "Yes Councilor, they are."

- Councilor Dominguez said, "So the May 18, 2006 letter and the April 29, 2010 letter are part of the public record."

Ms. Brennan said, "Yes, Councilor, they are. I believe they became part of the record on April 27, 2011 [?]. I would have to check, but they were part of the record at the Settlement on April 25, 2012, but I do think they were in both the Council minutes as exhibits, and we discussed, and I believe distributed at the meetings or soon thereafter."

- Councilor Dominguez said, "So they were part of the record as part of the settlement."

Ms. Brennan said, "That is correct."

- Councilor Dominguez asked, "Have all members of the Governing Body, particularly the new members, have they been given copies of any of those letters."

Ms. Brennan said, "I'm not aware that they have, but I can certainly provide any of the documents that are listed here. It is very noticeable. I made some notes about who was voting at different times, and in fact, the Council has changed substantially in composition over the period that this has developed. And I think that, as a major project of the City with economic impact, I think it's important for Councilors to know that. And I would be happy to give you any of these documents, or discuss it further with you."

- Councilor Dominguez said, "I guess, just a minor request Mayor, if I can get a copy of the May 18, 2006 letter, I think that's the one that goes as far back as I can remember, anyway. So I'd just like a copy of that. Thank you Mayor."

- Councilor Maestas said, "Thank you for the timeline. It was very informational to me. But, you mentioned that the anti-disparagement was a boilerplate. And my question is, for these long term, contractual relationships that we have, do we have an alternative dispute resolution that we put in some of these agreements, to ensure that people don't blow their stacks right away, that we have a mechanism to resort to a more low level means to resolving conflicts, whether it's contractual or otherwise. Do we do that in some of our contracts, and is it in this one."

Ms. Brennan said, "Councilor Maestas we do it in many of our contracts I believe, and no, it is not in this one."

- Councilor Maestas asked, "Can we amend it to add it, only because... you look at the history with these organizations, and whether we like it or not, they are our partners. I think the Mayor mentioned he's going to try to talk to them about working together to fully develop that property. So, I would urge you approach them and see if they're willing to amend, whether it's the condo agreement, if that really is the correct mechanism, to maybe add an alternative dispute resolution section."

Ms. Brennan said, "Councilor, you reminded me. I was thinking about the Settlement Agreement. The condominium documents may have that kind of provision. I actually was not involved in the settlement at that stage. I resolved the construction claim, but I can check that and find out. I think we can always suggest mediation or even just a facilitated discussion by another party who may have some interest but is not a divisive interest. We can always take that step, and we frequently have."

- Mayor Gonzales said, "Councilor Maestas, the direction I gave to the City Manager, and one that I'm involved in, is more so developing a marketing plan with the Santa Fe Railyard Corporation, which still has parcels of land in development, and I want to see either more job opportunities through businesses that are building there, or even some type of housing that could go on there. So it was in that vein that I spoke to the City Manager and the SFRCC, and along the way came the issue of the Market Station and the Settlement Agreement with the Market Station folks. And obviously, for all of us, we want to see that Railyard live up to the promise that we sold the public on back in 1995, that public ownership was far better than private ownership."
- Mayor Gonzales continued, "And so I think we have an obligation as a Governing Body to work collectively with the SFRCC and the tenants inside the Railyard to really continue to see it move forward and to see it be a place for all people. That's why I'm getting involved in that, and certainly hope we will be able to report back to you and the Governing Body the progress we're making in terms of marketing the property. And I know in speaking with the SFRCC, their focus is on continuously trying to provide opportunities for local businesses and people from Santa Fe to be able to have access there. But sometimes, that just can't be done, so we need to look at alternatives."

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 April 9, 2014, is incorporated herewith to these minutes as Exhibit "4."

Councilor Lindell

Councilor Lindell said she provided the Governing Body with two different flyers [*copies were not provided for the record*]. One is for a screening of *The Anonymous People* at St. Vincent's on May 20, 2014, about addiction problems in this city. She thinks it is an important event to attend, noting it is sponsored by the UNM School of Medicine. The second flyer is about a presentation by Norma Volkroft, Director of the National Institute on Drug Abuse. She said we are fortunate to have these two events and it is important for us to move forward on the problems we face here on addiction.

Councilor Rivera

Councilor Rivera wished his father Happy Birthday on March 29th, his wife a Happy Birthday on April 3rd, and a Happy Birthday to his sister on April 5th.

Councilor Trujillo

Councilor Trujillo introduced an Ordinance relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; amending Ordinance No. 2013-2 for the purpose of approving and adopting a Second Amended Local Economic Development Project Participation Agreement between the City of Santa Fe and Rodeo Property, Inc., for an indoor multipurpose facility, a local economic development project. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo said he got calls and emails and calls dealing with the car show that passed through the City, and they did an article in the paper. He said, "I'm just going to be frank on what I feel. I understand we want these things to come to the City, and it does bring some economic development. At

the same time, when I see someone driving a \$500,000 Bentley, about 10 or 15 standing around, I don't know how many can afford to pay that kind of price for police escorts. I commend you on what you did when you escorted the Santa Fe High Demons Basketball Team. To me, that's something great. What I've heard from a few people, is that's a wonderful thing because those parents pay taxes constantly, are here 24/7, and these people are just passing through. I'm not discouraging stuff like this, I just think we need to look at a lot of some of the other policies we have. There's one, for instance, I'm going to bring up. We talk about escorts. One we haven't done in a long time is escorting the fallen Santa Feans to their final resting place, something I've discussed with the families and funeral homes. I just want you to be aware of what I had hear from some people. I think we need to look at a lot of policies we have on the books right now and try to improve on it."

Councilor Trujillo said this weekend he went to Phoenix, Arizona, where his daughter was in a Cheerleading competition. He said the New Mexico All Stars, the Little Red Hots were Grand National Champions, and his daughter's team, the Hot Shots, took fourth in their respective groups – so he wanted to send a shout out to them, congratulations, we're all very proud of you and keep up the good work.

Councilor Dominguez

Councilor Dominguez asked Finance Committee members to contact Yolanda Green regarding the dates of the budget hearings. He said we have a study session scheduled for April 23, 2014, and the Mayor will be chairing that.

Councilor Dominguez said, "I want to give a shout out to my nephew, Jose Tapia, who is not only the State Wrestling Champion at 106 [pounds], but is the National Wrestling Champion at 106. So congratulations to him. He wanted me to let the Council know if wrestling was any easier, they would call it basketball."

Councilor Dominguez asked Mayor Gonzales and Brian Snyder, to ask the Police Department its plan for dealing with things at Las Acequias Park. He said he thinks Councilor Rivera has reached out already on this issue, but he has seen no follow up. He said both of them want to know what the Police plan to do to deal with the issues at Las Acequias Park they have been experiencing for a number of years, so they can relay that information to their constituents.

Mayor Gonzales

Mayor Gonzales said, "To Councilor Trujillo. I did not order the escort, that was in place. I think the request went to the CVB and they granted it. I think one of the reasons they granted it, if you look at the individuals that were here and the need for Santa Fe to grow more international tourism to get more gross receipts into the community, I think the feeling was it was marked toward that effort. But understanding your point, I will sit with the City Manager to determine a policy based on when it is

appropriate to use the police in escorting individuals and making sure it matches to some overall goal or value of the governing body, so when this kind of information comes out, people will understand why it was done.

Mayor Gonzales introduced the following:

1. A Resolution declaring the Governing Body's intention to bring people to the Santa Fe Plaza by providing a safer environment and increased economic development opportunities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Gonzales said he supports the City Manager's request for more police presence to bring more people to the Plaza by limiting traffic around the Plaza, so families with children can move around the Plaza safely. That will go into effect on April 12, 2014.

2. An Ordinance amending the *City of Santa Fe Uniform Traffic Ordinance* to double the penalty assessment for using a mobile telephone while operating a vehicle and to triple the penalty assessment for using a mobile telephone while operating a vehicle in a school zone. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Mayor Gonzales said Councilor Ives was already working on doubling the fines for people using mobile phones in their car, and along the way he was asking staff to work on an ordinance which would triple penalties for texting in school zone, which is absolutely the worst things drivers can do. He will be working with Councilor Ives on that effort.

Mayor Gonzales said he has asked for a City meeting so we can come together and talk about our priorities. He said he and Councilor Maestas talked, prior to coming into office, of the importance of each of the members of the Governing Body having the opportunity to share our priorities, so we can find, and coalesce around, a set of priorities upon which we can build a budget. He said Councilor Dominguez is already working on that, but it would be helpful to the Finance Committee if the Governing Body could set some priorities so that as you work through the budget, the Finance Committee can keep those in mind.

Councilor Ives

Councilor Ives said he would like to Cosponsor the Mayor's Resolution to bring people to the Plaza.

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution authorizing an amendment to the fare structure of the City of Santa Fe's Public Transportation System to include an annual pass option; establishing a buss pass partnership program authorizing a discount bus pass sale program for non-profit social service organizations who purchase bus passes in volume for distribution to indigent clients. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
2. A Resolution supporting pedestrian improvements along East Alameda and the Santa Fe River with funding support provided through a cooperative agreement with the New Mexico Department of Transportation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
3. A Resolution directing staff to study the feasibility, fiscal impact and potential funding mechanisms, including grants for establishing and implementing advanced technology applications to benefit users of the Santa Fe Trails Transit System. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Bushee commented and asked questions as follows:

- Councilor Bushee said she haven't seen the full text of the Plaza Resolution. She made a similar effort after a fatality and a bad accident around the Plaza several years ago. She asked if the Resolution is intended to be year-round or season. **Mayor Gonzales** said it is intended to be year-round, but we will ask staff to come back after the first of the year to be able to address a few things. One, is it meeting its stated intentions by more people coming onto the Plaza, are we seeing the economic benefits by an increase in gross receipts in the area and obviously the safety standpoint. I asked staff to create series of benchmarks so we can measure whether closing the Plaza actually is going to amount to something meaningful for the people of the community..
- Councilor Bushee said at the time, we sent it to a Plaza Task Force that existed at the time and discussed a lot of different issues, and we did make some changes around the Old Santa Fe Trail, just turn right, and that was in the heyday when we really had a lot of pedestrians and tourists..
- Councilor Bushee said she was pleased to see Ms. Montano talk about a free day/amnesty day at the Household Hazardous Waste Facility to accept batteries for free and the same in other locations for prescription drugs. She wants to work for a year-round place where people can drop off batteries and prescription drugs so they are diverting from our facility. She said some physicians will take back the drugs. She would hope we would have a brochure or some way to promote year-round drop-off spots for folks.

- Councilor Bushee asked if we are going to be okay around the silvery minnow. Are we going to need to do some kind of negotiation with BLM and others to be sure we are providing enough of our reservoir releases to go to the fish, and she wants an advance warning on that.
- Councilor Bushee said she tried to call several offices during the noon hour, including the Clerk's office, which we've talked about making sure they are open for the public, but none were open. She was calling to find out if Redflex is the only one who has bid on the speed vans. **Mr. Snyder** said Redflex did bid, but he doesn't know if it was the only bid. He said he will look into that and get her an answer.
- Councilor Bushee said several people have written to her about the issue of the woman taxi driver and if she [Councilor Bushee] would be willing to participate in a meeting, and asked who to contact since we don't have a Police Chief. **Mr. Snyder** said he is the Acting Police Chief and she can set a meeting with him and Deputy Chief Schaerfl.
- Councilor Bushee said she understands the people that protest at funerals, the Phelps family, are coming to Santa Fe on the 23rd of this month. She asked staff to look into that and be sure we do have adequate police presence, and find out what they're protesting. **Mr. Snyder** said he is unaware of what she is speaking about, but he'll look into it.
- Councilor Bushee said she would like to be kept in the loop on Las Acequias Park.
- Councilor Bushee said, "On the overtime issue, it ends up becoming a fiscal impact that I guess it would be great to know, and we didn't have a lot of notice I guess ahead of time. But what struck me a little bit was just the amount of folks and some of the overtime that was expended. There was even a PSA it seemed that had 10 hours in overtime. And I guess I just don't know when and how you decide to have a dozen people as an escort. But it just seems, if there's a way to avoid overtime, that would be better. And at least have an understanding of what groups are coming that might need an escort and have a process for that, that might be good."

Mayor Gonzales said in answer to Councilor Trujillo, one thing that I wanted to add on your question regarding the Resolution, it will have a parking component to it, where the staff is currently doing an FIR, but we do think there should be an opportunity to provide free parking at both the Railyard and here at the Convention Center, at least for ½ day Saturday and all of Sunday, so local people would have a place to park without having to spend money when they're in the downtown area.

Councilor Bushee said, "I've been trying to get free parking in the Railyard in particular, and down on particular occasions, and we have amnesty and I'm all for that. I just think you're going to find, as much as I'm still personally interested in seeing a pedestrian friendly downtown and Plaza, I just think you're going to run into some opinions, anyhow."

Councilor Maestas

Councilor Maestas said most of you saw the email from Jodi regarding the scheduled public meetings tomorrow here in the Council Chambers at 5:30, noting we will have a facilitator to assist in the dialogue. He said the Buskers Alliance has met twice and it seems we're converging on some issues, and we may have some agreements even before the meeting starts, so the focus is going to be on those issues that are still contentious and acrimonious. He urges the Councilors to attend, noting we will be observers. The facilitator has asked for us to help kick off the meeting, but the facilitator will lay out the process. It's really his meeting and will work with the attendees to come up with ground rules. He thinks we are moving forward in a positive direction, and hopes they can come up with a piece of legislation with which everyone will be pleased and Chris Calvert's work will not be in vain.

Councilor Maestas said he attended the groundbreaking ceremony at the Chabad Center for a multimillion dollar facility, which was attended by Rabbi Levertov, Former Governor Toney Anaya and U.S. Congressman Ben Ray Lujan. He said the Chabad Center provides a good service to the community, using private money to provide community services.

Councilor Maestas asked if it would be possible to bring in the LEAD Task Force and Operations Team and recognize them. He said an opportune time would be when the Resolution creating the LEAD Policy Committee is ready for action.

Councilor Maestas said he is starting to tour some of the divisions and meet staff, not to talk shop, just to meet these folks, noting Mr. Pino will be giving him a tour of his shop at the Market Station on Friday. He said, "I wanted to let all of you know there is a little apprehension on the part of staff regarding the transition, and I think with change. People are very nervous about change. I think it would be good for you Mr. Mayor, and maybe you can deputize some of us to talk about, okay, this is the objective of the team, don't worry, this is just to improve government. But there is a lot of apprehension, and people have a lot of questions. They don't know what's going to happen, but I think again, it's just change, the very nature of change. But maybe perhaps if you could launch this charm offensive and maybe meet with some of the division staff on a division-by-division basis, just to I think to calm their nerves, so to speak. So I just wanted to put that out there. And I think it's just a matter of articulating it and explaining, hey don't worry, we're just trying to improve government. This is not about taking your job or anything. So anyway, I just wanted to offer that up. I've been hearing that a lot."

Mayor Gonzales said, "That means a lot. I did communicate that personally to all the department heads two weeks ago. There is a letter that will go out tomorrow from Brian to the Department Head. It's just really laying it out the... making it very clear that this is more about gathering information, offering advice. This isn't about determining who should stay and who should go and that has been reiterated from day 1. So, it really is what you've said, and what we said is just to allow for outside people who were willing to serve to offer us ideas and input on what we can do over the next 4 years to help improve things. We can dismiss it, or we can look at some of it and say, yes, that makes some sense and we like it."

Councilor Bushee asked in relation to that, if the department and division directors have met with you all on the budget before we have the study session. She asked, "Are you including staff, because that's where I'm getting some unease communicated to me that perhaps not everybody is being asked to participate, to give their input, and I don't know if that's true or not."

Mr. Snyder said, "I have met with every department as of yesterday, actually this morning, and discussed the budgets. And at this April 23rd meeting, all department directors will be invited to listen and participate as necessary. And then to follow up on Councilor Dominguez's budget hearings, we're looking at scheduling on the 28th and that week, and the appropriate personnel will be there at that time as well."

Councilor Dimas

Councilor Dimas would like to cosponsor the Mayor's Plaza resolution. He said they did that back in 1984 when he was on the Plaza, and it remained closed for years and then it was opened back up again. He is in favor of the Resolution, commenting there will be some opposition as always, but overall he thinks it's a great plan and will stimulate the Plaza.

Councilor Dimas said, "I would cosponsor on the second bill that you have for the Traffic Ordinance, but I will tell you, being a former law enforcement officer, and knowing a lot of the law enforcement officers, and talking to them, it's going to be next to impossible to enforce. They're not giving citations now on a first offence, much less doubling and tripling the fines, because if you double and triple nothing, it still equals nothing. It's going to be very difficult to enforce that particular Ordinance, I can tell you right now. So that's where your problems are going to come in. I think it's a great idea and if it was a little bit more enforceable, I think it would be great. It's going to be a tough one."

Councilor Dimas said he would like to follow-up on what Councilor Trujillo was talking about, funeral escorts. He has attended a few funerals recently, and thinks it's time we started utilizing our PSA's for funeral escorts again like we have in the past. He said what is happening now is that private individuals are parking their cars to block traffic. He is concerned who would be at fault if there was an accident. He said we have to be very careful with this.

Councilor Dimas wished his mother a Happy Birthday on celebrating her 83rd birthday on Saturday, April 12, 2014.

Mayor Gonzales said he has asked Carl Moore to work with him for the meeting of April 23, 2014. He said everyone will be called before that so he can interview the Governing Body with a series of questions that will help us bring into perspective where we all stand when we come in on the 23rd. So, hopefully we can keep our meeting under 3 hours and not have to extend it through the whole day. He asked the Governing Body to look for calls from Celeste and others asking for some time on your side.

END OF AFTERNOON SESSION AT APPROXIMATELY 6:50 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:10 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

Mayor Javier M. Gonzales
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Ives N. Ives
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Ron Trujillo

Others Attending

Mr. Snyder K. Snyder, City Manager
Ms. Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Stenographer

F. PETITIONS FROM THE FLOOR

Dave McQuarie, 2997 Calle Cerrada said recently you sponsored the Vietnam Wall replica, as a Vietnam era veteran he really appreciates it, because he had friends and colleagues listed on the wall. He said, "Thank you very much." He said he wishes the Governing Body would walk down to Water Street, the southwest corner of Galisteo, and look at the curb ramp they put on. They put in a curb ramp on the southwest corner of Don Gaspar and Water, which is ridiculous and a hazard. These are just two examples of what the City has done. He asked why these couldn't have been done the same, instead of making one a ridiculous liability to the City and nothing but a hazard for people with a little disability. He asked why hasn't the City staff started on the transition plan mitigation which you approved. He said the Main Library people came to the Mayor's Committee asking for assistance on one of the door openers. He said this was covered in the 2011 proposal but city staff has not moved on any of the 1,100 pages of that. He asked who is holding back the money, and why don't they act on it. He asked what is happening to our money.

Former Councilor Frank Montano thanked the Governing body for the opportunity to speak this evening, and for their dedicated and hard work, and thanked Councilor Rivera for his invocation. He said, "It is a fond memory of mine as a youth, to have had the opportunity to have cruised the Plaza in my 1971 bumblebee yellow Dodge Charger with slapstick transmission, 383, and air shocks and beautiful rims and big white tires. And that is what brings me to this Council meeting this evening. I am very concerned that the Plaza would be closed to vehicular traffic. It is a time honored tradition for many Santa Feans. If you want to bring back Santa Feans to the Plaza, certainly closing it to vehicular traffic isn't one of those things that you ought to be doing, because it's something that many of us Santa Feans enjoy doing still today. I still enjoy it."

Former Councilor Montano continued, "This issue came up once before in 2002 when, unfortunately there was an incident when a drunk driver had critically injured a pedestrian on Palace Avenue, and it wasn't an event that occurred on the Plaza, but it certainly led to a discussion of safety of the downtown area. And it also led to a Committee being set up by the Council. At that time, I was not on the Council and I was appointed to that Committee. And we deliberated for many months, two times a month, and we gathered information, and we gathered various scenarios of how we might either close off the Plaza completely to vehicular traffic, or do it on a partial basis, on a part time bases and on a full time basis. And the scenario that you see there today is the scenario that was ultimately recommended to the Council and its Mayor, and it was adopted by the Council and the Mayor."

Former Councilor Montano continued, "One of the issues that came up at the time is that the roads leading to the Plaza are historic roads which have been used by the wheel since Santa Fe was founded 404 years ago. Historic Route 66 is found on the Plaza. Why would you deny a visitor who is reliving the experience of driving from Chicago to L.A. via Route 66, why would you not allow them the opportunity to driving Route 66 on the Plaza. Or those that are traveling The Santa Fe Trail, or those that are retracing the Camino Real. Those are things that people very much enjoy. And there are still many Santa Feans in this community that still come to the Plaza, not only in their classic cars, but also on their motorcycles. For Christmas the Plaza could not be enjoyed by many people, if there were not the opportunity to drive a car around it, in the comfort of your care in heated conditions. So I urge you to please consider this issue with due diligence. And I can tell you that there will be many Santa Feans disappointed if you close the Plaza to vehicular traffic. Thank you."

John Dressman, owner of a shop on the Plaza, said I was on that committee with Frank Montano, and after a lot of consideration, we came up with the current plan and we think that it works pretty well. There were safety issues, issues dealing with the vendors and all of those kinds of things. The City has rules that they use for making changes in historic districts. When the City doesn't obey those rules, we end up with things like the \$400,000 electric box. Right now, there some signs on the bandstand, paper signs wrapped in plastic. I'm certain they didn't go through the Historic Styles. Without going through Historic Styles, it's a lack of respect for the National Historic Site that is the Plaza. It is complete disrespect for the rules of the City. I thought we had already been through this, that the City needs to follow its own rules. And that brings us to the idea of what the Mayor is proposing. He is proposing a grand change to the Plaza. And we need to think this through very very carefully, because again, Pedro Peralta did design the Plaza as a terminus for El Camino Real. It was a terminus for the Old

Santa Fe Trail. It was a terminus for the Santa Fe Railroad, not the Plaza itself, but Santa Fe was. And the buildings that surrounding the Plaza were always used for commerce. And if you cut off that particular thing, it becomes a ghost town, which it was for the year and a half it was closed before it was reopened in its current configuration.”

Mr. Dressman continued, “The City Council in the late 60's decided to take parking off the Plaza. This is the idea of unintended consequences of things that can happen. Within 5 years of taking the parking off the Plaza, the two pharmacies were gone, the grocery store was gone. The shoe stores and local clothing stores were gone and with my family, the flower shop was gone, so you ended up with a tourist shop. That’s what the unintended consequences were. It forced the downtown into being just for tourists. So we have a lot of locals who say, well there’s nothing downtown for us, and I think that the Mayor’s idea for some of these things is probably good, to bring things downtown. The idea of the bandstands has much local appeal. But I wanted to warn about the law of unintended consequences, to be sure, as we go forward, that these things don’t tend to and bite us and make it a whole other thing that we weren’t intending to do.”

Craig Allen said he is new and has been here since July last year, working on the Plaza. He said he is in charge of operations for Tega Enterprises. He said, “I’m here this evening to let you know, we understand there is a proposed motion that might be proposed this evening about closing the Plaza. We do feel, as a merchant, it would be a great travesty to the businesses if you shut down car traffic to the Plaza. That helps give us more visibility to people traveling through this City. If you rely just solely on foot traffic. I’ve worked across this nation in L.A., D.C., Las Cruces and other areas that have tried this, and businesses do drop down. With the economic times we’ve had, we all fight for sales. And when you cut down our traffic flow exposure, it hurts us all. We hope you don’t go through with this. Thank you.”

G. APPOINTMENTS

Public Safety Committee

Mayor Gonzales made the following appointments to the Public Safety Committee:

David E. Trujillo – term ending 03/2018; and
Eric B. Johnson – term ending 03/2018

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

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

Capital Improvements Advisory Committee

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

Edmundo Lucero (Councilor Trujillo) – Reappointment – term ending 12/2015; and
Maria Higuera Pope (Councilor Ives) – Reappointment – term ending 12/2015.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve these appointments.

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

City Business and Quality of Life Committee

Mayor Gonzales made the following appointments to the City Business and Quality of Life Committee:

Tony F. Ortiz – term ending 03/2016;
Dr. Almudena Guajardo Abeyta – term ending 03/2016;
William C. Sisneros – to fill unexpired term ending 03/2015;
Cervantes “Buddy” Roybal – term ending 03/2016; and
Damian Taggart – to fill unexpired term ending 03/2015.

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

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

Economic Development Review Subcommittee

Mayor Gonzales made the following appointments to the Economic Development Review Subcommittee:

Simon Brackley, Chair – Reappointment – term ending 05/2016;
Kathy Keith, Vice-Chair – Reappointment – term ending 05/2016;
Cervantes “Buddy” Roybal – term ending 05/2016;
Damian Taggart – to fill unexpired term ending 05/2015; and
Julia Castro – to fill unexpired term ending 05/2015.

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

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

Mayor Gonzales said he spoke with Councilor Bushee, and would like to bring forward the names she has presented for appointment to the BTAC at the next Council meeting.

Councilor Maestas said he received a copy of a letter from the League of Women Voters. He said they have had a long standing partnership with the City and our Open Meetings Resolution was an outgrowth of that partner with the League. He said, "They made a suggestion to you and to us, and that was to consider adopting an appointment process that closely resembles that of Santa Fe County, where they actually vacancies for certain committees and boards. And it's not going to affect your prerogative you to appoint, nor ours to ratify, but it will make it known to the community at large, the thought being that it would really broaden the pool of people that want to devote the time and bring some incredible expertise and add value to some of these Committees." He urged the Governing Body to consider this, which he thinks is a great idea. He said he would be in favor of such a process.

Mayor Gonzales said it is a good idea, and in the short term, we could ask Jodi to make sure we are able to advertise, and that there is a process for people to submit their resumes, so they're not just being dropped in his hands and are coming into a place where we all could look at them. He said, "From my perspective, the more people that can have input into the appointments, the better off we are. And we would invite all of you to reach out to your own constituents who would like to serve on some of the various committees, bring their names forward and we can definitely work to try to accommodate everyone's request to have more participation from your Districts and from the people you support on these committees."

H. PUBLIC HEARINGS

- 1) REQUEST FROM SANTA FE UNIVERSITY OF ART AND DESIGN (SFUAD) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT SFUAD'S MARION CENTER, 1600 ST. MICHAEL'S DRIVE. THE REQUEST IS FOR A SANTA FE ALUMNI REUNION TO BE HELD MAY 2, 2014 FROM 7:00 P.M. TO 9:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of April 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the event will utilize Alumni Hall, but that building has a permanent alcohol waiver, therefore it is not included in this request.

Public Hearing

Lauren Eichman, Public Relations Manager, SFUAD, was sworn. Ms. Eichman said she is working two of their alums on the event.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at SFUAD's Marion Center, 1600 St. Michaels Drive, for a Santa Fe Alumni Reunion to be held May 2, 2014, from 7:00 p.m. to 9:00 p.m., with all conditions as recommended by staff.

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

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

Against: None.

Councilor Lindell said, "I will be recusing myself on the next three items, inasmuch as I've already heard those items as a Planning Commissioner, and I've already voted on those items as a Planning Commissioner. So I think that it would be appropriate, considering that external information that I have on these items, to recuse myself. Is that true Ms. Brennan."

Ms. Brennan said, "Yes, Councilor Lindell it is."

Councilor Lindell left the room.

- 2) **CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-16. CASE #2013-128. HOMEWISE REZONING. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR HOMEWISE, INC., REQUESTS REZONING OF 2.39± ACRES OF LAND FROM I-2 (GENERAL INDUSTRIAL) TO I-1 (LIGHT INDUSTRIAL) TO ACCOMMODATE A PROPOSED 20,000± SQUARE FOOT OFFICE BUILDING. THE PROPERTY IS LOCATED AT 2868 RUFINA STREET. (DONNA WYNANT)**

A Memorandum dated March 28, 2014, for April 9, 2014 City Council meeting, with attachments, is incorporated herewith to these minutes as Exhibit "11."

The overhead presentation used by Ms. Wynant, is incorporated herewith to these minutes as Exhibit "12."

A copy of the Conceptual Site Plan, Homewise, Inc., with attachments, is incorporated herewith to these minutes as Exhibit "13."

Ms. Wynant presented information regarding this matter. Please see Exhibits "11" and "12" for specifics of this presentation.

Councilor Ives said, "Just one question in terms of the I-1 versus I-2, and whether or not, within I-2, although office space may not be a primary use, is that a subsumed use under I-2, i.e., does I-2 include all of I-1."

Ms. Wynant said, "The recent amendments to the Code actually took that out of the I-2, and I believe that the idea was really make that zoning district for general industrial types of uses. This I-1 is necessary to construct this building at that location, so it is not a permitted use in the I-2 District."

Public Hearing

Presentation by the Applicant

Jennifer Jenkins, JenkinsGavin Design & Development, on behalf of Homewise, was sworn. Ms. Jenkins is here on behalf of Homewise in request for a rezone from I-2 to I-1, for the subject property referenced by Ms. Wynant.

Ms. Jenkins introduced Mike Lofton, Executive Director of Homewise and Robb Gibbs, Director, Development and Construction for Homewise.

Ms. Jenkins, using the overhead for her presentation, said, "This is Homewise's existing office building in the Siler Studios Complex, which is on the corner of Siler and Rufina. And this property, the Siler Studios Property is zoned I-2, and under the previous Land Development Code, they did, as you mentioned Councilor Ives, they did have a thing where everything that was permitted in a lower zoning category was also permissible in the more intensive zoning category that was the next one on the list. So, the Siler Road Studios, even though they are strictly an office park, that was permissible in I-2 prior to March 2012, when the Land Development Code was updated."

Ms. Jenkins continued, "The subject property became available and it was a really fantastic opportunity for Homewise. They are outgrowing their space which is a wonderful problem for an organization like this to have. And when the property next door became available, they really wanted to maintain their current location. They are kind of in a geographic center of the City and their clients and customers know how to find them, and the opportunity just to kind of segue and be right next door. And

we really see this as sort of a natural continuation of the Siler Road Studios project. As Donna mentioned, we are going to be sharing an existing driveway that kind of comes in the rear of the buildings. It doesn't make sense for a narrow parcel like this to dump another access point into Rufina. And so we have worked with the owners there to create a shared access, and then we'll just have another access off Clark. And so, again, it was a great opportunity, but a straight-up office building is not permissible in I-2, so that is why we are requesting the down zone to I-1 to allow Homewise to expand into this neighboring parcel."

Ms. Jenkins said Mr. Lofton has a couple of quick comments and that will conclude their presentation.

Councilor Ives asked, in terms of the block where the current building is, that's currently I-2.

Ms. Jenkins said it is zoned I-2, but it was permissible for office in I-2 previously.

Mike Lofton, Homewise, was sworn, said, "We're pleased to be here asking for this, because this is solving a good problem to have as Jennifer said. We have been growing, and obviously things went, especially in home ownership, slowed down after the great recession began. In the fiscal year we just completed, we helped 190 families buy a home last year. The high point of us helping homeowners was 202 right before the crash, so we're almost back to that, and this year we are projecting we are going to be over 220. Not to Santa Fe, but the economy of America is coming back and we're excited to be poised to help people pursue the dream that some people gave up on after the recession began."

Mr. Lofton continued, "So we really want to stay in the Siler Road area. We like it because it is in the middle of Santa Fe. What's really important for a lot of our clients is to be able to get to use at lunch hour or take an hour off of work, so we always want to be central to where people work. We find Siler is a really good location for that, it's kind of in the middle of everything. We really would like to stay there, but we really need more space to accommodate what we're doing."

Mayor Gonzales said, "So the 20,000 sq. ft. would handle all of Homewise.

Mr. Lofton said, "Yes. Initially, we're not going to need all of that square footage right away. We may lease part of that if we don't use all of it."

Mayor Gonzales asked if Homewise owns the development there, or is it owned by a different party.

Mr. Lofton said, "Our current building, we own it. It's an office condo. We're the only other owner there. Everybody else is leasing from Siler Street Studios, all of which are State buildings right now."

Councilor Dominguez said, "This is a question for the Applicant and staff. So what are you planning on doing with the vacant parcel."

Ms. Jenkins said, "We don't know."

Councilor Dominguez said, "So you could split it, right."

Ms. Jenkins said, "We could. And so, as you can see, obviously their needs right now are not taking up the entire parcel. That may just be reserved for potential future office needs. Potentially, that could be split off. We're still kind of resolving how that's going to work right now."

Councilor Dominguez said, "So I guess, just for the record, is you own the whole entire parcel."

Ms. Jenkins said, "Yes. They own the whole parcel, 2.4 acres."

Councilor Dominguez said, "So Donna, a question for you. So, if the applicant decides to develop that parcel as a different use that is allowed in I-1, there is no requirement for them to propose or provide a development plan. Is that correct?"

Ms. Wynant said, "The trigger point really is 30,000 sq. ft. for a development plan. If they do any other development there on that same property, they will need to go back and apply for a development plan to be reviewed by the Planning Commission. If they decide to split it, which is a possibility, if they are under that 30,000 sq. ft., I don't believe they will need to go through that development plan review. That's a public review. They will just go through the Permit Review which is administrative through the Land Use Department."

Councilor Dominguez said, "So you're not planning on opening up a nightclub there are you Mike. I guess the point is there will be other.... well, depending on what the applicant proposes to do with that parcel or that part, if it becomes a separate parcel, or if they decide to keep it as just one tract, there will be another public process for that. An opportunity for that to come before the public."

Ms. Wynant said, "I believe if the overall property is kept intact, and they do other development for homewise, I believe that they will have to come back to do a development plan review, which would go to the Planning Commission."

Councilor Ives said, "Just one quick question for clarity, in terms of the 30,000 sq. ft. trigger, is that lot size or is that improvements on the lot."

Ms. Wynant said, "That's improvements on the lot."

Speaking to the Request

There was no one speaking for or against this request.

Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2014-16, approving Case #2013-128, the Homewise Rezoning, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

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

Against: None.

Recused: Councilor Lindell.

Absent for the vote: Councilor Bushee.

- 3) **CONSIDERATION OF RESOLUTION NO. 2014-27. CASE #2013-130. 311-317 CAMINO ALIRE GENERAL PLAN AMENDMENT. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.38± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET. (DONNA WYNANT)**

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

Mayor Gonzales said, "let the record reflect that Councilor Dimas has told me he would be recusing himself from these items."

Councilor Dimas said, "Yes, Mr. Mayor, in order to avoid any appearance of impropriety to the slightest degree, I am recusing myself on Items #H(3) and #H(4)." Councilor Dimas left the Council Chambers.

A Memorandum dated March 28, 2014, for April 9, 2014 City Council meeting, with attachments, is incorporated herewith to these minutes as Exhibit "14."

The overhead presentation used by Ms. Wynant, is incorporated herewith to these minutes as Exhibit "15."

Mayor Gonzales left the Chambers and Mayor Pro-Tem Ives assumed the duties of the chair

Ms. Wynant presented information regarding this matter. Please see Exhibits "14" and "15," for specifics of this presentation.

Mayor Pro-Tem Ives said, "I only had one question which is a small matter on the two maps. 'This' one shows an extension of the C-1 out from the property boundary line, which is sort of reflected, well it's not reflected on the other map. So I'm just trying to make sure I'm clear where the C-1 boundary, if it does extend beyond the property line to the east on that C-1 parcel that is north of the parcel at issue."

Ms. Wynant said, "I believe you are referring to the future land use map, 'this' one 'here,' that shows that designation as low density residential. Is that what you're saying, is that it doesn't show up there."

Mayor Pro-Tem Ives said, "Yes, the other map just shows on that parcel immediately to the northwest.."

Ms. Wynant asked, "The property to the northwest of 'this' one 'here.' I think we've got a better one."

Mayor Pro-Tem Ives said, "Yes. That one. You see how it extends on the northwest corner out beyond the property line, the property at issue, and on the other map it doesn't. So I was just wondering which map is correct."

Ms. Wynant said, "You're saying that the line for the property or for the zoning district."

Mayor Pro-Tem Ives said, "It is the northwest point. The C-1 extends out beyond the property line on the other one and on 'this' one it doesn't."

Ms. Wynant said, "This is a zoning map which really accurately depicts where that C-1 is located, and 'this' is a smaller one. This one here, the Future Land Use Map."

Mayor Pro-Tem Ives said, "That one doesn't show the extension out from that same northeast corner."

Ms. Wynant said, "That's I think is probably kind of a quirk with the mapping system. Actually the future land use designations pretty much follow straight lines. I don't know how else to explain it other than it doesn't take in that little jog in the property. I don't think there's anything special about that being an institutional designation right there in the corner. It's just how it was mapped."

Public Hearing

Presentation by the Applicant

David Schutz, Agent for Desert Academy, was sworn.

Mr. Schutz introduced James Wheeler, Realtor, and a parent of a student at Desert Academy; Paul Hartsock, President, Board of Trustees; Monica Scarborough, Board of Trustees and parent of a student at Desert Academy; Leslie Livingston, Executive Director of Operations; Judd Osborne, Finance Director and Kay Wise, Director of Advancement.

Mr. Schutz said Ms. Wynant did an excellent job in presenting the case, so he will be brief.

Mr. Schutz said the request is to change the designation from R-5 (Residential 5 dwelling units per acre) to C-1 (office and related commercial), which is lighter use.

Mr. Schutz said, "Over the years in this area, the Council has approved various non-residential activities along the Camino Alire corridor, and they did that, because they felt there was minimal impact to the existing neighbors, and the traffic system could accommodate the increased traffic. And, in this case, a traffic impact analysis was performed by Morrie Walker, and I apologize, Morrie Walker, our Engineer, is in the audience. The traffic impact analysis was presented to Mr. John Romero, Traffic Engineer, and he concurs with the conclusion in that report that the existing street network can accommodate the proposed use."

Mr. Schutz said, "This is the subject property right 'here,' and immediately adjacent to the north is zoned C-1. 'This' is the National Dance Institute and Alameda Middle School, and the football field is directly behind the property. 'This' is Alto Street with the Mary Esther Gonzales Senior Center. So there are a lot of non-residential activities that have been approved there over the years."

Mr. Schutz continued, "I would like to reiterate one more point and then will stand for any questions you might have. We did have a preliminary, non-formal ENN meeting in the Fall of 2013 and, then we had a formal ENN meeting on August 22, 2013, and two immediately adjacent property owners attended that meeting. We sent out over 140 certified letters to folks within 300 feet of the property. And the 2 folks that did show up were not in opposition, and in fact they are supportive of our request."

Councilor Rivera asked, "Are you are required to have a certain amount of parking spaces for the size of the building."

Mr. Schutz said, "Yes."

Councilor Rivera said, "The plan that... on page 56 of the packet, which is the one Mr. Willard just showed, has parking on the back site. From past experience with the Fire Department, I know it was already difficult to get emergency vehicles through that back road. If you had to lose those parking spaces, how would that affect you."

Mr. Schutz said, "The Code requires that we have 40 spaces for the square footage of the building and we have 43. If we lost any more, than 3 of those, we wouldn't be in compliance. And I might add that the proposal and this request has been reviewed by the Fire Marshal. And the reason he hasn't voiced any opposition is because the building is fully sprinklered."

Councilor Rivera asked, "If you park vehicles there, is there still 20 feet between vehicles in the parking spaces and the building."

Mr. Schutz said, "In what direction are you looking, Councilor."

Councilor Rivera said he is speaking of the spaces on the back side.

Mr. Schutz said, "There is a 12 foot driving lane and then we have 45 degree angled parking there. And then there is a setback from the building 'here' of about 3 feet, so we have 15 feet before you get to the parking lot."

Councilor Rivera said, "Like you said, the Fire Department looked at it. I assume there is nothing on that back side that we may need to get to, and I assume it will get reviewed by them once again, several times before anything actual happens, so just a question of curiosity on my side."

Mayor Pro-Tem Ives said, "I only had one question which relates to what looks like a track facility to the east."

Mr. Schutz said, "It is the school football field, immediately adjacent to that school property."

Mayor Pro-Tem Ives said, "So that's the track that abuts on the back side of the building there."

Mr. Schutz said, "Correct."

Mayor Pro-Tem Ives asked if that is public school property and Mr. Schutz said yes.

Speaking to the Request

There was no one speaking for or against this request.

Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Resolution No. 2014-27, approving Case #2013-130, the Camino Alire General Plan Amendment, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

For: Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, and Councilor Ives

Against: None.

Recused: Councilor Lindell and Councilor Dimas

Absent for the vote: Councilor Bushee.

- 4) **CONSIDERATION OF BILL NO. 2014-13: ADOPTION OF ORDINANCE NO. 2014-17. CASE #2013-131. 311-137 CAMINO ALIRE REZONING. DAVID SCHUTZ, AGENT FOR DESERT ACADEMY, REQUESTS REZONING OF 1.38± ACRES OF LAND FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS THE FORMER DESERT ACADEMY CAMPUS, AND IS LOCATED ON THE EAST SIDE OF CAMINO ALIRE BETWEEN AGUA FRIA AND ALTO STREET. (DONNA WYNANT)**

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2014-17, approving Case #2013-131, 317-137 Camino Alire Rezoning, with all conditions of approval as recommended by staff, and adopting the Findings of Fact and Conclusions of Law of the Planning Commission.

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

For: Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez, and Councilor Ives

Against: None.

Recused: Councilor Lindell and Councilor Dimas

Absent for the vote: Councilor Bushee.

- 5) CONSIDERATION OF BILL NO. 2013-42; ADOPTION OF ORDINANCE NO. 2014- ____ (MAYOR COSS). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT. (FABIAN TRUJILLO). (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING). (WITHDRAWN BY STAFF)
- a) REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT SECOND AMENDED PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC. (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING) (WITHDRAWN BY STAFF)
 - b) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. (POSTPONED AT FEBRUARY 12, 2014 CITY COUNCIL MEETING). (WITHDRAWN BY STAFF)

This item was withdrawn by staff.

Mayor Gonzales returned to the meeting

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 8:10 p.m.

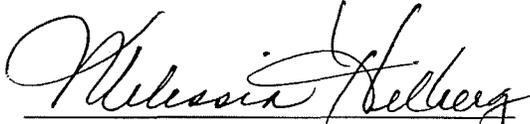
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

A handwritten signature in cursive script, reading "Melessia Helberg". The signature is written in black ink and is positioned above a horizontal line.

Melessia Helberg, Council Stenographer