



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 23, 2014
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9/19/14 TIME 11:20

SERVED BY _____

RECEIVED 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 – September 10, 2014
9. PRESENTATIONS
 - a) Muchas Gracias – Mayor's Gold Cup Challenge Winners. (5 Minutes)
 - b) Proclamation – Breast Cancer Awareness Month in the City of Santa Fe – October 2014. (Katie Johnson, Event Coordinator - Making Strides Against Breast Cancer) (5 Minutes)
 - c) Muchas Gracias Certificates -- Santa Fe Fat Tire Society for Donating Their Time and Energy in Taking the Lead in Working with the International Mountain Biking Association and the City Santa Fe in Becoming a Nationally Recognized "Ride Center" Silver Level. (Councilor Bushee) (5 Minutes)
10. CONSENT CALENDAR
 - a) Bid No. 15/03/B – Poly John Rental for City Wide Parks and Professional Services Agreement; Next Generation Contracting, LLC. (Bobbi Mossman)
 - b) Request for Approval of Change Order No. 1 – Colonia Prisma Park; Lee Landscapes, Inc. (Mary MacDonald)
 - 1) Request for Approval of Budget Adjustment – Project Fund.



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- c) Request for Approval of State Grant Application and Agreement – Conducting Projects at Santa Fe Municipal Airport - Air Services Study; Rates and Fees Study; New Mexico Department of Transportation, Aviation Division. (Francey Jesson)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- d) Request for Approval of Memorandum of Understanding (MOU) – Day Reporting Program for Juveniles through State of New Mexico Children, Youth and Families Department Funding; Santa Fe County. (Richard DeMella)
- e) Request for Approval of Exempt Procurement and PremierPro Support and Maintenance Agreement – VoiceUtility Interactive Voice Response System for Utility Billing and Building Permits Division; Selectron Technologies, Inc. (Caryn Fiorina)
- f) Request for Approval of Exempt Procurement and Support Services Agreement – Annual Maintenance and Support Services for Fire Records, Police and Land Use Departments; SunGard Public Sector, Inc. (Caryn Fiorina)
- g) Request for Approval of Procurement Under State Price Agreement and Memorandum Agreement – Dedicated Internet Services for Santa Fe Convention and Visitors Bureau; CenturyLink Communication. (Thomas Williams)
- h) Request for Approval of Procurement Under State Price Agreement and Consolidated Maintenance Agreements – Copiers and Multi-Function Printers City Wide; Rocky Mountain Business Systems. (Robert Rodarte)
- i) Request for Approval of Procurement Under State and Cooperative Price Agreements – Online Computer Cataloging and Interlibrary Network Services for Santa Fe Public Library; OCLC Online Computer Center, Inc. (Patricia Hodapp)
- j) Request for Approval to Create, Post and Fill an Anti-Graffiti Program Manager Position for Keep Santa Fe Beautiful Funded through Environmental Services Division. (Nick Schiavo)



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- k) Request for Approval of Budget Increase – Reflect Proper Merger of Accounts for FY 2015 Budget Process for Transit Division. (Jon Bulthuis)
 - l) Request for Approval of Amendment No. 2 to Professional Services Agreement – Business Development Incubation Services to the City of Santa Fe; Santa Fe Business Incubator. (Fabian Trujillo)
 - m) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Trujillo, Councilor Rivera and Councilor Ives)
A Resolution Supporting the New Mexico Litter Control and Beautification Act of 1985 which Provides Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs. (Gilda Montano)
 - 1) Request for Approval of Grant Agreement – Litter Control and Beautification; State of New Mexico Tourism Department.
 - 2) Request for Approval of Budget Increase – Grant Fund.
 - n) CONSIDERATION OF RESOLUTION NO. 2014-____. (Mayor Gonzales)
A Resolution Authorizing the City of Santa Fe Transit Division to Provide Free Rides on All Bus Routes and Santa Fe Ride Vehicles for All Santa Fe Municipal Elections and Santa Fe County Primary and General Elections. (Jon Bulthuis)
 - o) Request to Consider and Provide Recommendations to the Governing Body Regarding the Reallocation of Approximately \$1,900,000 as Described in Resolution 2014-63, for Bike-Pedestrian Trails and Related Safety and Infrastructure Projects. (Eric Martinez)
- 11. Case No. 2014-88. Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code Section 14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Old Santa Fe Association from the August 12, 2014 Decision of the Historic Districts Review Board in Case #H-14-034; 511 Paseo de Peralta. (Zachary Shandler)
 - 12. Response to Request for Update on the Production of a Bachelor Episode in Santa Fe. (Randy Randall)
 - 13. MATTERS FROM THE CITY MANAGER
 - 14. MATTERS FROM THE CITY ATTORNEY
 - 15. MATTERS FROM THE CITY CLERK



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THE GOVERNING BODY
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16. 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
 - Airport Advisory Board
 - Planning Commission
- H. PUBLIC HEARINGS:
 - 1) Request from Red Lobster Restaurants, LLC for a Transfer of Ownership of Inter-Local Dispenser License #2620, With On-Premise Consumption Only, from GMRI, Inc. to Red Lobster Restaurants, LLC. This License Will Remain at Red Lobster #478, 4450 Rodeo Road. (Yolanda Y. Vigil)
 - 2) Request for Approval of Community Development Block Grant (CDBG) 2013-2014 Consolidated Annual Performance Evaluation Report (CAPER). (Margaret Ambrosino)
 - 3) CONSIDERATION OF BILL NO. 2014-25: ADOPTION OF ORDINANCE NO. 2014-____. (Councilor Ives and Councilor Rivera)
An Ordinance Amending Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 to Require the City of Santa Fe to Conduct a Public Hearing Before the Governing Body Votes on Reallocation Proceeds from a Voter-Approved General Obligation Bond or Tax that Deviates Materially from the Information Provided to the Electorate. (Kelley Brennan)
- I. ADJOURN



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CITY COUNCIL CHAMBERS

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
September 23, 2014**

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| APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 10, 2014 | Approved | 4 |
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| REQUEST FOR APPROVAL TO CREATE, POST AND FILL AN ANTI-GRAFFITI PROGRAM MANAGER POSITION FOR KEEP SANTA FE BEAUTIFUL, FUNDED THROUGH ENVIRONMENTAL SERVICES DIVISION | Approved | 7-10 |

| <u>ITEM</u> | <u>ACTION</u> | <u>PAGE #</u> |
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| CASE NO. 2014-88. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF OLD SANTA FE ASSOCIATION FROM THE AUGUST 12, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-14-034; 511 PASEO DE PERALTA | Approved | 11-12 |
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| <u>PUBLIC HEARINGS</u> | | |
| REQUEST FROM RED LOBSTER RESTAURANTS, LLC FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LICENSE #2620, WITH ON-PREMISE CONSUMPTION ONLY, FROM GMRI, INC., TO RED LOBSTER RESTAURANTS, LLC. THIS LICENSE WILL REMAIN AT RED LOBSTER #478, 4450 RODEO ROAD | Approved | 28-29 |

| <u>ITEM</u> | <u>ACTION</u> | <u>PAGE #</u> |
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| REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013-2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) | Approved | 29-31 |
| CONSIDERATION OF BILL NO. 2014-25: ADOPTION OF ORDINANCE NO. 2014-30. AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THE CITY OF SANTA FE TO CONDUCT A PUBLIC HEARING BEFORE THE GOVERNING BODY VOTES ON REALLOCATION PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE | Approved [amended] | 31-32 |
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 23, 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, September 23, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Peter N. Ives, Mayor Pro-Tem

Others Attending

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

6. APPROVAL OF AGENDA

Brian Snyder said he would like to postpone Item 10(d) pm the Afternoon Agenda, to the next meeting of the City Council, noting the MOU is incorrect, and will go back to the Finance Committee, noting he received an updated MOU from the County today which is fine, but we need to take it back through the process.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

- a) **BID NBO. 15/03/B – POLY JOHN RENTAL FOR CITY WIDE PARKS AND PROFESSIONAL SERVICES AGREEMENT; NEXT GENERATION CONTRACTING, LLC. (BOBBI MOSSMAN)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – COLONIA PRISMA PARK; LEE LANDSCAPES, INC. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF STATE GRANT APPLICATION AND AGREEMENT – CONDUCTING PROJECTS AT SANTA FE MUNICIPAL AIRPORT – AIR SERVICES STUDY; RATES AND FEES STUDY; NEW MEXICO DEPARTMENT OF TRANSPORTATION; AVIATION DIVISION. (FRANCEY JESSON)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- d) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) – DAY REPORTING PROGRAM FOR JUVENILES THROUGH STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT FUNDING; SANTA FE COUNTY. (RICHARD DeMELLA) Postponed to the meeting of October 8, 2014.**
- e) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PREMIERPRO SUPPORT AND MAINTENANCE AGREEMENT – VOICEUTILITY INTERACTIVE VOICE RESPONSE SYSTEM FOR UTILITY BILLING AND BUILDING PERMITS DIVISION; SELECTION TECHNOLOGIES, INC. (CARYN FIORINA)**

- f) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND SUPPORT SERVICES AGREEMENT – ANNUAL MAINTENANCE AND SUPPORT SERVICES FOR FIRE RECORDS, POLICE AND LAND USE DEPARTMENTS; SUNGARD PUBLIC SECTOR, INC. (CARYN FIORINA)
- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND MEMORANDUM AGREEMENT – DEDICATED INTERNET SERVICES FOR SANTA FE CONVENTION AND VISITORS BUREAU; CENTURYLINK COMMUNICATION. (THOMAS WILLIAMS)
- h) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND CONSOLIDATED MAINTENANCE AGREEMENTS – COPIERS AND MULTI-FUNCTION PRINTERS CITY WIDE; ROCKY MOUNTAIN BUSINESS SYSTEMS. (ROBERT RODARTE)
- i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – ONLINE COMPUTER CATALOGING AND INTERLIBRARY NETWORK SERVICES FOR SANTA FE PUBLIC LIBRARY; OCLC ONLINE COMPUTER CENTER, INC. (PATRICIA HODAPP)
- j) *[Removed for discussion by Councilor Bushee]*
- k) REQUEST FOR APPROVAL OF BUDGET INCREASE – REFLECT PROPER MERGER OF ACCOUNTS FOR FY 2015 BUDGET PROCESS FOR TRANSIT DIVISION. (JON BULTHUIS)
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS DEVELOPMENT INCUBATION SERVICES TO THE CITY OF SANTA FE; SANTA FE BUSINESS INCUBATOR. (FABIAN TRUJILLO)
- m) CONSIDERATION OF RESOLUTION NO. 2014-78 (COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR IVES). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTANO)
 - 1) REQUEST FOR APPROVAL OF GRANT AGREEMENT – LITTER CONTROL AND BEAUTIFICATION; STATE OF NEW MEXICO TOURISM DEPARTMENT.
 - 2) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- n) **CONSIDERATION OF RESOLUTION NO. 2014-79 (MAYOR GONZALES). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE RIDES ON ALL BUS ROUTES AND SANTA FE RIDE VEHICLES FOR ALL SANTA FE MUNICIPAL ELECTIONS AND SANTA FE COUNTY PRIMARY AND GENERAL ELECTIONS. (JON BULTHUIS)**
- o) **REQUEST TO CONSIDER AND PROVIDE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE REALLOCATION OF APPROXIMATELY \$1,900,000, AS DESCRIBED IN RESOLUTION 2014-63, FOR BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS. (ERIC MARTINEZ)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 10, 2014.

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of September 10, 2014, as presented.

VOTE: The motion was approved on a voice vote with Mayor Gonzales, Councilors Bushee, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilor Dimas abstaining because he wasn't in attendance at the meeting of September 20, 2014.

9. PRESENTATIONS

a) MUCHAS GRACIAS – MAYOR'S GOLD CUP CHALLENGE WINNERS

Mayor Gonzales said this effort turned out better than he even expected, and he appreciates everyone participating. He noted the Fire Department had two teams, and the Police Department had 3 teams and one of them came in 5th.

Sue Perry thanked so many of the City Councilors for participating. She said 32 teams signed up, and we only lost 2. There were 173 City employees, City Councilors and the Mayor participating, noting more than 10% of the entire employee population participated. She said it was amazing. She said they are getting information so you can get statistical feedback. She thanked the Mayor for this opportunity.

Mayor Gonzales thanked everyone who participated, as well as past Governing Body members who have tried to make healthy living a part of our employees' lives, and the participation shows they responded.

Mayor Gonzales noted the teams put in a huge amount of effort, and presented awards as follows:

- First Place Diving Divas from the Municipal Court – the team received the Mayor's Gold Cup and one free night at Buffalo Thunder, and free cooking lesson on healthy cooking and eating from the Santa Fe School of Cooking & Market. He congratulated the team. Captain Piccard, team captain, thanked the Mayor for the award.
- Second Place: Wastewatchers from the Siringo Complex – each member of the team received a \$50 gift card and a certificate for one hour of professional health and fitness from Erica Remilli, Better Humans. The team captain thanked the team who worked very hard, saying it was a great opportunity. Ms. Perry noted there were 4 team members, noting the maximum was 6.
- Third Place Rascal's Revenge, LaFarge Library – each member of the team received lunch boxes and lunch containers and a certificate for one hour of professional health and fitness from Erica Remilli, Better Humans. The team captain said it went very well, noting it was great motivation in multiple ways, noting the team lost more than 60 pounds.

Mayor Gonzales thanked Buffalo Thunder Resort, Santa Fe School of Cooking and Market, certificate for one hour of professional health and fitness from Erica Remilli, Better Humans, Santa Fe Sports & Images, LLC for t-shirts, Century Bank for its sponsorship as well as the Employee Benefits Committee.

Sandra Perez, on behalf of Mayor Gonzales, presented flowers to Sue Perry and Todd who coordinated the effort.

Councilor Maestas said the Council Team were called the Proven Winners, saying they peaked at the first week, and the only steady part of their performance was their steady decline. He said he enjoyed participating and thanked Sue and Todd for all of their hard work.

Mayor Gonzales said we know when we offer fun events in which employees can participate, the employees respond. He said we need to find and continue to promote events that promote wellness and health. He has asked Ms. Perry to work with him to see what we can do to encourage our employees to participate by volunteering in the community where the need is great.

Councilor Bushee said she hopes everyone who participated will put teams together for the Breast Cancer Walk on October 4th.

b) PROCLAMATION – BREAST CANCER AWARENESS MONTH IN THE CITY OF SANTA FE – OCTOBER 2014. (KATIE JOHNSON, EVENT COORDINATOR – MAKING STRIDES AGAINST BREAST CANCER)

Mayor read the Proclamation into the record declaring October 2014 as Breast Cancer Awareness Month in the City of Santa Fe, and presented it to Katie Johnson, Event Coordinator.

Cindy Padilla said on October 4, 2014, there will be a Breast Cancer Awareness Walk, which will start with registration at 8:00 a.m., at the Villa Linda Park, near Santa Fe Place, with the walk to follow at 9:00 a.m. She said Harley-Davidson will be sponsoring a Pink Ride. She said they are going to "Paint the Town Pink" as they raise the issue and awareness of breast cancer.

Ms. Padilla said the City team, Santa Fe Strong, is sponsoring a Frito Pie sale tomorrow at the Siler Road facility, 11:00 a.m. to 1:00 p.m. She said she hopes to see a City Council team. She thanked Councilor Dominguez who has been instrumental in this effort.

Mayor Gonzales said he would like to see a Frito pie sale here at City Hall as well.

Ms. Padilla said it may be too late this year, but it is certainly something to consider for next year.

Councilor Dominguez invited everyone to attend and participate in the Breast Cancer Awareness Walk.

c) MUCHAS GRACIAS CERTIFICATES – SANTA FE FAT TIRE SOCIETY FOR DONATING THEIR TIME AND ENERGY IN TAKING THE LEAD IN WORKING WITH THE INTERNATIONAL MOUNTAIN BIKING ASSOCIATION AND THE CITY OF SANTA FE IN BECOMING A NATIONALLY RECOGNIZED "RIDE CENTER" SILVER LEVEL. (COUNCILOR BUSHEE)

Councilor Bushee presented Muchas Gracias certificates to members of the Santa Fe Fat Tire Society. She said the City has a silver designation and are on the way to gold, noting she bought her first fat tire bicycle this week. She said the City, through the allocation of the \$1.9 million just provided the \$10,000 needed to make the La Tierra Flow Trail happen.

Bob Ward, REI, said we are in "some rarified air being in the silver," noting there is only one gold ride center in the world, with a total of 10 silver ride centers, with 7 in the USA. He hopes we will get out gold designation 2-4. He said to achieve that designation we need to get some flow trails like the one at La Tierra.

Jim Fowler, Club Ambassador, said he will be working on the getting a plaque for the City and County whose help was absolutely instrumental in earning this award. He said this is one step on building more trails for all users. He said *USA Today* and *Single Track Magazine* have recognized Santa Fe for being a great place to ride.

Fred [inaudible] said he led the application process through IMBA. He said gold designation is 60% infrastructure and 40% for trails, noting we are lacking on the trail side. He thanked the Governing Body for the last \$10,000 needed for the La Tierra Flow Trail. He said the flow trail is kind of like a little roller coaster ride for bicycles, similar to the pump tracks in the City parks. He said it is a fun experience to work at it, and it will be built to the standards for cycling with good sight lines.

Pat Brown gave special thanks to Councilor Bushee for her support and their efforts. The organization is about 4 years old, Chapter member of IMBA. There are 128 members. Recently, they had a big trail buildup on the mountain with the trail crew and we will be bringing in The Trail Solution to do the flow trail, and to teach "us to build trails that are fun for everyone." He thanked the City for its support.

Councilor Bushee said not only is this a new quality of life enhancement for the locals as well as bringing a new population of visitors to Santa Fe. She said, "It's been a fun thing to do and work with all of you and thanks for doing all of that."

CONSENT CALENDAR DISCUSSION

10(j) REQUEST FOR APPROVAL TO CREATE, POST AND FILL AN ANTI-GRAFFITI PROGRAM MANAGER POSITION FOR KEEP SANTA FE BEAUTIFUL, FUNDED THROUGH ENVIRONMENTAL SERVICES DIVISION. (NICK SCHIAVO)

Councilor Bushee said, "I just want to put on the record that this is not an expansion position, or is it and you plan on not having it be an expansion position. I have great concern with budgetary issues. I just want to make sure, because the Resolution I know that I supported was to make sure that Santa Fe Beautiful had this in their operations, but that it was revenue neutral."

Nick Schiavo said, "For this fiscal year, we will be able to cover it with vacancy savings that we have, but for the next fiscal year and coming fiscal years it actually will be an expansion."

Councilor Bushee said, "I thought there was some way that that maybe was not going to happen, because I can't support it as an expansion position."

Mr. Schiavo said, "When the plan was originally put together by City Council and approved, it was Gilda who was going to be running it, but as we went through the process to see if we could get an upgrade for Gilda it became clear that she, as a union position would not be able to manage the other employees in the program. And I was not able to get her position changed, and I've gone this route to make sure we can have a manager for all those individuals."

Councilor Bushee said, "So I understand, because Gilda is the manager, and how many positions are we talking about needing to manage."

Mr. Schiavo said, "We have Gilda and 3 individuals that came over from Parks, 1 from Police, so a total of 5 individuals plus any of the interns that are picked up through the grant. This will be funded from Environmental Services Division enterprise fund."

Councilor Bushee said, "Again. Sorry I can't support this. Somebody else will have to make the motion as an expansion position. I thought I was given assurances that this would be revenue neutral this year and that you would work on making it an expansion position."

Mayor Gonzales said, "I think, if I understand correctly, that what I heard Nick say is that it will be revenue neutral for this year, but that will come in the form of a budget proposal to the Council to consider whether we want to support that expansion or not. So I think there will be an ability in the next fiscal year to determine whether we want to expand the number of FTEs, but for now, this is a revenue neutral position. If it's not supported by the Council, in terms of an expansion, which I can't imagine why we wouldn't expand in the area of graffiti. What would be the recourse for Gilda."

Mr. Schiavo said, "The position would be opened, and we would pick the best candidate. I wouldn't want to move forward with hiring someone if I wasn't very confident we would be able to keep this person, absolutely critical. Graffiti is a problem in our town, and we have to have a strong thinker, a good person to be on this to make sure we can get in front of this, rather than the three active running to try to remove tags and other issues in our town that we're getting out in front, being creative with ways to save money within the program."

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

DISCUSSION: Councilor Dominguez said, "I agree with Councilor Bushee that we need to make sure this is not something that is going to be an expansion next year, or if it is an expansion that there is clear justification from management about what that looks like and what the numbers are. This did come up at the Finance Committee meeting, and I expressed some frustration because this is the kind of information we should have had when the Resolution first got approved, because it's pretty clear in the Resolution. So I did express some frustration as to why that fiscal impact was not brought up at that time. I know staff has given their explanation of what they discovered during the process of implementing this. But this was approved in January 2014, and here we are almost to January again and we need to make sure we have something in place to go with graffiti in the future."

Councilor Dominguez continued, "My hope is maybe we give some specific direction to staff that we approve it for this fiscal year as it is budget neutral, but in the next fiscal year, management is going to have to figure out how to do it and keep it budget neutral."

Councilor Bushee asked, "Is that part of your motion," and Councilor Dominguez said, "Yes."

Councilor Bushee said, "Just so I understand Nick. You created a new position, because4 when this went through, I was promised this was revenue neutral and the FIR stated so, you said it, you know everybody... I agree with the idea as long as it is going to be revenue neutral. So if you create this new position, you get them in place, a year later they're classified and they're in there. So at what point, will it be a year later, that we will deal with this in terms of how to keep it revenue neutral."

Mr. Schiavo said, "The way it was originally set up, it was intended that Gilda was going to be the manager. And it's not possible, given the constraints of the union and the union contract, so I can't go that way. I can't leave the program without a manager. I do need a manager. So to answer your question, this year I can make it revenue neutral. Next year, I'm going to do everything I can within the entire Environmental Services Division budget to make sure we're saving money and that we can cover this position, because it is critical for the division."

Councilor Bushee said, "Okay, again, the explanation is that it is an expansion position, so I'm probably not going to support this."

Councilor Rivera said, "I assume there are people within that would be interested in this position. If it was not an expansion position and this required discussion again in a year, I presume that would eliminate many good candidates from applying. Do you agree with that?"

Mr. Schiavo said he agrees and if we leave it as a term position, he believes we would miss out on potential good internal candidates.

Councilor Rivera said, "Your initial thought process was to move Gilda into the position, but that was met with resistance from the union. How long did those discussions go on?"

Mr. Schiavo said, "I have it outlined in here, it actually started in January of this year, and by the time HR let us know what the challenges were, it was past the budget cycle. I started talking with the union probably in April, May, June, and it's not just the union's inflexibility, it's also the guidelines that HR has to follow."

Councilor Rivera said then this was started well before the budget was discussed, but didn't get settled until after the budget had already been heard.

Mr. Schiavo said that is correct, and by the time he knew this was going to be an issue from HR, he had missed this budget cycle, or he would have included it.

Councilor Rivera said, "I will support this, because I think it's important to get a good quality person in there, and I think it's important to have some stability in the process. And knowing, that once somebody is hired they're going to be around for more than a year or two. So thank you for bringing this to our attention."

Councilor Lindell said, "I would just like to have clarification on the motion in front of us."

CLARIFICATION OF THE MOTION: Councilor Dominguez said, "The motion is to approve this request and that it be budget neutral this year and that it be budget neutral next year, actually."

Mayor Gonzales said, "I just want to ask you on that point Councilor, so we as a Council determine what the budget's going to be. I think you can include that as part of the motion, but the Council is still going to get to determine. There may be a need to create expansion positions for one reason or another during the budget cycle."

Councilor Dominguez said, "My hope is that the management will recommend a budget that is going to be budget neutral as it pertains to this. And if there is a need for expansion because there is more graffiti, or whatever the case may be, that's something we can discuss during that time. But right now, it's really intended that it be budget neutral now and that we try to figure out how it can be budget neutral come the budget. And I just want to again remind the Governing Body.... what's frustrating for me is this would have been a good discussion to have at the time we had this Resolution before us, because it does have some fiscal impacts, but it's also an important issue to address. And so, I'm hopeful it will get approved tonight and we can deal with it again at budget time."

Mayor Gonzales said, "And we need to move on. I think the only issue or cost it would have is that we base our budget on need, which as you may say may expand. And I think the direction the Councilor is sending to the administration is that if there is a need for expansion you need to justify that there has been some need that's caused it. But until that point, at least in this category, it should remain budget neutral. I do want to thank Gilda for the work she does, and also, I don't know if the Council knows this, but she's been taking on the role of a manager and extra work without the pay. And so much of what we're trying to do here is to create a sense of fairness to employees who, without a lot of public expression of frustration, just go in and do their job in our community. Thanks Nick for working this through, and you understand the parameters the Council is giving you and we'll go forward with that." Mr. Schiavo said, "Yes."

Mayor Gonzales thanked Gilda and said hopefully this gets done tonight.

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

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

Against: Councilor Bushee

Explaining her vote: Councilor Bushee said, "While I see the need for eradicating graffiti as a top priority, I also see the need of recycling, improving our recycling rate and other things in the Environmental Services Division, and at this juncture I will not support an expansion position in any department."

11. CASE NO. 2014-88. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF OLD SANTA FE ASSOCIATION FROM THE AUGUST 12, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-14-034; 511 PASEO DE PERALTA. (ZACHARY SHANDLER)

Zachary Shandler, assistant City Attorney, noted that this is not a public hearing. He said, "Pursuant to the City's Appeal Code, this item is the City Attorney's presentation on whether this appeal should be dismissed on legal grounds. The minutes of the relevant meetings and the written appeal are attached in the packet."

Mr. Shandler presented information from his Memorandum of September 16, 2014, with attachments, to Members of the Governing Body regarding this matter, which is included in the Council packet. Please see this document for specifics of this presentation.

Mr. Shandler said, "Based on the facts presented in this case, the City Attorney's Office recommends dismissal of the appeal. As noted in my Memo, you are free to disagree with this opinion, and if so, you will have to schedule a public hearing on this project at one of your upcoming meetings. I stand for questions."

Councilor Bushee said, "We're not getting into the specifics of the design, this is just your legal take on this issue that it doesn't have merit. Is that essentially what you're saying?"

Mr. Shandler said, "Correct."

Councilor Bushee said, "Given that most of the Historic Board's decisions are fairly discretionary, in terms of their ideas around design and New Santa Fe Style, and all that, I tend to want to uphold the H-Board, but what I can say is it's a little frustrating to feel like it's just thrown out on legal merit. How is it that there is no merit whatsoever to this appeal from your perspective, given the discretionary nature of the decision making body in the first place."

Mr. Shandler said, "Tonight's is a narrowly focused issue, not on the discretion. According to City Appeal Code, they need to cite something that the Board did which is inconsistent with Chapter 14, and they were unable to point to something that showed that the Board's action were inconsistent or contrary to Chapter 14."

Councilor Bushee said, "Well even though the interpretation of New Santa Fe Style is what I consider fairly discretionary, or subjective maybe is a better word. So that was one of their claims."

Mr. Shandler said, "The way I read their petition is it was focused on these three items. Then it becomes a matter of sensibilities and tastes about how much metal you want, but tonight's focus is on, is was metal prohibited under City Code. No, it's not prohibited."

Councilor Bushee said, "All right, just one more thing. The vertical windows I understand, the metal and there was the one about.... I thought it was just about New Santa Fe Style, but is it just about the materials. I read all the minutes and maybe I got myself a little too far into the weeds on this one. The three claims are, the steel, the stone and the windows, so I don't see anything about New Santa Fe.... well they're saying horizontal windows violate recent Santa Fe Style."

Mr. Shandler said, "We looked at the Code provisions on Recent Santa Fe Style and none of these items are prohibited from usage and design."

Councilor Bushee said, "Okay. It's going to get interesting because.... and maybe we can just ask the H-Board at some point to visit. I mean, new materials are going to get introduced. I mean there's a company that's moved here from Arizona that's going to make vigas out of cement. So I think you're going to have to take a look at those details a little more closely. So I think I understand your dismissal of the appeal."

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to approve Case #2014-88, Request for approval of the recommendation of the City Attorney, pursuant to Santa Fe City Code Section 14-3.17(D)(6), that the Governing Body dismiss the appeal of Old Santa Fe Association from the August 12, 2014 decision of the Historic Districts Review Board, in Case #H-14-034, 511 Paseo de Peralta."

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

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

Against: None.

12. RESPONSE TO REQUEST FOR UPDATE ON THE PRODUCTION OF A BACHELOR EPISODE IN SANTA FE. (RANDY RANDALL)

Randy Randall said, "There is an executed contract for \$50,000 between the City of Santa Fe and the production company. Funding will take place in conjunction with the filming. The Bachelor production team has been in Santa Fe and in the surrounding areas for film location scouting. The production team is committed to providing an authentic representation of Santa Fe during the episode. There continues to be exploration and discussion of various film locations in the area. Filming will take place in the Fall. The Santa Fe Episode will be televised in February 2015. Tourism Santa Fe will be working with the production as needed, and we've committed not to make public any of the specific filming dates or creative details to maintain some element of surprise for the February airing of the show, as well as the importance of confidentiality for the protection of the performers. Questions."

Councilor Maestas said, "The cost of the match, it's not even a match, State and City funds could be potentially contributed up to \$100,000, with the City putting in another \$50,000, so it could be as much as \$150,000. Correct."

Mr. Randall said, "No. The contract for the City is \$50,000, and the contract for the State is \$50,000. I do not know if the State has executed their contract, but the total funding responsibility for the City is \$50,000."

Councilor Maestas said, "I thought our action was up to \$100,000."

Mr. Randall said, "It allowed for going to \$100,000 in the event we were required to negotiate. We negotiated very well, and it is \$50,000. It will not be more than \$50,000."

Councilor Maestas said, "Good. Good. That would be good for the public to know, and the State will certainly extend theirs as well. If this production needs \$50,000, the City puts in their \$50,000 first and the State is all \$100,000."

Mr. Randall said, "The checks are given to the production company and they expend the funds. So we do not do reimbursement. It is a check that is made out to the production company as a trade component for them coming here to do the production. And that's why the check from the City will not go to the company until they are here doing the production."

Councilor Maestas said, "I voted for this because I felt the exposure to our City far outweighs the investment. I still feel that way and I think it was good though, because a lot of people didn't understand that no money would be expended unless the City was selected for location, production."

Councilor Maestas asked if there will any kind of measurement of the impact when it's televised, or does the production measure the media impact, how many people are reached. He guesses they gather that information from the ratings, and asked if there is anything the City has to do to measure the benefit from the investment.

Mr. Randall said, "They will certainly let us know what the viewership is. To truly measure the impact probably would take another \$50,000 study. The State spends in excess of \$150,000 a year, measuring the impact of their advertising program, so it really is a very expensive measurement. I am hopeful we will see increases in occupancy, and we'll certainly be able to see the immediate impact on our website for people inquiring about Santa Fe. There will be some ways we can test it, but to truly measure it, you would need to bring in a professional firm to do that, and we do not intend to do that at this point."

Mr. Randall continued, "I would also like to remind everyone that these are Lodgers' Tax dollars that are being used for this expenditure. They are promotional dollars that can only be used for this kind of great opportunity."

Councilor Maestas thanked Mr. Randall, commenting he asked for a briefing at the last meeting, and this is definitely is a positive development.

Mayor Gonzales said, "Being able to measure the return on investment is important, without having to spent the money and being able to identify for the public the ways we could expect the return on the investment is beneficial. Obviously, 15 million viewers watching the show for one hour will have some measurable impact. The calculation on the return on investment is important on these expenditures. The Lodgers' Tax, even if the statement is made to the public is that this isn't money coming out of General Fund dollars, doesn't affect money going into streets, public safety. This is about promoting Santa Fe. I think there still is an expectation that there will be a benefit from the promotion, regardless of how we feel about the venue where Santa Fe is being promoted. I think, in future, as we go forward, including advertising contracts and other things, there has to be a way that we can start measuring the return on the investment, because it helps build confidence in the program or helps us understand if we have to invest more, or not so much more."

Councilor Trujillo said, "Here's my question. Is all the filming going to be done here in Santa Fe. 100% of the filming, in a joint effort between the City and the State."

Mr. Randall said, "It will be all in Northern new Mexico, although there may be some filming that's not in Santa Fe. We've only provided 50% of the support to bring them here, so we couldn't insist that it be here. I do know locations have been looked at outside of the City for certain creative needs and in the City. And in each case, the City location has been their preference. They really are concerned that the show showcases Santa Fe. The reason they are here is because they like they way we look, the feel here, and they want to be sure the show showcases that feeling, but there is no requirement it be in Santa Fe."

Councilor Trujillo said, "This is the reason I didn't support this, because that is exactly what I think – they're going to film in Taos and other parts of State. Of course the Tourism Department is part of it along with us, and you're going to be showcasing other cities, and I didn't see those other cities put any funding toward this thing. I just see the State and the City of Santa Fe, just because it's the Santa Fe name."

Mr. Randall said, "The only city location will be Santa Fe, but there are activities outside of Santa Fe that may need to be brought in from a creative standpoint that frankly, we sell every day to our tourists. Those will be showcased, but the only city will be Santa Fe."

Councilor Bushee said, "We had some conversations that you were going to be discussing this with the County. Were there any offers forthcoming from the County's Economic Development Department."

Mr. Randall said, "Not at this point."

Councilor Bushee said, "Is there any attempt now that we know they are coming to renegotiate with the County on that. We just gave them \$150,000 to finish a trail, a match. It would seem to me that Santa Fe County would.... this isn't going to be just the City, could we please make another request."

Mr. Randall said, "I certainly will. If they don't specifically fund this, my intent is to leverage the value for some other funding they might not have funded. So, one way or the other, we really intend to increase the cooperative aspects we have with the County and share funding opportunities as they did with the New Mexico True TV program."

Councilor Bushee said she would ask again that he pursue that, and Mr. Randall said he will.

Councilor Dimas said this is just one episode of many in which Santa Fe is going to be featured.

Mr. Randall said, "It is one episode in the 2014 season. I don't know the number of episodes, whether it's 9 or 10."

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Kelly Brennan introduced the new assistant City Attorney, Blake Whitcomb, noting he previously was in the Albuquerque City Attorney's Office.

Mr. Whitcomb said he looks forward to working with the City, and asked members of the Governing Body to contact them if they need him to do something for them, and he will contact them as soon as possible.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. 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 September 23, 2014, is incorporated herewith to these minutes as Exhibit "1."

Councilor Rivera

Councilor Rivera had no communications.

Councilor Trujillo

Councilor Trujillo had no communications

Councilor Lindell

Councilor Lindell had no communications.

Councilor Dominguez

Councilor Dominguez said he won't be at the Finance Committee on Monday, and would like to get the agenda as soon as possible and he will let them know who he will choose to chair the meeting.

Mayor Gonzales

Mayor Gonzales introduced a Resolution declaring the City of Santa Fe's continuous support for immigrant issues in Santa Fe, the State of New Mexico and throughout the United States. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Mayor Gonzales said this morning he had the opportunity to sit with the Nurses Union and the Hospital administration with the goal to get them back to the table. He said it was a two hour conversation which revealed insights into both sides, and in the end, both sides committed to meet tomorrow at 9 a.m., at the Community Convention Center to reconvene their dialogue. He believes it is a positive step in the right direction, and we need to continue as a City to be vigilant and pushing both sides to reach an agreement which achieves the overall objective of high quality of health care service in Santa Fe.

Councilor Bushee

Councilor Bushee thanked him for those efforts. She asked if it is too early to be filling the seats on the study committee, noting there was emphasis on waiting until negotiations take place. However, it seems it has been a protracted effort and perhaps we can begin consideration of appointments in the next two Council meetings.

Councilor Bushee would like to see the details of the Mayor's immigrant resolution and is conceptually signing on, but she would like to read the Resolution.

Bushee introduced the following:

1. A Resolution supporting a statewide and national ban on nontherapeutic uses of antibiotics in livestock production and supporting the Protection of Antibiotics for Medical Treatment Act and the prevention of Antibiotic Resistance Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
2. A Resolution Amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
3. A Resolution calling on the President of the United States and our Congressional Delegation to support local efforts to keep the Old Santa Fe Trail National Park Service Building open to the public as a cultural resource and ultimately designated as either a National Historic site or a National Monument.

Councilor Bushee said she would like a report on the Santa Fe ski shuttle, what Committees are hearing it, with regard to the City's match.

Mr. Snyder said based on their conversation, he sent her an email right before the meeting with regard to the 3 items to be followed-up. He said he will get that out for the next Public Works Committee meeting.

Councilor Bushee said she had a bunch of little things regarding Public Works, and she hopes those "get translated to you from Ike." She said there were a lot of little road and sidewalk issues as well that she and Councilor Lindell have been forwarding to Mr. Snyder and hopes to see follow-up on those.

Councilor Bushee asked Mr. Snyder to let us know how the potential of a 311 system or some kind of direct constituent services system can happen.

Councilor Maestas

Councilor Maestas introduced an Ordinance amending the Business License Ordinance, Section 18-1 SFCC 1987 and the Business Registration Ordinance, Section 1802 SFCC 1987, to require businesses that apply for a Business License or Registration, or renew a Business License or Registration to affirm that such businesses are in compliance with the Living Wage Ordinance, Section 28-1 SFCC 1987; and amending Subsection 21-1.8 SFCC 1987, to mandate random audits of businesses to ensure compliance with the Living Wage Ordinance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Maestas thanked staff for their work on the Santa Fe Triathlon this weekend. He said there was great participation, noting Liza provided a gift bag for the Councilors, summarizing participation. He said people from across the country participated. He said this could be a really great tradition. He said athletes, for some reason, like to compete where oxygen is "low." It's a great high altitude competition training.

Councilor Rivera congratulated Councilor Maestas for finishing third in his age group in the triathlon.

Councilor Dimas

Councilor Dimas wished his beautiful bride of 32 years a Happy Anniversary yesterday, and a Happy Birthday on September 12th.

Councilor Ives

Mayor Gonzales introduced the following on behalf of Councilor Ives:

1. A Resolution directing staff, when acquiring fuel powered equipment, including vehicles, to balance the cost of the City's needs with that of producing the lowest carbon footprint the City would create when using such equipment. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6"
2. A Resolution declaring the Governing Body's intent for the City of Santa Fe to become carbon neutral by the year 2040. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

END OF AFTERNOON SESSION AT APPROXIMATELY 6:20 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:00 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Peter N. Ives, Mayor Pro-Tem

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of two pages of petition signatures, submitted for the record by Stephanie Beninato, is incorporated herewith to these minutes as Exhibit "8."

A copy of *Santa Fe Solar Farm Project Program*, entered for the record by Luke Montoya, is incorporated herewith to these minutes as Exhibit "9."

Mayor Gonzales said, "The Nurses have agreed to limit each of their own requests to the Council, and they have asked for Fonda [Osborn] and Cleo [Fowler] to be able to address the Council, and they're going to keep it under 10 minutes collectively. This will be matters that relate to the Nurses Union in terms of any new content that hasn't been presented to the Council from the previous meeting. And when they are done, I know there are members from the public that aren't part of the union, if you would like to address the Council, you're certainly welcome to. Matters will be limited to one minute to address the Council on the other issues as it relates to this."

Fonda Osborn. Ms. Osborn said, "I want to say there is new information since we were here last. Since we were here last, we've now been picketing at the hospital for about 40 days, I think. We've lost track, but we've been out there every day. I know, don't I look like a Kansas farmer now. We have been asking the hospital to come back to the table the whole time to have face to face negotiations with us. Last week, the Mayor called and invited us to a meeting in his office with management to figure out why our negotiations aren't proceeding. And so we, of course, took that invitation up right away. We did meet today and we had a lot of good conversation, so we're going back to the table tomorrow. So I have some cautious optimism that we can proceed. We're going to do our part as the union to get this resolved if we can. I think the parties have outlined our differences, at least in regards to staffing, and so our intent, ourselves, is to make this happen. So, I want to thank you Mr. Mayor for calling us forth. We appreciate all the support we've gotten from the community out there who have come out every day to the picket line to support us, to bring us donuts, bring us other goodies while we're out there. And so we're going to keep our fingers crossed that we can go to the table tomorrow and at least have dialogue with management that will move us towards a resolution. So I think that is all I have to say."

Mayor Gonzales said, "Thank you Fonda, and I do just want to acknowledge your leadership. Today, it was inspiring to see you really try to find a pathway to an agreement. And for people who weren't there, and people that are watching at home, I went in convinced, but I left there absolutely convinced that you are trying to do everything possible, and keep every option open to get to an agreement that protects not only our union members, but assures quality service being delivered by our community hospital. And we all left there committed to try and find a way to doing that. But you and Delma were wonderful, along with all the folks that were there. And I just want to also say to everyone out there, that well, I had the opportunity to be there. I know that all the members of this Council were hoping for the outcome we got and I know that all members of the Council will stay focused on trying to find this pathway to an agreement. So, it was certainly a privilege to be there, but I know you're right, because I share your caution, but we weren't going to get to an agreement by not coming to the table and sitting on the sidelines. So good luck tomorrow. I know you're going to be leading the efforts for the union, but I was inspired by your commitment to really be as open to finding the pathway as you possibly could be."

Ms. Osborn said, "We want our hospital to be not only a good hospital, a great hospital. And I don't know if we're going to get everything that we want this time, but we're determined that it's going to be better than what we had before for the community. And so, again, thank you for listening to me tonight."

Cleo Fowler said, "When the hospital refused to negotiate a guaranteed minimum staffing with the union, I started an on-line petition, requesting the Chair of the Board of our hospital, Dave Delgado, tell the administration to negotiate. In 16 days, that petition had more than 3,000 signatures. 'This' represents the printout of the signatures of the people from Northern New Mexico. 'This' is a country-wide on-line petition, so this doesn't represent the people that aren't in the Santa Fe area. Additionally, people have been collecting paper petitions, because not all of us are computer literate, and they've collected another several hundred signatures. So I speak not for myself alone, but for those 3,000. From many comments on the

petition, it is clear that staffing at our hospital is a health and safety issue for the people of Santa Fe and our visitors. I would like to thank Mayor Gonzales for facilitating a meeting that resulted in the resumption of the negotiations between the hospital administration and the union. And also, to thank Dave Delgado for participating in that process. In order to get our hospital to negotiate guaranteed staffing levels, both the City Council and the County Commission passed resolutions, 20 faith leaders in the community sent a letter to the administration. More than 3,000 people signed a petition, hundreds of people send postcards to members of the Board, the hospital staff picketed, I had maybe worked 43 days, and the Mayor requested a meeting of the administration and the union. Based on that amount of effort that it took to get the hospital to talk with its staff about the concerns of the staff and the community, I think our community based hospital is not responsive to the community. Consequently, I'm asking for two things. First of all, for you to continue to continue to contact and encourage the board members to tell the administration of our hospital to negotiate guaranteed minimum staffing with the union until there is a signed contract. Second, for you to consider passing a Santa Fe City ordinance requiring guaranteed minimum staffing in our hospital in order to protect the health and safety of the citizens of our community. Thank you."

Mayor Gonzales thanked Ms. Fowler for her remarks.

Mayor Gonzales told Ms. Frielich the Council had received her letter, but she can summarize the letter for us.

Laurie Lee Frielich said, "I've got some other people who might want to hear it, if that's okay. Anyway, good evening Mayor Gonzales, City Councils and wonderful neighbors in Santa Fe. I'm Laurie Lee Frielich. I'm a homeowner for 18 years here in Santa Fe, President of the Neighborhood Association Camino Pintores and the Artesano, and member of the DWI Planning Council. I'm also an advocate for safe staffing. This is more than a nurses issue. It is a City issue and probably the most important issue you will face, because all other issues are secondary to your health individually, your family's health and the health of our community. Enough is enough. Christus has imbedded itself into our hospital, supposedly to turn things around, not let's straighten things up. The health care decisions made by Christus are made behind closed doors. We need transparency. We need to know what's going on. Christus has bought practically every medical practice, medical facility and medical clinic in Santa Fe. They have spent thousands of dollars landscaping to the hilt, their purple and white signs are marching up every street, lane and boulevard. Now let's get down to the real business that affects every one of us, the safety and security of our health, without which we will only be known for tourism. We're sick and tired of being compared to and being rated at the bottom of the states. We're sick and tired of being at the top of the list for school dropouts, drug and alcohol abuse and domestic violence. Christus St. Vincents Hospital, our only hospital, has the potential of putting us at the top of the list for healthy and positive practices within. This is for our community. Our lives are on the line. Now City fathers, do diligence. Along with your voices of approval, take action. Meaningful action. Go as a group that represents us, we are your constituents, to Bruce Kassen and let him know what you believe, that our City deserves safe staffing at our only hospital. Use your energies wisely. Demand safe staffing. It is for your health, your family's

health and our health. You will be honored. I want to thank you for your time, your understanding and your consideration."

Former Mayor David Coss, said, "I think there is a list of others to speak."

Mayor Gonzales said, "The nurses have spoken prior to you coming in, now it's just members of the public who would like to address the Council on their issues."

Former Mayor Coss said, "That's appropriate. I'm a member of the public now. Thank goodness..... It's great to see everybody. I was at another event and came down the hill to make it to this, because I just think it's so important. A few years ago, we went through this and a lot of you guys came out to support the nurses and the healthcare nurses. And I wanted to be here to do it again. Because, as I understand it.... and I want to commend the nurses and the healthcare workers for the stance they have made, and how long they're stayed with it now, it's very very impressive to me. But as I understand it, the healthcare workers have passed up raises, management has offered raises, and they've rejected that by pretty good margins in their membership saying staffing is the important issue for us, for our workers safety and for the families. And it seems like they've gotten close to an agreement around the 40th percentile. And, I'm not an expert of how you measure the 40th percentile. But it seems like Christus, it's not impressive as a number, the 40th percentile. But it seems like the healthcare workers were willing to accept that, but then they don't want it enforceable in their contract.

Former Mayor Coss continued, "And that's where I think the public comes in, because we see the slick pieces from Christus. We get the ads. They assure us that everything is fine. I can say that not all of our families are having that experience now. But it would seem just very rational to have a mechanism by which that 40th percentile is measured, monitored and enforced, and the union is really the only one that can do that. The City doesn't have the authority, the County doesn't have the authority, but we need to back them up because they have that authority to have that in their contract as a union. And it bothers me, as a person who, if my dad get sick, or I get sick or my granddaughter get's sick, we're going to Christus. And there's no mechanism that the public understands that the union can enforce to say, well, they're meeting that 40th percentile and we want to see if that works, and what the results are from that. So I think as a hospital, as a private hospital, I don't believe its not-for-profit status anymore, but just as a private business working in our town in something so fundamentally important to all of us, they should agree to a way to measure that 40th percentile and enforce that 40th percentile, so the union can enforce it and all of us that depend on that hospital for health care can see it. Because the PR piece is saying, hey everything's great. That doesn't reassure me any more. That just doesn't do it for me. So thank you very much Mayor, and it's great to see everybody. Thank you for listening to all of us."

Unidentified said the nurses do very much for us and we need to appreciate them, and they hold the hospital together, the guys do pretty good and let's hang on in there and keep getting the good strides we need. Thank you.

Linda Reichert, R.N., said she worked at the hospital for 17 years, and it was the one and only hospital job she had. She said Christus came in and she saw everything changing and she left for her safety of her license and for the community. She went into home health care, and she had all of the same patients. However, the energy wasn't the same, all the people she saw said they didn't have a good experience. She was caring for the same people post-hospitalization as opposed to being in the hospital. She left Home Health and is now working for a major MCO's and she has the same people and with the same issues. She said, "What I'm saying is, this is for the community. This is for these people, I have seen now for 20 years who have the same issues. All we want to do is to take care of our people. That's it. Thank you."

Mayor Gonzales thanked the nurses for their work and for the care and comfort you provide to our communities and to our families in very difficult times. He said as a community, we don't get to thank you for that, but you are always there. "So, on behalf of all of us up here and our community, thank you for the work you're doing. Fonda, good luck tomorrow. I look forward to getting a call from you tomorrow afternoon saying Mayor, we're continuing and it worked. Otherwise, if that isn't the case, then we continue to put the pressure on."

Mayor Gonzales recognized the former first lady, Carol Coss, saying it is nice to see her here this evening.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF ITEM F PETITIONS FROM THE FLOOR
EVENING SESSION
REGULAR MEETING OF THE GOVERNING BODY
September 23, 2014**

MAYOR GONZALES: Stephanie.

STEPHANIE

BENINATO:

Good evening Mayor and City Council. I am here on behalf of 48 people and myself in my neighborhood to present a petition to you about the berm on West Santa Fe Avenue. And what this petition says, I meant to hit send before I came here, so that all of you Council members would have a copy rather than me giving it out by paper. I'm sorry, I was in a hurry, I forgot, but I'll do it when I go home.

However, I do have a copy for you Mayor, for the City lawyer and for the Clerk and for the Reporter, which I'll give it to you in a minute, okay.

MELESSIA HELBERG: Thank you.

MS. BENINATO: This is for the mayor. So what this says is that: *the undersigned find the berm at West Santa Fe Avenue and Galisteo Street to be a nuisance for the following reasons: 1. It creates an ice pond to the east of the berm that lingers for a long time because it is shaded, making use of the intersection hazardous. 2. The berm does not appear to prevent flooding at the intersection since water and debris go over the berm and the berm redirects the water up onto sidewalks and clogs the grates north of it.* There are 49 signatures on this petition. They represent 40 residences, all within one block of that berm. So they are living there on a full time basis. They all experience the berm every day. They see what it does during rains, and we all know it's not working the way it is supposed to be working. Last night, in the middle of a heavy, thunder lightening storm, I was out at the street on my driveway, pulling the weeds off the drain in front of my driveway to prevent the water from coming down my driveway. It was so much water coming through that intersection, and it's not just West Santa Fe Avenue, it's East Santa Fe Avenue and Don Gaspar which I observed on August twenty-sixth also coming down West Santa Fe Avenue, because there's so much force of water at that other side of the street. So I was out there last night. I observed water coming up over the curb coming on the sidewalk in front of my house, hitting my external foundation of my front house and then coming off onto the grate in front of my driveway, all 3 grates on my side of the street are totally covered with leaves, except for the parts that I pulled off which I left there and photographed. All the way down the sidewalk, my sidewalk at 600, there was debris, wood chips. I don't have wood chips. I don't know where the wood chips came from, but they certainly came from the street.

Your honor was just talking about finding a path and negotiating, and isn't it wonderful, that I've asked you several times to meet with me to talk about settlement and your keep taking the City Attorney's advice not to meet with me. So I'm asking you again to meet with me. Because again, we should have settled this case a long time ago. It's wasting City resources. We've already paid the lawyer in Albuquerque \$26,000 which could have been used to settlement, could have been used to improve the drains, but it's not being used that way. And it's not just at Galisteo Street, it's on Don Gaspar. There's water running all across peoples properties. It can no longer run into the arroyo because the water is up and it just hits up on the wall. The City within a month is going to what, take off the paving off of Don Gaspar that they just put on in 2007. I mean, is this a

solution really. It doesn't sound like a very well thought out solution to me. It sounds like, let's just do something because we've got 3 complaints. 49 complaints here. And I'm asking again, your honor that you actually have leadership here and you decide that maybe it's a good idea to try to settle this case. Thank you.

MAYOR GONZALES: Thank you.

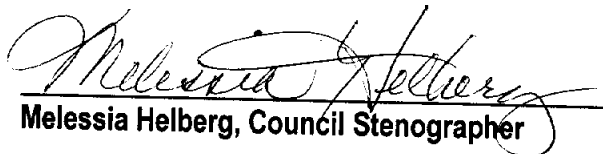
MS. BENINATO: And by the way, the City actually is trying to get a protective order preventing me, as a citizen and as a party, coming here to petition you. It's outrageous. It's my first amendment right. I'm a party. The lawyer in Albuquerque wants to argue I'm acting as a lawyer. I'm not. I'm *pro se*, and I don't know where he's getting that from because he's not reading case law.

MAYOR GONZALES: Thank you Stephanie.

MS. BENINATO: Again, I am petitioning you as a party and as a citizen under my first amendment right.

MAYOR GONZALES: Thank you. Thank you.

I certify that this is a true and accurate transcript of the requested portion of Item F Petitions from the Floor, Evening Session, Regular meeting of the Governing Body, September 23, 2014


Melessia Helberg, Council Stenographer

David McQuarie, 2997 Calle Cerrado, said a few years ago he attended the project kickoff of Old Pecos Trail. He said he knows the description, so he asked the City Manager why they didn't have crossings at some of the streets like they were supposed to. He said his response was, "You people can't make a rational decision where to cross, therefore you can only use the light." He said since when is it "you people," he thought there were civil rights law. He said in April 22, 2014, the Mayor's Committee on plan review "sent you a review of the plan for overlay and curb ramps in Santa Fe for 2013." First remarks. One of the remarks was, "Do not spend public funds on these ramps. They are substandard and against the ADA." He said on September 9, 2014, there was a written, public announcement of some curb ramps

they're doing. All of these were on the previous list we did in 2013, when we said don't do it. He said one the ramps is totally substandard, and it is rough [inaudible] not going west. A public recreation facility, the GCCC, is the best traveled access to the bus. He doesn't know why. [inaudible] Why aren't they improving the curb ramps on the north side of the Alameda at this place. They are doing them on Alto Street, both north and south of Alto. Why not the Alameda where there is more traffic. The answer was [inaudible]. We told them Alameda was more with Alto, what's the matter with the City. It's the staff. On the recent public message put out that gave contacts, I tried to contact, all he got was phone messages that they will call back. I have tried to contact the City Manager, and they would say maybe we'll get back to you. The only one that has gotten back to him is David Chapman, the ADA Coordinator. He said Dave is new to the job and really doesn't know what's going on and what is required. He's learning his job, things like what the City Engineering Department is doing is completely against ADA access.

Mayor Gonzales asked Mr. McQuarie if he would you like to meet with the City Manager.

Mr. McQuarie said my petition tonight to the City is do not fund anything that is not in accordance with the ADA, plus I have a petition. I would like for your to schedule some equal time where could have a meeting. And one point I'll bring out is called bullying. I believe we, especially him, are being bullied by one of your staff members, and he doesn't appreciate it at all.

Mayor Gonzales said he will make sure the time is available for that, and thanked him for his work and for being here this evening.

Luke Montoya said, "I am here because you guys had the newspaper print an article here a few months ago about compliance with some of the federal laws regarding energy from PNM. I represent a consortium of several different companies and corporate structures that specialize in large scale energy production through solar panels that are quite large and full generation facility. What I want, is I would like for you to put me on the agenda formally so I can make a presentation and clue you in as to what the capacities of our companies are. I have a congressional letter from my Congressman saying they will advocate for us with the Attorney General's Office to make sure we support all the laws that governing the Regulation Commission of the State of New Mexico as far as dealing with utilities are concerned. I would like to see you have interest in this. You've already shown that.... I know the time is short, so what I would like is basically to be put on your agenda."

Mr. Montoya continued, "I have spoken with Nick Schiavo on several occasions and his concern is with the legality of using the infrastructure of PNM has in order and in place. There are laws set up to go around them, to use that, to rent it, to lease it to buy it, so that you can be independent of coal-fired energy. With that being said, I think we know we need to take care of the environment. We're cognizant of that. I feel you guys have a progressive attitude. We have wrapped this up to the point that we understand the congressional mandate set by BLM standards to you on BLM for solar capacity anywhere it possibly can to get away from coal-fired energy. So we've got all of the aspects that are connected with this process from

engineering, infrastructure, production, management and financing. I would just like to see if we could get a sponsor and/or somebody to show interest in benefitting the community and making it cleaner. And letting PNM know there are people out here that are aware enough of their environment that they would like to better it. I've given you some information [Exhibit "9"], my phone number is on the back in the middle there somewhere. I know it's a drop like a pendulum, but we feel this is necessary. There were some marches in Albuquerque today about taking care of our environment. I live in Durango, Colorado and the [inaudible] power plants in southwest New Mexico have been proven by the EPA to be the dirtiest in the country. They set sensors around the plant and they did a spectral analysis in space and showed that, beyond the shadow of doubt, they are the dirtiest plants in the country. The haze goes all the way past Durango to the red cliffs. We think we live in beautiful, clean mountain air, but we in fact, don't. That's all I've got."

Mayor Gonzales said, "I really appreciate your coming. And one of the things we have launched is a Climate Action Task Force that is actively looking at renewable energy production. I think your time spent there participating would be, in the short term, a very valuable effort. And then, Councilor Rivera heads up our Public Utilities Committee. It might be good at some point if you would like to spend time with the Councilor. I definitely would contact him, but I would start by getting engaged with the Climate Action Task Force that is actively meeting. The staff member is John Alejandro, and you can find him on the City website. Do you have a phone number for him. And if you can't find him, just call the City Manager's Office and they will direct you to him. He's really the place to start at the City. He's the energy specialist heavily focused on what you're talking about. It's not to defer you from being here, but we want your time to be as productive as possible, so meeting with those individuals will help get things started."

Mr. Montoya said he was basically looking for an alley and that is what he got.

G. APPOINTMENTS

Airport Advisory Board

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

Stephen C. Ross – to fill unexpired term ending 02/2017.

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

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

Planning Commission

Mayor Gonzales made the following appointment to the Planning Commission:

Brian Patrick Gutierrez – to fill unexpired term ending 06/2016.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM RED LOBSTER RESTAURANTS, LLC FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LICENSE #2620, WITH ON-PREMISE CONSUMPTION ONLY, FROM GMRI, INC., TO RED LOBSTER RESTAURANTS, LLC. THIS LICENSE WILL REMAIN AT RED LOBSTER #478, 4450 RODEO ROAD. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of September 17, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not located within 300 feet of a church or school. She said as a condition of approval the applicant is required to receive approval of an active building permit and issuance of a new business license and certificate of occupancy. There are staff reports in the packet regarding litter, noise and traffic and said we do recommend that this business be required to comply with all City ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Trujillo, to approve the request from Red Lobster Restaurants, LLC, for a transfer of ownership of Inter-Local License #2620, with on-premise consumption only, from GMRI, Inc., to Red Lobster Restaurants, LLC, with the license to remain at Red Lobster #478, 4450 Rodeo Road, with all conditions recommended by staff.

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

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

Against: None.

2) REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013-2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER). (MARGARET AMBROSINO)

The staff report was presented by Margaret Ambrosino, from the Memorandum of August 8, 2014, with attachments, to the Finance Committee, from Senior Housing Planner, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Mayor Gonzales asked if there was any input from the public, or is tonight the venue for that.

Ms. Ambrosino said tonight is the venue for that, noting they solicited public comment in the City's advertisement in *The Santa Fe New Mexican*, and they had the document printed and distributed to 6 community locations – the Main Library, Southside Library, the GCCC, Senior Center and a couple of others. They picked up the sign-up sheets which were blank, so they did try.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee asked, regarding Address Current and Emerging Needs, was not funded and is not part of the report – noting it is on packet page 8, report page 5.

Ms. Ambrosino said there is no data there, noting she is working from a HUD generated template and a computerized system which is a data input system allowing for narrative of program activities. She said the particular in question is non-homeless, special needs. She said the CDBG program did not fund categories, Frail, Elderly, certain disabilities. There are community programs and services out there, but this reporting was for CDBG related program funding. She said, at HUD's request, they wanted all the data templates preserved regardless of whether or not they applied.

Councilor Bushee said on page 24 she can see where local programming takes place. She understands this is a report she has to submit every year to show we are complying and utilizing the funds. She asked Ms. Ambrosino if, through these efforts, we actually are helping our homeless population. She noted the CDBG funds continue to shrink and we aren't reaching the housing issue particularly with regard to the homeless.

Ms. Ambrosino said the funding history of CDBG has been supporting down-payment assistance for low to moderate income households. The homelessness piece has been addressed through HUD funding through other service providers and not the City administering those funds.

Councilor Bushee asked if we are chipping away at the problem.

Ms. Ladd said right now we have approximately \$1.2 million in shelter plus care grants funneled through the City to our providers to be used specifically for rental assistance for the homeless. Our two new inflow and housing tax projects, 25% of the units are reserved for people transitioning out of homelessness. She said this year, for the first time through the Affordable Housing Trust Fund, the City funded a rental assistance program that LifeLink is administering for us. We've gotten so many calls from people saying they are about to be evicted asking for resources. And the answer was no until this year, reiterating LifeLink is administering these funds to keep people in their housing. So it's to pay rental arrears, to help someone with a deposit payment if they are moving, pay utilities. She said, "The whole point being it's much easier to help someone with a little short term assistance to keep their housing, rather than to get them rehoused after they have lost their housing."

Councilor Bushee asked if we get to some of the CDBG funds to these programs.

Ms. Ladd said that is a funding allocation decision made by the Community Development Commission makes every year. The Affordable Housing Trust Fund is a different pot of money, so this is funded through revenues through development – the Tierra Contenta repayment and two other funding sources – and when there are sufficient funds we can do an allocation. This was the way we could start a whole new program and really respond to the need we were hearing in the community.

Councilor Bushee would like a presentation in this regard to the Public Works and/or Finance Committees to really look at the growing needs proportionally.

Ms. Ladd said certainly. She said the Housing Needs Assessment done in 2013 showed that the most pressing, emerging unmet need was for rental housing for very low income people. We probably need to look at updating some of the data that went into the housing needs analysis, because needs do change. Unfortunately, we're stuck with data sources that always lag behind.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve this request as presented by staff, with the hope that we continue to keep pace with the growing, changing needs in the community..

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

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

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2014-25: ADOPTION OF ORDINANCE NO. 2014-30 (COUNCILOR IVES AND COUNCILOR RIVERA). AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THE CITY OF SANTA FE TO CONDUCT A PUBLIC HEARING BEFORE THE GOVERNING BODY VOTES ON REALLOCATION PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE. (KELLEY BRENNAN)**

A copy of a proposed amendment to Bill No. 2014-25, Bond/Tax Reallocation, submitted by Joseph M. Maestas, City Councilor, is incorporated herewith to these minutes as Exhibit "10."

Kelley Brennan, City Attorney said this is largely self-explanatory, and is addressing an issue that arose recently in the reallocation of funds from a bond issue for Parks and other public spaces. She said she would stand for questions.

Councilor Rivera agreed that it is self-explanatory, noting there are two amendments, one from POSAC with which he is agreeable, and also one from Maestas which should be on your desk [Exhibit "10"], with which he also is agreeable.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to adopt Ordinance No. 2014-30, with the amendments in the packet and Exhibit "10."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend Councilor Maestas proposed amendment, after the word materials on the last line, "... Public information materials generated by the City of Santa Fe shall be consistent with that purpose." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said the language makes it clear that it is materials generated by the City of Santa Fe and it is also consistent with the amendment provided by POSAC.

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

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

Against: None.

I. ADJOURN

Councilor Rivera said he would like to wish Councilor Dimas a Happy Birthday on September 25, 2014.

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

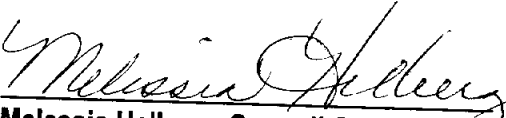
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer



CITY COUNCIL MEETING OF
September 23, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

| Mayor Javier Gonzales | | |
|------------------------|--|--|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | A RESOLUTION DECLARING THE CITY OF SANTA FE'S CONTINUOUS SUPPORT FOR IMMIGRANT ISSUES IN SANTA FE, THE STATE OF NEW MEXICO AND THROUGHOUT THE UNITED STATES. | City Council – 10/8/14 |
| Councilor Patti Bushee | | |
| Co-Sponsors | Title | Tentative Committee Schedule |
| | A RESOLUTION SUPPORTING A STATEWIDE AND NATIONAL BAN ON NONTHERAPEUTIC USES OF ANTIBIOTICS IN LIVESTOCK PRODUCTION AND SUPPORTING THE PROTECTION OF ANTIBIOTICS FOR MEDICAL TREATMENT ACT AND THE PREVENTION OF ANTIBIOTIC RESISTANCE ACT. | City Council – 10/8/14 |
| | A RESOLUTION AMENDING RULE 16A OF THE CITY OF SANTA FE PERSONNEL RULES AND REGULATIONS REGARDING DRUG AND ALCOHOL TESTING POLICIES FOR TRANSIT DIVISION EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS. | Transit Advisory Board – 9/23/14 Finance Committee - 10/20/14 Public Safety Committee – 10/21/14 City Council - 10/29/14 |
| | A RESOLUTION CALLING ON THE PRESIDENT OF THE UNITED STATES AND OUR CONGRESSIONAL DELEGATION TO SUPPORT LOCAL EFFORTS TO KEEP THE OLD SANTA FE TRAIL NATIONAL PARK SERVICE BUILDING OPEN TO THE PUBLIC AS A CULTURAL RESOURCE AND ULTIMATELY DESIGNATED AS EITHER A NATIONAL HISTORIC SITE OR A NATIONAL MONUMENT. | City Council - 10/8/14 |
| Councilor Bill Dimas | | |
| Co-Sponsors | Title | Tentative Committee Schedule |
| | | |

E. Whitely "11"

| Councilor Carmichael Dominguez | | |
|---------------------------------------|--------------|-------------------------------------|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | | |

| Councilor Peter Ives | | |
|-----------------------------|---|---|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | A RESOLUTION DIRECTING STAFF, WHEN ACQUIRING FUEL POWERED EQUIPMENT, INCLUDING VEHICLES, TO BALANCE THE COST OF THE CITY'S NEEDS WITH THAT OF PRODUCING THE LOWEST CARBON FOOTPRINT THE CITY WOULD CREATE WHEN USING SUCH EQUIPMENT. | Finance Committee - 9/29/14 Public Utilities Committee - 10/1/14 City Council - 10/8/14 |
| | A RESOLUTION DECLARING THE GOVERNING BODY'S INTENT FOR THE CITY OF SANTA FE TO BECOME CARBON NEUTRAL BY THE YEAR 2040. | Finance Committee - 9/29/14 Public Utilities Committee - 10/1/14 City Council - 10/8/14 |

| Councilor Joseph Maestas | | |
|---------------------------------|---|--|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE, SECTION 18-1 SFCC 1987 AND THE BUSINESS REGISTRATION ORDINANCE, SECTION 18-2 SFCC 1987 TO REQUIRE BUSINESSES THAT APPLY FOR A BUSINESS LICENSE OR REGISTRATION OR RENEW A BUSINESS LICENSE OR REGISTRATION TO AFFIRM THAT SUCH BUSINESSES ARE IN COMPLIANCE WITH THE LIVING WAGE ORDINANCE, SECTION 28-1 SFCC 1987; AND AMENDING SUBSECTION 28-1.8 SFCC 1987 TO MANDATE RANDOM AUDITS OF BUSINESSES TO ENSURE COMPLIANCE WITH THE LIVING WAGE ORDINANCE. | Finance Committee - 10/20/14 City Council (request for publication) – 10/29/14 City Council (public hearing) – 12/10/14 |

| Councilor Chris Rivera | | |
|-------------------------------|--------------|-------------------------------------|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | | |

| Councilor Ron Trujillo | | |
|-------------------------------|--------------|-------------------------------------|
| Co-Sponsors | Title | Tentative Committee Schedule |
| | | |

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

2 **RESOLUTION No 2014-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier Gonzales

6 Councilor Patti Bushee

7 Councilor Signe Lindell

8
9
10 **A RESOLUTION**

11 **DECLARING THE CITY OF SANTA FE'S CONTINUOUS SUPPORT FOR IMMIGRANT**
12 **ISSUES IN SANTA FE, THE STATE OF NEW MEXICO AND THROUGHOUT THE**
13 **UNITED STATES.**

14
15 **WHEREAS**, over the past 400 years, Santa Fe has been a home for many immigrants who
16 came to this continent seeking a better way of life; and

17 **WHEREAS**, the City of Santa Fe is a welcoming city with a sizeable Central-American
18 immigrant population and a history of providing sanctuary for immigrants; and

19 **WHEREAS**, through the adoption of Resolution No. 1985-129, the then Governing Body
20 declared that Santa Fe is a city of refuge for refugees from El Salvador and Guatemala; and

21 **WHEREAS**, through the adoption of Resolution No. 1999-6, the then Governing Body
22 declared a policy of non-discrimination on the basis of a person's national origin and declared that the
23 City of Santa Fe will be a community where all persons will be treated equally, with respect and
24 dignity, regardless of immigration status; and

25 **WHEREAS**, since 2012, an increasing number of unaccompanied immigrant minors have

1 been making the long, arduous journey to the United States; and

2 **WHEREAS**, in recent months, there has been an influx of immigrant women and children
3 from El Salvador, Guatemala and Honduras who are housed at a U. S. Facility in Artesia, New
4 Mexico; and

5 **WHEREAS**, first-hand accounts by attorneys and human rights advocates at the Artesia
6 makeshift detention center reveal substandard conditions for women and children, inadequate and
7 unsustainable legal services for those who may qualify for lawful status, lack of educational, medical
8 and mental health services for incarcerated families, exorbitant bonds, and due process violations; and

9 **WHEREAS**, several national civil rights organizations recently filed a lawsuit against the
10 government alleging the violation of civil rights and due process for the incarcerated women and
11 children in Artesia; and

12 **WHEREAS**, the expansion of family detention centers was halted in 2009 by the Obama
13 administration after public opposition and lawsuits challenging the inhumane conditions at these
14 centers, and the rapid expansion of family detention in the last three months is an alarming reversal of
15 this policy; and

16 **WHEREAS**, the United Nations Committee on the Rights of the Child in 2013 called on all
17 countries to completely cease the detention of children on the basis of their immigration status; and

18 **WHEREAS**, studies have shown that keeping children in prison-like conditions for any
19 amount of time is damaging to their educational and psychological development and health; and

20 **WHEREAS**, the City of Santa Fe Immigration Committee has expressed concerns regarding
21 the lack of efforts for assistance regarding the immigrant women and children in the facility; and

22 **WHEREAS**, news accounts report deplorable living conditions, expeditious deportations
23 even after demonstrating credible fear of returning to their country and slow due process proceedings;
24 and

25 **WHEREAS**, on July 8, 2014, President Obama asked Congress for \$3.7 billion for fiscal

1 year 2014 to comprehensively address the urgent humanitarian situation on both sides of the
2 southwest border of the United States which includes addressing the situation in Artesia, New
3 Mexico; and

4 **WHEREAS**, funds would support a sustained border security, additional immigration judge
5 teams, immigration prosecutors and immigration litigation attorneys to ensure cases are processed
6 fairly and quickly; and

7 **WHEREAS**, the Governing Body does not support the incarceration and expedited
8 deportation of women and children who are currently housed in Artesia, however, the Governing
9 Body supports humanitarian efforts on behalf of the immigrant women and children who are currently
10 housed at the Artesia facility.

11 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE** that the Governing Body hereby declares its continuous support for immigrant
13 issues in Santa Fe, the state of New Mexico and throughout the United States.

14 **BE IT FURTHER RESOLVED** that the Governing Body calls on the federal government to
15 immediately stop the expansion of family detention centers and the prolonged detention and
16 expedited deportation of refugees and immigrants arriving from Central America.

17 **BE IT FURTHER RESOLVED** that the Governing Body calls on the City's Congressional
18 Delegation to support the 3.7 billion dollar request by President Obama to address the urgent
19 humanitarian situation on both sides of the southwest border of the United States which includes
20 support for the immigrant women and children who are currently housed at the Artesia facility.

21 **BE IT FURTHER RESOLVED** that the Governing Body calls on the federal government to
22 close the Artesia detention facility, reverse the "detain and deport" policy, and find cost-effective and
23 humane alternatives to detention for the women and children incarcerated there

24 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
25 resolution to the City of Santa Fe's Congressional Delegation.

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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, CITY ATTORNEY

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

2 **RESOLUTION NO. 2014-__**

3 **INTRODUCED BY:**

4
5 Councilor Patti Bushee

6 Councilor Signe Lindell

7
8
9
10 **A RESOLUTION**

11 **SUPPORTING A STATEWIDE AND NATIONAL BAN ON NONTHERAPEUTIC USES OF**
12 **ANTIBIOTICS IN LIVESTOCK PRODUCTION AND SUPPORTING THE PROTECTION**
13 **OF ANTIBIOTICS FOR MEDICAL TREATMENT ACT AND THE PREVENTION OF**
14 **ANTIBIOTIC RESISTANCE ACT.**

15
16 **WHEREAS**, eighty percent of the antibiotics sold in the United States are used in livestock
17 production; and

18 **WHEREAS**, the Centers for Disease Control and Prevention has reported that most of those
19 antibiotics are used irresponsibly; and

20 **WHEREAS**, low doses of antibiotics are routinely fed to livestock for growth promotion and
21 disease prevention to compensate for crowded, unsanitary conditions, in a practice known as
22 "nontherapeutic use"; and

23 **WHEREAS**, "nontherapeutic use" creates ideal conditions for the development of antibiotic
24 resistant bacteria; and

25 **WHEREAS**, antibiotic resistant bacteria on livestock operations are known to spread to retail

1 meat, farmers and farmworkers and rural environments; and

2 **WHEREAS**, antibiotic resistance in pathogens due to nontherapeutic use of antibiotics in
3 livestock production has been a public health concern since the 1960s; and

4 **WHEREAS**, antibiotic resistant bacteria have been the cause of several foodborne illness
5 outbreaks, including a 2011 outbreak of antibiotic resistant *Salmonella* in ground turkey that sickened
6 136 people, hospitalized 37, and killed one and lead to the third largest meat recall in the USDA's
7 records and a 2013 outbreak of antibiotic resistant *Salmonella* in chicken that sickened 416 people
8 and hospitalized 162; and

9 **WHEREAS**, the Centers for Disease Control and Prevention reported that at least two
10 million Americans suffer from antibiotic resistant bacterial infections each year and twenty-three
11 thousand Americans die from those infections; and

12 **WHEREAS**, the medical and social costs of antibiotic-resistance infections in just one
13 hospital for one year have been estimated to be between \$13 million and \$18 million; and

14 **WHEREAS**, the federal government has limited nontherapeutic uses of two classes of
15 antibiotics, but otherwise largely relied on voluntary guidance to attempt to reduce overuse of
16 antibiotics in livestock production, despite regular acknowledgements that nontherapeutic use and the
17 development of antibiotic resistant bacteria poses a significant public health threat.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF**
19 **THE CITY OF SANTA FE** that the Governing Body supports a statewide and national ban on
20 nontherapeutic uses of antibiotics in livestock production.

21 **BE IT FURTHER RESOLVED**, that the Governing Body supports the Protection of
22 Antibiotics for Medical Treatment Act and the Prevention of Antibiotic Resistance Act (PARA).

23 **BE IT FURTHER RESOLVED** that the City Clerk is directed to send a copy of this
24 resolution to the City's United States Congressional Delegation and the City's State
25 Legislative Delegation. **PASSED, APPROVED, AND ADOPTED** on this ____ day of

1 _____, 2014.

2

3 _____
JAVIER M. GONZALES, MAYOR

4 ATTEST:

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6 _____
YOLANDA Y VIGIL, CITY CLERK

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8 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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M/Melissa/2014 Resolutions/Antibiotics

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-____

3 INTRODUCED BY:

4
5 Councilor Patti Bushee

6 Councilor Signe Lindell
7

8
9
10 A RESOLUTION

11 AMENDING RULE 16A OF THE CITY OF SANTA FE PERSONNEL RULES AND
12 REGULATIONS REGARDING DRUG AND ALCOHOL TESTING POLICIES FOR
13 TRANSIT DIVISION EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS.
14

15 WHEREAS, Section 19-5.1 SFCC 1987 requires that personnel rules and regulations ("*Rules*
16 *and Regulations*") be adopted by resolution of the governing body; and

17 WHEREAS, Rule 16A of the *Rules and Regulations* relates to drug and alcohol testing
18 polices for the City Transit Division who perform "safety sensitive functions;" and

19 WHEREAS, Rule 16A needs to be amended to be consistent with the requirements of the
20 Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration
21 Regulations, 49 CFR Parts 655 which sets standards for the collection and testing of urine and breath
22 specimens; and

23 WHEREAS, Rule 16A is intended to achieve a drug and alcohol-free workplace and to
24 reduce the probability of accidents or incidents related to the use and/or abuse of alcohol and other
25 drugs by employees and to establish procedures for drug and alcohol testing and to encourage early

1 intervention through supervisory involvement.

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that Rule 16A of the *Rules and Regulations* is hereby amended and adopted in
4 accordance with the changes reflected on the attached "Exhibit A."

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

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JAVIER M. GONZALES, MAYOR

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10 ATTEST:

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13 YOLANDA Y. VIGIL, CITY CLERK

14 APPROVED AS TO FORM:

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17 KELLEY A. BRENNAN, CITY ATTORNEY

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25 M/Melissa/Resolutions 2014/Drug and Alcohol Testing Policy_Rule 16A

RULE 16A**PERSONNEL RULES, REGULATIONS AND POLICIES FOR DRUG AND ALCOHOL
TESTING POLICY FOR TRANSIT DIVISION****SECTION 1. PURPOSE AND APPLICABILITY.**

The purpose of this policy is to establish the City of Santa Fe's program and procedures for implementing the requirements of the Omnibus Transportation Employee Testing Act of 1991 and Federal Transit Administration Regulations, 49 CFR Parts 655, as amended, and the regulation published in CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens, with regards to certain Transit Division employees performing "safety sensitive functions," as that term is defined in the federal law and in this policy. This policy is intended to achieve a drug and alcohol-free workplace and to reduce the probability of accidents or incidents related to the use and/or abuse of alcohol and other drugs by employee, to establish procedures for drug and alcohol testing and to encourage early intervention through supervisory involvement.

Rule 16A, as set forth herein, applies only to Transit employees who perform safety sensitive functions. A list of all covered positions/classifications is set forth in Section 3 of this Policy. Rule 16 of the City of Santa Fe Personnel Rules and Regulations, entitled "Drug and Alcohol Testing Rule for Federally Mandated Employees," shall not apply to Transit employees: Rule 16A supersedes Rule 16 with respect to Transit employees only. All other federally mandated employees, as that term is described in Rule 16, are subject to the provisions of Rule 16.

This policy outlines four principles as a means to achieve the goal of providing workplace free from the effects of drug and alcohol use and abuse for its employees: deterrence, treatment and rehabilitation, detection and enforcement. Deterrence will be emphasized through education and training. Information regarding the effects of substance abuse in the workplace will be made available to all safety sensitive classified employees, and supervisors and managers will receive special training in detection, early intervention and enforcement. The City's Employee Assistance

1 Program provides assistance to employees with personal problems, including those associated with
2 the misuse of drugs and alcohol. The City supports rehabilitation before an employee's job is in
3 jeopardy. Employees are encouraged to seek help for drug and alcohol problems.

4 The City employs the following drug and/or alcohol testing for the purpose of detection: pre-
5 employment, reasonable suspicion, post accident, return to duty, follow up and random.

6 **SECTION 2. POLICY STATEMENT.**

7 A. The City of Santa Fe is committed to maintaining a drug-free workplace to promote both the
8 quality of its services and the safety of its employees, its customers and the public. Every
9 City of Santa Fe Transit Division or employee of a Transit contractor who holds a position
10 which would be defined as safety-sensitive (covered employee) is subject to regulations
11 issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 (the Act).
12 Each covered employee under the City of Santa Fe's authority is:

- 13 1. prohibited from using, possessing, selling, purchasing manufacturing, distributing, or
14 transferring alcoholic beverages (except off-duty use at public events) or controlled
15 substances or other performance-impairing substance while on duty or on City of
16 Santa Fe property; and
- 17 2. prohibited from being present on City of Santa Fe property (except off duty alcohol
18 use at public events), reporting to work or performing work while that employee is
19 under the influence of alcohol or has any controlled substance or other performance-
20 impairing substance in his/her system; and
- 21 3. required to submit to an alcohol and/or drug test when directed by the City of Santa
22 Fe; and, prohibited from tampering or attempting to tamper with such alcohol and/or
23 drug test.

24 Under FTA authority, employees are prohibited from the consumption of alcohol within four
25 (4) hours of the employee's scheduled time to report for work, or within eight (8) hours

1 following an accident or until the employee takes a post-accident alcohol and or drug test,
2 whichever occurs first; and

3 B. Each covered employee, under the City of Santa Fe's own authority:

- 4 1. shall be responsible for informing his/her supervisor when being prescribed
5 medication that is covered under the terms of this policy and shall use medically
6 authorized drugs or over the counter medications in a manner which will not impair
7 on-the-job performance; and
- 8 2. shall promptly report to his/her supervisor whenever he/she observes or has
9 knowledge of another employee who poses a hazard to the safety and welfare of
10 others.

11 C. In accordance with the Omnibus Transportation Employee Testing Act of 1991 And the
12 regulations issued pursuant to this Act:

- 13 1. It is the City of Santa Fe's policy that every covered employee comply with the
14 City's Drug and Alcohol Testing Policy for Transit Division which details the City's
15 program.
- 16 2. Compliance with the Policy is a condition of employment with the City of Santa Fe
17 for all covered employees.
- 18 3. Under the City of Santa Fe's own authority, violations will result in discipline in
19 accordance with Section 13 of this Policy.

20 D. Prescription drugs may be used in amounts as lawfully prescribed. As necessary, Employees
21 shall be required to provide proof of lawful prescription. Employees shall advise their
22 supervisors if the prescription drugs may affect their ability to perform work duties safely and
23 efficiently.

24 E. This policy is intended to comply with all applicable Federal regulations governing
25 workplace anti-drug and alcohol in the transit division. Specifically, the Federal Transit

Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, and 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

SECTION 3. COVERED EMPLOYEES.

As required by the regulations issued pursuant to the Omnibus Employee Testing Act of 1991, the City of Santa Fe shall conduct drug and alcohol testing for all covered employees. Covered employees are those employees who occupy positions that perform a "safety –sensitive" function and applicants for a safety-sensitive position. "Safety sensitive" functions are defined as:

1. operating revenue service vehicles, including operation when the vehicle is not in revenue service;
2. operating non-revenue service vehicles when operation of such vehicles requires the driver to hold a Commercial Driver's License (CDL);
3. controlling the dispatch or movement of a revenue service vehicle;
4. maintaining a revenue service vehicle or equipment used in revenue service; or
5. carrying a firearm for transit security purposes.

A list of all covered positions/classifications is attached as Exhibit 1 to this Policy. In addition, all employees of independent contractors who perform services for the City of Santa Fe's Transit Division in positions which are safety-sensitive, as outlined above, will also be subject to the testing requirements outlined in this Policy.

SECTION 4. EDUCATION.

Every covered City of Santa Fe employee will receive a copy of this Policy. Transit Division employees will receive a minimum of sixty (60) minutes of training regarding this Policy and the effects of prohibited drug use and alcohol misuse that impacts and individual's biological, emotional, psychosocial well being. The effects of misuses can be seen in an individual's work performance, attitude and social interaction. Training shall be provided to each covered employee within 60 days

1 of adoption of this Policy for current employees, and within 60 days of a new employee's date of hire.

2 All City of Santa Fe Transit supervisory personnel who are designated to determine whether
3 reasonable suspicion exists to require a covered employee to undergo alcohol and/or drug testing will
4 also receive a minimum of one hundred and twenty (120) minutes of training on the physical,
5 behavioral, speech, and performance indicators of probable prohibited drug use and alcohol misuses.

6 **SECTION 5. SUBSTANCES TESTED**

7 **A. Alcohol**

8 Employees subject to alcohol testing will have a sample of their breath tested for the presence
9 of the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight
10 alcohol including methyl or isopropyl alcohol. U.S. Department of Transportation 49 CFR
11 Part 40, as amended breath alcohol testing forms shall be used. A breath alcohol level of 0.04
12 or greater constitutes a positive test result. In addition, under its own authority the City
13 considers a second breath alcohol test level between 0.02 and 0.039 within a 12-month period
14 to constitute a positive test result. A confirmation test will be given if an employee's initial
15 breath alcohol test level exceeds 0.04.

16 In accordance with the regulations, covered employees shall only be randomly tested for
17 alcohol misuse while the employee is performing safety-sensitive functions; just before the
18 employee is to perform safety-sensitive functions; or just after the employee has ceased
19 performing such functions.

20 Any refusal to submit to an alcohol test, and all positive alcohol tests, will be reported
21 immediately by the testing facility to the City of Santa Fe (DER) Designated Employer
22 Representative as required by law.

23 **B. Drugs**

24 Employee subject to drug testing will have a sample of their urine tested for the presence of
25 five (5) drugs, as follows:

1. Marijuana (THC)
2. Cocaine
3. Opiates
4. Amphetamines (MDMA, MDA, MDEA)
5. Phencyclidine (PCP)

Under its own authority, the City does not retest negative dilute specimens. The original test will stand as the result of record. ~~[Any refusal to submit to a required drug and/or alcohol test or failure to provide a sufficient specimen and/or breath with no medical explanation is considered a refusal and will be immediately reported by the collection site to the City of Santa Fe Designated Employer Representative. Additionally, failure to undergo a medical evaluation related to testing as required by the MRO or DER for drug and alcohol testing shall also constitute a refusal.]~~

~~[Failure to permit monitoring or observation under drug testing, failure to take a second test as directed by the collector or employer under drug testing and an attempt to alter, taint or otherwise provide a false sample as verified by the MRO also constitutes a refusal.]~~

~~[Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process), or failure to sign the certification at Step 2 of the Alcohol Testing Form (ATF) is considered a refusal.]~~

An employee will be deemed to have refused to take an drug or alcohol test if any of the conditions listed in 49 CFR Part 40.191 or 49 CFR Part 40.261 are met (Part 40 is available in the office of Risk Management).

All drug tests will be reported by the testing laboratory to a medical review officer (MRO) who will evaluate the results. U.S. Department of Transportation 49 CFR Part 40, as amended drug testing forms shall be used. After evaluation and interpretation, all verified positive test results will be reported by the MRO to the employee and to the City of Santa Fe Designated Employer Representative.

1 With respect to verified positive drug tests, employee will be notified by the MRO that they
2 have seventy-two (72) hours following this notification in which they can request, at their own
3 expense, that split urine specimen be tested by another Department of Health and Human Services
4 (DHHS) certified testing laboratory. However, in the event that the split sample test is negative, the
5 employee will be reimbursed for the test.

6 Failure to request testing of the split specimen within seventy-two (72) hours of being
7 notified of a positive test by the MRO will result in the test results from the original specimen being
8 accepted as the final test results.

9 **SECTION 6. TYPES OF TESTING**

10 The following tests will be required of all covered employees in accordance with the City of
11 Santa Fe alcohol and drug testing procedures:

- 12 1. Pre-employment tests
- 13 2. Post-accident tests
- 14 3. Random tests
- 15 4. Reasonable suspicion tests
- 16 5. Return to duty/Follow-up tests

17 The City of Santa Fe alcohol and drug testing procedures will be conducted in accordance
18 with 49CFR Part 40, as amended, and will incorporate all requirements set forth in the federal
19 regulations to ensure employee confidentiality and the integrity of the testing process, to safeguard
20 the validity of the test results, and to see that test results are attributed to the correct covered
21 employee.

22 **SECTION 7. PRE-EMPLOYMENT TESTING.**

23 A. The following persons will be subject to pre-employment drug testing in accordance with the
24 City of Santa Fe alcohol and drug testing procedures:

- 25 1. Applicants selected for one of the covered positions listed in Section 3.

1 2. Any covered employee who has not performed safety-sensitive duties and has not
2 been in the random pool for 90 days or more must provide a verified negative result
3 before returning to safety-sensitive duties.

4 3. Current City employees selected for assignment into one of the covered positions
5 listed in Section 3, if not currently employed in one of these positions.

6 B. Individuals identified in Section 7.A. will be informed that they are subject to pre-
7 employment drug testing at the time they apply for a covered position. Once a job offer is
8 made, covered employees shall have a urine sample collected and tested for evidence of the
9 substances listed in Section 5.B. For individuals identified in Section 7.A.1, tests may be
10 conducted as part of a routine pre-employment physical examination. The time, date and
11 location of the physical examination and drug test will be announced in advance of the test.
12 Individuals identified in Section 7. A.2 who do not require a routine pre-employment physical
13 examination will be notified, in advance, of the time, date and location of the drug test only.
14 Individuals identified in Section 7.A.2 who do not require a routine pre-employment physical
15 examination will be notified, in advance, of the time, date and location of the drug test only.
16 An applicant must produce a negative drug test result prior to first performing a safety
17 sensitive duty; if the test is canceled, the employee must retake and pass the test before being
18 hired; and an employee being transferred must provide a verified negative urinalysis prior to
19 performing a safety-sensitive function.

20 C. Disqualification from City of Santa Fe Employment

- 21 1. Applicants for initial hire will be disqualified from City of Santa Fe employment if
22 they:
- 23 a. fail to appear for the physical examination and urine collection on the
24 designated day unless excused by the City for good and verifiable cause: or
25 b. refuse to provide a urine sample; or

- c. to alter, taint or otherwise provide a false sample; or
 - d. test positive for the presence of one of the substances listed in Section 5.B; or
 - e. refuse to consent under Federal Transit Administration (FTA) regulations to allow the City of Santa Fe to obtain the drivers' previous employer's information on positive controlled substances and/or alcohol test results and refusal to be tested within the previous two (2) years; or
 - f. have tested positive or have refused to be tested when required by a previous employer within the last (2) years and have not successfully completed required recommendations of a substance abuse professional.
2. Current employees subject to pre-employment drug testing will be disqualified from the position they are seeking if they commit one of the acts listed in 1(a) 1(f) of Section 7.C above. Current employee subject to pre-employment drug testing will also be subject to discipline in accordance with Section 13 if they commit one of the acts listed in 1(c) or 1(d) of Section 7.0 above.
 3. Persons who are disqualified from the position that required the pre-employment test shall be disqualified from applying for any covered City of Santa Fe position for a period of (2) years. Applications from such persons will hereafter only be accepted if accompanied by a current written statement from licensed substance abuse professional verifying that the applicant is not then an abuser of alcohol and/or active user of drugs.

SECTION 8. POST-ACCIDENT TESTING.

All employees in covered positions as identified in Section 3 of this Policy will be subject to post-accident alcohol and drug testing in accordance with this the City's alcohol and drug testing procedures.

- A. An "accident" requiring an alcohol and drug test is any accident where:

1. a fatality has occurred; or
 2. non-fatality, a City of Santa Fe safety officer, supervisor or other qualified person shall be responsible for making a determination whether a post-accident drug and alcohol test is required at the time any covered employee is involved in a non-fatal accident involving a bus, automobile, van or commercial motor vehicle that requires the driver to carry a commercial driver's license (CDL); all covered employees operating the mass transit vehicle must test unless their performance can be completely discounted as a contributing factor based on the best information available at the time of the decision in which:
 - a. injuries were sustained requiring the injured person to immediately receive medical attention away from the scene, or any vehicle involved in the accident is disabled and towed away; or
 - b. one or more vehicles receives disabling damage; or
 - c. an individual falls on a vehicle and requires immediate transport to a medical treatment facility
- 15 B. The City of Santa Fe will also test any covered employee whose performance could have contributed to the accident.
- 17 C. Employees required to submit to post-accident drug and alcohol testing shall be tested as soon as possible (in all cases drug tests shall be conducted within thirty two (32) hours following the accident and alcohol tests shall be conducted within eight (8) hours of the accident). In the event an alcohol test is not completed within two hours of the accident, the supervisor will document in a report, the reason and if not able to obtain a specimen in 8 hours, the attempt will be ceased and the two hour report will be updated. Records shall be submitted to FTA upon request of the Administrator.
- 24 D. An employee required to submit to a post-accident drug and alcohol test will be transported by the City to the collection site and will be required to sign the required form. The

1 employee must provide a urine and breath sample unless it is determined by medical
2 personnel present that the employee is medically unable to provide the required samples.
3 Following the test, the employee will be relieved of duty with pay pending the City's receipt
4 of the results of the tests from the MRO.

5 E. It is the City of Santa Fe's policy that employees who are required to submit to a post-
6 accident drug and alcohol test will be subject to discipline in accordance with Section 13 of
7 this Policy if they:

- 8 1. refuse to sign the required form or refuse to provide a breath and/or urine sample
9 (such refusal shall constitute a verified positive drug and/or alcohol test result); or
- 10 2. attempt to alter, taint, or otherwise provide a false sample; or
- 11 3. test positive for the presence of one or more of the substances listed in Section 5 in
12 this Policy.

13 F. Covered employees must be readily available for post-accident testing. If an employee fails
14 to remain readily available, e.g., notifying supervisor where employee can be located if
15 employee leaves scene of the accident prior to submitting to testing, the employee will be
16 deemed to have refused to submit to testing which shall constitute a verified positive drug
17 and/or alcohol test result. The requirement to immediately report for post-accident testing is
18 stayed while an employee assists in resolution of an accident or receives medical attention
19 following an accident. In such cases, the employee shall report for post-accident testing
20 immediately after the employee completes provision of necessary post-accident assistance or
21 after necessary medical attention is provided.

22 **SECTION 9. RANDOM TESTING**

23 A. The City of Santa Fe will maintain a listing of the names of all employees in the covered
24 positions listed in Section 3. During each calendar year, alcohol and/or drug tests will be
25 administered to these employees on a random-selection basis in accordance with federal

1 alcohol and drug testing regulations and with the City of Santa Fe's alcohol and drug testing
2 program. Federal Transit Administration regulations require random drug and alcohol testing
3 for all Transit employees performing safety sensitive functions. The City will test at FTA
4 annual minimum random testing rates as set in the Federal Register as per 49 CFR Part
5 655.45 (b).

6 B. All covered employees will be subject to unannounced drug and alcohol testing on a random
7 basis and a covered employee may be randomly tested for prohibited drug use anytime while
8 on duty. The dates for administering unannounced testing of randomly selected employees
9 shall be spread reasonably throughout the calendar year. Employees will be selected through
10 the use of a scientifically valid random number selection method. All covered employees
11 will remain in the random pool, even after being selected for testing. Thus, it is possible for
12 an employee to be selected for testing more than once within a given time period.

13 C. Employees subject to random drug and alcohol testing will be required to sign the required
14 form at the time of testing/collection.

15 D. Employees selected for random alcohol and/or drug tests will be provided with transportation
16 and will immediately report to the collection site where they will be required to provide a
17 breath and/or urine sample.

18 E. It is the City of Santa Fe's policy that employees will be subject to discipline in accordance
19 with Section 13, of this Policy if they:

- 20 1. do not appear and complete a random drug and/or alcohol test immediately following
21 notification to appear for such tests, refuse to sign the required form or refuse to
22 provide a breath and/or urine sample (such failure to appear or refusal shall constitute
23 a verified positive drug and/or alcohol test result); or
- 24 2. attempt to alter, taint or otherwise provide a false sample; or
- 25 3. test positive for the presence of one or more of the substances listed in Section 5 of

1 this Policy.

2 **SECTION 10. REASONABLE SUSPICION TESTING.**

3 A. All employees in the covered positions listed in Section 3 of this Policy may be required to
4 submit to a reasonable suspicion alcohol and/or drug test.

5 B. Employees who are reasonably suspected by a supervisor of violating this Policy will be
6 required to submit to an alcohol and/or drug test in accordance with the City of Santa Fe's
7 alcohol and drug testing procedures. A trained supervisor who makes a determination that a
8 test is required will complete a form indicating the grounds for such determination.
9 Reasonable suspicion testing is required when a trained supervisor can articulate and
10 substantiate physical, behavioral and performance indicators of probable drug use or alcohol
11 misuses by observing the appearance, behavior, speech or body odors of the covered
12 employee.

13 Testing may be requested only if the observation of reasonable suspicion has been observed
14 while the covered employee is performing safety-sensitive functions; just before the
15 employee is to perform safety-sensitive functions; or just after the employee has ceased
16 performing such functions.

17 C. An employee who is required to submit to an alcohol and/or drug test under this section must
18 sign the required form.

19 D. Employees will be transported by the City of Santa Fe to the collection site and will be
20 required to provide a breath and/or urine sample. Following completion of the test,
21 employees will be transported home and relieved of duty with pay pending the City's receipt
22 of the results of the test from the MRO.

23 E. It is the City of Santa Fe's policy that employees will be subject to discipline in accordance
24 with Section 13 of this Policy if they:

25 1. refuse to sign the required form or refuse to provide a urine and/or breath sample

- (which refusal shall constitute a verified positive drug and/or alcohol test result); or
2. to alter, taint, or otherwise provide a false sample; or
3. test positive for the presence of one or more of the substances listed in Section 5 of this Policy.

SECTION 11. RETURN TO WORK TESTING

Employees who have been disciplined in accordance with Section 13 of this Policy as a result of their first positive test indicating the presence on one or more of the substances listed in Section 5 will be required, prior to returning to work, to take a return to duty alcohol and/or drug test with a verified negative result in accordance with 49 CFR Part 40, as amended and the City of Santa Fe's alcohol and drug testing procedures.

Employees who have been separated from duty for a period of (90) days or more, due to reclassification, layoff, leave of absence, seasonal employment or workers compensation must be tested prior to reassignment to a safety-sensitive job function.

SECTION 12. FOLLOW-UP TESTING.

Current employees who have been disciplined in accordance with Section 13 of this Policy as a result of a positive alcohol and/or drug test required under Section 6, upon return to work shall be subject to a minimum of six (6) unannounced drug and/or alcohol follow up tests during the first twelve (12) months following the employee's return to work, and further testing as recommended by the substance abuse professional for up to a maximum of sixty (60) months. In addition, employees who have been disciplined in accordance with Section 13 of this Policy will also be subject to the testing requirements of Section 6 and in accordance with 49 CFR Part 40, as amended.

SECTION 13. CONSEQUENCES OF THE MISUSE OF DRUGS AND ALCOHOL.

Any employee testing positive for any of the drugs specified in Section 5B of this Policy, or who has a breath alcohol concentration of 0.04 or greater for the FTA-mandated alcohol screening test, or who has a second breath alcohol test level between 0.02 and 0.39 within a 12-month period,

1 will be immediately removed from his/her safety-sensitive position and placed on leave with pay
2 status pending disciplinary action. Regardless of the outcome of a drug screen and the possible
3 consequences, the employee will be provided with information from the City's employee assistance
4 program (EAP) regarding alcohol and/or substance abuse and the names, addresses and telephone
5 numbers of substance abuse professionals and counseling and treatment programs. The City will
6 have no responsibility to pay for any necessary treatment on the part of the employee.

7 An employee who for the first time in a 12-month period is found to have an alcohol
8 concentration of 0.02 or greater by less than 0.04 shall not be permitted to perform safety-sensitive
9 functions until the employee's alcohol concentration measures less than 0.02, or the start of the
10 employee's next regularly scheduled duty period, but not less than eight hours following
11 administration of the test.

12 A. Consequences of a Positive Drug or Alcohol Test

13 1. Any job applicant who tests positive for drugs will not be hired. Any employee who
14 tests positive for drugs or alcohol for a post-accident test or who has a second
15 confirmed positive drug or alcohol test will be terminated from employment with the
16 City.

17 2. Conditional Retention

18 It is the City of Santa Fe's policy that current employees, who have a verified positive
19 drug or alcohol test and are not subject to termination under Section 13A.1 or 13B of
20 this Policy, will be offered conditional retention of employment if the employee:

- 21 a. submits to an evaluation by a substance abuse professional approved by the
22 City's EAP; and
23 b. signs a conditional retention of employment agreement; and
24 c. is determined by a substance abuse professional to require assistance in
25 resolving problems associated with drug abuse and/or alcohol misuse (the

1 employee must agree to attend a City of Santa Fe approved treatment
2 program and sign a monitoring agreement with the City's EAP to ensure
3 successful completion of the treatment program specified by the substance
4 abuse professional); and

5 d. upon return to work, is subject to a return to duty drug and/or alcohol test
6 (follow-up tests are required if recommended by the substance abuse
7 professional).

8 e. The employee who is conditionally retained must fully comply with the
9 conditions of retention of employment, including successful completion of
10 the treatment program specified by the substance abuse professional.

11 3. Discipline for a Positive Drug or Alcohol Test

12 Current employees who have a confirmed positive drug or alcohol test will
13 immediately be removed from duty and disciplined as follows:

14 a. Consequences for a Positive Drug or Alcohol Test:

- 15 (1) Employees with their first confirmed positive drug or alcohol test
16 shall be suspended for two (2) weeks without pay.

17 B. Termination

18 It is the City of Santa Fe's policy that current employees will be terminated if the employee:

- 19 1. uses, possesses, sells, purchases, manufactures, distributes, or transfers alcohol
20 beverages (except off-duty use at public events), or controlled substances or other
21 performance-impairing substances while on duty or on City property; or,
22 2. consumes alcohol within four (4) hours of the employee's scheduled time to report
23 for work, or within eight (8) hours following an accident or until the employee takes
24 a post-accident alcohol and/or drug test, whichever occurs first; or,
25 3. refuses to submit to an alcohol and/or drug test when so directed by the City of Santa

- 1 Fe, or tampers or attempts to tamper with an alcohol and/or drug test; or,
- 2 4. tests positive and was involved in an accident resulting in death, serious injury or
- 3 extensive property damage (post-accident drug and/or alcohol test) or
- 4 5. tests positive and is also being terminated for other misconduct which could
- 5 independently result in their discharge; or
- 6 6. tests positive and has not completed the initial probationary period following hire
- 7 into the employee's first position with the City of Santa Fe; or
- 8 7. does not appear and complete a random or follow-up drug and/or alcohol test within
- 9 two (2) hours following notification to appear for such tests, refuses to sign the
- 10 required form or refuses to provide a breath and/or urine sample; or
- 11 8. has a second confirmed positive drug or alcohol test.

12 **SECTION 14. CONFIDENTIALITY.**

13 All testing will be conducted in accordance with the federal regulations to ensure test results are

14 accurate and reliable. Further, the City of Santa Fe will carry out this policy in a manner that respects

15 the dignity and confidentiality of those involved. No laboratory reports or test results shall appear in

16 the employee's employment history unless they are a part of a disciplinary action taken. Laboratory

17 reports and test results shall be placed in a special locked file maintained by the Drug Abuse

18 Coordinator. Files relating to laboratory reports or test results maintained by the Drug Abuse

19 Coordinator must be kept confidential and shall e disclosed only by consent of the patient. Upon

20 request, an employee is entitled to obtain copies of any records pertaining to the employee's use of

21 prohibited drugs, including any records pertaining to the employee's drug tests.

22 **SECTION 15. EMPLOYEE ASSISTANCE PROGRAMS/SELF-REFERRAL**

23 The City of Santa Fe takes seriously its commitment to provide safe conditions to the public

24 and its employees. Recognizing this commitment, the City maintains employee assistance programs

25 that can provide access to professional services in an effort to aid any employee who has an alcohol

1 or chemical dependency problem. Participation in this program is voluntary and all records regarding
2 self-referral or acknowledgement will be kept confidential to the extent required by law.

3 All employees who suspect they may have alcohol or substance abuse problems are strongly
4 encouraged to utilize employee assistance program resources before the problem affects their
5 employment status. There will be no disciplinary action involved for self-referral to the EAP.
6 Voluntary self-referral, however, shall not relieve the employee from responsibility for adequate job
7 performance. Self-referral after notification of a required drug or alcohol test will not eliminate
8 requirement to take such a test and will not preclude the taking of disciplinary action against an
9 individual who fails a required drug or alcohol test.

10 Any costs for counseling or rehabilitation shall be the responsibility of the employee. Because
11 the City realizes that financial considerations might prevent some employees from seeking help,
12 however, it is the City's policy to allow employees (upon recommendations of their counselor) to use
13 any and all earned benefits. This includes medical insurance, annual and sick leave, short-term
14 disability (physician must certify disability), and leave of absence, if needed.

15 Questions about the City of Santa Fe's employee assistance programs should be addressed to
16 the City's Designated Employer Representative, who serves as the drug and alcohol program
17 administrator.

18 **SECTION 16. MODIFICATIONS.**

19 The program administrator shall propose for adoption by the City Council such modifications,
20 amendments and revisions to the City's drug and alcohol program as he deems necessary after a
21 review process and concurrence by the affected department to carry out the provisions of regulations
22 issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 and to enact such
23 additional procedures as may be necessary to insure the City of Santa Fe's compliance with state and
24 federal law affecting drug and alcohol matters. Nothing herein is intended to waive a union's legal
25 right to mandatory subjects of bargaining.

1 **SECTION 17. DOCUMENTATION INCORPORATED BY REFERENCE INTO POLICY.**

2 The following documentation is incorporated by reference into this policy:

3 Exhibit 1. Safety Sensitive Positions

4 Exhibit 2. City of Santa Fe DAPM/SAP/MRO Identification

5 Exhibit 3. 49 CFR Part 40, as amended

6 Exhibit 4. 49 CFR Part 655, as amended

7 **SECTION 18. CONFLICT.**

8 In the event of any conflict between Rule 16A and the FTA regulations, the FTA regulations shall
9 prevail.

10 APPROVED this _____ day of _____ 2014.

11
12
13 _____
14 BRIAN K. SNYDER
15

16 ATTEST:

17
18 _____
19 YOLANDA VIGIL, CITY CLERK

DATE

20
21 APPROVED AS TO FORM:

22
23 _____
24 KELLEY BRENNAN, CITY ATTORNEY

DATE

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APPROVED:

NICK LOVATO, AFSCME PRESIDENT

DATE

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2014-____

3 INTRODUCED BY:

4
5 Councilor Joseph Maestas
6
7
8
9

10 AN ORDINANCE

11 AMENDING THE BUSINESS LICENSE ORDINANCE, SECTION 18-1 SFCC 1987 AND
12 THE BUSINESS REGISTRATION ORDINANCE, SECTION 18-2 SFCC 1987 TO REQUIRE
13 BUSINESSES THAT APPLY FOR A BUSINESS LICENSE OR REGISTRATION OR
14 RENEW A BUSINESS LICENSE OR REGISTRATION TO AFFIRM THAT SUCH
15 BUSINESSES ARE IN COMPLIANCE WITH THE LIVING WAGE ORDINANCE,
16 SECTION 28-1 SFCC 1987; AND AMENDING SUBSECTION 28-1.8 SFCC 1987 TO
17 AUTHORIZE RANDOM AUDITS OF BUSINESSES TO ENSURE COMPLIANCE WITH
18 THE LIVING WAGE ORDINANCE.
19

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

21 Section 1. Subsection 18-1.4 SFCC 1987 (being Ord. #1981-64, §4, as amended) is
22 amended to read:

23 18-1.4 License Application; Information Required.

24 A. Applicants for licenses under this section shall file with the city a sworn application
25 in writing, on a form to be furnished by the city, which shall include, but is not limited to the

1 following:

- 2 (1) Name;
- 3 (2) Address;
- 4 (3) Current state revenue division taxpayer identification number or evidence of
- 5 application for a current state revenue division taxpayer identification number;
- 6 (4) A brief description of the nature of the business;
- 7 (5) Proof of insurance coverage, when applicable; ~~and~~
- 8 (6) Proof of bond, when applicable; and
- 9 (7) An attestation clause that states that the business shall comply with the
- 10 requirements of the Living Wage Ordinance, 28-1 SFCC 1987.

11 B. In addition to the information required in paragraph A, the following businesses shall
12 also include the following information with their applications:

- 13 (1) Carnival operators shall submit a copy of their special use permit, as required
- 14 by subsection 18-7.2 SFCC 1987;
- 15 (2) Circus operators shall submit a copy of their special use permit, as required
- 16 by subsection 18-7.2 SFCC 1987;
- 17 (3) Itinerant vendors seeking to conduct sales as defined under subsection 18-5.1
- 18 SFCC 1987 shall submit a copy of their petition as approved by the governing body, as
- 19 required in subsection 18-5.1 SFCC 1987;
- 20 (4) Jewelry auction operators, as defined in subsections 18-5.1 through 18-5.23
- 21 SFCC 1987, shall provide information required by subsections 18-5.12 and 18-5.14 SFCC
- 22 1987, including a notarization of the application;
- 23 (5) Mobile home park operators shall submit a copy of their certificate of
- 24 occupancy;
- 25 (6) Private day-care nurseries, facilities and kindergarten operators, when

1 approval is required by the board of adjustment, as per the provisions of Table 14-6.1-1
2 SFCC 1987, shall include a sworn affidavit stating that they have received such approval; and

3 (7) Septic tank cleaners shall submit a sworn affidavit stating that they have
4 conformed to the requirements set forth in subsection 22-4.9 SFCC 1987.

5 (8) Flea market operators shall submit:

6 (a) A copy of a current certificate of occupancy. The certificate of
7 occupancy shall be reissued annually; and

8 (b) A sworn affidavit stating that they have conformed to the
9 requirements set forth in subsection 14-6.2(c) SFCC 1987.

10 (9) Alarm installation companies and monitoring companies, as defined in
11 subsection 20-5.4 SFCC 1987, shall submit the following documents as required by
12 subsection 20-5.8 SFCC 1987;

13 (a) A copy of a valid license issued by the construction industries
14 division of the regulation and licensing department of the state of New Mexico; and

15 (b) Proof of bonding.

16 **Editor's Note:** Santa Fe City Code references in paragraphs B(6) and B(8)(b) are corrected to
17 conform with Ordinance No. 2011-37.

18 **Section 2. Subsection 18-1.5 SFCC 1987 (being Ord. #1981-64, §5, as amended) is**
19 **amended to read:**

20 **18-1.5 Payment of License Fees Required; Assessments; Protest.**

21 A. On or before March 15 of each year, all businesses engaging in a type of business
22 enumerated as requiring business licenses under this section shall apply for a business license for that
23 year. These businesses shall:

24 (1) [i] Include payment with the application; and

25 (2) [s] Show proof of insurance and bond, if the business is so required; and

1 (3) Attest that the business shall comply with the requirements of the Living
2 Wage Ordinance, 28-1 SFCC 1987.

3 B. Upon payment of the business license fee, the city shall issue a business license to the
4 applicant unless refused pursuant to Section 3-28-2 NMSA 1978.

5 C. Any business may protest the amount of the business license fee assessment by filing
6 a written protest with the city clerk, on or before March 15. The finance committee shall give the
7 protesting business no less than five (5) days notice of a hearing, at which time the protest shall be
8 heard by the finance committee.

9 D. The finance committee shall have the same authority and power as that of the
10 governing body as contained in subsection 18-1.6 SFCC 1987.

11 E. Any business which must have a business license as enumerated in this section,
12 which begins operations after March 15, shall apply to the city for a business license prior to
13 engaging in business.

14 **Section 3. Subsection 18-2.4 SFCC 1987 (being Ord. #1981-63, §6, as amended) is**
15 **amended to read:**

16 **18-2.4 Application; Required.**

17 A. Any person proposing to engage in business after the effective date of this section,
18 shall apply to the city for a certificate of occupancy and pay a business registration fee of thirty-five
19 dollars (\$35.00), for each outlet, branch, location, or person doing business in the municipal limits of
20 the city, prior to engaging in business, unless such person is required to pay for and obtain a business
21 license, as specified in Section 18-1, Business Licenses.

22 B. Upon application for a business registration, the person proposing to engage in
23 business shall attest that the business shall comply with the requirements of the Living Wage
24 Ordinance, 28-1 SFCC 1987.

25 **Section 4. Subsection 18-2.5 SFCC 1987 (being Ord. #1981-63, §5) is amended to**

1 read:

2 **18-2.5 Renewal of Business Registration.**

3 A. Prior to March 16 of each year, any person engaging in a business within the city and
4 subject to the business registration fee shall apply for renewal of his business registration with the
5 city.

6 B. Upon renewal of a business registration, the person renewing the business
7 registration shall attest that the business shall comply with the requirements of the Living Wage
8 Ordinance, 28-1 SFCC 1987.

9 **Section 5. Subsection 28-1.8 SFCC 1987 (being Ord. #2002-13, §8, as amended) is**
10 **amended to read:**

11 **28-1.8 Enforcement; Remedies.**

12 A. Administrative Enforcement. The city manager, or his/her designee, is authorized, as
13 appropriate and as resources permit, to enforce this section. The city manager is authorized to:

14 (1) ~~[The city manager is authorized to investigate]~~ Investigate possible violations
15 of this section. ~~[Where]~~ When the city manager, after a proceeding that affords a suspected
16 violator due process, concludes that a violation has occurred, the city manager may issue
17 orders to the employer appropriate to effectuate the complaining person's rights, including but
18 not limited to back pay and reinstatement.

19 (2) Conduct random audits to verify that businesses are in compliance with the
20 requirements of the Living Wage Ordinance.

21 (3) ~~[The city manager also has the power to order]~~ Order termination of any and
22 all economic benefit derived by any offending party from the city and has the power to
23 revoke the employer's business license or registration.

24 B. Criminal Penalty. A person violating this section shall be guilty of a misdemeanor
25 and, upon conviction, for each offense may be subject to fines and imprisonment as set forth in

1 Section 1-3 SFCC 1987. A person violating any of the requirements of this section shall be guilty of a
2 separate offense for each day or portion thereof and for each worker or person as to which any such
3 violation has occurred.

4 C. *Other Remedies.* The city, any individual aggrieved by a violation of this section, or
5 any entity the members of which have been aggrieved by a violation of this section, may bring a civil
6 action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this
7 section and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to
8 remedy the violation including, without limitation, reinstatement, the payment of any wages due and
9 an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive
10 relief, and reasonable attorney's fees and costs.

11 D. *Nonexclusive Remedies and Penalties.* The remedies provided in this section are not
12 exclusive, and nothing in this section shall preclude any person from seeking any other remedies,
13 penalties, or relief provided by law.

14 APPROVED AS TO FORM:

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17 _____
KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2014-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

6 Councilor Signe Lindell

7
8
9
10 **A RESOLUTION**

11 **DIRECTING STAFF, WHEN ACQUIRING FUEL POWERED EQUIPMENT, INCLUDING**
12 **VEHICLES, TO BALANCE THE COST OF THE CITY'S NEEDS WITH THAT OF**
13 **PRODUCING THE LOWEST CARBON FOOTPRINT THE CITY WOULD CREATE**
14 **WHEN USING SUCH EQUIPMENT.**

15
16 **WHEREAS**, the City of Santa Fe is proud of its cultural and historical significance among
17 North American Communities; and

18 **WHEREAS**, the City of Santa Fe has passed Resolution No. 2006-55 supporting the efforts
19 to reduce greenhouse gas emissions by 2030; and

20 **WHEREAS**, the City of Santa Fe has passed Resolution No. 2006-127 which called for a
21 City government-wide effort to reduce energy and telecommunication needs; and

22 **WHEREAS**, the City of Santa Fe has passed Resolution No. 2008-57 to reduce the City of
23 Santa Fe's "carbon footprint"; and

24 **WHEREAS**, reducing community-wide greenhouse gas emissions, especially from the
25 transportation sector, can have a positive impact on local air quality and result in a healthier

Exhibit "C"

1 community; and

2 **WHEREAS**, the Governing Body desires for the City, when acquiring fuel powered
3 equipment, including vehicles, to balance the cost of the City's needs with that of producing the
4 lowest carbon footprint the City would create when using such equipment.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the Governing Body directs staff, when acquiring fuel powered
7 equipment, including vehicles, to balance the cost of the City's needs with that of producing the
8 lowest carbon footprint the City would create when using such equipment.

9 **BE IT FURTHER RESOLVED** that:

- 10 1. The City's Energy Specialist and Finance Department are directed to establish City motor
11 pools at the following locations:
- 12 • City Hall/ Tourism Santa Fe Market Station
 - 13 • Siringo Road Complex
 - 14 • Siler Road Complex
- 15 2. The City's Renewable Planner shall investigate the possibility of purchasing or leasing
16 electric vehicles as part of the City's fleet and such vehicles will be part of the new motor
17 pools.

18 PASSED, APPROVED AND ADOPTED this ____ of ____, 2014.

19
20 _____
21 JAVIER M. GONZALES, MAYOR

22 ATTEST:

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24 _____
25 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2014/Carbon Footprint - lowest*

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

2 **RESOLUTION NO. 2014-____**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

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7
8
9
10 **A RESOLUTION**

11 **DECLARING THE GOVERNING BODY'S INTENT FOR THE CITY OF SANTA FE TO**
12 **BECOME CARBON NEUTRAL BY THE YEAR 2040.**

13
14 **WHEREAS**, the City of Santa Fe is committed to protecting the long-term health and
15 viability of our community through strategies designed to reduce greenhouse gas emissions and
16 mitigate the effects of climate change; and

17 **WHEREAS**, the City of Santa Fe is proud of its cultural and historical significance among
18 North American Communities; and

19 **WHEREAS**, the Governing Body, through the adoption of Resolution No. 2006-55,
20 supported efforts to reduce greenhouse gas emissions by 2030; and

21 **WHEREAS**, the Governing Body, through the adoption of Resolution No. 2006-127, called
22 for a City government-wide effort to reduce energy and telecommunication needs; and

23 **WHEREAS**, the Governing Body, through the adoption of Resolution No. 2008-57, the
24 Governing Body declared its intention of reduce the carbon footprint of City government on the
25 environment by a total of twenty percent (20%) within five years; and

1 **WHEREAS**, reducing community-wide greenhouse gas emissions, especially from the
2 transportation sector, can have a positive impact on local air quality and result in a healthier
3 community; and

4 **WHEREAS**, according to the United Nations Intergovernmental Panel on Climate Change
5 (IPCC), which is comprised of the world's leading scientific experts in the field of climate change, to
6 avoid the worst impacts of climate change stemming from greenhouse gas emissions (GHG), there is
7 a need for GHG emissions to be cut by at least 80% from 1990 levels by 2050; and

8 **WHEREAS**, peer cities, including Austin, Seattle and Portland, have recently completed
9 updates to their original Climate Action Plans, and the updates incorporate new data and information
10 that led to establishing new long-term goals in line with the IPCC calculations; and

11 **WHEREAS**, carbon neutrality refers to achieving net zero carbon emissions by balancing a
12 measured amount of carbon released into the atmosphere with that of an equivalent amount of carbon
13 emissions that are sequestered or offset by renewable energy production, or through the purchase of
14 enough carbon credits to make up the difference; and

15 **WHEREAS**, the best practice for seeking carbon neutral status entails reducing and/or
16 avoiding carbon emissions first so that only unavoidable emissions are offset; and

17 **WHEREAS**, being carbon neutral is increasingly seen as good corporate or state social
18 responsibility and a growing list of corporations, cities and states are announcing dates for when they
19 intend to become fully carbon neutral.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the Governing Body hereby declares that it intends to have 50% percent
22 of its energy come from renewable sources by 2025 and become carbon neutral by the year 2040 and
23 directs City staff to provide options, remedies, alternatives, solutions, and to recommendations for
24 how City government can achieve the goal of becoming carbon neutral by 2040.

25 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2014.

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JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

We, the undersigned, find the berm at W Santa Fe Ave and Galisteo Street to be a nuisance for the following reasons:

1. It creates an ice pond to the east of the berm that lingers for a long time because it is shaded making use of the intersection hazardous.
2. The berm does not appear to prevent flooding at the intersection since water and debris go over the berm and the berm redirects water up onto sidewalks and clogs the grates North of it.

| | | |
|---|--|-----------|
| R. E. JOHNSON <i>R. E. Johnson</i> | 610 GALISTEO ST | 8/9/14 |
| SIGN NAME | ADDRESS | DATE |
| Mary Gutierrez <i>Mary Gutierrez</i> | 605 Galisteo St | 8/9/2014 |
| SIGN NAME | ADDRESS | DATE |
| MARY ARMISTO <i>Mary Armisto</i> | 616 1/2 GALISTEO STREET, S.F. N.M. 87505 | 8/9/14 |
| SIGN NAME | ADDRESS | DATE |
| R. S. Clifford <i>R. S. Clifford</i> | 616 1/2 Galisteo Santa Fe, 87505 | 8-9-14 |
| SIGN NAME | ADDRESS | DATE |
| JAMES VILLALBA <i>James Villalba</i> | 138 W. Santa Fe Ave | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| R. L. MUMFORD <i>R. L. Mumford</i> | 125 W SANTA FE | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| Belinda Grueiro <i>Belinda Grueiro</i> | 145 W Santa Fe | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| Michelle Gordon <i>Michelle Gordon</i> | 145 West Santa Fe | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| William Ford <i>William Ford</i> | 619 Galisteo & Santa Fe | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| Jamelle Fisher <i>Jamelle Fisher</i> | 619 Galisteo & Santa Fe | 8-11-14 |
| SIGN NAME | ADDRESS | DATE |
| Miranda <i>Miranda</i> | 128 W Santa Fe Ave | 8/11/14 |
| SIGN NAME | ADDRESS | DATE |
| St. James <i>St. James</i> | 616 1/2 GALISTEO ST. | 8-25-2014 |
| SIGN NAME | ADDRESS | DATE |

Exhibit "B"

293

We, the undersigned, find the berm at W Santa Fe Ave and Galisteo Street to be a nuisance for the following reasons:

1. It creates an ice pond to the east of the berm that lingers for a long time because it is shaded making use of the intersection hazardous.
2. The berm does not appear to prevent flooding at the intersection since water and debris go over the berm and the berm redirects water up onto sidewalks and clogs the grates North of it.

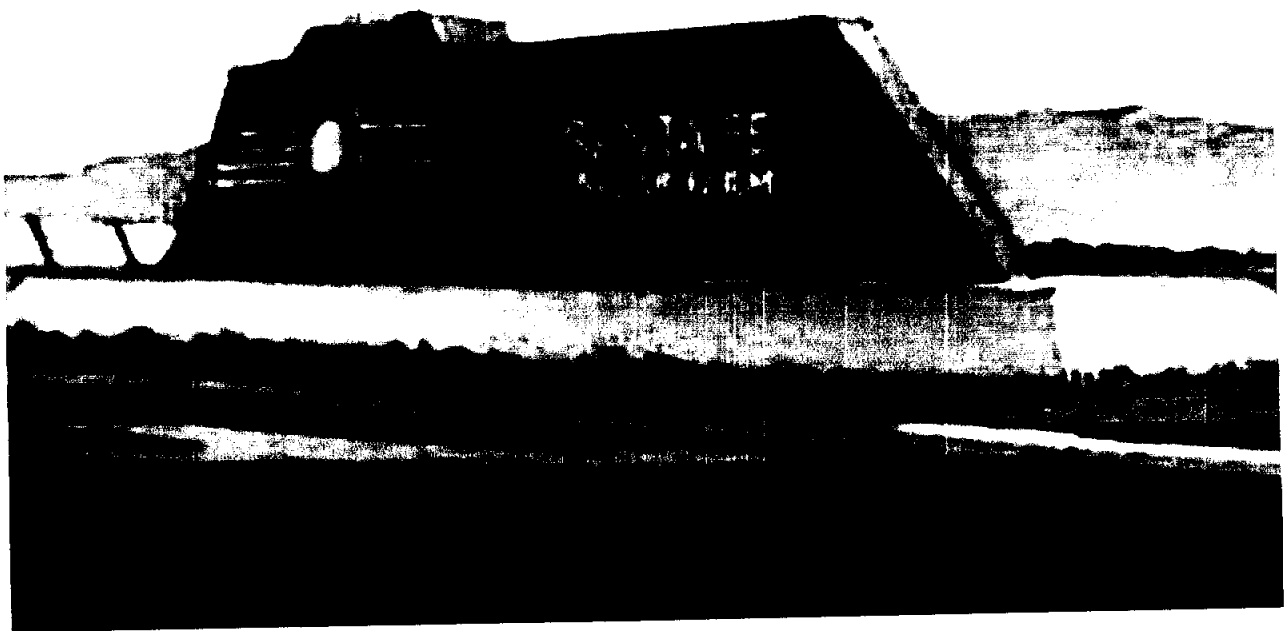
541 MON HALEVI

605 GALISTEO 16 Sept 2014

| | | |
|---------------------|---------------------------------|---------|
| SIGN NAME | ADDRESS | DATE |
| Angela Bivins | Unit B 123 West Santa Fe Ave | 9/16/14 |
| SIGN NAME | ADDRESS | DATE |
| Michelle Meyer | 121 W. Santa Fe Ave. | 9-16-14 |
| SIGN NAME | ADDRESS | DATE |
| MARCUS GRUNER | 111 E. SANTA FE AVE | 9-16-14 |
| SIGN NAME | ADDRESS | DATE |
| Slavica Grosanic | 111 E. Santa Fe Ave | 9-16-14 |
| SIGN NAME | ADDRESS | DATE |
| FERN Goodman | 115 W. Santa Fe J | 9-16-14 |
| SIGN NAME | ADDRESS | DATE |
| Will Gethin - Jones | 115 W. Santa Fe Ave J | 9-18-14 |
| SIGN NAME | ADDRESS | DATE |
| Hideko Amasaki | Unit H 115 W. Santa Fe Ave | 9-16-14 |
| SIGN NAME | ADDRESS | DATE |
| Bryan Orr | Unit F 115 W. Santa Fe Ave | 87545 |
| SIGN NAME | ADDRESS | DATE |
| Lori Valdez | Unit A 115 W. Santa Fe Ave | 9/16/14 |
| SIGN NAME | ADDRESS | DATE |
| Stephanie Benvenuto | 604 Galisteo St | 9/16/14 |
| SIGN NAME | ADDRESS | DATE |
| Miran Cadden | 604 Galisteo St. | 9/21/14 |
| SIGN NAME | ADDRESS | DATE |

SANTA FE SOLAR FARM

PROJECT PROGRAM



**SOLAR FARM
WITH AUXILIARY
NATURAL GAS GENERATOR**

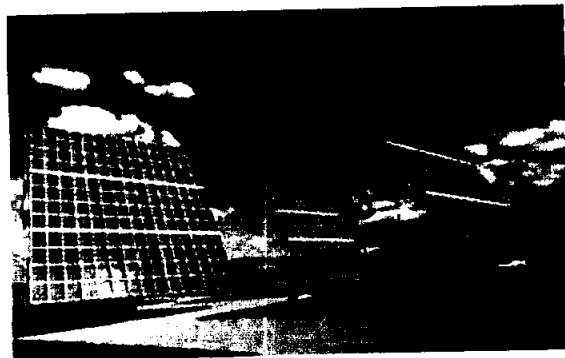
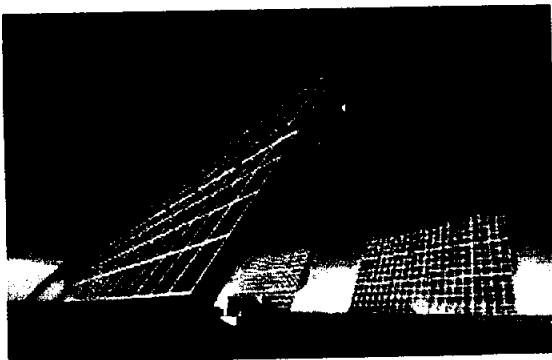
SANTA FE, NEW MEXICO

SEPTEMBER 2014

Exhibit "9"

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SANTA FE SOLAR FARM

PROJECT VISION

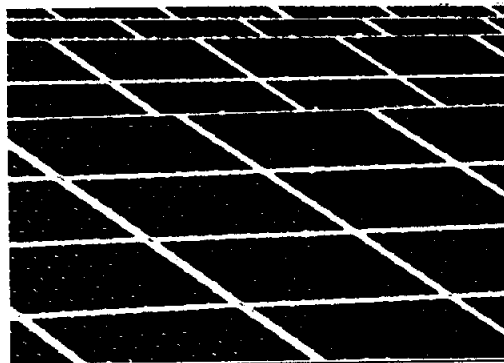
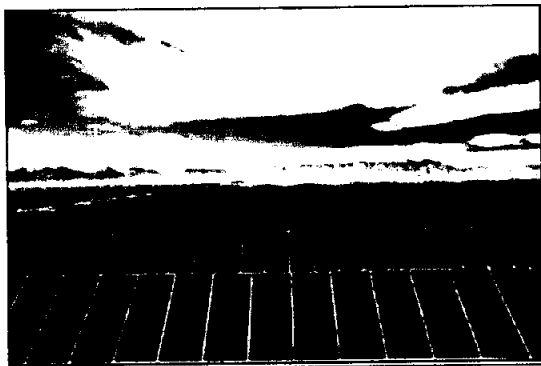
Santa Fe Solar Farm will free the City of Santa Fe from Coal-fired energy and reduce the carbon footprint of the region. Santa Fe will be one of the first towns in America to become powered by renewable energy.

GlobalWorks is a development and design company that is committed to providing innovative projects that better the lives and communities of our world. Our approach to every project is to put the user needs and environment first.

EXECUTIVE SUMMARY

GlobalWorks is proposing an 80 MW solar farm with a supplemental 80 MW Natural Gas fired Electric generating plant "Santa Fe Solar Farm". The Farm is located on land in Santa Fe, New Mexico. It will consist 350 acres for Solar Panels and 50 acres for Natural gas generators and auxiliary support. The estimated cost of the Santa Fe Solar Farm is \$350 million. Project will have a 25 year PPA in place with Santa Fe Municipality.

Santa Fe Solar Farm will be an essential part of the local and county economic development. It will add good paying, non-seasonal jobs that will strengthen the local economy. The residents will receive renewable energy at current or lower cost.

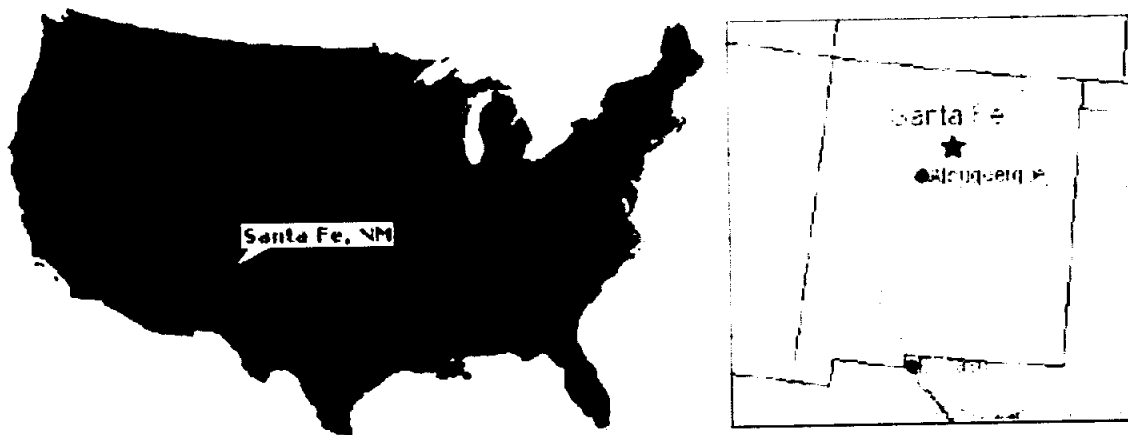


SANTA FE, NEW MEXICO

CITY OVERVIEW

Founded before Massachusetts's Plymouth Colony and the second oldest city in the United States, Santa Fe is a cultural center for the Southwest. The Santa Fe Opera is known throughout the world, and the city is a gathering place for writers and artists. The capital of the state of New Mexico, Santa Fe is a blend of Native American, Spanish, New Mexican, and Anglo (English) cultures. The architectural integrity of the city's high-walled adobe structures and narrow, winding streets has been preserved through careful planning. At the same time, Santa Fe is a center for commerce, light industry, and science and technology.

SITE LOCATION MAP

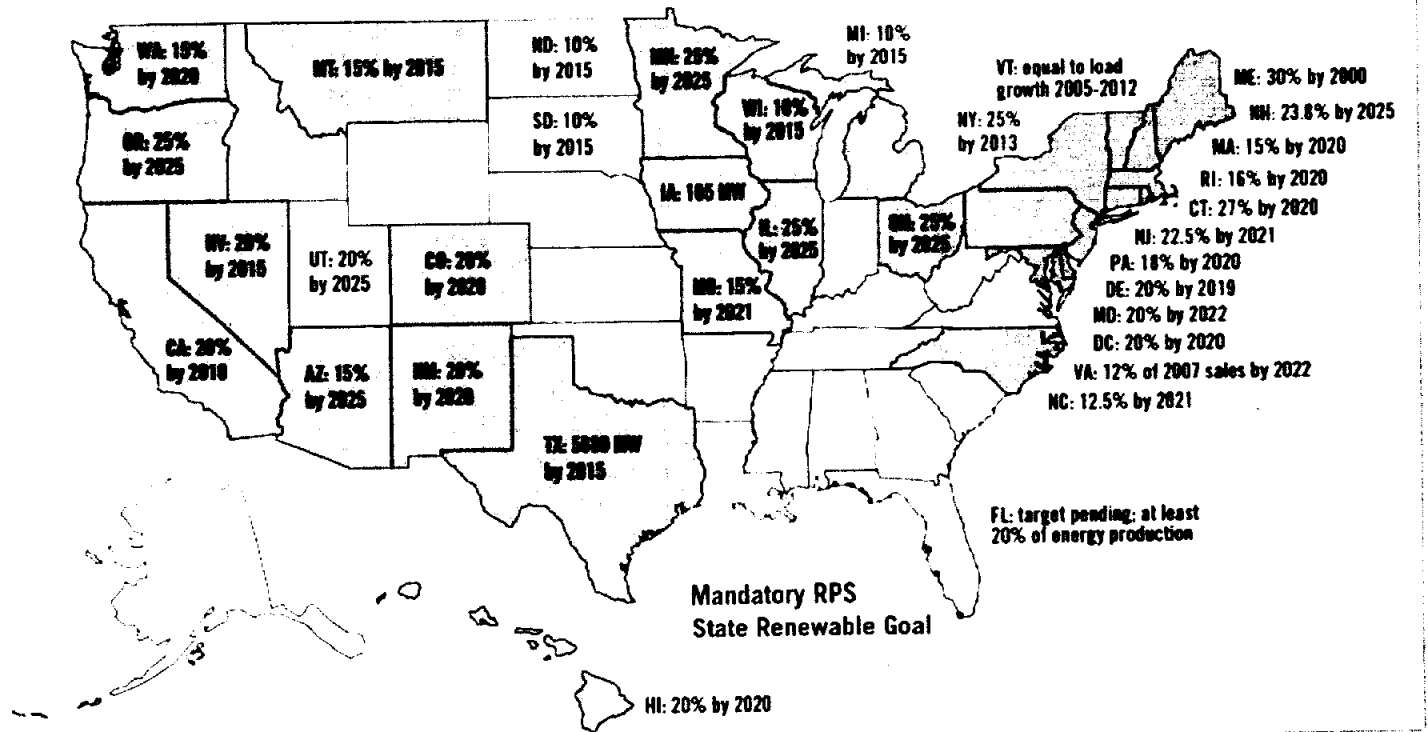


MARKET

INDUSTRY OVERVIEW

The renewable energy market of solar electricity is large and has grown 40% annually over the past 4 years. Solar photovoltaic (PV) technology is expected to capture a significant share of the energy market in the future due to large government incentives driving down solar panel and project cost. The Federal Government has provided significant subsidies to incentivize solar and other renewable energy technologies, including a 30% federal tax credit and multiple government loan guarantee programs.

Solar power is now the fastest growing segment of the energy industry. Over the next 5 years PV prices are expected to fall by as much as 50%, further accelerating the deployment of utility scale solar as it replaces less desirable and increasingly more expensive fossil fuels.



EXISTING CONDITIONS

PNM COAL-FIRED ENERGY COMPANY has two existing coal burning plants

| | |
|-----------------------------------|-------------------|
| Four Corners plant _____ | 2,040 MW per year |
| San Juan Generating Station _____ | 1,800 MW per year |

Santa Fe and all surrounding areas purchase their electricity for the PNM Company. PNM is one of the largest Coal-Fired plants in American and contributes unbelievable amounts of pollution.

CASE STUDY

A 500 megawatt coal plant produces 3.5 billion kilowatt-hours per year, enough to power a city of about 140,000 people. It burns 1,430,000 tons of coal, uses 2.2 billion gallons of water and 146,000 tons of limestone.

It also puts out, each year:

- *10,000 tons of sulfur dioxide.* Sulfur dioxide (SO_x) is the main cause of acid rain, which damages forests, lakes and buildings.
- *10,200 tons of nitrogen oxide.* Nitrogen oxide (NO_x) is a major cause of smog, and also a cause of acid rain.
- *3.7 million tons of carbon dioxide.* Carbon dioxide (CO₂) is the main greenhouse gas, and is the leading cause of global warming. There are no regulations limiting carbon dioxide emissions in the U.S.
- *500 tons of small particles.* Small particulates are a health hazard, causing lung damage. Particulates smaller than 10 microns are not regulated, but may be soon.
- *220 tons of hydrocarbons.* Fossil fuels are made of hydrocarbons; when they don't burn completely, they are released into the air. They are a cause of smog.
- *720 tons of carbon monoxide.* Carbon monoxide (CO) is a poisonous gas and contributor to global warming.
- *125,000 tons of ash and 193,000 tons of sludge from the smokestack scrubber.* A scrubber uses powdered limestone and water to remove pollution from the plant's exhaust. Instead of going into the air, the pollution goes into a landfill or into products like concrete and drywall. This ash and sludge consists of coal ash, limestone, and many pollutants, such as toxic metals like lead and mercury.
- *225 pounds of arsenic, 114 pounds of lead, 4 pounds of cadmium, and many other toxic heavy metals.* Mercury emissions from coal plants are suspected of contaminating lakes and rivers in northern and northeast states and Canada. In Wisconsin alone, more than 200 lakes and rivers are contaminated with mercury. Health officials warn against eating fish

- Damage and other ailments. Acid rain also causes mercury poisoning by leaching mercury from rocks and making it available in a form that can be taken up by organisms.

The 2.2 billion gallons of water it uses for cooling is raised 16 degrees F on average before being discharged into a lake or river. By warming the water year-round it changes the habitat of that body of water.

The Energy produced at the Santa Fe Solar Farm will help reduce pollution. Energy will be used by all the community and local industry.

EXISTING END USERS

City Of Santa Fe _____ 80 MW per year

PROJECT COST

| | |
|-----------------------------|-------------------------------------|
| Land | \$ Provided by City of Santa Fe |
| Water | \$ Provided by City of Santa Fe |
| Project Consulting | \$ To Be Determined |
| Engineering & Design | \$ 42,000,000 (By Lending Partner) |
| Site Work | \$ 2,000,000 (By Lending Partner) |
| Solar Farm 80MW @ 2.9mil/MW | \$ 250,000,000 (By Lending Partner) |
| Natural Gas Generators 80MW | \$ 48,000,000 (By Lending Partner) |

PROJECT CONSULTING OUTLINE

PHASE ONE

Define scope of work (Partially Completed, By GlobalWorks, Provided to Nicholas Schiavo, Director of Public Utilities)
Design Considerations (Partially Completed, By GlobalWorks, Provided to Nicholas Schiavo, Director of Public Utilities)
Technology recommendations (Partially Completed, By GlobalWorks, Provided to Nicholas Schiavo, Director of Public Utilities)
Land Study (Partially Completed, By GlobalWorks, Provided to Nicholas Schiavo, Director of Public Utilities)
Legal Due Diligence (Partially Completed, By GlobalWorks, Provided to Nicholas Schiavo, Director of Public Utilities)

PHASE TWO

Hardware Procurement
Data for RFP preparation
Management of RFP process
Assistance in developing RFP
BLM Annexation
PPA agreement

PHASE THREE

Assistance in evaluating RFP
Project support and Management
Construction process Management
Evaluation of lifecycle

PROJECT FACTS

1. Land is available for use.
2. City of Santa Fe has legal right to acquire Hardware
3. BLM is supporting and endorsing project.
4. Project has Political support and endorsement
5. Government mandate for Solar
6. Project will provide existing users with same or lower electrical rates.
7. Project will be completed and operational two years after approval.

| | |
|-------------------------------|----------|
| Permitting | 2 months |
| Environment impact study | 3 months |
| Design and Development | 4 months |
| Construction and installation | 2 years |

RIGHTS & LAWS

The immediate concern is the ability for the City of Santa Fe to use the existing "hardware" (transmission lines, transfer stations, inter-connecting points, and right of ways in effect) to facilitate implementation of energy producing solar arrays backed by natural gas fired energy producing plants.

There are several steps to this process;

We have used the New Mexico Public Regulation Commission (NMPRC) to confirm data and gather direction on several projects. The NMPRC outlines all the procedural requirements essential to create a "stand alone" solar energy producing systems coupled with natural gas fired energy producing plants.

If the City of Santa Fe wants to remove the unsightly utility poles, power lines, and data cables, and place underground. There are possible avenues to accomplish installing utilities underground using the same routes as current overhead utility lines and cables utilizing N.M.P.R.C. codes to defer some of the costs.

The City of Santa Fe has a right to the use of all hardware within its boundaries according to municipal code Section 3-24-1, A 1&2

Section 3-24-1 – Electric utility; municipality may acquire and operate; certain municipalities may acquire by contract or condemnation. (1997)

3-24-1. Electric utility; municipality may acquire and operate; certain municipalities may acquire by contract or condemnation. (1997)

A. Any municipality may, by ordinance, acquire, operate and maintain an electric utility for the generation and distribution of electricity to persons residing within its service area. The service area of a municipality includes:

- (1) Territory within the municipality;
- (2) territory within five miles of the boundary of the municipality in the case of any municipality heretofore acquiring or operating any

municipal electric utility or part thereof in the territory within five miles of the boundary of the municipality;

The City has the right to consider a cost for the use and the right to negotiate such a cost. The city has the right to purchase said system at a negotiated and agreed upon amount. Stated in municipal code Section 3-24-10, D

3-24-10. Contracts with electric utilities for the operation of facilities. (1979)

D. Nothing contained in this section shall operate to prevent a municipality from entering into contracts pursuant to Section 3-24-15 NMSA 1978 for the operation, maintenance and management of a jointly owned generating facility in which such municipality has any interest, nor from entering into a lease agreement or lease-purchase agreement with respect to any of such municipality's electric facilities.

The City as a consumer needs to take into consideration "that" as utilities are expanded, they are often expanded with municipal rate "hikes" or fees and adjustments to consumers and municipalities. A quick "glance" at rate increases matched with expansion or upgrades of utilities will denote if there is a possibility for reduction in costs to lease or acquire.

Along with this, the City has the right to condemn property for the use of utility easements. This means you can condemn the entire utility infrastructure piece by piece to suit installation of underground utility placement. Stated in municipal code Section 3-24-1 G

G. Condemnation authorized in this section shall be conducted in the manner of proceedings provided by the Eminent Domain Code [42A-1-1 through 42A-1-33 NMSA 1978].

If additional transmission lines are needed the R.E.T.A. (Renewable Energy Transmission Authority) is set up just for this type of project. The R.E.T.A. will facilitate financing specific to renewable energy transmission projects.

CONGRESS OF THE UNITED STATES

DELEGATION OFFICE
STATE OF NEW MEXICO
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 631-2322

March 6, 2014

Louis Montoya
Northwest NM Solar Farm
Waterfall Assisted Living
6833 Highway 140
Hesperus, CO 81326

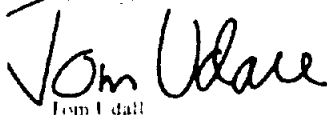
Dear Mr. Montoya:

In response to your request for assistance in identifying sources to construct a solar farm in northwest New Mexico as well as to establish an assisted living facility in Bloomfield, we have identified several areas of possible support and have compiled the enclosed information for your review. Please note that we have included several program descriptions from the Catalog of Federal Domestic Assistance as well as information about private foundations. We do not expect that all of these resources will be suited for your project, but we have included those which we feel may offer possible funding opportunities or other relevant information. We encourage you to carefully review the information and contact those organizations or program directors which you feel may offer the best possibility of assistance.

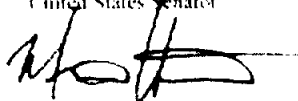
You may notice that a few of the Federal grant programs only allow states to apply. We have included these so that you can be aware of the programs and contact the appropriate state agency to see if you are eligible to compete for those funds.

We hope this information will be helpful to you and we wish you success in this endeavor. If we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



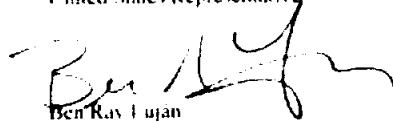
Tom Udall
United States Senator



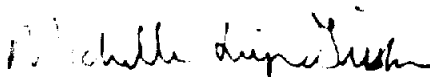
Martin Heinrich
United States Senator



Steven Pearce
United States Representative



Ben Ray Lujan
United States Representative



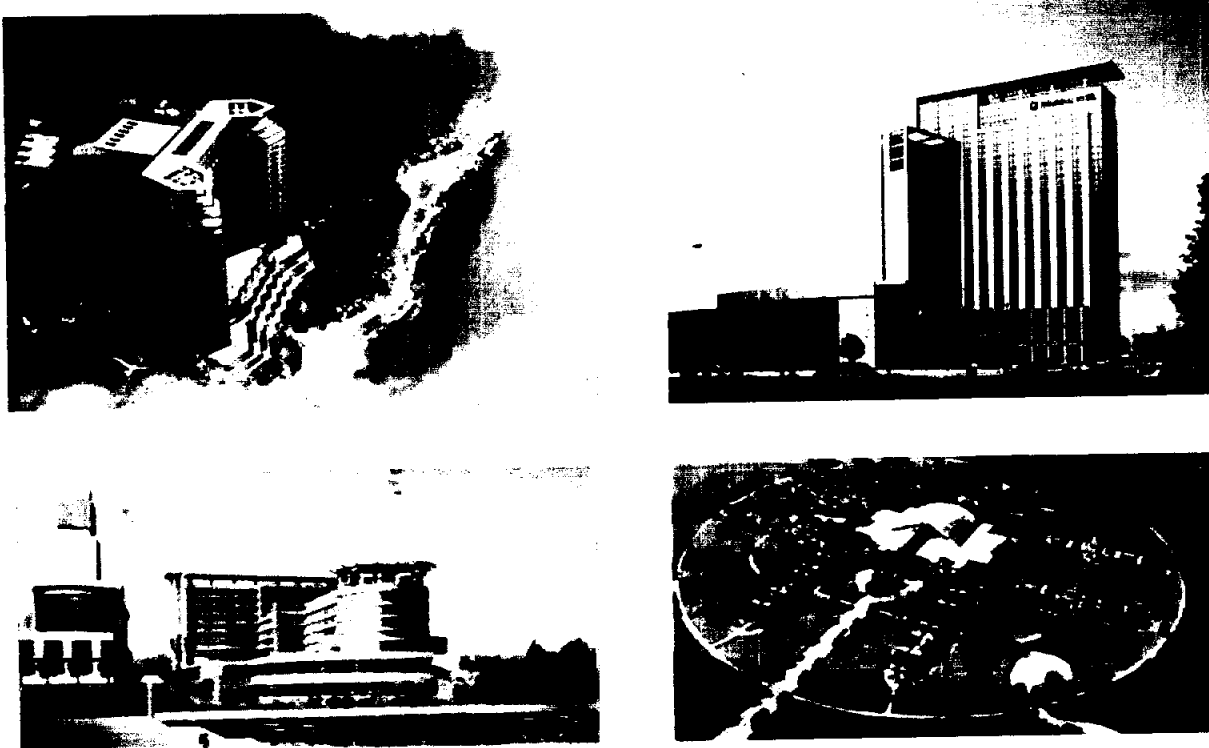
Michelle Lujan Grisham
United States Representative

GLOBALWORKS

GlobalWorks is an International development and design team. With projects across America and China, we are committed to providing innovative projects that better the lives and communities of our world.

Our approach to every project is to put the user needs and environment first. GlobalWorks utilizes innovative ideas, progressive experience and creativity. We believe that our experience in design, materials and innate visual and spatial ability brings value to every project. We help bridge the gap between Art, technology and culture by articulating designs unique to each locale.

We pride ourselves on understanding the client's needs and producing The best possible compromise of desired results.



GlobalWorks LLC
1046 East 3rd AVE
Durango, Colorado 81301
www.globalwks.com

LOUIS 970-779-0999

RENEWABLE ENERGY PARTNERS

GE Energy: Global design technology solutions for the transmission, distribution, management, conversion and optimization of electrical power across multiple energy-intensive industries.

GE Power: GE's solar offerings are deeply rooted in GE's strong power generation heritage spanning more than a century. GE's solar solutions are in over 130 MW of systems across the globe

GE Financial: GE Financial Services group has financed over 1.1 GW in global solar projects for a combined value of \$1.2 billion.

Wells Fargo: has financing for more than 200 utility and distributed generation solar projects. Wells Fargo has invested more than \$1.3 billion of tax equity in more than 300 solar projects since 2007. And, to date, Wells Fargo has provided more than \$3 billion in tax equity and debt financing for renewable energy projects in 28 states.

Veolia Energy: Global leader in energy solutions with over \$20B in revenues.

Lemartec: Leading Engineering and Construction Company in Energy, Government, and Industrial markets.

Amonix: distinguished itself as a leading concentrated photovoltaic company, its scope to include the manufacture of utility-scale CPV solar technology systems.. No other technology platform offers the development track record, field experience, and commercial success

Patriot Solar: Leading U.S. solar technology and installation firm.

Eaton: #1 Power Management company in North America, 3rd in the World.

Veriown: teaming partners represent leading technology and power supply chain capabilities, and unmatched advanced energy solutions

Blue Earth: Engaged in the clean technology industry with primary focus on the multi-billion dollar energy efficiency and renewable energy sectors.

New Generation Power: Global developer and operator of infrastructure assets in – Utility Scale Power Generation, Distributed Generation.

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2014-25
Bond / Tax Reallocation

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2014-25:

1. On page 2, *delete* lines 4 and 5 and *insert* the following, in lieu thereof:

"B. The city shall use the money received from the issuance of the bonds only for the purpose for which the bonds were issued and all bond campaign public information materials shall be consistent with that purpose."

Respectfully submitted,

Joseph M. Maestas, City Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk