



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 28, 2014
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5/23/14 TIME 12:00 PM

PREPARED BY _____

APPROVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – May 14, 2014
Study Session – April 23, 2014
9. PRESENTATIONS
 - a) Introduction of Law Enforcement Academy Graduates and Hired Laterals. (Deputy Chief John Schaerfl) (5 Minutes)
 - b) Proclamation – Law Enforcement Appreciation Month – May 2014. (5 Minutes)
 - c) Proclamation -- Rodney Tafoya. (Councilor Trujillo) (5 Minutes)
10. CONSENT CALENDAR
 - a) Bid No. 14/29/B – Sheridan Message Kiosk & Bus Shelter Lighting for Downtown Transit Center; TLC Company Inc. (Mary MacDonald)
 - b) Request for Approval of Procurement Under State Price Agreement – Three (3) Replacement Vehicles for Transit Division; Bob Turner Ford d/b/a Power Ford. (Robert Rodarte)
 - c) Request for Approval of Procurement – 2013 Department of Homeland Security Grant Advanced Training for Santa Fe Police Department SWAT Team; Government Training Institute (GTI). (Lieutenant Andrew Padilla)



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- d) Request for Approval of Amendment to 2012 General Obligation (GO) Bond Parks and Trails Implementation Plan to Include Pavement Rehabilitation of the Santa Fe Trail and Gail Ryba Trail. (Eric Martinez)
 - 1) Request for Approval of Budget Increase – Trails Fund.
- e) Request for Approval of Amendment No. 3 to Professional Services Agreement – Water Conservation Marketing and Outreach Plan and Implementation; PK Public Relations. (Laurie Trevizo)
- f) Request for Approval of Amendment No. 2 to Professional Services Agreement – Repair and Maintenance Services for HVAC Units at Santa Fe Community Convention Center; Yearout Service, LLC. (Randy Randall)
- g) Request for Approval of Exempt Procurement – FY 2014/15 Service, Repairs and Equipment for Wastewater Treatment Facility; JCH, Inc. (Luis Orozco)
- h) Request for Approval of Amendment No. 2 to Capital Improvement Program Agreement Between Owner and Contractor – FY 2013/14 Wastewater Division Publicly Owned Treatment Works Repair, Replacement and Extension Contract, CIP 947; TLC Company, Inc., d/b/a TLC Plumbing and Utility. (Stan Holland)
- i) Request for Approval of Change Order No. 4 to Construction Contract – Santa Fe Reservoirs Infrastructure Improvements Project for Water Division; RMCI, Inc. (Robert Jorgensen)
- j) Request for Approval of Amendment No. 6 to Professional Services Agreement – Northwest Well Permit Application and Litigation; Lee Wilson & Associates. (Bill Schneider)
 - 1) Request for Approval of Budget Increase – Water Fund.
- k) Request for Approval of Revisions to Utility Billing Special Fee and Penalty Policy. (Kathy Valdez and Nick Schiavo)
- l) Request for Approval of Exempt Procurement – Upgrade Software Services for Parking Division; T2 Systems, Inc. (Sevastian Gurule)
 - 1) Request for Approval of Budget Adjustment – Parking Fund.



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- m) Request for Approval of Grant Award and Agreement – Two (2) Historic Preservation Projects and Training; State of New Mexico Department of Cultural Affairs Historic Preservation Division. (David Rasch)
 - 1) Project #1 – Phase III Survey of Building Heights within Historic Districts.
 - 2) Project 32 – Historic Downtown Archaeological Review District Cultural Resource Database.
- n) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Maestas)
A Resolution Adopting the City of Santa Fe Investment Policy to Formalize the City Policy Related to Investment of City Funds. (Marcos Tapia)
- o) Request to Publish Notice of Public Hearing on June 25, 2014:

Bill No. 2014-16: An Ordinance Authorizing the Execution and Delivery of a Loan Agreement By and Among the City of Santa Fe (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount of \$3,500,000, for the Acquisition of Transit Buses for the Governmental Unit's Public Transportation System; Providing for the Payment of the Loan Agreement from Certain Gross Receipts Tax Revenues Distributed to the City; Providing for the Distributions of Gross Receipts Tax Revenues from the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority or its Assigns Pursuant to an Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Specifying Details of the Loan Agreement, Including the Net Effective Interest Rate; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement. (Councilor Bushee) (Marcos Tapia and Jon Bulthuis)
- p) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives, Councilor Lindell, Councilor Bushee, Councilor Rivera and Councilor Dimas)
A Resolution Endorsing the Green Lodging Initiative; and Directing Staff to Explore Ways to Continue, Fund and Extend the Green Lodging Initiative to All Lodging Facilities in the City of Santa Fe. (Nick Schiavo)



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- q) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives, Councilor Bushee, Councilor Rivera, Councilor Dimas and Councilor Lindell)
A Resolution Authorizing Public Utilities Department Staff to Apply for a U.S. Bureau of Reclamation (BOR) Funding Opportunity to Evaluate the Feasibility of Utilizing Reclaimed Water for Alternative Non-Potable and Potable Uses. (William Schneider)
- r) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee)
A Resolution Endorsing the North Chapter Regional Transit District's FY 2015 Budget Proposal, Approving the FY 2015 City of Santa Fe Regional Transit Plan and Directing Staff to Submit the City of Santa Fe Regional Transit Plan for FY 2015 to the North Central Regional Transit District Board of Directors for Consideration and Approval. (Jon Bulthuis)
- s) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez)
A Resolution of the Governing Body of the City of Santa Fe, New Mexico Declaring its Official Intent to Reimburse Itself with the Proceeds of a Future Tax-Exempt Borrowing for Certain Capital Expenditures Undertaken or to be Undertaken by the City; Identifying the Capital Expenditures and the Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith. (Marcos Tapia)
- t) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez)
A Resolution of the Governing Body of the City of Santa Fe, New Mexico Declaring its Official Intent to Reimburse Itself with the Proceeds of a Future Tax-Exempt Borrowing for Capital Expenditures Paid to 1) Acquire Land, Plan, Design, Equip, Renovate and Improve Public Parks, Bike-Pedestrian Trails and Related Infrastructure Projects and 2) Acquire, Install, Construct, Upgrade, and Improve Sustainable Environment Projects; Identifying The Capital Expenditures and the Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith. (Marcos Tapia)



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- u) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez and Councilor Rivera)
A Resolution Directing Staff to Explore Potential City of Santa Fe Taxpayer Empowerment Policies Related to Outsourced City Services that Would Promote Transparency, Accountability, Shared Prosperity and Competition. (Judith Amer) (Postponed at April 9, 2014 City Council Meeting) **(Postponed to June 25th City Council Meeting)**

11. MATTERS FROM THE CITY MANAGER
12. MATTERS FROM THE CITY ATTORNEY
13. MATTERS FROM THE CITY CLERK
14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Two Forks & A Spoon, Inc. for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Galisteo Bistro, 227 Galisto Street. (Yolanda Y. Vigil)



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- 2) Request from MIX Santa Fe for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 555 Camino de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. This Request is for a MIX Santa Fe Event to be Held on June 17, 2104 from 6:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 3) Request from Parallel Studios for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. This Request is for "Currents 2014: Santa Fe International New Media Festival" to be Held on June 13, 2014 from 6:00 p.m. to 12:00 a.m. (Yolanda Y. Vigil)
- 4) Request from The Signature Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at The Signature Gallery, 102 E. Water Street, Which is Within 300 Feet of The Church of Antioch at Santa Fe, 207 Old Santa Fe Trail. This Request is for the Following: (Yolanda Y. Vigil)
 - Phillip Payne Unveiling --June 6, 2014 – 3:00 p.m. to 10:00 p.m.
 - Indian Market Show --August 21 and 22, 2014 – 3:00 p.m. to 10:00 p.m.
- 5) Request from Cynthia Canyon for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Spirits at the Former First State Bank Building, 100 N. Guadalupe, Which is Within 300 Feet of Our Lady of Guadalupe Catholic Church, 417 Agua Fria Street. This Request is for TREND Magazine's 15th Anniversary Celebration to be held on June 5, 2014 from 4:00 p.m. to 11:00 p.m. (Yolanda Y. Vigil)
- 6) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Rivera, Councilor Trujillo and Councilor Lindell)
A Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe and Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Chief Erik Litzenberg)

I. ADJOURN



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Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
May 28, 2014

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REQUEST FOR APPROVAL OF BUDGET INCREASE – TRAILS FUND	Approved	12-14
REQUEST FOR APPROVAL OF REVISIONS TO UTILITY BILLING SPECIAL FEE AND PENALTY POLICY	Approved	14

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REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – TWO (2) HISTORIC PRESERVATION PROJECTS AND TRAINING; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS HISTORIC PRESERVATION DIVISION:		
PROJECT #1 – PHASE III SURVEY OF BUILDING HEIGHTS WITHIN HISTORIC DISTRICTS	Approved	15-16
PROJECT 32 – HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT CULTURAL RESOURCE DATABASE	Approved	15-16
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EMERGENCY PURCHASE – ORACLE JD EDWARDS:		
REQUEST TO DECLARE AN EMERGENCY APPROVAL OF PURCHASE	Approved Approved	16-25 16-25
MATTERS FROM THE CITY MANAGER	None	25
MATTERS FROM THE CITY ATTORNEY	None	25
MATTERS FROM THE CITY CLERK	None	25
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	25-28
<u>EVENING SESSION</u>		
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REQUEST FROM TWO FORKS & A SPOON, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT GALISTEO BISTRO, 227 GALISTEO STREET	Approved	35
REQUEST FROM MIX SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR A MIX SANTA FE EVENT TO BE HELD ON JUNE 17, 2014 FROM 6:00 P.M. TO 8:00 P.M.	Approved	36
REQUEST FROM PARALLEL STUDIOS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR "CURRENTS 2014: SANTA FE INTERNATIONAL NEW MEDIA FESTIVAL" TO BE HELD ON JUNE 13, 2014 FROM 6:00 P.M. TO 12:00 A.M.	Approved	37
REQUEST FROM THE SIGNATURE GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT THE SIGNATURE GALLERY, 102 E. WATER STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THIS REQUEST IS FOR THE FOLLOWING: PHILIP PAYNE UNVEILING – JUNE 6, 2014 – 3:00 P.M. TO 10:00 P.M.; AND INDIAN MARKET SHOW – AUGUST 21 AND 22, 2014 – 3:00 P.M. TO 10:00 P.M.	Approved	38

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM CYNTHIA CANYON FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND SPIRITS AT THE FORMER FIRST STATE BANK BUILDING, 100 N. GUADALUPE, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CATHOLIC CHURCH, 417 AGUA FRIA STREET. THIS REQUEST IS FOR TREND MAGAZINE'S 15 TH ANNIVERSARY CELEBRATION TO BE HELD ON JUNE 5, 2014 FROM 4:00 P.M. TO 11:00 P.M.	Approved	38-39
CONSIDERATION OF RESOLUTION NO. 2014-41. A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES	Approved	39-40
ADJOURN		40

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

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, May 28, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Mayor Javier M. Gonzales

Others Attending

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

6. APPROVAL OF AGENDA

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

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

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

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

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

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

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

Ms. Brennan said, "That is correct."

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

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

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

- l) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – UPGRADE SOFTWARE SERVICES FOR PARKING DIVISION; T2 SYSTEMS, INC. (SEVASTIAN GURULE)
 - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PARKING FUND.
- m) *[Removed for discussion by Councilor Bushee]*
- n) CONSIDERATION OF RESOLUTION NO. 2014-36 (COUNCILOR MAESTAS AND COUNCILOR IVES) A RESOLUTION ADOPTING THE CITY OF SANTA FE INVESTMENT POLICY TO FORMALIZE THE CITY POLICY RELATED TO INVESTMENT OF CITY FUNDS. (MARCOS TAPIA)
- o) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 25, 2014:

BILL NO. 2014-16: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND AMONG THE CITY OF SANTA FE (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF \$3,500,000, FOR THE ACQUISITION OF TRANSIT BUSES FOR THE GOVERNMENTAL UNIT’S PUBLIC TRANSPORTATION SYSTEM; PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES FROM THE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS, PURSUANT TO AN INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; SPECIFYING DETAILS OF THE LOAN AGREEMENT, INCLUDING THE NET EFFECTIVE INTEREST RATE; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT (COUNCILOR BUSHEE). (MARCOS TAPIA AND JON BULTHUIS)
- p) CONSIDERATION OF RESOLUTION NO. 2014-37 (COUNCILOR IVES, COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR RIVERA, AND COUNCILOR DIMAS. A RESOLUTION ENDORSING THE GREEN LODGING INITIATIVE; AND DIRECTING STAFF TO EXPLORE WAYS TO CONTINUE, FUND AND EXTEND THE GREEN LODGING INITIATIVE TO ALL LODGING FACILITIES IN THE CITY OF SANTA FE. (NICK SCHIAVO)
- q) *[Removed for discussion by Councilor Maestas]*

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

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

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

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

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

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

9. PRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Dominguez asked if we are keeping the same trend.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Dimas congratulated him on his appointment to Captain.

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

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

c) PROCLAMATION – RODNEY TAFOYA. (COUNCILOR TRUJILLO)

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

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

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

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

CONSENT CALENDAR DISCUSSION

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

1) REQUEST FOR APPROVAL OF BUDGET INCREASE – TRAILS FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: None.

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

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

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

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

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

Against: Councilor Bushee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: None.

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

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

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

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

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

Against: None.

Recused: Councilor Maestas.

11. EMERGENCY PURCHASE

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

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

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

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

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

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

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

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

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

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

Mr. Snyder said, "I don't have a good reason for why the deadline came upon us so quickly. It is something we do need to do to maintain support. It is one of the items that was identified in our Presidio Report that we had done in the last 9 months which was identified as a need. It was not included in last years budget, and it was discussed during this 7ear's budget session. Moving forward..."

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

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

Councilor Bushee asked the source of funds to pay this.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Maestas asked what justification is necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: Councilor Bushee and Councilor Rivera.

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: Councilor Bushee and Councilor Rivera.

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 12, 2014, is incorporated herewith to these minutes as Exhibit "3."

Councilor Rivera

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

Councilor Maestas

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

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

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

Councilor Dominguez

Councilor Dominguez introduced the following:

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

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

Councilor Lindell

Councilor Lindell introduced the following:

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

Councilor Trujillo

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

Councilor Bushee

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

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

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

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

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

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

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

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

Councilor Ives

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

Councilor Ives introduced the following:

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

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

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

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

Members Excused

Mayor Javier M. Gonzales

Others Attending

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

F. PETITIONS FROM THE FLOOR

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

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

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

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

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

MELESSIA HELBERG,
STENOGRAPHER:

Ma'am could you speak into the microphone.

MARIAM LETH-ESPERSON:

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

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

MAYOR PRO-TEM IVES: Ma'am.

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

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

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

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

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

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

MAYOR PRO-TEM IVES:

Thank you very much. And bienvenidos.

STEPHANIE BENINATO:

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

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

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

END OF VERBATIM TRANSCRIPT

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

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

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

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

Public Hearing

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

The Public Hearing was closed

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

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

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

Against: None.

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

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

Public Hearing

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

The Public Hearing was closed

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

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

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

Against: None.

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

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

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

Public Hearing

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

The Public Hearing was closed

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

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

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

Against: None.

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

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

Public Hearing

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

The Public Hearing was closed

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

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

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

Against: None.

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

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

Public Hearing

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

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

The Public Hearing was closed

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

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

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

Against: None.

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

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

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

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

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

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

Against: None.

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

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

I. ADJOURN

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

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

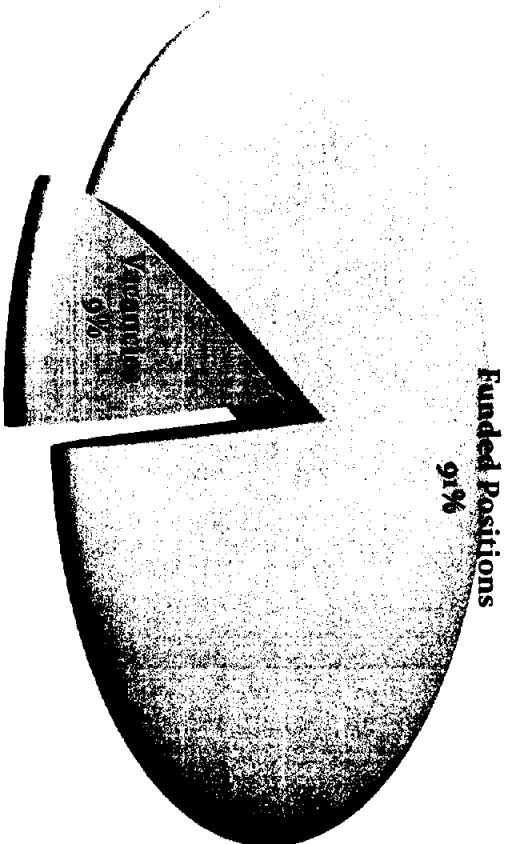

Melessia Helberg, Council Stenographer



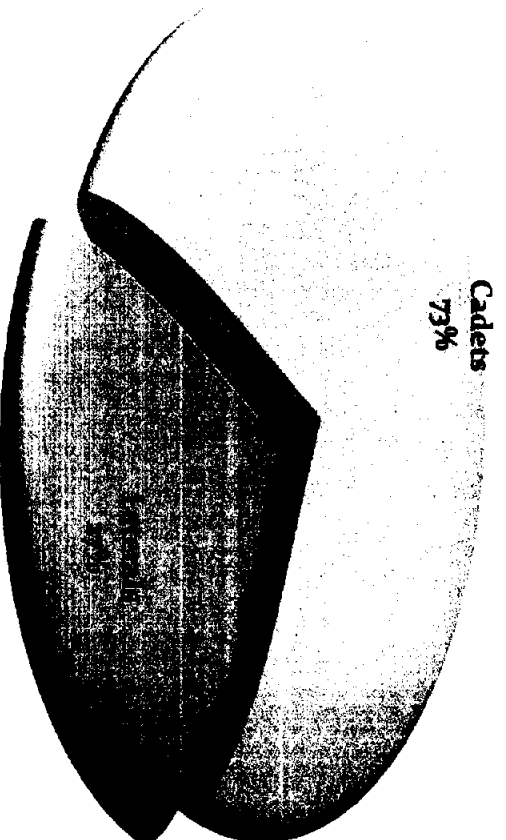
Recruiting Snapshot

May 2013-May 2014

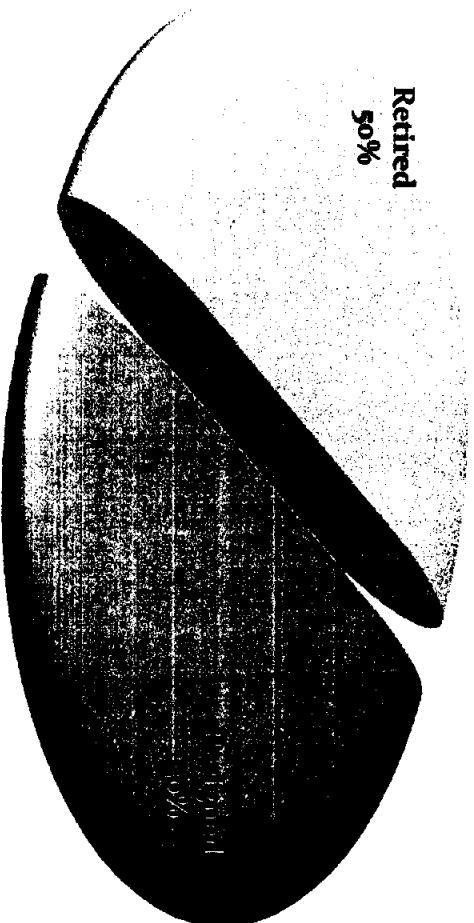
Staffing
May 2013-May 2014



Hired May 2013-May 2014



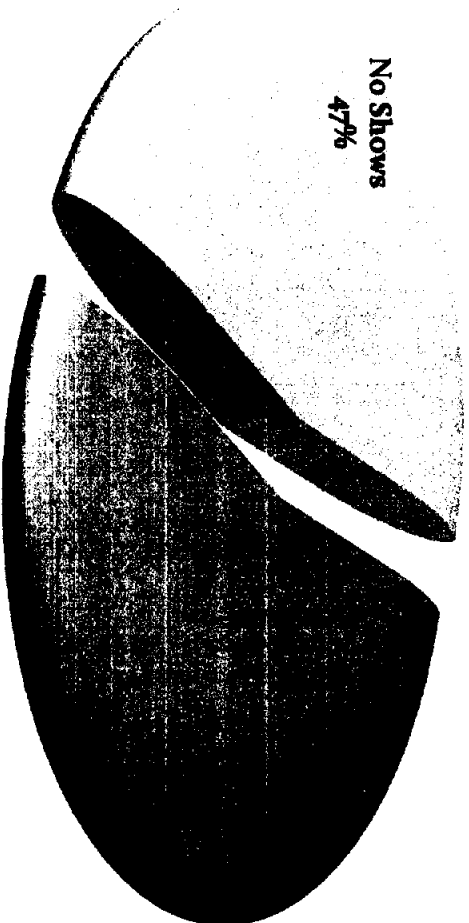
Officers Lost May 2013-May 2014



No Shows
Tested

315
361

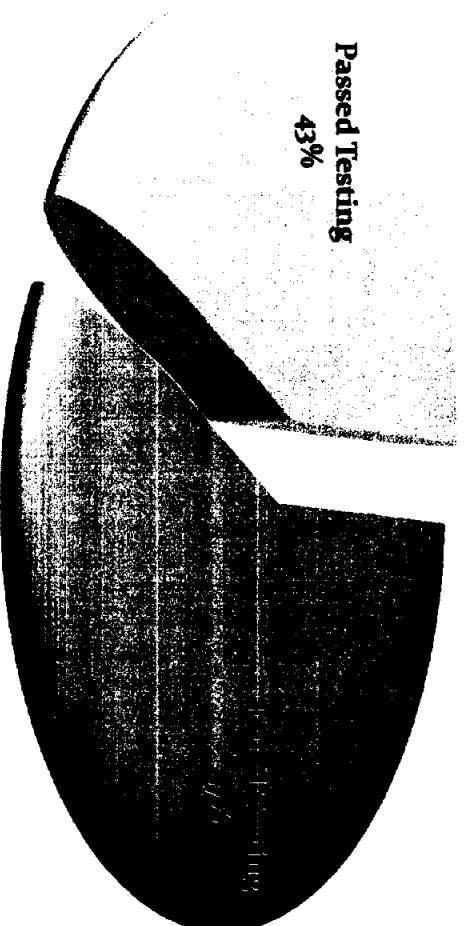
Applications May 2013-May 2014



Passed Testing
Failed Testing

154
207

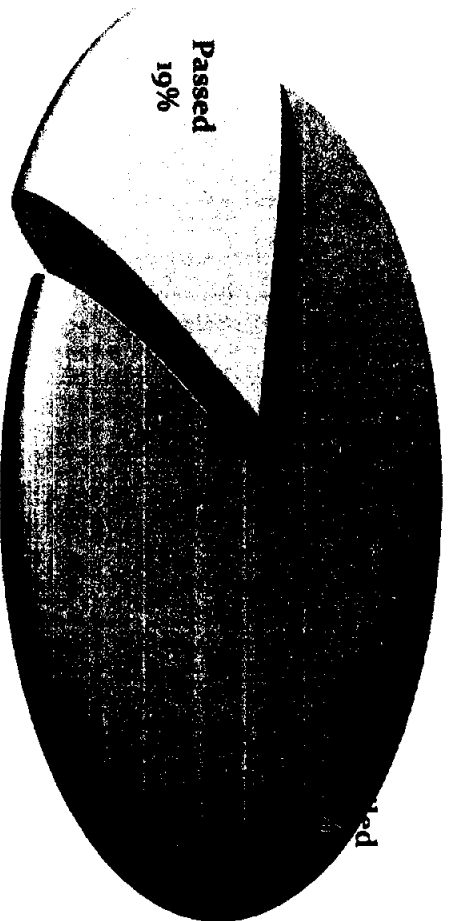
Testing Results May 2013-May 2014



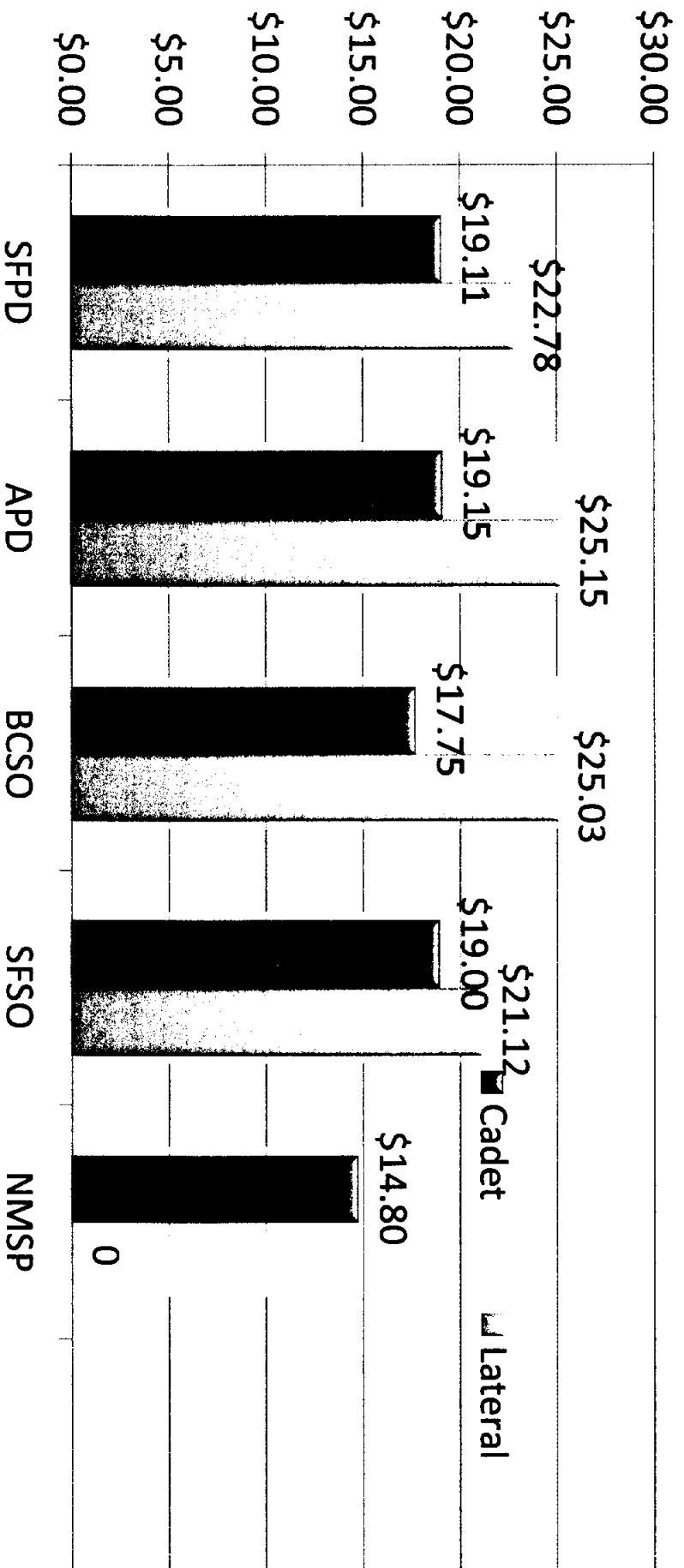
Passed
Failed

30
124

Backgrounds May 2013-May 2014



Starting Pay




APD's pay reflects the 5% increase just approved by their City Council. APD is still offering a \$5000 signing bonus.

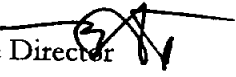
City of Santa Fe, New Mexico

memo

DATE: May 27, 2014

TO: Robert Rodarte, Purchasing Director

FROM: Lisa D. Martinez, Interim ITT Department Director 

VIA: Marcos A. Tapia, Finance Director 

VIA: Brian K. Snyder, City Manager

ISSUE: Emergency Declaration – Oracle JD Edwards Extended Support

BACKGROUND:

On April 30, 2014, **Extended Support** for the City's JD Edwards Financial, Enterprise Resource Planning (ERP) system expired. Effective May 1, 2014, the system entered **Sustaining Support** with Oracle, Inc. Sustaining Support provides the City with indefinite access to major releases, technical support, fixes, patches and scripts that were created during the **Premier Support** stage; which expired for the City on April 30, 2011. The **Premier Support** stage of the system was the optimum support stage, and provides maximum access to fixes, patches, upgrades and top priority technical support services. In order for the City to move back into **Premier Support**, JD Edwards would have to be upgraded from the current version, 8.12, to the latest version, 9.1. This upgrade would cost approximately \$480,000, and must be completed by November 1, 2014 to provide sufficient time to apply and test required end-of-year Electronic Software Updates (ESU) related to payroll taxes. Alternatively, Oracle has offered to prolong **Extended Support** for an additional two years (12 month increments) at an annual rate of \$150,000 plus GRT. In addition to providing the required end-of-year ESUs related to payroll taxes, Oracle's prolonged Extended Support includes priority one fixes; this offer expires May 31, 2014.

SUMMARY:

In order to take advantage of Oracle's offer, which expires on May 31, 2014, to prolong Extended Support for up to two additional years, in accordance with Rule 17 of the Purchasing Manual, I request approval of an emergency procurement in the amount of \$150,000 plus GRT. This approach, in lieu of upgrading to the latest version of the software, mitigates the risk associated with undergoing a major upgrade to a critical application system – in a window of less than six months. Moreover, it would provide the City with sufficient time to evaluate other ERP software and hardware options. Staff estimates that the City could potentially save up to \$3,000,000, over the next five years, by selecting an ERP system that is more suitable for municipal government. Accordingly,

Exhibit "2"

ITT and Finance intend to issue an RFP for professional consulting and project management services to develop requirements and issue an RFP for a new ERP system.

Although this situation does not create a threat to public health, welfare, safety or property, it does place the City at undue elevated risks for the proper function of its financial, payroll and HR systems. Moreover, Oracle's offer ends on May 31, 2014. Due to the limited timetable, acceptance of the offer cannot be met through normal procurement methods. This ERP system is a proprietary system with Oracle Inc., and is an exempt procurement under Rule 18 of the Purchasing Manual.

If the City is unable to issue a purchase order before Oracle's offer ends, Oracle may choose to no longer extend the offer, or to extend the offer at an additional price increase.

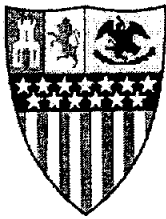
This purchase will be charged to 32138.520300, and will be submitted to the next regularly scheduled City Council meeting for review.

ACTION:

Request emergency procurement declaration to purchase Extended Support for the City's JD Edwards Financial, Enterprise Resource Planning (ERP) system.

() Approved: _____
Robert Rodarte, Purchasing Director Date

() Disapproved: _____
Robert Rodarte, Purchasing Director Date



CITY COUNCIL MEETING OF
May 28, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2014, IN THE PRINCIPAL AMOUNT OF \$5,800,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.	Finance Committee - 6/2/14 City Council (request to publish) - 6/11/14 City Council (public hearing) - 7/9/14
	A RESOLUTION AUTHORIZING PUBLICATION OF A NOTICE OF SALE OF \$5,800,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2014, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS.	Finance Committee - 6/2/14 City Council (scheduled) 6/11/14

Exhibit "3"

Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING THE <i>SOLARIZE SANTA FE!</i> CAMPAIGN – A PUBLIC OUTREACH, MARKETING AND TECHNICAL ASSISTANCE INITIATIVE PROMOTING THE VIABILITY OF SOLAR PHOTOVOLTAIC AND SOLAR THERMAL SYSTEMS TO COMMERCIAL AND RESIDENTIAL SECTORS; DIRECTING STAFF TO WORK WITH SANTA FE COUNTY, THE SANTA FE GREEN CHAMBER OF COMMERCE, THE SANTA FE ALLIANCE FOR CLEAN ENERGY AND OTHER RELEVANT ENTITIES IN IMPLEMENTING THE <i>SOLARIZE SANTA FE!</i> CAMPAIGN.	Finance Committee - 6/2/14 Public Utilities Committee 6/4/14 Public Works Committee - 6/9/14 City Council (scheduled) - 6/11/14
	A RESOLUTION RELATING TO THE CITY OF SANTA FE FISCAL YEAR 2014/2015 BUDGET; AMENDING RESOLUTION NO. 2014-35 TO INCLUDE THE ENACTMENT OF A PROPERTY TAX RATE INCREASE OF 2 MILL PER \$1000 OF NET TAXABLE VALUE TO BE USED FOR ITT INFRASTRUCTURE, INFRASTRUCTURE AND PUBLIC SAFETY SERVICES RELATED TO PHASE 2 ANNEXATION AND OPERATION AND MAINTENANCE COSTS FOR INFRASTRUCTURE OF PARKS AND RECREATION FACILITIES AND LIBRARIES.	Finance Committee - 6/2/14 City Council (scheduled) - 6/11/14
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 1997-1 FOR THE PURPOSE OF APPROVING AND ADOPTING AN AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE BUSINESS INCUBATOR, INC. TO AMEND THE FINANCIAL STRUCTURE OF THE PROJECT PARTICIPATION AGREEMENT.	Economic Development Review Subcommittee - 6/9/14 City Business Quality of Life - 6/11/14 City Council (request to publish) - 6/11/14 Finance Committee - 6/16/14 City Council (public hearing) - 7/9/14
	Councilor Signe Lindell – continued on page 3	

Councilor Signe Lindell - continued		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ives	AN ORDINANCE RELATING TO THE ESTABLISHMENT OF CERTAIN CITY OF SANTA FE DEPARTMENTS; REPEALING SECTION 2-19 SFCC 1987 TO DELETE THE "ADMINISTRATIVE SERVICES DEPARTMENT"; CREATING A NEW SECTION 2-19 SFCC 1987 TO ESTABLISH THE "PARKS AND RECREATION DEPARTMENT"; AND AMENDING SECTION 2-21 SFCC 1987 TO RENAME THE "CONVENTION AND VISITORS BUREAU," THE "TOURISM SANTA FE DEPARTMENT".	Finance Committee - 6/2/14 City Council – (request to publish) - 6/11/14 City Council (public hearing) - 7/9/14

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO COMPREHENSIVE TAX REFORM FOR MUNICIPALITIES; CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION ON TAX REFORM INITIATIVES TO BRING BALANCE, EQUITY AND FINANCIAL STABILITY TO MUNICIPAL GOVERNMENTS.	Finance Committee - 6/2/14 City Council (scheduled) - 6/11/14
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov or Rebecca Seligman at (505)955-6501, rxseligman@santafenm.gov.

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-__**

3 **INTRODUCED BY:**

4
5 Councilor Joseph Maestas

6 Councilor Patti Bushee

7 Councilor Peter Ives

8
9
10 **A RESOLUTION**

11 **RELATING TO COMPREHENSIVE TAX REFORM FOR MUNICIPALITIES; CALLING**
12 **ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION ON**
13 **TAX REFORM INITIATIVES TO BRING BALANCE, EQUITY AND FINANCIAL**
14 **STABILITY TO MUNICIPAL GOVERNMENTS.**

15
16 **WHEREAS,** local governments continue to be negatively impacted by the economic
17 downturn of 2008, resulting in significant declines in revenue available for local governments; and

18 **WHEREAS,** up to 75% of a municipality's general fund revenue is derived from gross
19 receipts taxes; and

20 **WHEREAS,** gross receipts taxes are regressive and disproportionately impact disadvantaged
21 and low income citizens; and

22 **WHEREAS,** the Governing Body recognizes that gross receipts taxes are an
23 unstable funding source whose levels are dependent on the health of the economy; and

24 **WHEREAS,** state law was amended in 2013 to repeal the hold harmless distribution made by
25 the State to municipalities that have a population of over 10,000 to compensate those municipalities

1 for revenues lost as the result of the State's elimination of gross receipts taxes on food and certain
2 medical services; and

3 **WHEREAS**, the State's elimination of these gross receipts taxes represent up to 30% of
4 municipalities' total gross receipts tax revenue; and

5 **WHEREAS**, the City of Santa Fe is facing a total loss of \$80 million of hold harmless
6 distribution funds over the phase-out period ending in 2030; and

7 **WHEREAS**, the State's elimination of this source of gross receipts tax revenue will certainly
8 cause a major decrease in vital city services, jeopardize current and future infrastructure and seriously
9 impact the city workforce and local economy; and

10 **WHEREAS**, some municipalities provide Emergency Medical and Communication Services
11 within the municipality but are not authorized by the State Legislature to fund the cost of providing
12 such services through an appropriate dedicated tax; and

13 **WHEREAS**, long standing New Mexico tax policy provides that "any shifting of tax sharing
14 between the state and municipalities must guarantee municipalities at least the same revenue levels
15 they derive from current tax policy;" and

16 **WHEREAS**, state law related to a home rule municipality's authority over its financial
17 affairs is severely restricted and there is a need to amend state law to remove such restrictions in order
18 to mitigate the impacts of current state tax policy; and

19 **WHEREAS**, the *2013-2014 New Mexico Municipal League Statement of Municipal Policy*
20 (*"NMML Policy Statement"*) includes taxation and revenue and finance policy statements that should
21 be used as a reference to draft proposed legislative initiatives to be acted upon by the State
22 Legislature at its next session; and

23 **WHEREAS**, the Governing Body is mindful that the City of Santa Fe, as the capital city of
24 the State of New Mexico, should work in close collaboration with the New Mexico Municipal League
25 (NMML) and other New Mexico municipal governments to propose tax reform initiatives for action

1 by the New Mexico State Legislature to bring balance, equity and financial stability to local
2 municipal governments and the residents they serve.

3 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body hereby endorses the taxation and revenue and
5 finance policy statements of the NMML and calls on the New Mexico State Legislature to enact
6 legislation, consistent with the *NMML Policy Statement*, during the 2015 Legislative Session to bring
7 balance, equity and financial stability to local municipal governments and the residents they serve.
8 Such legislation shall:

- 9 • Grant municipalities the authority to generate the revenue necessary to administer
10 government and provide basic services.
- 11 • Guarantee municipalities, when there is any shifting of tax sharing between the state and
12 municipalities, at least the same revenue levels they derive from current state tax policy.
- 13 • Authorize municipalities to enact taxes at the local level that are appropriate to their tax
14 bases in the following areas:
 - 15 1. Gross Receipts Tax - Retain authority to enact at the local level.
 - 16 2. Ad Valorem Tax - Retain authority to impose millage for municipal general purpose
17 government.
 - 18 3. Income Tax - Grant municipalities a share of the State income tax.
 - 19 4. Miscellaneous User Taxes - Grant municipalities the authority to levy local option
20 taxes on sales of gasoline, cigarettes and alcohol, or, in the alternative, increase the
21 municipal share of such current taxes.
- 22 • Remove limitations on municipal revenue sources for home rule municipalities.
- 23 • Provide added financial assistance or revenues each time the legislative, executive or
24 judicial branches create new or expanded service requirements for municipalities by
25 providing realistic funding levels for new and existing mandates.

- Develop an effective funding system to supplement or replace federal funding in those program areas which are the most essential to the well-being of New Mexico's citizens.
- Amend the confidentiality provisions of the New Mexico Tax Act to allow certain municipal officials access to currently confidential information regarding taxpayers in a municipality so that at least once every three years municipalities would have the ability to identify businesses that are not in compliance with State of New Mexico or municipal business registration statutes and ordinances which would further enhance the Taxation and Revenue Department's ability to enforce and collect taxes.
- Grant municipal authority for an emergency medical and communication services gross receipts tax in 1/8% increments up to a total of 1/4% by positive referendum.

BE IT FURTHER RESOLVED that staff is directed to coordinate and work with the NMML, other municipalities and appropriate State legislative committees to ensure that legislation is enacted during the 2015 legislative session that will grant local governments the authority to bring financial balance, equity and stability to their respective municipalities.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution to the New Mexico Congressional Delegation, the Speaker of the New Mexico House of Representatives, the President Pro Tempore of the New Mexico Senate, the City's State Legislative Delegation, the NMML and the City's lobbyist.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2014.

ATTEST:

JAVIER M. GONZALES, MAYOR

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 _____
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Resolutions 2014/Local Government Tax Reform_052714*

AN ABSTRACT OF PROCEEDINGS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The City Council (the "Council") of the City of Santa Fe (the "City") in the County of Santa Fe, State of New Mexico, met in regular session in full conformity with law and ordinances and rules of the City, at City Hall, being the regular meeting place of the Council, at the hour of 7:00 p.m., on Wednesday, the 9th day of July, 2014.

PRESENT: Mayor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____
 Councilor: _____

ABSENT: _____

Exhibit "5"

Thereupon the following proceedings, among others, were had and taken:

PUBLIC HEARINGS

CONSIDERATION OF BILL NO. 2014-____

ADOPTION OF ORDINANCE NO. 2014-____

Issuance of General Obligation Bonds, Series 2014

Mr. Marcos Tapia, Finance Director, presented Bill No. 2014-____

The Mayor announced that the City Council would take action awarding the City of Santa Fe General Obligation Bonds, Series 2014 in the amount of \$5,800,000 in conformity with the Notice of Sale issued by the City Council on June 11, 2014.

Councilor _____ thereupon moved that the City Council accept the bid of _____ for the purchase of the Bonds, said bid being the best bid received for said Bonds.

Said bid is as follows:

<u>Amounts</u> <u>Maturing</u>	<u>Years Maturing</u> <u>(August 1)</u>	<u>Interest Rate</u> <u>(Per Annum)</u>
\$	2015	%
	2016	
	2017	
	2018	
	2019	
	2020	
	2021	
	2022	
	2023	
	2024	
	2025	
	2026	
	2027	
	2028	
	2029	
	2030	
	2031	
	2032	
	2033	
	2034	

plus a premium of \$_____.

The motion was duly seconded by Councilor _____ and carried on a vote of ____ for and ____ against.

Councilor _____ thereupon introduced and moved the adoption of the following ordinance:

CITY OF SANTA FE, NEW MEXICO
BILL NO. 2014-__

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2014, IN THE PRINCIPAL AMOUNT OF \$5,800,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

WHEREAS, at the general obligation bond election held for the City of Santa Fe (the "City"), State of New Mexico, on the 6th day of March, 2012, the electors of the City authorized the City Council of the City (the "City Council") to contract bonded indebtedness on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City (the "Bonds") to secure funds for the following purposes (collectively, the "Project"), in the following amount:

<u>Purpose</u>	<u>Amount Authorized At Election</u>	<u>Amount Previously Issued</u>	<u>Amount To be Issued</u>
To acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure.	\$14,000,000	\$9,200,000	\$4,800,000
To acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects.	\$3,800,000	\$2,800,000	\$1,000,000

WHEREAS, the City Council has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that the remaining portion of the general obligation bonds authorized at the election (the "Bonds"), be issued at this time, provided, however, that a satisfactory price be obtained therefor upon a public sale; and

WHEREAS, the City Council has received and publicly opened sealed bids for the purchase of the Bonds and the City Council has determined and hereby does

determine to accept the bid and award the Bonds to _____, the best bidder for the Bonds;

WHEREAS, the City Council has determined and does hereby determine that the Bonds shall be issued at this time under the authority of the New Mexico Constitution and applicable law as hereinafter set forth, and desires to fix the form and details of the Bonds and to provide for the levy of taxes for the payment of the principal of and interest on the Bonds; and

WHEREAS, the net effective interest rate on the Bonds is not more than ten percent (10%) a year; and

WHEREAS, no action or suit has been commenced by any person or corporation contesting the validity of any of the proceedings directed toward the issuance and sale of the Bonds heretofore taken by the City Council and the officers of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA FE:

Section 1. All actions heretofore taken by the City Council and the officers and employees of the City directed toward the issuance and sale of the Bonds to secure funds for the purposes stated above be, and the same hereby are, ratified, approved and confirmed, including the awarding of the Bonds in the amount of \$5,800,000 to _____.

Section 2. In order to provide funds for the purposes stated above, the City Council, on behalf of the City and upon the full faith and credit thereof, shall issue the City's general obligation bonds maturing and bearing interest as follows:

<u>Amounts</u> <u>Maturing</u>	<u>Years Maturing</u> <u>(August 1)</u>	<u>Interest Rate</u> <u>(Per Annum)</u>
\$	2015	%
	2016	
	2017	
	2018	
	2019	
	2020	
	2021	
	2022	
	2023	
	2024	
	2025	
	2026	
	2027	
	2028	
	2029	
	2030	
	2031	
	2032	
	2033	
	2034	

The Bonds shall be dated the date of delivery (herein the "Series Date"), will be issued in one series and shall consist of bonds numbered consecutively from R-1 upward, issuable in the denomination of \$5,000 each or integral multiples thereof (provided that no individual bond will be issued for more than one maturity); shall bear interest from the Series Date to maturity at the rates per annum set forth above for the Bonds, payable to the registered owner thereof, or registered assigns, on February 1, 2015, and semiannually thereafter on August 1 and June 1 in each year in which the Bonds are outstanding and shall mature on August 1 of each year set forth above.

The Bonds maturing on or after August 1, 2025, are subject to prior redemption at the City's option on and after August 1, 2024, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent, as defined below, in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date.

If less than all of the outstanding Bonds are to be redeemed at any one time, the Bonds to be redeemed shall be selected by the Registrar in the manner designated by the

City. If a Bond to be redeemed is of a denomination larger than \$5,000, a portion of such Bond may be redeemed, but Bonds will be redeemed only in the principal amount of \$5,000 or any integral multiple thereof.

Notice of redemption shall be given by the Registrar/Paying Agent by sending a copy of such notice by electronic means or posting or by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar/Paying Agent on the fifth day prior to the mailing of notice on the registration books kept by the Registrar/Paying Agent. The City shall give notice of redemption of the Bonds to the Registrar/Paying Agent at least fifteen (15) days prior to the date the Registrar/Paying Agent is required to give the bond owners notice of redemption specifying the Bonds and the principal amount thereof to be called for redemption and the applicable redemption date. If the City has not designated the Bonds to be called for redemption on the dates specified above, the Registrar/Paying Agent is to select the Bonds to be redeemed by lot.

Neither the City's failure to give such notice, the Registrar/Paying Agent's failure to give such notice to the registered owner of any Bonds, or any defect therein, nor the failure of The Depository Trust Company ("DTC") to notify any registered owner, of any such redemption, will affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. All notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full amount of any Bond is to be redeemed, the amount of such Bond to be redeemed, the date fixed for redemption, the redemption price, the series and CUSIP number, and that on such redemption date there will become due and payable upon each Bond to be redeemed at the office of the Registrar/Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount.

Unless money sufficient to pay the principal of and premium, if any, on the Bonds to be optionally redeemed is received by the Registrar/Paying Agent prior to the giving of notice of redemption, that notice is to state that the redemption is conditional upon the receipt of that money by the Paying Agent by 2:00 p.m. on the redemption date. If an amount sufficient to redeem all Bonds called for redemption is not received by that time (i) the Registrar/Paying Agent is to redeem only those Bonds for which the redemption price was received, (ii) the Bonds to be redeemed are to be selected in the manner set forth in this Ordinance and (iii) the redemption notice will have no effect with respect to those Bonds for which the redemption price was not received and those Bonds will not be redeemed. The Registrar/Paying Agent is to give notice to the registered owners of the Bonds previously called for redemption which will not be redeemed in the manner in which the notice of redemption was given, identifying the Bonds which will not be redeemed and stating that the redemption did not take place with respect to those Bonds and is to promptly return any Bonds previously delivered by the registered owners of the Bonds. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so

designated and if an amount of money sufficient to redeem all Bonds called for redemption shall on the redemption date be on deposit with the Registrar/Paying Agent, the Bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Registrar/Paying Agent on or after the redemption date, or, so long as the book-entry system is used for determining beneficial ownership of the Bonds, upon satisfaction of the terms of any other arrangements between the Registrar/Paying Agent and DTC, the Registrar/Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Registrar/Paying Agent by the City.

The principal of and interest on the Bonds due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by BOKF, NA dba Bank of Albuquerque, as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any interest payment date shall mean the 15th day of the month preceding the interest payment date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such interest payment date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

Section 3. The Bonds shall constitute general obligation debt of the City, payable from general ad valorem taxes which shall be levied without limitation as to the rate or amount. The full faith and credit of the City shall be, and hereby is, irrevocably pledged to the payment of the principal of and interest on the Bonds.

Section 4. The Bonds shall bear the facsimile or manual signature of the Mayor of the City and shall be attested by the facsimile or manual signature of the City Clerk and shall bear the facsimile or original seal of the City. The Bonds shall be authenticated by the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds bearing the signatures or facsimile signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City, notwithstanding that before the delivery of the Bonds and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose signatures appear on the Bonds shall have ceased to fill their respective offices. The Mayor and City Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Mayor and City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds. If facsimile signatures are to appear on the Bonds, the Mayor and City Clerk, pursuant to Sections 6-9-1 through 6-9-6, inclusive, NMSA 1978, shall each forthwith file his or her manual signature, certified by him or her under oath, with the Secretary of State of New Mexico, provided that such filing shall not be necessary for any officer where any previous filing shall have application to the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 5.

A. Books for the registration and transfer of the Bonds shall be kept by the Registrar/Paying Agent, which is hereby appointed by the City as registrar and as paying agent for the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any

Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each interest payment date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each interest payment date but such transfer will not include transfer of interest payable on such interest payment date.

B. The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided in this ordinance with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

D. Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been fully paid or provided for in full or, if no interest has been paid, from the Series Date.

E. The officers of the City are authorized to deliver to the Registrar/Paying Agent fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar/Paying Agent pending use as herein provided.

F. Whenever any Bond shall be surrendered to the Registrar/Paying Agent upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be furnished by the Registrar/Paying Agent to the City.

G. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be

delivered to the depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership effected on the books of the depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the depository, registered in the name of the depository or its nominee. Principal, premium, if any, and interest will be paid to the depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the depository, (ii) the depository determines to discontinue providing its services with respect to the Bonds or (iii) the City determines that a continuation of the system of book-entry transfers through the depository ceases to be beneficial to the City or the Beneficial Owners, the City will either identify another depository or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the City shall mail an appropriate notice to the depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Authorized Officers of the City are authorized to sign agreements with the depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this ordinance, so long as all of the Bonds are registered in the name of the depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Registrar/Paying Agent or the City to the depository as provided in this ordinance and by the depository to its Participants or Indirect Participants and to the Beneficial Owners of the Bonds.

Section 6. If the Registrar/Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar/Paying Agent has become incapable of fulfilling its duties hereunder, the City may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor registrar/paying agent. Every such successor registrar/paying agent shall be a bank or trust company located in and in good standing in the United States and having shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 7. Subject to the registration provisions hereof, the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 8. The Bonds shall be in substantially the following form:

[Form of Bond]

REGISTERED

REGISTERED

NO. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO
GENERAL OBLIGATION BONDS
SERIES 2014

Registered Owner: _____

Principal Amount: _____ DOLLARS

Interest Rate	Maturity Date	Series Date	CUSIP
_____% per annum	_____	_____, 2014	_____

The City Council of the City of Santa Fe (the "City Council"), on the faith, credit and behalf of the City of Santa Fe, Santa Fe County, New Mexico (the "City"), for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount hereof on the Maturity Date and to pay interest on the principal amount at the Interest Rate on February 1, 2015, and thereafter on August 1 and February 1 of each year (the "Interest Payment Date") from the Series Date to its maturity. The principal of the bonds of the series of which this is one (the "Bonds") and interest due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by BOKF, NA dba Bank of Albuquerque, as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each Interest Payment Date (or, if such Interest Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business

on the Record Date (defined below) at his address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any Interest Payment Date shall mean the 15th day of the month preceding the Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable thereon on such Interest Payment Date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

The Bonds are fully registered and are issuable in denominations of \$5,000 and any integral multiple thereof (provided that no individual bond may be issued for more than one maturity).

The series of Bonds of which this bond is one is limited to the total principal amount of \$5,800,000 of like tenor except as to number, denomination, maturity date, and interest rate, issued by the City, for the purposes of providing funds (1) in the amount of \$4,800,000 to acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure in the City and (2) in the amount of \$1,000,000 to acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects. The Bonds are issued under the authority of and in full conformity with the Constitution and laws of the State of New Mexico (particularly Sections 3-30-1 through 3-30-9 NMSA 1978, the provisions of Sections 6-15-1 through 6-15-22 NMSA 1978, and acts amendatory and supplemental thereto), and pursuant to an ordinance of the City Council duly adopted and made a law of the City prior to the issuance of this bond (the "Bond Ordinance").

The Bonds maturing on or after August 1, 2025, are subject to prior redemption at the City's option on and after August 1, 2024, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date, without any premium.

The Registrar/Paying Agent will maintain the books of the City for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each Interest Payment Date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each Interest Payment Date but such transfer will not include transfer of interest payable on such Interest Payment Date.

The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

For the punctual payment of the principal of and interest on this bond as aforesaid and for the levy and collection of taxes in accordance with the statutes authorizing the issuance of this bond, the full faith and credit of the City is hereby irrevocably pledged.

The City Council has, by the Bond Ordinance, ordered the creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be held in trust for the benefit of the owner or owners of the Bonds.

It is hereby certified, recited and warranted that all the requirements of law have been complied with by the proper officials of the City in the issuance of this bond; that the total indebtedness of the City, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that provision has been made for the levy and collection of annual taxes sufficient to pay the principal of and the interest on this bond when the same become due. This bond shall not be valid or obligatory for any purpose until the Registrar/Paying Agent shall have manually signed the certificate of authentication hereon.

IN TESTIMONY WHEREOF, the City Council of the City of Santa Fe, in Santa Fe County, New Mexico, constituting the governing board of the City, has caused the seal of the City to be hereto affixed and this bond to be signed and executed with the facsimile or manual signature of the Mayor of the City and subscribed and attested with the facsimile or manual signature of the City Clerk, all as of the Series Date.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Javier M. Gonzales, Mayor

ATTEST:

By _____
Yolanda Y. Vigil, CMC, City Clerk

[Form of Certificate of Authentication]

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Ordinance and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication and
Registration: _____

BOKF, NA dba Bank of Albuquerque,
as Registrar/Paying Agent

By _____
Authorized Officer

[End of Form of Certificate of Authentication]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto
_____ whose social security or tax identification number is
_____ the within bond and irrevocably constitutes and appoints
_____ attorney to transfer such bond on the books kept for registration
thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 9. When the Bonds have been duly executed and authenticated, they shall be delivered to the lawful purchaser thereof named in Section 1 of this ordinance. The funds realized from the sale of the Bonds shall be applied solely to the specified purposes for the Bonds, but the purchaser of the Bonds shall in no manner be responsible for the application of or disposal by the City, or any of its officers, of any of the funds derived from the sale thereof.

Section 10. In order to pay the principal of and interest on the Bonds as they become due and, at the option of the City, to reimburse the general fund or other funds for the payment of principal of or interest on the Bonds for which property taxes were not available, there shall be an annual assessment and levy upon all of the taxable property of the City subject to taxation which provides an amount sufficient to pay the principal of and the interest on the Bonds as they become due and payable. However, the City may, at its option, apply any other funds lawfully available for the purpose to the payment of principal or interest on the Bonds as they become due, and the levies required by this Section may be reduced to the extent other revenues are or will be available and used for payment of the Bonds. To the extent property taxes are not available for the purpose, the principal of and interest accruing on the Bonds shall be paid from the City's general fund or from any other fund lawfully available for that purpose. The taxes shall be assessed, levied and collected annually at the time and in the manner as other City taxes are assessed, levied and collected. Annually, the City Council shall take all reasonable action to insure the levy and collection of taxes by the governmental authority charged with legal responsibility to levy and collect taxes in amounts sufficient at the time to pay the principal of and interest on the Bonds. The money produced by the levy of taxes provided in this Section to pay the principal of and interest on the Bonds is appropriated for that purpose and that amount shall be included in the annual budget adopted and passed by the City Council each year. The taxes collected shall be maintained in an interest and sinking fund, which is hereby created, and kept for and applied only to the payment of the principal of and interest on the Bonds when due and as otherwise required or permitted by law.

Section 11. The Mayor, City Clerk and other officers of the City be and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the deposit of the proceeds of the Bonds, into separate acquisition funds for payment of the costs of each purpose funded by the Bonds and the costs of issuance of the Bonds, the execution and delivery of a continuing disclosure undertaking to enable the purchaser of the Bonds to comply with Securities and Exchange Commission Rule 15c2-12(b)(5), the printing of the Bonds, the execution of an official statement of the City relating to the Bonds and the execution of such certificates as may be required by the Bond purchasers relating to the signing of the Bonds, the tenure and identity of City officials, the receipt of the purchase price of the Bonds from the purchasers and the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof and the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

Section 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Mayor, City Clerk and any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The City covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield, as required, on investment property acquired with those proceeds, (iii) make timely rebate payments, if required, to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Mayor and City Clerk and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Section 13. Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") hereunder when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity, upon redemption, or other) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to a qualified depository for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Government Obligations which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment (as verified by a certified or registered public accountant), and when proper arrangements have been made by the City with a qualified depository for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the ad valorem taxes herein levied and pledged as provided in this ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

Any moneys so deposited with the qualified depository may, at the written direction of the City, also be invested in Government Obligations, maturing in the amounts and times required to make payments when due on the Defeased Bonds, and all income from such Government Obligations received by the qualified depository which is

not required for the payment of the Defeased Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City for deposit in the interest and sinking fund for payment of principal and interest on the Bonds. The term "Government Obligations" means direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America which may be United States Treasury Obligations such as its State and Local Government Series, which may be in book-entry form.

Section 14. Moneys in any fund not immediately needed may be invested as provided by state law and applicable federal statutes and regulations, provided that the City Council and the City hereby covenant to the purchasers and the holders of the Bonds from time to time that the City will make no use of the proceeds of the Bonds or any funds reasonably expected to be used to pay the principal of or interest on the Bonds which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which would adversely affect the tax status of interest on the Bonds under the Code. This covenant is for the benefit of the purchasers and the holders of the Bonds from time to time.

Section 15. After any of the Bonds have been issued, this ordinance shall constitute a contract between the City and the holder or holders of the Bonds and shall be and remain irrevocable and unalterable until the Bonds and the interest thereon shall have been fully paid, satisfied and discharged, defeased or until such payment has been duly provided for.

Section 16. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 17. The following notice shall be published one time in a newspaper having general circulation in the City as soon as is practicable following the adoption hereof and this ordinance shall be effective five days after such publication as provided by law.

[Form of Notice]

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Fe, Santa Fe County, New Mexico, did on the 9th day of July, 2014, adopt an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2014, IN THE PRINCIPAL AMOUNT OF \$5,800,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

The Ordinance directs and authorizes the issuance of City of Santa Fe, General Obligation Bonds in the aggregate principal amount of \$5,800,000; awards the sale of the bonds to the best bidder therefor and provides for the delivery thereof; provides for the form of the bonds; provides for levy of taxes to pay the principal of and interest on the bonds; makes certain covenants with the bond purchaser; and provides other details concerning the bonds. Complete copies of the Ordinance are available for public inspection during normal and regular business hours at the offices of the City of Santa Fe, New Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

DATED this 9th day of July, 2014.

CITY OF SANTA FE, NEW MEXICO

By _____
Yolanda Y. Vigil, CMC, City Clerk

Section 18. All acts and resolutions in conflict with this ordinance are hereby rescinded, annulled and repealed.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2014.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Javier M. Gonzales, Mayor

ATTEST:

By _____
Yolanda Y. Vigil, CMC, City Clerk

Approved as to Form:

Kelley A. Brennan, Interim City Attorney

Councilor _____ then seconded the motion to adopt the foregoing ordinance introduced and moved for adoption by Councilor _____.

The motion to adopt said ordinance upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye:

Those Voting Nay:

Those Absent:

_____ (____) members of the City Council having voted in favor of said motion, the presiding officer declared said motion carried and said ordinance adopted, whereupon the Mayor and City Clerk signed the foregoing proceedings and ordinance upon the records of the minutes of the City Council.

After transaction of other business not related to the bond issue, the City Council, upon motion duly made, seconded and carried, adjourned the meeting.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Javier M. Gonzales, Mayor

ATTEST:

By _____
Yolanda Y. Vigil, CMC, City Clerk

STATE OF NEW MEXICO)
COUNTIES OF SANTA FE) ss.
CITY OF SANTA FE)

I, Yolanda Y. Vigil, the duly qualified and acting Clerk of the City of Santa Fe (the "City"), State of New Mexico, do hereby certify:

1. The foregoing pages are a true, perfect and complete copy of the record of the proceedings of the City Council of the City of Santa Fe (the "City Council"), constituting the governing board of the City had and taken at a duly called regular meeting held at 200 Lincoln Avenue, Santa Fe, New Mexico, commencing on the 9th day of July, 2014, at the hour of 7:00 p.m., insofar as the same relate to the proposed bond issue, a copy of which is set forth in the regular book of official records of the proceedings of the City Council kept in my office. None of the action taken has been rescinded, repealed or modified.

2. The proceedings and the meeting were duly held and the persons therein named were present at said meeting, as therein shown.

3. Notice of such meeting was given in accordance with the open meetings standards of the City presently in effect, i.e., City Resolution No. 2014-1.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City this 9th day of July, 2014.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Yolanda Y. Vigil, CMC, City Clerk

AN ABSTRACT OF PROCEEDINGS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The City Council (the "Council") of the City of Santa Fe (the "City") in the County of Santa Fe, State of New Mexico, met in regular session in full conformity with law and ordinances and rules of the City, at City Hall, being the regular meeting place of the Council, at the hour of 7:00 p.m., on Wednesday, the 11th day of June, 2014.

Upon roll call the following were found to be present, constituting a quorum of the Council:

Present:

Absent:

Councilor _____ thereupon introduced and moved the adoption of the following resolution:

Exhibit "6"

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-____

A RESOLUTION AUTHORIZING PUBLICATION OF A NOTICE OF SALE OF \$5,800,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2014, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS.

WHEREAS, at a general obligation bond election duly called and held for the City of Santa Fe, New Mexico (the "City") on the 6th day of March, 2012, the electors of the City authorized the City Council to contract bonded indebtedness on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City to secure funds for the following purposes in the following amounts (the "Projects"):

<u>Purpose</u>	<u>Amount Authorized At Election</u>	<u>Amount Previously Issued</u>	<u>Amount To be Issued</u>
To acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure.	\$14,000,000	\$9,200,000	\$4,800,000
To acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects.	\$3,800,000	\$2,800,000	\$1,000,000

WHEREAS, the City Council has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that the remaining portion of the general obligation bonds authorized at the election (the "Bonds"), be issued at this time, provided, however, that a satisfactory price be obtained therefor upon a public sale; and

WHEREAS, as of the date hereof, there are no funds of the City that are, or are reasonably expected to be, allocated on a long-term basis, reserved or otherwise available pursuant to the budget of the City to finance the Project;

WHEREAS, after receipt of bids for purchase of the Bonds, the City Council will consider for adoption an ordinance authorizing issuance of the Bonds in accordance with law; and

WHEREAS, Section 3-17-3, NMSA 1978, requires that publication of the title and general summary of this subject matter of any proposed ordinance be made in a newspaper of general circulation within the City at least two weeks prior to the meeting of the City Council at which the ordinance is proposed for final passage;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. The Mayor of the City and the City Clerk are hereby authorized and directed to have published once, at least one week prior to the date of sale, a notice of sale of the Bonds in the form set forth below in Section 2 in *The Santa Fe New Mexican*, a newspaper of general circulation in the City, and the Mayor of the City is hereby authorized and directed to give such other notice of the bond sale as he shall determine, including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a Preliminary Official Statement relating to the Bonds.

Section 2. The notice of sale of the Bonds shall be published in substantially the following form:

(Form of Notice for Publication)

NOTICE OF BOND SALE AND PUBLIC MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the City of Santa Fe, New Mexico (the "City") will receive and publicly open bids at the offices of the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201 at the hour of 11:00 a.m., prevailing Central Time, on the 9th day of July, 2014, for the purchase of City of Santa Fe, New Mexico General Obligation Tax-Exempt Bonds, Series 2014 (the "Bonds"). The City Council will meet in regular action to award the Bonds.

The Bonds will be issued as fully registered Bonds in the principal amount of \$5,800,000 and will mature on August 1 of each year commencing on August 1, 2015, and ending no later than August 1, 2034, in amounts to be determined by the City.

The Bonds shall constitute the City's general obligation bonds and shall be payable solely out of general (ad valorem) taxes which shall be levied against all taxable property in the City without limitation as to rate or amount.

Each bidder must submit an unconditional, written and sealed or electronic transmission bid on the Official Bid Form for all of the Bonds, specifying the lowest rate or rates of interest and premium, if any, at or above par at which such bidder will purchase the Bonds. The maximum net effective interest rate is 10% per annum and the maximum stated interest rate permitted is 10% per annum. Further limitations and

information concerning the interest rates which may be bid for the bonds and otherwise concerning bidding are set forth in the Official Notice of Bond Sale, of which this notice is a condensation. None of the Bonds will be sold at less than the principal amount thereof. Copies of the Official Notice of Bond Sale, Preliminary Official Statement and the Official Bid Form may be obtained from the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, TX 75201, telephone (214) 953-8705. All bids must comply with the terms of the Official Notice of Bond Sale.

The validity and enforceability of the Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., 500 Fourth Street, NW, Albuquerque, New Mexico 87102, and a certified transcript of the legal proceedings will be furnished to the purchaser without charge.

DATED at Santa Fe, New Mexico this _____ day of _____, 2014.

CITY OF SANTA FE, NEW MEXICO

By _____
Javier M. Gonzales, Mayor

ATTEST:

By _____
Yolanda Y. Vigil Clerk

Approved as to Form:

By _____
Kelley A. Brennan, Interim City Attorney

(End of Form of Notice for Publication)

Section 3. The Official Notice of Bond Sale shall be in substantially the following form with such changes as are not inconsistent herewith and approved by the Mayor of the City:

**OFFICIAL NOTICE OF BOND SALE
CITY OF SANTA FE, NEW MEXICO**

\$5,800,000

GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2014

NOTICE IS GIVEN that the City of Santa Fe (the "City"), County of Santa Fe, State of New Mexico, will receive and publicly open sealed or electronic transmission (at the option of the bidder) bids at the offices of the City's Financial Advisor, First Southwest Company, Attention George Williford, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201, at the hour of 11:00 a.m., prevailing Central Time, on the 9th day of July, 2014, for the purchase of the City's General Obligation Bonds ("Bonds"). If submitted electronically, bids must be submitted via PARITY as further provided herein. The City will meet at 7:00 p.m. Mountain Time on Wednesday, July 9, 2014, at 200 Lincoln Avenue, Santa Fe, NM 87504-0909, to take action to award the Bonds.

This Notice is not a disclosure document. Prior to submitting a bid to the City for the Bonds, a full review should be made of the entire Preliminary Official Statement for the Bonds (the "Preliminary Official Statement"). The offering of Bonds to potential investors is made only by means of the Preliminary Official Statement.

DESCRIPTION OF ISSUE... The Bonds were authorized at a general obligation bond election held on March 6, 2012.

SECURITY... The Bonds will be general obligations of the City payable as to both principal and interest from property taxes levied against all taxable property within the City, without limitations as to rate or amount, and the full faith and credit of the City will be pledged for payment of the Bonds.

RATINGS... The Bonds and the City's currently outstanding general obligation debt are rated "AA" by Standard & Poor's Ratings Services, a Standard & Poor's Financial Services LLC business ("S&P") and "AA+" by Fitch Ratings ("Fitch").

MATURITY SCHEDULE... The Bonds will be issued in the aggregate amount of \$5,800,000, in denominations of \$5,000 or any integral multiple thereof, will be dated their date of issuance, and will be payable to the registered owner thereof as of the record date at his address as it appears on the registration books kept by BOKF, N.A., dba Bank of Albuquerque, as registrar and paying agent for the Bonds (the "Registrar/Paying Agent"). The Bonds will be issued in book-entry only form through the facilities of the Depository Trust Company, New York, New York. The Bonds will mature on August 1 of each year as follows:

Maturity (August 1)	Principal Amount	Maturity (August 1)	Principal Amount	Maturity (August 1)	Principal Amount
2015	\$	2021		2027	
2016		2022		2028	
2017		2023		2029	
2018		2024		2030	
2019		2025		2031	
2020		2026		2032	
				2033	
				2034	

The Bonds will be fully registered bonds in the denomination of \$5,000 each, or any integral multiple thereof. Interest on the Bonds will be payable on February 1, 2015 and semiannually thereafter on August 1 and February 1 of each year.

OPTIONAL REDEMPTION... The City reserves the right, at its option, to redeem Bonds having stated maturities on and after August 1, 2025, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof, on August 1, 2024, or any date thereafter, at the par value thereof plus accrued interest to the date fixed for redemption.

SERIAL BONDS AND/OR TERM BONDS... Bidders may provide that all of the Bonds be issued as serial bonds or may provide that any two or more consecutive annual principal amounts be combined into one or more term bonds.

ADJUSTMENT OF PRINCIPAL AMOUNTS, MODIFICATION OR CLARIFICATION PRIOR TO THE EXAMINATION OF BIDS... The City may, at the City's sole discretion and prior to the examination of bids, (i) adjust the aggregate principal amount set forth herein; (ii) adjust individual maturities; (iii) change the principal and interest payment dates and/or (iv) modify or clarify any other term hereof by issuing a notification of the adjusted amounts, modification or clarification via Bloomberg and PARITY no later than 8:30 a.m., prevailing Central Time, on the Bid Date.

RESCHEDULING OF BID DATE AND DEADLINE... The City Finance Director may, after consultation with the City's financial and bond advisors, in the City Finance Director's sole discretion on notice given at least twenty-four (24) hours prior to July 9, 2014 (the "Original Deadline"), reschedule the bid date and Original Deadline, and may, at that time or a subsequent time on at least twenty-four (24) hours prior notice, in each case via Bloomberg and PARITY, establish a rescheduled bid date and rescheduled deadline and a place where electronic bids will be publicly examined.

For purposes of the written sealed bids, and bids received through the electronic bidding process, the time as maintained by PARITY shall constitute the official time.

BIDS DELIVERED TO THE CITY'S FINANCIAL ADVISOR... Sealed bids, plainly marked "Bid for Bonds", should be addressed to: the City's Financial Advisor, George

Williford, First Southwest Company 325 North Saint Paul, Suite 800, Dallas, Texas, prior to 11:00 a.m., prevailing Central Time, on July 9, 2014, the date of the bid opening. All bids must be submitted on the Official Bid Form, without alteration or interlineation.

ELECTRONIC BIDDING PROCEDURE... Any prospective bidder that intends to submit an electronic bid must submit its electronic bid through the facilities of PARITY. Bidders must submit, prior to July 9, 2014, SIGNED Official Bid Forms to George Williford, First Southwest Company, 325 North Saint Paul, Dallas, Texas 75201. Subscription to i-Deal LLC's BIDCOMP Competitive Bidding System is required in order to submit an electronic bid. The City will neither confirm any subscription nor be responsible for the failure of any prospective bidder to subscribe.

An electronic bid made through the facilities of PARITY shall be deemed an irrevocable offer to purchase the Bonds on the terms provided in the Notice of Sale, and shall be binding upon the bidder as if made by a signed, sealed bid delivered to the City. The City shall not be responsible for any malfunction or mistake made by, or as a result of the use of the facilities of, PARITY, the use of such facilities being the sole risk of the prospective bidder.

If any provisions of the Notice of Sale shall conflict with information provided by PARITY as the approved provider of electronic bidding services, this Notice of Sale shall control. Further information about PARITY, including any fee charged, may be obtained from Parity Customer Support, 1359 Broadway, 2nd Floor, New York, New York 10018, (212) 404-8102.

For purposes of both the written sealed bid process and the electronic bidding process, the time as maintained by PARITY shall constitute the official time. For information purposes only, bidders are requested to state in their electronic bids the true interest cost to the City, as described under "Basis of Award" below. All electronic bids shall be deemed to incorporate the provisions of this Notice of Sale and the Official Bid Form.

PAYMENT OF PURCHASE PRICE... The purchaser will be required to make payment of the balance of the purchase price of the Bonds (after credit for the purchaser's good faith deposit, without interest to the purchaser) in immediately available funds at a depository designated by the City.

TYPE OF BIDS AND INTEREST RATES... The Bonds will be sold in one block on an "All or None" basis, at a price of not less than ____% par value, and not more than ____% of par value. Bidders are invited to name the rate(s) of interest to be borne by the Bonds, provided that each rate bid must be in a multiple of 1/8 of 1% or 1/100 of 1% and the net effective interest rate must not exceed 10%. The highest rate bid may not exceed the lowest rate bid by more than 3% in rate. **For Bonds having stated maturities on and after August 1, 2025, no reoffering yield producing a dollar yield price less than 98.50 for any individual maturity will be accepted. The high bidder will be required to submit reoffering yields and dollar prices prior to award.** No limitation is imposed upon bidders as to the number of rates or changes which may be used. All Bonds of one maturity must bear one and the same rate. No bids involving supplemental interest rates will be considered.

BASIS FOR AWARD... Subject to the City's right to reject any or all bids and to waive any irregularities except time of filing, the sale of the Bonds will be awarded to the bidder or syndicate account manager whose name first appears on the Official Bid Form (the "Purchaser") making a bid that conforms to the specifications herein and which produces the lowest True Interest Cost rate to the City. The True Interest Cost rate is that rate which, when used to compute the total present value as of the Dated Date of all debt service payments on the Bonds on the basis of semi-annual compounding, produces an amount equal to the sum of the par value of the Bonds plus any premium bid, if any (but not interest accrued from the Dated Date to the date of their delivery). In the event of a bidder's error in interest cost rate calculations, the interest rates, and premium, if any, set forth in the Official Bid Form will be considered as the intended bid.

INSURANCE... In the event the Bonds are qualified for municipal bond insurance, and the Purchaser desires to purchase such insurance, the cost therefor will be paid by the Purchaser. It will be the responsibility of the Purchaser to disclose the existence of insurance, its terms and the effect thereof with respect to the reoffering of the Bonds. At the delivery of the Bonds, the bidder is required to provide documentation to the City confirming that the premiums due the insurance company and any rating agency fees (other than the fees of Fitch Ratings and Standard & Poor's Rating Services, which will be paid by the City) have been fully paid. Any rating downgrade by Moody's Investor's Service, Inc. ("Moody's"), S&P, or Fitch Ratings, respectively, of the bond insurance provider after the Bid Opening shall not relieve the Purchaser of its obligation under the heading "DELIVERY OF THE BONDS AND ACCOMPANYING DOCUMENTS".

GOOD FAITH DEPOSIT... Not later than 3:00 p.m. (Central Daylight Savings Time) on July 9, 2014, and prior to the official award of the Bonds, the successful bidder must send an electronic wire transfer to an account designated by the City or the Financial Advisor in immediately available funds a good faith deposit of \$116,000. If such wire transfer is not received from the successful bidder by 3:00 p.m. (Central Daylight Savings Time) on July 9, 2014, the next best bidder may be awarded the Bonds. No interest on the deposit will accrue to the best bidder. The deposit will be applied to the purchase price of the Bonds.

If the successful bidder fails or neglects to complete the purchase of the Bonds within forty-five (45) days following the acceptance of the bid or within ten (10) days after the Bonds are offered for delivery, whichever is later, the amount of the deposit shall be forfeited to the City as liquidated damages, and, in that event, the City may accept the bid of the one making the next best bid. If all bids are rejected, the City shall re-advertise the Bonds for sale in the same manner as herein provided for the original advertisement. If there are two or more equal bids and such bids are the best bids received, the City shall determine which bid shall be accepted.

TIME OF AWARD AND DELIVERY... The City will take action awarding the Bonds or rejecting all bids not later than 24 hours after the expiration of the time herein prescribed for the receipt of the bids. Delivery of the Bonds will be made to the

successful bidder through the facilities of The Depository Trust Company, New York, New York, within 60 days of the acceptance of the bid. If for any reason delivery cannot be made within 60 days, the successful bidder shall have the right to purchase the Bonds during the succeeding 30 days upon the same terms, or at the request of the successful bidder, during said succeeding 30 days, the good faith deposit will be returned, and such bidder shall be relieved of any further obligation. It is anticipated that the delivery of the Bonds will be on or about August 14, 2014.

FURTHER INFORMATION... Information concerning the Bonds, information regarding electronic bidding procedures, bid submission and other matters related to the Bonds, including printed copies of this Notice, the Official Bid Form, and the Preliminary Official Statement ("Preliminary Official Statement"), may be obtained from the City's Financial Advisor, George Williford, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201. This Notice, the Official Bid Form and the Preliminary Official Statement is available for viewing in electronic format at www.i-dealprospectus.com. The City has prepared the accompanying Preliminary Official Statement for dissemination to potential purchasers of the Bonds, but will not prepare any other document or version for such purpose except as described below. In addition, any FINRA registered broker-dealers or dealer banks with The Depository Trust Company clearing arrangements who bid on the Bonds are advised that they may either: (a) print out a copy of the Preliminary Official Statement on their own printer or (b) at any time prior to the sale date, elect to receive a photocopy of the Preliminary Official Statement in the mail by requesting it from the City's Financial Advisor. All bidders must review the Preliminary Official Statement, and by submitting a bid for the Bonds, each bidder certifies that such bidder has done so prior to participating in the bidding.

The City will agree in a separate agreement to provide certain periodic information and notices of certain specified events in accordance with Securities and Exchange Commission Rule 15c2-12 ("Rule"), as described in the Preliminary Official Statement under "Continuing Disclosure of Information." The Preliminary Official Statement is deemed final by the City for purposes of Rule 15c2-12(b)(1) except for the omission of the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, any other terms or provisions required by an insurer of such securities to be specified in the winning bid, ratings, other terms of the securities depending on such matters, and the identity of the purchaser. The City will furnish to the successful bidder or bidders, acting through a designated senior representative, in accordance with instructions received from such successful bidder(s) in order to comply with the Rule, within seven (7) business days from the sale date an aggregate of 50 copies of the final Official Statement, reflecting interest rates and other terms relating to the initial reoffering of the Bonds. The cost of preparation of the Official Statement shall be borne by the City except for the cost of any final Official Statement in excess of the number specified shall be borne by the successful bidder(s).

TRANSCRIPT AND LEGAL OPINIONS... The legality of the Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., Albuquerque, New Mexico, whose

opinion approving the legality of the Bonds will be furnished to the successful bidder at no cost to the successful bidder. The opinion will state in substance that the issue of the Bonds is valid and legally binding upon the City, that all of the taxable property in the City is subject to the levy of a tax to pay the same and that interest on the Bonds is excludable from gross income for purposes of federal income tax. The successful bidder (without cost to such bidder) will also be furnished with a complete transcript of the legal proceedings, including a no-litigation certificate stating that to the knowledge of the signer or signers thereof, as of the date of the delivery of the Bonds, no litigation is pending affecting their validity or the levy or collection of such taxes for their payment.

BOOK-ENTRY ONLY OBLIGATIONS... The Bonds will be issued in book-entry-only form through the facilities of the Depository Trust Company (see Preliminary Official Statement).

PAYING AGENT/REGISTRAR... The initial Paying Agent/Registrar shall be BOKF, N.A., dba Bank of Albuquerque, Albuquerque, New Mexico (see "The Bonds - Paying Agent/Registrar" in the Official Statement).

CUSIP NUMBERS... CUSIP identification numbers may be typed or printed on the Bonds, but neither the failure to provide such number on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and to pay for the Bonds in accordance with the terms hereof. All expenses in relation to the CUSIP Service charge for the assignment of said numbers will be the responsibility of and will be paid for by the Purchaser.

FINANCIAL ADVISOR... First Southwest Company is employed as Financial Advisor to the City in connection with the issuance of the Bonds. The Financial Advisor's fee for services rendered with respect to the sale of the Bonds is contingent upon the issuance and delivery of the Bonds. The Financial Advisor has performed a professional review of the Preliminary Official Statement in accordance with industry standards, and, as part of its responsibilities to the City and, as applicable, to the investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Financial Advisor does not guarantee the accuracy or completeness of the information. First Southwest Company, in its capacity as Financial Advisor, does not assume any responsibility for the information, covenants and representations contained in any of the legal documents with respect to the federal income tax status of the Bonds, or the possible impact of any present, pending or future actions taken by any legislative or judicial bodies.

BLUE SKY LAWS... The City has not investigated the eligibility of any institution or person to purchase or participate in the underwriting of the Bonds under any applicable legal investment, insurance, banking, or other laws.

By submitting a bid, the initial purchaser represents that the sale of the Bonds in states other than New Mexico will be made only under exemptions from registration, or, wherever necessary, the initial purchaser will register the Bonds in accordance with the

securities laws of the state in which the Bonds are offered or sold. The City agrees to cooperate with the initial purchaser, at the initial purchaser's written request and expense, in registering the Bonds or obtaining an exemption from registration in any state where such action is necessary but will not consent to service of process in any such jurisdiction.

DATED this _____ day of _____, 2014.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By: _____
Javier M. Gonzales, Mayor

ATTEST:

Yolanda Y. Vigil, Clerk

Section 4. The City Council and the appropriate officers and employees of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, but not limited to, determining the exact maturity schedule for the Bonds. In order to obtain and preserve the exemption from federal income tax of interest on the Bonds, the City Council further covenants it will take all actions that may be required of the City and the City Council, and will not take any actions which would adversely affect such exemption, under the provisions of any federal tax law that applies to the Bonds, whether presently in effect or enacted subsequent to the date of issuance of the Bonds, and the City Council hereby authorizes the Mayor of the City, the City Clerk, and other appropriate officers and employees to take such actions and give such certifications as may be appropriate for the purposes aforesaid.

Section 5. The Mayor of the City and City Clerk are hereby directed, in accordance with Section 3-17-3, NMSA 1978, as amended, to publish in *The Santa Fe New Mexican*, a newspaper of general circulation within the City, a title and general summary of the ordinance relating to and authorizing issuance of the Bonds at least two weeks prior to the meeting at which the City Council will consider such ordinance. The Mayor of the City and City Clerk may undertake such publication upon their own initiative and submittal of any necessary documents related to the proposed ordinance and may also post such notice of intent to adopt the ordinance in the places within the City and at the times deemed appropriate.

PASSED AND ADOPTED this _____ day of _____, 2014.

CITY OF SANTA FE, NEW MEXICO

By _____
Javier M. Gonzales, Mayor

[SEAL]

ATTEST:

Yolanda Y. Vigil, CMC, City Clerk

Approved as to Form:

Kelley A. Brennan, Interim City Attorney

Councilor _____ then seconded the adoption of the foregoing resolution introduced and moved for adoption by Councilor _____. The motion to adopt the resolution upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

After transaction of other business not related to the bond issue, upon motion duly made, seconded and carried, the meeting was adjourned.

CITY OF SANTA FE, NEW MEXICO

By _____
Javier M. Gonzales, Mayor

[SEAL]

ATTEST:

Yolanda Y. Vigil, CMC, City Clerk

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.
CITY OF SANTA FE)

I, Yolanda Y. Vigil, the duly qualified and acting Clerk of the City of Santa Fe, (the "City"), State of New Mexico, do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the City Council of the City of Santa Fe (the "City Council"), constituting the governing board of the City had and taken at a duly called, regular, open meeting held at 200 Lincoln Avenue in Santa Fe, New Mexico, commencing on the 11th day of June, 2014, at the hour of 7:00 p.m., insofar as the same relate to the Resolution relating to the Notice of Bond Sale, a copy of which is therein set forth as recorded in the regular book of official records of the proceedings of said City kept in my office.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of such meeting was given in accordance with the open meetings standards of the City presently in effect, i.e., City Resolution No. 2014-1.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City this 11th day of June, 2014.

City Clerk

[SEAL]

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-__

INTRODUCED BY:

Councilor Signe Lindell

Councilor Peter Ives

AN ORDINANCE

RELATING TO THE ESTABLISHMENT OF CERTAIN CITY OF SANTA FE DEPARTMENTS; REPEALING SECTION 2-19 SFCC 1987 TO DELETE THE "ADMINISTRATIVE SERVICES DEPARTMENT"; CREATING A NEW SECTION 2-19 SFCC 1987 TO ESTABLISH THE "PARKS AND RECREATION DEPARTMENT"; AND AMENDING SECTION 2-21 SFCC 1987 TO RENAME THE "CONVENTION AND VISITORS BUREAU," THE "TOURISM SANTA FE DEPARTMENT".

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 2-19 SFCC 1987 (being Ord. #1987-36, as amended,) is repealed.

~~[2-19 ADMINISTRATIVE SERVICES DEPARTMENT.~~

~~2-19.1 Creation of Department.~~

~~There is created a department of city government to be known as the "administrative services department."]~~

Section 2. A new Section 2-19 SFCC 1987 is ordained to read:

2-19 [NEW MATERIAL] PARKS AND RECREATION DEPARTMENT.

1 **2-19.1 Creation of Department.**

2 There is created a department of city government to be known as the "parks and recreation
3 department."

4 **Section 3. Section 2-21 SFCC 1987 (being ord. #2007-45, §23) is amended to read:**

5 **2-21 ~~[CONVENTION AND VISITORS BUREAU]~~ TOURISM SANTA FE.**

6 **2-21.1 Creation of Department.**

7 There is created a department of city government to be known as the [~~"convention and~~
8 ~~visitors bureau."~~] "TOURISM Santa Fe department".

9 APPROVED AS TO FORM:

10

11

12 _____
KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2014/Department rename*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-__

3 INTRODUCED BY:

4
5 Councilor Peter Ives

6
7
8
9
10 A RESOLUTION

11 SUPPORTING THE *SOLARIZE SANTA FE!* CAMPAIGN – A PUBLIC OUTREACH,
12 MARKETING AND TECHNICAL ASSISTANCE INITIATIVE PROMOTING THE
13 VIABILITY OF SOLAR PHOTOVOLTAIC AND SOLAR THERMAL SYSTEMS TO
14 COMMERCIAL AND RESIDENTIAL SECTORS; DIRECTING STAFF TO WORK WITH
15 SANTA FE COUNTY, THE SANTA FE GREEN CHAMBER OF COMMERCE, THE SANTA
16 FE ALLIANCE FOR CLEAN ENERGY AND OTHER RELEVANT ENTITIES IN
17 IMPLEMENTING THE *SOLARIZE SANTA FE!* CAMPAIGN.

18
19 WHEREAS, the City of Santa Fe adopted the Sustainable Santa Fe Plan in 2008 which
20 establishes policy goals to promote renewable energy deployment to “practice and promote
21 sustainable building practices” and “develop programs to help people install renewable energy
22 systems”; and

23 WHEREAS, the City’s 2008 Economic Development Strategy identifies targeted industry
24 sectors for growth and development including “Clean renewable energy (with a focus on the solar
25 industry)...”; and

1 **WHEREAS**, the 2010 Mayor's Report on Job Creation identifies solar projects as a
2 significant component of job creation in the City; and

3 **WHEREAS**, initiatives to increase demand for solar power systems by homeowners and
4 businesses can stimulate job creation and expand economic development opportunities throughout the
5 City; and

6 **WHEREAS**, solar photovoltaic systems have dramatically come down in price so much that
7 they are about half the costs they were five years ago; and

8 **WHEREAS**, both solar photovoltaic and solar thermal systems are now quite cost effective
9 and yet many homeowners and businesses remain unaware of this reality; and

10 **WHEREAS**, the goal of the *Solarize Santa Fe!* Campaign is to stimulate the installation of
11 solar electric and solar thermal systems in the City and throughout Santa Fe County by informing and
12 educating residents and businesses about the degree to which solar systems are now cost-effective and
13 the financing options and tax incentives that are available to pay for those systems; and

14 **WHEREAS**, an additional goal of the *Solarize Santa Fe!* Campaign is to pursue additional
15 financing opportunities, including public/private financing, in order for it to be financially feasible for
16 citizens and businesses to be able to purchase solar systems for their homes and facilities; and

17 **WHEREAS**, the two-pronged marketing strategy of *Solarize Santa Fe!* is:

18 (1) Achieve as much free media coverage as possible, including press releases,
19 outreach events, and guest commentaries in local publications; and

20 (2) Dedicate adequate funding for an aggressive paid advertising campaign; and

21 **WHEREAS**, *Solarize Santa Fe!* intends to be a cooperative initiative involving the formal
22 cooperation of and agreement between the City, Santa Fe County, the Santa Fe Green Chamber of
23 Commerce and the Santa Fe Alliance for Clean Energy and will require the regular input of the solar
24 industry and lending institutions; and
25

1 **WHEREAS,** the Board of County Commissioners adopted the 2010 Sustainable Growth
2 Management Plan which includes a number of policy directives related to promoting solar power in
3 the County, such as “Invest and leverage local resources for development of local renewable energy
4 generation...” and “Support key regional partners in energy-related assistance and programs to
5 community members.”; and

6 **WHEREAS,** the Santa Fe Green Chamber of Commerce (“SFGCC”) is a chapter of the
7 statewide, non-profit New Mexico Green Chamber of Commerce whose mission is to create, “...new
8 opportunities for business by advocating on behalf of renewable energy, strengthening local
9 economies, and seizing the green business advantage.”; and

10 **WHEREAS,** the mission of the Santa Fe Alliance for Clean Energy (“SFACE”), a non-profit
11 organization, is to “galvanize the renewable energy industry in Santa Fe” and “spur economic
12 development, create green jobs and reduce energy use.”; and

13 **WHEREAS,** given that non-profit organizations typically can take advantage of advertising
14 rates that are much less than the rates local governments are charged, it would be prudent to consider
15 utilizing the SFACE as the program coordinator and fiscal agent for this initiative.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that:

- 18 1. The City hereby supports the “*Solarize Santa Fe!*” Campaign, as described herein, and
19 directs staff to take all necessary actions for the successful implementation of the
20 initiative.
- 21 2. Staff is directed to work with Santa Fe County to determine the County’s interest in
22 working with the City, the SFGCC and the SFACE on this initiative, including the
23 County’s interest in contributing funds, in concert with the City’s contribution of funds,
24 for the paid advertising component of the initiative and having the County adopt a
25 resolution similar to this one.

3. Staff is directed to consider using SFACE, via a Memorandum of Agreement with the County and/or City, as the program coordinator and fiscal agent for this initiative, provided that all proposed marketing and outreach expenditures by SFACE would be required to be approved in advance by the County and City.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2014.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014 - ____**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

6
7
8
9
10 **A RESOLUTION**

11 **RELATING TO THE CITY OF SANTA FE FISCAL YEAR 2014/2015 BUDGET;**
12 **AMENDING RESOLUTION NO. 2014-35 TO INCLUDE THE ENACTMENT OF A**
13 **PROPERTY TAX RATE INCREASE OF 2 MILL PER \$1000 OF NET TAXABLE VALUE**
14 **TO BE USED FOR ITT INFRASTRUCTURE, INFRASTRUCTURE AND PUBLIC SAFETY**
15 **SERVICES RELATED TO PHASE 2 ANNEXATION AND OPERATION AND**
16 **MAINTENANCE COSTS FOR INFRASTRUCTURE OF PARKS AND RECREATION**
17 **FACILITIES AND LIBRARIES.**

18
19 **WHEREAS**, the Governing Body of the Municipality of Santa Fe, State of New Mexico has
20 developed a budget for fiscal year 2014/2015; and

21 **WHEREAS**, the budget was developed on the basis of need and through cooperation with all
22 user departments, elected officials and other department supervisors; and

23 **WHEREAS**, the official meetings for the review of the budget documents were duly
24 advertised in compliance with the New Mexico Open Meetings Act; and

25 **WHEREAS**, on May 14, 2014, the Governing Body adopted Resolution No. 2014-35 to

1 adopt the 2014/2015 budget for submittal and approval from the Local Government Division of the
2 Department of Finance and Administration; and

3 **WHEREAS**, the Governing Body desires to amend the 2014/2015 budget resolution to
4 include the enactment of a municipal property tax increase; and

5 **WHEREAS**, since FY 2008/2009, the city's gross receipts tax revenue has fallen from FY
6 2007/2008 level of \$88.5 million for general operations (excludes water related) to \$80 million in FY
7 2009/2010 to \$84.2 million in FY 2012/2013; and

8 **WHEREAS**, the city relies heavily on gross receipts tax to pay for essential city services;
9 and

10 **WHEREAS**, since FY 2008/2009, the city has not cut services but rather the city has cut
11 spending by \$6.3 million which includes eliminating management positions; reducing overall
12 employees from 1860 authorized, budgeted positions to 1524 filled positions through attrition,
13 doubling duties, and making efficiencies: reducing overtime costs through more efficient staffing and
14 making other budget reductions; and

15 **WHEREAS**, the City is in need of a stable and adequate budget in order to ensure essential
16 city services for the residents of Santa Fe; and

17 **WHEREAS**, there is a need to identify funding sources for ITT infrastructure; increased
18 infrastructure and public safety services for Phase 2 Annexation costs; and operation and maintenance
19 costs for infrastructure of parks and recreation facilities and library services; and

20 **WHEREAS**, during these tough economic times, the city with its employees and the public
21 must come together and all commit to doing their part to ensure essential city services and invest in a
22 strong city; and

23 **WHEREAS**, Section 7-37-7 NMSA 1978 authorizes municipalities to impose a property tax
24 rate for general purposes of up to \$7.65 per \$1000 of net taxable value; and

25 **WHEREAS**, the city currently imposes a property tax of \$2.87 per \$1000 of net taxable

1 value of both residential and nonresidential property allocated to the City which is much less than
2 other cities in New Mexico (Imposed rates for Albuquerque - \$6.54 per \$1,000; Las Cruces - \$5.12
3 per \$1000; and Rio Rancho – \$7.65 per \$1000); and

4 **WHEREAS**, according to Section 7-37-7 NMSA 1978 the actual rate of property tax to be
5 imposed is determined in the municipality's budget process; the municipality determines its
6 expenditures and how much of those expenditures is to be covered by property tax revenues; and the
7 municipality submits its budget to the New Mexico department of finance and administration who
8 approves the budget and confirms the municipality's mill rate by September; and

9 **WHEREAS**, the levy and collection of taxes by the City will benefit residents and taxpayers
10 by enabling the City to provide maintenance and operation of facilities and by providing for the
11 acquisition and financing of public improvements for ITT infrastructure; maintenance of
12 infrastructure of parks, recreation and libraries, and infrastructure and public safety services related to
13 Phase 2 annexation; and

14 **WHEREAS**, the Governing Body desires to increase the rate of property tax imposed by the
15 City of Santa Fe by 2 mill per \$1000 assessed value which would generate \$7 million per year; and

16 **WHEREAS**, it is the majority opinion of this Governing Body that the proposed budget
17 meets the requirements as currently determined for fiscal year 2014/2015 with the inclusion of a
18 property tax increase of 2 mill per \$1000 assessed value.

19 **NOW THEREFORE, BE IT HEREBY RESOLVED BY THE GOVERNING BODY OF**
20 **THE CITY OF SANTA FE, STATE OF NEW MEXICO that:**

- 21 1. The Governing Body hereby amends City of Santa Fe Resolution No. 2014-35, the
22 2014/2015 annual budget resolution, to include the enactment of a property tax rate
23 increase of 2 mill per \$1000 of net taxable value.
- 24 2. For purposes of meeting the operating expense of the budget for fiscal year
25 2014/2015 of the City, there is hereby levied a property tax of 4.87 per \$1000 net

1 taxable value of property in the City.

2 3. The proceeds from the increased property tax shall be used to meet the expenses of
3 the City to provide ITT infrastructure; infrastructure and public safety services
4 related to Phase 2 Annexation; operation and maintenance costs for infrastructure of
5 parks and recreation facilities and libraries.

6 4. The City Clerk is hereby authorized and directed to immediately certify to the Board
7 of the County Commissioners of Santa Fe County and the New Mexico Department
8 of Finance, the levies for the City hereinabove determined and set. That said
9 certification shall be substantially following the form as is requested or required by
10 Santa Fe County and the New Mexico Department of Finance.

11 **BE IT FURTHER RESOLVED** that the Governing Body adopts the budget hereinabove
12 described, as to funds, categories and departments, and respectfully requests approval from the Local
13 Government Division of the Department of Finance and Administration.

14 PASSED, APPROVED and ADOPTED this _____ day of June, 2014.

15 MUNICIPAL GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO:

16
17 _____
18 MAYOR JAVIER M. GONZALES

19
20 _____
21 COUNCILOR PATTI BUSHEE

22
23 _____
24 COUNCILOR CARMICHAEL DOMINGUEZ

COUNCILOR PETER IVES

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COUNCILOR SIGNE LINDELL

COUNCILOR JOSEPH MAESTAS

COUNCILOR CHRISTOPHER RIVERA

COUNCILOR RONALD TRUJILLO

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY BRENNAN, INTERIM CITY ATTORNEY

May 28th, 2014

Major, City Councilors:

I continue to speak under the protection of the first amendment.

I have not received any request for the documentation, I referred to, when I stood before you the last time.

Therefore, I have prepared a package of both documents and pictures, which I hope, will be helpful to you, as you consider the future of Castillo Place, Loma Lane and it's easements

For you, Mr. Major, a special gift: A Survey Plat based on the 1953 District Court Decree, which I understand you all have a copy of, prepared by Surveying Control Inc, dated Feb. 2000. This plat clearly indicates the encroachments on Loma Lane.

For the Major and all of the Councilors: A package containing the following items:

1. A survey plat prepared by Red Mountain Engineers Inc., dated 7/27/95 indicating a Lot Line Adjustment, based on survey plat from Cecilia Dunn, relating to her property at 221 Otero St. How this Otero St. property affects the lot descriptions and description of Loma Lane from the 1953 Decree is the question, I would like the answer to.
2. Acceptance letter from Ms. Crawford to the city, dated 4/9/1995 with copy of Licence Agreement between the City of Santa Fe and Jack Donnell.
3. Copy of 3-21-6. Zoning: mode of determining regulations, restrictions and boundaries of district; public hearing required; notice. As stated earlier, only a select few appear to have been notified.
4. Picture of approved parking and landscaping for The Inn on Castillo Pl.
5. Public notification in The New Mexican, March 11, 1993 confirming the status of Loma Lane and it's easements as public.
6. Survey submitted by Cullen and Vigil pertaining to parking arrangement on northeast corner of 622 Castillo Pl. NOTE: The curved turn was altered, AND Western property line of 622 Castillo Pl. was straight. No Coyote fence protruding On Loma Lane.

Pictures illustrating current conditions of Castillo Pl. neighborhood, marked

For easy identification:

7. Southern easement to Loma Lane and non-approved parking on 622 Castillo Pl.
8. Tenant parking on 618 Paseo de Peralta encroaching on northern easement to Loma Lane. 10-12 tenants park here daily, except Sunday
9. Conditions of public easement right outside my property line, conditions caused by overuse of easement, in legal terms: A Waste.
10. Antigua Inn parking on Veterans Day 2014. Coyote fence, encroaching three and a half ft. into Loma Lane, pick-up encroaching another three feet. Not possible for me to get to my parking spaces.
11. Illustration of the frequent illegal parking caused by lack of zoning enforcement. NOTE: The Parking Division and the Police no longer respond to complaints, as ticketing have little or no effect.

Exhibit "10"



LEGAL DESCRIPTION

[illegible]**TRACT 2**

TRACT 2
BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT BEING A 1/2" REBAR
W/ CAP STAMPED 10277 AND FROM WHENCE A BRASS CAP BEING TRIANGULATION
STATION "FOUR" MARKS BEARS N63°57'34"E S 46.81' DISTANT.

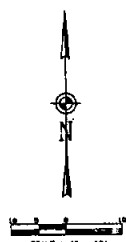
THENCE S81°48'22"E 48.99' TO THE SOUTHEAST CORNER OF THIS LOT;
THENCE S88°15'51"E 45.00' TO THE SOUTHWEST CORNER OF THIS LOT;
THENCE S82°41'21"E 34.48' TO A POINT;
THENCE S73°53'54"E 7.50' TO A POINT;
THENCE S23°33'54"E 86.00' TO THE NORTHWEST CORNER OF THIS LOT;
THENCE S67°38'44"E 40.00' TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 0.112 OF AN ACRE (4863 SQ. FT.), MORE OR LESS.

TRACT 1

TRACT 1
BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT BEING A 1/2" REBAR
W/ CAP STAMPED 10277 AND FROM THENCE A GRADE CAP BEING TRIANGULATION
STATION "FORT MARCY" BEARS N74°14'18"E 806.24' DISTANT.

THENCE FROM SAID POINT OF BEGINNING S21-46-02"E 961.90' TO THE
SOUTHEAST CORNER OF THIS LOT;
THENCE N68-18-08"E 45.36' TO THE SOUTHWEST CORNER OF THIS LOT;
THENCE N21-48-21"E 965.90' TO THE NORTHWEST CORNER OF THIS LOT;
THENCE S68-10-58"E 45.88' TO THE POINT AND PLACE OF BEGINNING
CONTAINING 0.189 OF AN ACRE (7329 SQ. FT.) MORE OR LESS.



THREAT I
M/V TONI G. SALAZAR
ON APR 28 2008

EXACT 2

TRACT 1
RND 2, RANGE 17E
0.104 ACRE ±

LEGEND

- DENOTES FLOWING POINT (SEE NOTE)
- DENOTES U.S.G.A. D. BRASS CAP
- DENOTES POINT SET (1/8" HL. IMPLANTIC E BRASS) P.B. 1674)
- DENOTES WATER VALVE
- DENOTES UTILITY POLE AND OVERHEAD LINE
- DENOTES FENCE
- DENOTES TELEPHONE POLE/STL
- DENOTES ELECTRIC METER
- DENOTES FAS WATER
- DENOTES TAPES HYDRAUNT
- DENOTES METER METER

UTILITY SIGNATURES

<i>Chas. E. Linn</i>	12-25-05
U.S. WEST COMMUNICATIONS	DATE
<i>Leonard M. Necker</i>	7/25/05
PUBLIC SERVICE CO. OF N.H.	DATE
<i>Thos. J. Linn</i>	7/25/05
P.S. CO. OF N.H.	DATE
<i>Emile B. Dohleman</i>	7/25/05
PUBLIC SERVICE CO.	DATE

OWNER'S CONSENT

THE UNDERSIGNED OWNERS OF TRACTS 1 & 2 DO HEREBY CONSENT TO PLATTING OF LANDS AS SHOWN HEREIN. THIS LOT LINE ADJUSTMENT IS BEING MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR DESIRES AND WISHES. EASEMENTS ARE HEREBY GRANTED AS SHOWN HEREIN. EASEMENTS ARE HEREBY GRANTED FOR EXISTING UTILITIES. THESE LANDS LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO. NO LANDS ARE DEDICATED FOR PUBLIC USE BY THIS INSTRUMENT.

LANDS ARE DEDICATED FOR PUBLIC USE BY THIS INSTRUMENT.

[Signature]
JOHN T. DONWELL

[Signature]
DEBORAH S. DONWELL

STATE OF NEW JERSEY
COUNTY OF SANTA FE

155

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS 25th DAY OF JULY 1995

MY COMMISSION EXPIRES
1.20.98

Leon J. Zander
NOTARY PUBLIC

CITY OF SANTA FE REVIEW

Jane Smith 7/26/95
CITY PLANNER DATE

Charles Long 7/27/95
DEVELOPMENT REVIEW DIVISION ENGINEER DATE

N/A
MAN TO WORK DIRECTOR DATE

NOTES

- 11 BASIS OF MEASUREMENT IS TAKEN FROM "PLAT OF SURVEY FOR DECILLA
12 DUNE AND LEE STEVEN STREET" BY ALONZO A. HODDER ON 10-11-47
13 DATED FEBRUARY 24, 1948 WITH PROJECT NO. 82-04.
- 14 REFER TO PLAT OF SURVEY ENTITLED "MAP OF HIGHWAYS FOR COUNTY OF
15 DUNDEE" BY SAUL B. HARRIS, JR. DATED 11-1-47. PROJECT NO. 82-07.
16 COUNTY CLERK'S OFFICE IN PLAT NO. 8 PAGE 10. DATA SHOWN IN
17 BEARING 11-1-47.
- 18 REFER TO "PLAT OF SURVEY LOT COMBINATION AND SURVEY IN PLAT
19 CORRECTION FOR GALAZAR BROTHERS AUGUST 1, 1954" - BY LEO
20 AND R. S. P. S. NO. 42-48 DATED JAN. 3, 1954. WITH PROJECT
21 NO. 81-04.
- 22 REFER TO "PLAT OF SURVEY OF THE JOE E. SMITH ESTATE IN WARD NO.
23 10, DUNDEE COUNTY, MISSISSIPPI" DATED 11-1-47. BY HENRY
24 BY ARNOLD C. MARTINEZ, L.S. NO. 42-48 ON OCT. 5-14-1954.
- 25 THEIR TRACT LIES OUTSIDE THE 100 AC FLOODPLAIN AS DETERMINED
26 FROM U.S.G.S. FLOODING, COMBINATION PLAT NO. 280070 SOUTH DATES
27 1952.
- 28 IMPROVEMENTS SHOWN ARE CURRENT AS OF DATE OF SURVEY.
- 29 THIS SURVEY MAY NOT REVEAL THAT WATER MAY BE DISCHARGED BY A
30 DRAINAGE CANAL UNDER THE SURFACE OF THE LANDS. THE DRAINAGE
31 NEGOTIATIONS, CONVEYANCE OR EASEMENTS OF RECORD.
- 32 REFER TO CITY OF SANTA FE, HENRY MARTINEZ RECORDS, 1953-58
33 DECISIONS AND LAWS OF THE CITY OF SANTA FE AS A PUBLIC UTILITY
34 AND ITS EXTENSION AS PUBLIC BENEFITS.
- 35 NEGOTIATIONS OF THIS PLAT MUST NOT CONSTITUTE APPROVAL, BY THE CITY

SURVEYORS CERTIFICATE

SURVEYORS CERTIFICATE


I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES SHOWN HEREON WERE PREPARED UNDER MY DIRECTION FROM A SURVEY PERFORMED IN THE FIELD ON FEB. 18, 1980, FOR THE PURPOSE OF RECONSTRUCTING THESE TRACTS INSTRUCTED BY THE OWNER OF SAID TRACTS, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS PLAN MEETS OR EXCEEDS THE REQUIREMENTS OF THE "MILITARY STANDARDS FOR LAND SURVEYING IN NEW MEXICO."

THOMAS M. MARCH, JR., PRES. SOUTHERN NEW MEXICO 1963



OWNER	SECTION	TOWNSHIP	RANGE	LOCATION
DORNELL	PRIN. (24)	17 NORTH	8 EAST	CITY OF SANTA FE

**Red Mountain
Engineers,
Inc.**



Engineers • Surveyors • Planners

1016 PARKWAY DRIVE, SUITE A
P.O. BOX 16114, SANTA FE, NM 87500-0114
PHONE (505) 479-7111

WASH. TRACTS, I.R.A. AND E. HANCOY ST. - DENVER	PROJECT NO. 88-2
---	------------------



bed & breakfast

9 April 1995

TO WHOM IT MAY CONCERN:

I have no objection to the City entering into a licensing agreement concerning the fence and landscaping on the eastern boundary of 231 Castillo Place and the owner, Jack Donnell.

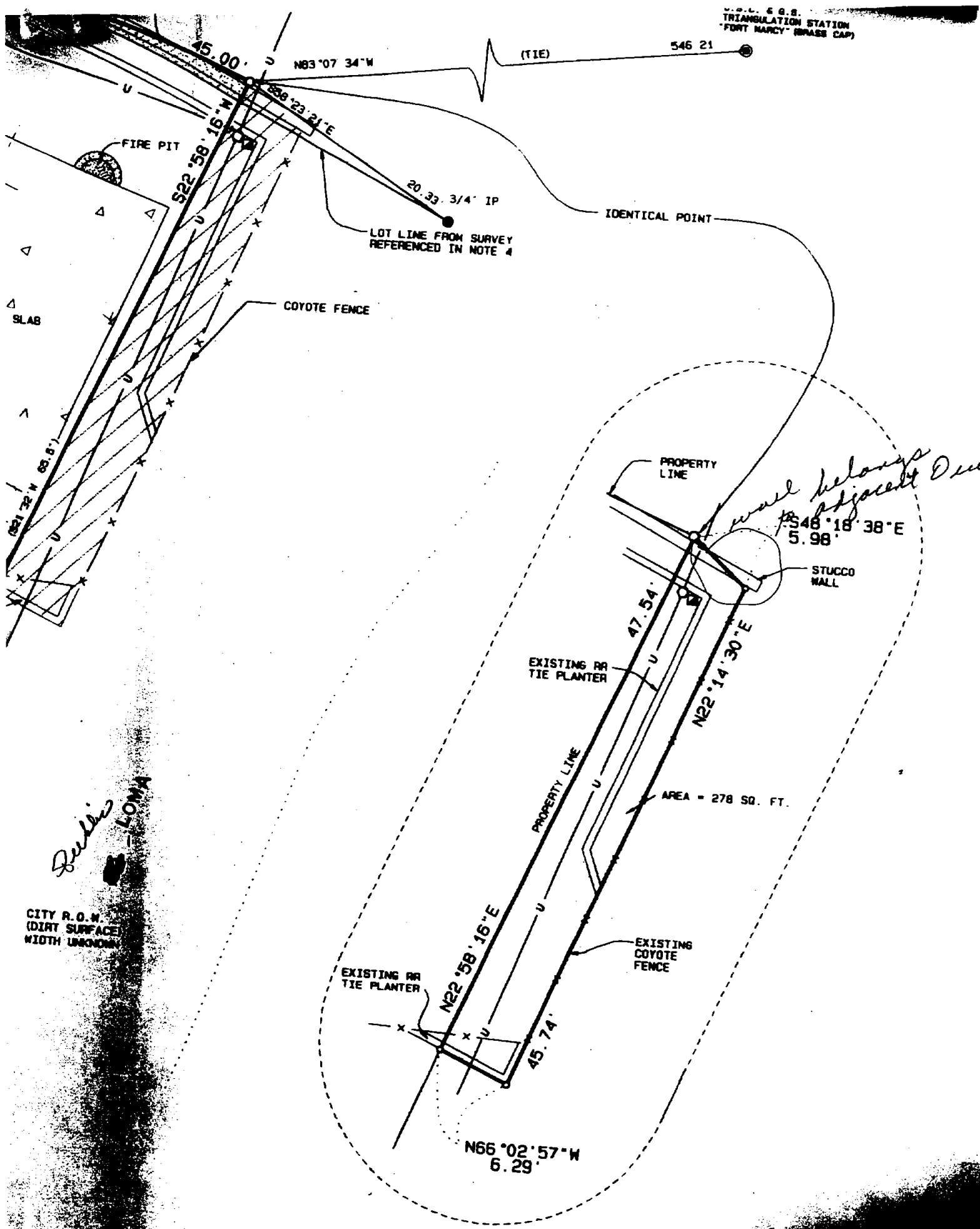
Yours faithfully,

A handwritten signature in cursive script that reads "Jane Crawford".

JANE CRAWFORD.

Phone: (505) 982-1212 • Fax: (505) 982-7323

622 Castillo Place, Santa Fe, New Mexico 87501



LICENCE AGREEMENT

AS PER NOTE NO. 8
AREA = 278 SQ. FT.

3-21-6. Zoning: mode of determining regulations, restrictions and boundaries of district: public hearing required; notice.

A. The zoning authority within its jurisdiction shall provide by ordinance for the manner in which zoning regulations, restrictions and the boundaries of districts are:

- (1) determined, established and enforced; and
- (2) amended, supplemented or repealed.

B. No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing shall be published, at least fifteen days prior to the date of the hearing, within its respective jurisdiction. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners, as shown by the records of the county treasurer, of lots of land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

C. If the owners of twenty percent or more of the area of the lots and [of] land included in the area proposed to be changed by a zoning regulation or within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the governing body of the municipality or by a two-thirds vote of all the members of the board of county commissioners.

3-21-8. Appeals to zoning authority; grounds; stay of proceedings.

- A. The zoning authority shall provide by resolution the procedure to be followed in considering appeals allowed by this section.
- B. Any aggrieved person or any officer, department, board or bureau of the zoning authority affected by a decision of an administrative officer, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission or committee from whom the appeal is taken and on due cause shown.
- C. When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or any ordinance, resolution, rule or regulation adopted pursuant to these sections, the zoning authority by a majority vote of all its members may:
- (1) authorize, in appropriate cases and subject to appropriate conditions and safeguards variances from the terms of the zoning ordinance or resolution:
 - (a) which are not contrary to the public interest;
 - (b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and
 - (c) so that the spirit of the zoning ordinance is observed and substantial justice done; or
 - (2) in conformity with Sections 3-21-1 through 3-21-14 NMSA 1978:
 - (a) reverse any order, requirement, decision or determination of an administrative official, commission or committee;
 - (b) decide in favor of the appellant; or
 - (c) make any change in any order, requirement, decision or determination of an administrative official, commission or committee.

3-21-11. Conflicts between zoning regulations and other statutes and ordinances.

If any other statute or regulation or other local ordinance, resolution or regulation adopted under authority of Sections 3-21-1 through 3-21-14 NMSA 1978 is applicable to the same premises, the provision shall govern which requires:

- A. the greater width or size of yards, courts or other open spaces;
- B. the lower height of building or a less number of stories;
- C. the greater percentage of lot or land to be left unoccupied;
- D. or imposes, other higher standards.

39-3-1.1. Appeal of final decisions by agencies to district court; application; scope of review; review of district court decisions.

A. The provisions of this section shall apply only to judicial review of agency final decisions that are placed under the authority of this section by specific statutory reference.

B. Upon issuing a final decision, an agency shall promptly:

(1) prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order;

(2) file the written decision with the official public records of the agency; and

(3) serve a document that includes a copy of the written decision and the requirements for filing an appeal of the final decision on:

(a) all persons who were parties in the proceeding before the agency; and

(b) every person who has filed a written request for notice of the final decision in that particular proceeding.

C. Unless standing is further limited by a specific statute, a person aggrieved by a final decision may appeal the decision to district court by filing in district court a notice of appeal within thirty days of the date of filing of the final decision. The appeal may be taken to the district court for the county in which the agency maintains its principal office or the district court of any county in which a hearing on the matter was conducted. When notices of appeal from a final decision are filed in more than one district court, all appeals not filed in the district court in which the first appeal was properly filed shall be dismissed without prejudice. An appellant whose appeal was dismissed without prejudice pursuant to the provisions of this subsection shall have fifteen days after receiving service of the notice of dismissal to file a notice of appeal in the district court in which the first appeal was properly filed.

D. In a proceeding for judicial review of a final decision by an agency, the district court may set aside, reverse or remand the final decision if it determines that:

(1) the agency acted fraudulently, arbitrarily or capriciously;

(2) the final decision was not supported by substantial evidence; or

(3) the agency did not act in accordance with law.

E. A party to the appeal to district court may seek review of the district court decision by filing a petition for writ of certiorari with the court of appeals, which may exercise its discretion whether to grant review. A party may seek further review by filing a petition for writ of certiorari with the supreme court.

F. The district court may certify to the court of appeals a final decision appealed to the district court, but undecided by that court, if the appeal involves an issue of substantial public interest that should be decided by the court of appeals. The appeal shall then be decided by the court of appeals.

G. The procedures governing appeals and petitions for writ of certiorari that may be filed pursuant to the provisions of this section shall be set forth in rules adopted by the supreme court.

H. As used in this section:

(1) "agency" means any state or local public body or officer placed under the authority of this section by specific statutory reference;

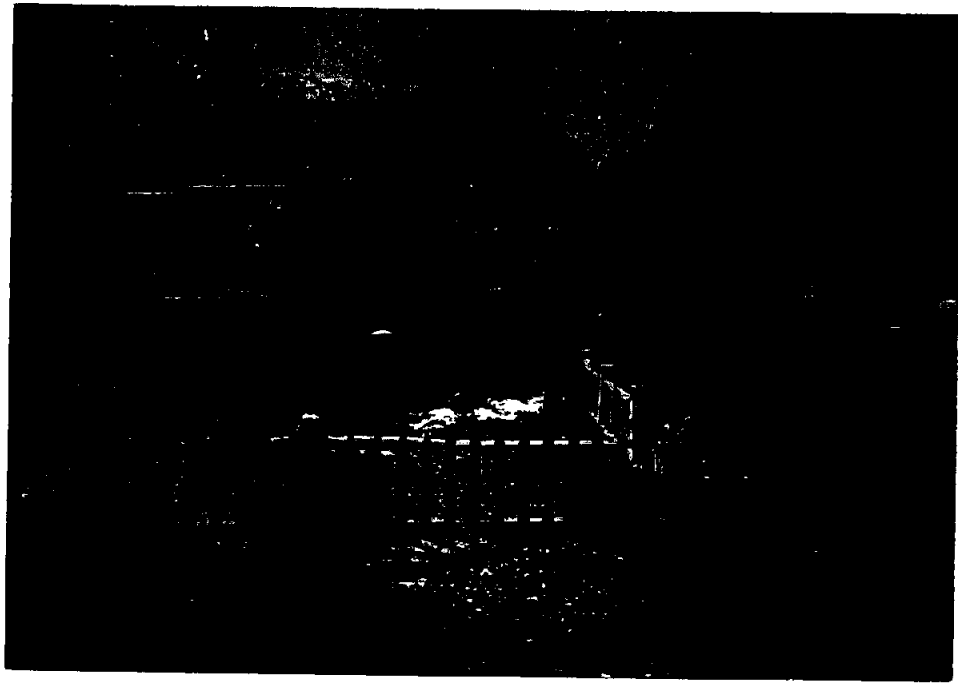
(2) "final decision" means an agency ruling that as a practical matter resolves all issues arising from a dispute within the jurisdiction of the agency, once all administrative remedies available within the agency have been exhausted. The determination of whether there is a final decision by an agency shall be governed by the law regarding the finality of decisions by district courts. "Final decision" does not mean a decision by an agency on a rule, as defined in the State Rules Act [~~14-4-1~~ NMSA 1978]; and

(3) "hearing on the matter" means a formal proceeding conducted by an agency or its hearing officer for the purpose of taking evidence or hearing argument concerning the dispute resolved by the final decision.

3-21-25. Judicial review.

Any person aggrieved by any regulation, restriction, or ordinance made by the commission may file a claim for relief in the district court.

Approved parking and landscaping
for Castillo Inn, now Antigua Inn



City Council makes it official: Loma Lane is public alleyway

By RICHARD FAUDREE
The New Mexican

Santa Fe city councilors agreed Wednesday to designate Loma Lane on the city's near east side as a public alleyway, a determination that lessens the likelihood of commercial development in the area.

Councilors also expressed an interest in accepting tiny rights of way jutting off Loma Lane into the city road network, and directed the city staff to determine whether the tiny alleys ever were owned privately.

The Council's decision apparently ends months of haggling over whether commercial development should occur in the congested neighborhood. With a clear determination that the alleys in the area are public, the possibility of additional parking in the neighbor-

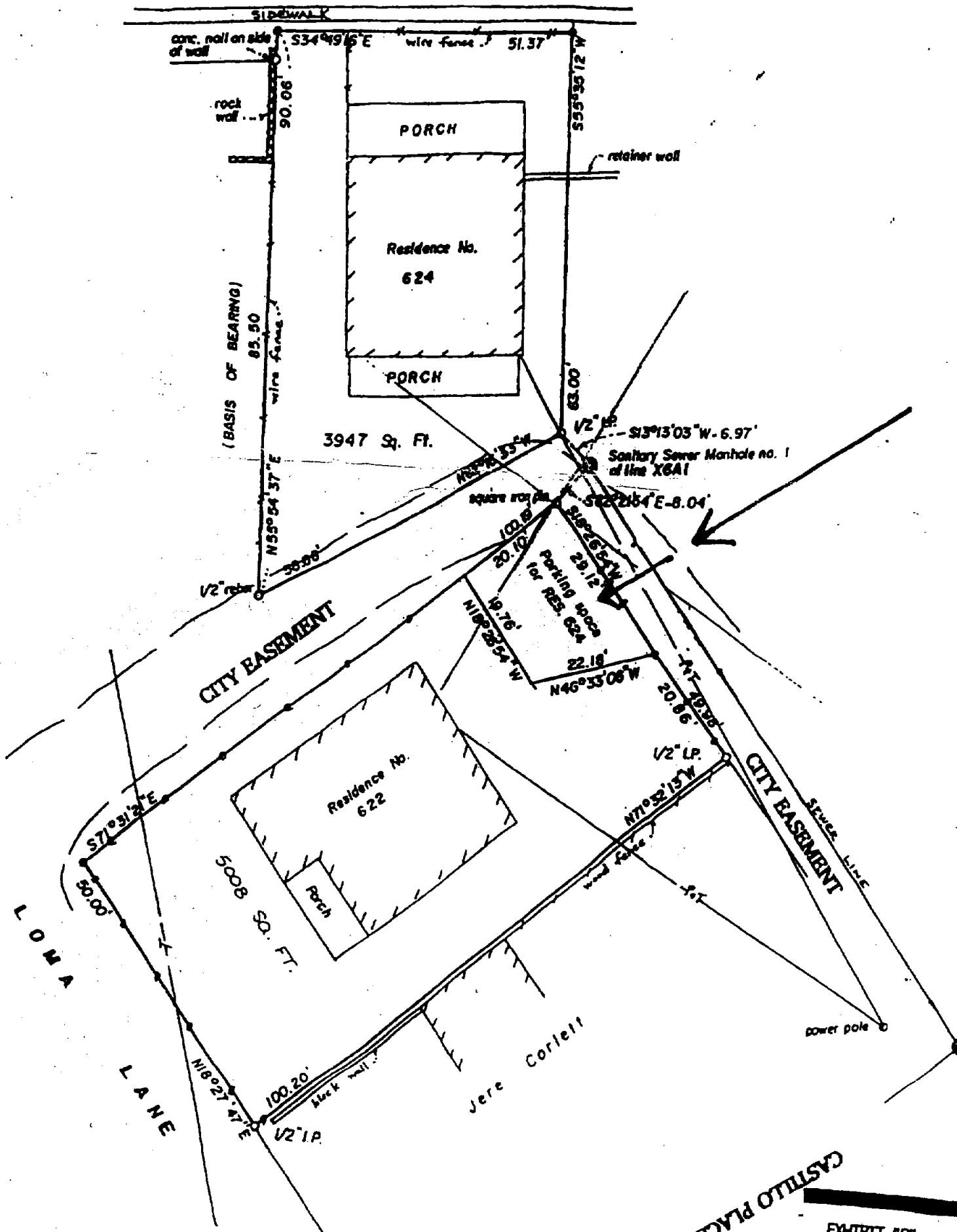
hood virtually would be eliminated. That's because parking regulations alongside public alleys are more stringent than for private alleys.

Development plans for an office complex in the area originally were submitted to the city nearly 17 months ago. That proposal was denied based on a lack of available parking.

A subsequent development plan called for the construction of a bed and breakfast on Loma Lane, a project vehemently opposed by the local neighborhood association.

City officials worked for months to determine whether Loma Lane was a public or private alley.

That determination wasn't made until the issue got to the public works committee in February, when documents were found at City Hall indicating the alley was declared a public right of way in 1953.



Southern easement to home in
a public street and public easement



Non approved parking at northeast
corner of Antigua Inn
very difficult to negotiate here

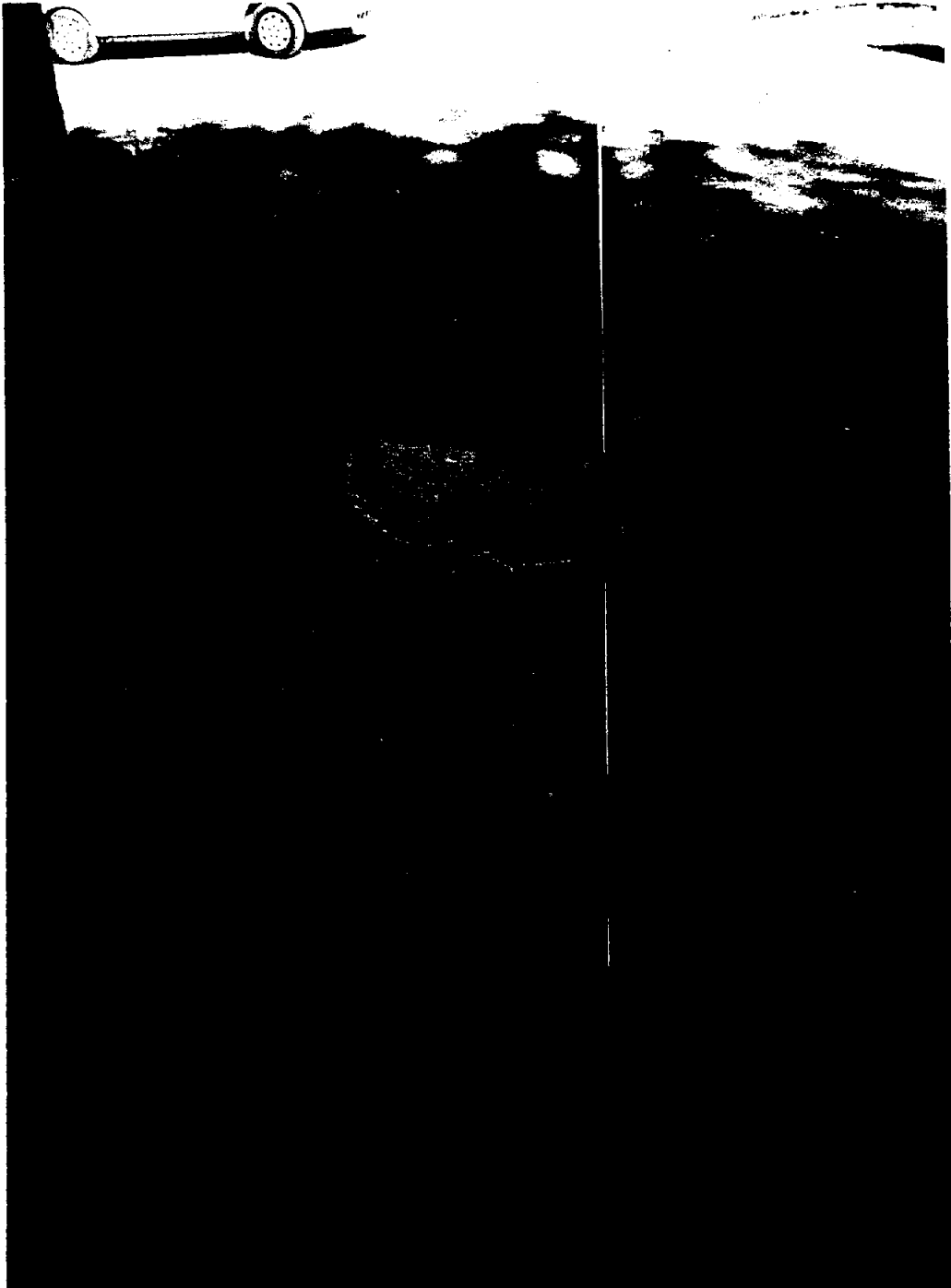


Northern Easement with parking protruding
into the easement.

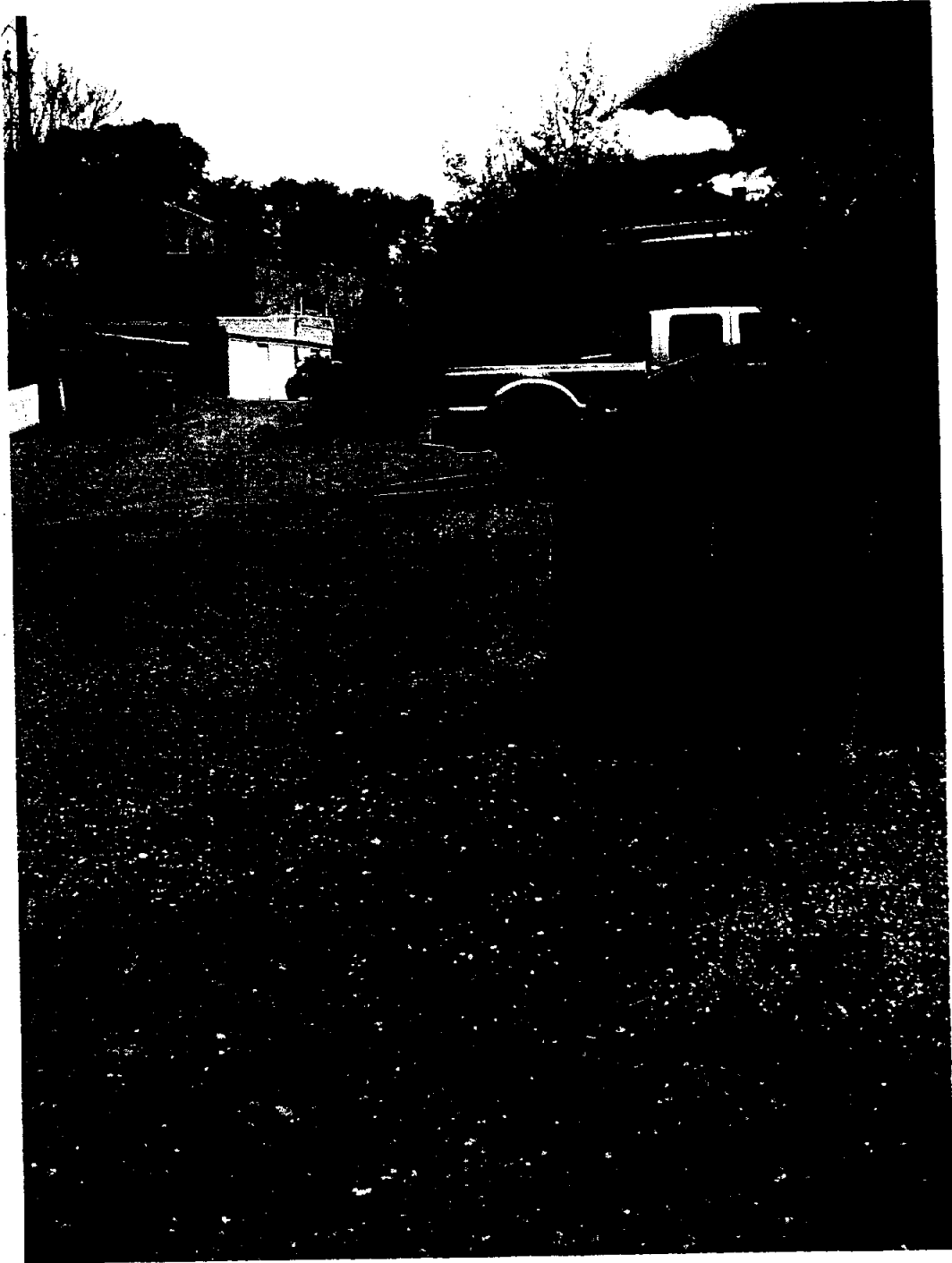
Mr. Mann's tenants park an average of 10-12 cars
on Castillo Pl. every day except Sunday.



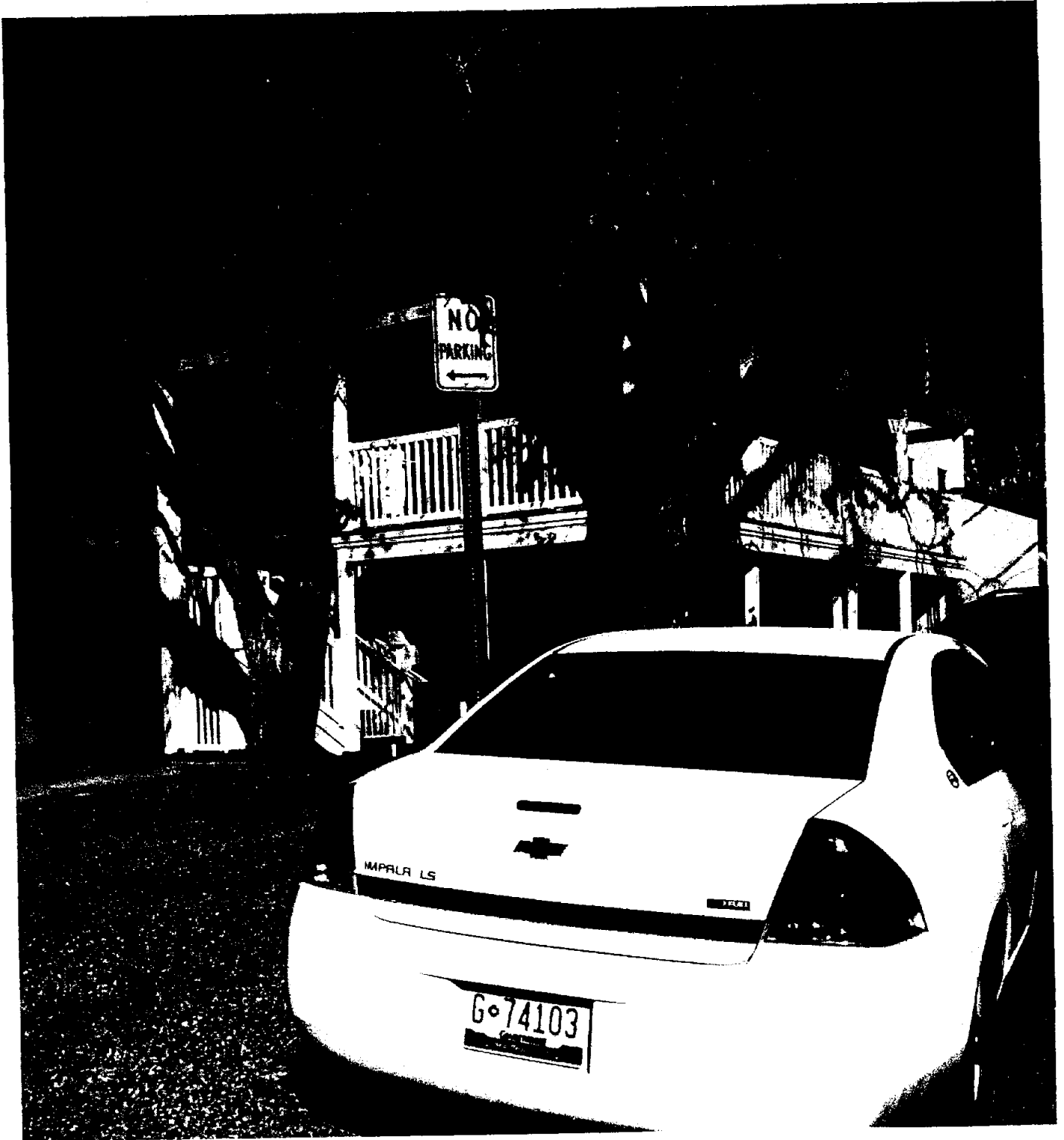
Condition of Public Easement right outside
my property line, caused by heavy traffic never
intended for this fragile area
In legal terms: "A Waste"



Antigua Inn Parking Veteran's Day Weekend
Coyote Fence encroaching 3 1/2 ft into Loma Ln.
Parked pick-up encroaching another 3 ft.
Impossible for me to get to my parking spaces



Illegal parking occurs on a regular basis



Both the Parking Division and the Police Dept. have given up and no longer respond to complaints

JUNE 13-29/2014

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NEW MEDIA FESTIVAL**

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the Santa Fe Railyard, Warehouse 21 and the City of Santa Fe

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* EXHIBIT 41 is available in its entirety upon request to the City Clerk's Office *