



Agenda REGULAR MEETING OF THE GOVERNING BODY NOVEMBER 12, 2014 CITY COUNCIL CHAMBERS

**AFTERNOON SESSION – 5:00 P.M.**

CITY CLERK'S OFFICE

DATE 11/7/14 TIME 4:25 pm

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 – October 29, 2014
9. PRESENTATIONS
  - a) Muchas Gracias – Shannon Jones. (5 Minutes)
  - b) Launch of New Santa Fe Trails Brand: Logo, Bus Design and Street Furniture. (Jon Bulthuis) (5 Minutes)
  - c) Zozobra Report from Neighborhood and Merchant Meetings. (Ray Sandoval, Zozobra Event Committee Chair) (5 Minutes)
10. CONSENT CALENDAR
  - a) Bid No. 15/06/B – Security Services for City of Santa Fe Water Facilities; Chavez Security, Inc. (Alex Puglisi)
    - 1) Request for Approval of Budget Increase – Water Fund.
  - b) Request for Approval of Amendment No. 1 to Agreement – Restorative Justice Program Services through Santa Fe Regional Juvenile Justice Board; State of New Mexico, Children, Youth and Families Department. (Richard DeMella)
    - 1) Request for Approval of Budget Increase – Juvenile Justice Program Fund.



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- c) Request for Approval of Change Order No. 4 – Phase I Southwest Activity Node (SWAN) Park; RMCI, Inc. (Mary MacDonald and David Pfeifer)
- d) Request for Approval of Professional Services Agreement – Repair, Maintenance and Service of Jacobsen Brand Equipment at MRC, Marty Sanchez Links De Santa Fe Golf Course; C & M Air Cooled Engine d/b/a C & M Turf Care Products. (Richard Thompson)
- e) Request for Approval of Ratification of Change Order No. 6 to Construction Contract – Santa Fe Reservoirs Infrastructure Improvements for Water Division; RMCI, Inc. (Robert Jorgensen)
- f) Request for Concept Approval of Sale of Real Estate Containing Approximately 2352 Square Feet Within a Portion of the West Alameda Road Right-of-Way Adjoining 131 Sandoval Street; Galisteo Street, Inc. (Edward Vigil)
- g) Independent Citizens' Redistricting Commission. (Zachary Shandler)
  - 1) Request to Publish Notice of Public Hearing for December 10, 2014:  
  
BILL NO. 2014-33: An Ordinance Relating to Redistricting; Creating a New Section 6-18 SFCC 1987 to Establish an Independent Citizens' Redistricting Commission; Amending the Santa Fe Election Code, Section 9-1 SFCC 1987 to Require that the Independent Citizens' Redistricting Commission Shall Review and Revise the City of Santa Fe District Boundaries at Least Every Ten Years; and Making Such Other Changes as Are Necessary. (Councilor Dominguez, Councilor Trujillo and Councilor Ives)
  - 2) A Resolution Directing Staff to Provide Outreach and Education to the Public Regarding the City of Santa Fe Independent Citizens' Redistricting Commission ("Commission") and Call on Interested Persons, Who Meet the Qualifications for Commission Membership, to Apply for a Position on the Commission. (Councilor Dominguez)



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- h) Living Wage. (Zachary Shandler)
  - 1) Request to Publish Notice of Public Hearing for December 10, 2014:  
  
BILL NO. 2014-34: 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. (Councilor Maestas)
  - 2) A Resolution Relating to the Living Wage Ordinance, §28-1 SFCC 1987; Directing Staff to Explore and Recommend to the Governing Body a Living Wage Program That Will Educate and Assist Santa Fe Businesses in Complying With the Living Wage Requirements and a Mechanism for City Staff to Perform Field Compliance Reviews of Businesses to Ensure Compliance With the Living Wage Ordinance. (Councilor Maestas)
- i) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution in the Interest of Public Safety; Directing Parking Division Staff to Remove Four Parking Spaces on Canyon Road Eastbound, from Paseo De Peralta to Garcia Street. (Sevastian Gurule)
- j) CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Councilor Rivera, Councilor Maestas and Councilor Dominguez)  
A Resolution Declaring the Governing Body's On-Going Support for the Homeless Community, Local Businesses and Established Residential Neighborhoods; Directing Staff to Convene Meetings With Agencies Who Provide Services to the Homeless and, thereafter, Analyze and Report Back to the Governing Body on the Overall Operation of the One-Stop for Homeless Services and Winter Shelter Located at 2801 Cerrillos Road. (Terrie Rodriguez)
- k) Request for Approval of 2015 Employee Holiday Calendar. (Sandra Perez)



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- l) Update on Resolution 2014-26 Relating to the Feasibility and Fiscal Impact of Converting the Current City of Santa Fe Recycling Program Into an Automated Single-Stream Recycling Program. (Lawrence Garcia) (Informational Only)
- m) Request for Approval of Findings of Fact and Conclusions of Law for Case #2014-87 and 2014-89, Two Consolidated Appeals of the August 12, 2014 Decision of the Historic Districts Review Board (HDRB) in Case #H-13-095 Approving the Demolition of Non-Contributing Commercial Structures and Construction of New Structures with Conditions at 321, 325, 329 W. San Francisco Street in the Downtown and Eastside Historic District. (Zachery Shandler)
- n) Pursuant to Resolution 2014-76 - Interim Report on the Weekend Shuttle Pilot Project - Santa Fe University of Art and Design. (Jon Bulthuis) (Informational Only)
- o) Request to Publish Notice of Public Hearing for December 10, 2014:  
  
Bill No. 2014-35: An Ordinance Repealing and Readopting Article IX of The Uniform Traffic Ordinance to Establish that Parking Violations Related to Parking Meters, City Parking Lots and City Parking Garages are Civil Parking Violations and Subject to Administrative Adjudication and Collection from an External Collection Agency; and Making Such Other Changes as Are Necessary to Meet the Purposes of this Ordinance. (Councilor Dimas) (Sevastian Gurule)
- 11. Request for Approval of Amendments to an Existing Lease Agreement Dated June 1, 2010 Between the City of Santa Fe and 60 E. San Francisco Street Ltd. Co. (d/b/a Santa Fe Arcade) for 440 Square Feet of Air Rights Over City-Owned Property Adjacent to the Northern Boundary of 60 E. San Francisco Street. (Edward Vigil)
- 12. Request for Approval of Implementation Option per Resolution 2014-54 Regarding Donated Computers for Indigent Children Program. (Renee Martinez)
- 13. CONSIDERATION OF RESOLUTION NO. 2014-\_\_\_\_. (Mayor Gonzales)  
A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 52nd Legislature - State of New Mexico - First Session, 2015. (Brian Snyder)



# Agenda

REGULAR MEETING OF  
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14. Summary of Council Requested Procurement Issues from the October 29, 2014 City Council Meeting. (Robert Rodarte)
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY  
Executive Session  
In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding and Pending and Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant. (Kelley Brennan)
17. MATTERS FROM THE CITY CLERK
18. 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
  - Arts Commission
  - Nighttime Economy Task Force
    - Request for Approval of Listed Candidates and Nine (9) Month Extension of Time for Taskforce to Report on Recommendations to Governing Body.**
  - Airport Advisory Board
  - Mayor's Youth Advisory Board
  - Santa Fe City and County Advisory on Food Policy



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 12, 2014  
CITY COUNCIL CHAMBERS

## H. PUBLIC HEARINGS:

- 1) **CONSIDERATION OF BILL NO. 2014-29: ADOPTION OF ORDINANCE NO. 2014-\_\_\_\_.** (Councilor Ives)  
An Ordinance Relating to Sewer Service Charges – Amending Rule 8 of Exhibit A of Chapter 22 SFCC 1987 to Increase the Monthly Service Fee and Monthly Usage Fee for the Wholesale Rate; Relating to Extra-Strength Surcharges – Amending Rule 12 of Exhibit A of Chapter 22 SFCC 1987 to Increase the Mass Base Charge; and Making Such Other Changes as Are Necessary. (Bryan Romero)
- 2) **CONSIDERATION OF BILL NO. 2014-30: ADOPTION OF ORDINANCE NO. 2014-\_\_\_\_.** (Councilor Bushee and Councilor Lindell)  
An Ordinance Amending Subsection 20-6.1 SFCC 1987 to Clarify that it Is Unlawful to Possess One Ounce or Less of Marijuana and Certain Marijuana Paraphernalia. (Councilor Bushee and Councilor Lindell) (Kelley Brennan)
- 3) **Case #2014-91 & Case #2014-92 - Consolidated Appeals.** Allen Jahner (Applicant Appellant) and Old Santa Fe Association (Organization Appellant) Both Appeal the September 9, 2014 Decision of the Historic Districts Review Board (HDRB) in Case #H-11-105 Approving the Application with Conditions at 237 & 239 East de Vargas Street Located in the Downtown and Eastside Historic District. (David Rasch and Zachary Shandler)

## I. ADJOURN

**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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November 12, 2014**

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2014-29: ADOPTION OF ORDINANCE NO. 2014-95. AN ORDINANCE AMENDING SUBSECTION 20-6.1 SFCC 1987, TO CLARIFY THAT IT IS UNLAWFUL TO POSSESS ONE OUNCE OR LESS OF MARIJUANA AND CERTAIN MARIJUANA PARAPHERNALIA	Approved	55
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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 12, 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, November 12, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Members Excused**

Councilor Bill Dimas

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Bryan Snyder said there is a request to postpone H(3) on the evening agenda to February 11, 2015.

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

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

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Maestas, 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 Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**10. CONSENT CALENDAR**

- a) **BID NO. 15/06/b – SECURITY SERVICES FOR CITY OF SANTA FE WATER FACILITIES; CHAVEZ SECURITY, INC. (ALEX PUGLISI)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER FUND.**
  
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT – RESTORATIVE JUSTICE PROGRAM SERVICES THROUGH SANTA FE REGIONAL JUVENILE JUSTICE BOARD; STATE OF NEW MEXICO, CHILDREN, YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – JUVENILE JUSTICE PROGRAM FUND.**
  
- c) *[Removed for discussion by Councilor Ives]*
  
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – REPAIR, MAINTENANCE AND SERVICE OF JACOBSEN BRAND EQUIPMENT AT MRC, MARTY SANCHEZ LINKS DE SANTA FE GOLF COURSE; C & M AIR COOLED ENGINE D/B/A C & M TURF CARE PRODUCTS. (RICHARD THOMPSON)**
  
- e) **REQUEST FOR APPROVAL OF RATIFICATION OF CHANGE ORDER NO. 6 TO CONSTRUCTION CONTRACT – SANTA FE RESERVOIRS INFRASTRUCTURE IMPROVEMENTS FOR WATER DIVISION; RMCI, INC. (ROBERT JORGENSEN)**

- f) **REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 2352 SQUARE FEET WITHIN A PORTION OF THE WEST ALAMEDA ROAD RIGHT-OF-WAY ADJOINING 131 SANDOVAL STREET; GALISTEO STREET, INC. (EDWARD VIGIL)**
- g) **INDEPENDENT CITIZENS' REDISTRICTING COMMISSION. (ZACHARY SHANDLER)**
- 1) **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-8 SFCC 1987, TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO AND COUNCILOR IVES).**
  - 2) **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION (COUNCILOR DOMINGUEZ).**
- h) **LIVING WAGE. (ZACHARY SHANDLER)**
- 1) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR DECEMBER 10, 2014:**
    - a) **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. (COUNCILOR MAESTAS, COUNCILOR BUSHEE AND COUNCILOR IVES)**
    - b) **A RESOLUTION RELATING TO THE LIVING WAGE ORDINANCE, §28-1 SFCC 1987; DIRECTING STAFF TO EXPLORE AND RECOMMEND TO THE GOVERNING BODY A LIVING WAGE PROGRAM THAT WILL EDUCATE AND ASSIST SANTA FE BUSINESSES IN COMPLYING WITH THE LIVING WAGE REQUIREMENTS AND A MECHANISM FOR CITY STAFF TO PERFORM FIELD COMPLIANCE REVIEWS OF BUSINESSES TO ENSURE COMPLIANCE WITH THE LIVING WAGE ORDINANCE (COUNCILOR MAESTAS, COUNCILOR BUSHEE AND COUNCILOR IVES)**

- i) *[Removed for discussion by Councilor Trujillo]*
- j) *[Removed for discussion by Councilor Bushee]*
- k) **REQUEST FOR APPROVAL 2015 EMPLOYEE HOLIDAY CALENDAR. (SANDRA PEREZ)**
- l) **UPDATE ON RESOLUTION 2014-26 RELATING TO THE FEASIBILITY AND FISCAL IMPACT OF CONVERTING THE CURRENT CITY OF SANTA FE RECYCLING PROGRAM INTO AN AUTOMATED SINGLE-STREAM RECYCLING PROGRAM. (INFORMATIONAL ONLY) (LAWRENCE GARCIA)**
- m) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2014-87 AND 2014-89, TWO CONSOLIDATED APPEALS OF THE AUGUST 12, 2014, DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-13-095 APPROVING THE DEMOLITION OF NON-CONTRIBUTING COMMERCIAL STRUCTURES AND CONSTRUCTION OF NEW STRUCTURES WITH CONDITIONS AT 321, 325, 329 W. SAN FRANCISCO STREET IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (ZACHARY SHANDLER)**
- n) *[Removed for discussion by Councilor Bushee and Councilor Maestas]*
- o) *[Removed for discussion by Councilor Ives]*

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 29 2014.**

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of October 29, 2014, as presented.

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

**9. PRESENTATIONS**

**a) MUCHAS GRACIAS – SHANNON JONES.**

Councilor Maestas and Councilor Dominguez presenting. Councilor Maestas said he is presenting this Muchas Gracias on behalf of the entire Buckman Direct Diversion Board for his dedication and service to the BDD Project as Facilities/Maintenance Superintendent as well as Acting Facility Manager. He noted Mr. Jones is the new Wastewater Division Director.

Councilor Dominguez said the transition at the BDD was seamless because of Mr. Jones' leadership, knowledge and his understanding of the political dynamics which exist on a joint City/County relationship.

Mr. Jones thanked the City for this recognition, commenting that there is an amazing BDD staff which makes things happen, as well as an amazing Board which is dedicated to getting things done, noting they serve the whole community.

**b) LAUNCH OF NEW SANTA FE TRAILS BRAND: LOGO, BUS DESIGN AND STREET FURNITURE. (JON BULTHUIS)**

A copy of a power point presentation is incorporated herewith to these minutes as Exhibit "1."

Jon Bulthuis presented information via power point with regard to the new logo, bus design and street furniture. He talked about the branding and marketing of the system, noting he believes there is a strong service to market. He said ridership has more than doubled in the past 10 years, and he wants to continue on that path. Please see Exhibit "1" for specifics of this presentation.

Mr. Bulthuis said he appreciates the support for Transit, and the opportunity to purchase the needed fleet, noting there are 5 new buses that will be on the street by the end of the year and the 7 buses which have been authorized, which are under construction, which will be on the street approximately one year from now. He said this is approximately half of the core fleet. The other half still has to be replaced.

**c) ZOZOBRA REPORT FROM NEIGHBORHOOD AND MERCHANT MEETINGS. (RAY SANDOVAL, ZOZOBRA EVENT COMMITTEE CHAIR)**

Mr. Sandoval presented information via power point. Please see Exhibit "2 for specifics of this presentation.

Mr. Sandoval said thanked Barbara Lopez, Annette Granillo as well as Gilda Montano from Santa Fe Beautiful. He said they will be giving 3 thank-you parties over next 3 Tuesdays, one at the Parks Department, Fire Department and Police Department. He said they will be providing lunch for these employees.

Mayor Gonzales said the Kiwanis have been extraordinary in terms of outreach to the community, and making sure before and after voices were heard, ideas came to the forefront. He said the Plaza may have been closed because of the art vendor who needed to protect their art, but there were nightclubs open in the area and there was capacity to handle the crowd. He wonders if it was more of a communication issue on our part, or is it an issue to try to open more venues after Zozobra for people to continue their festive mood in.

Mr. Sandoval said he believes it is both. He said, "We didn't do a very good job in communicating what businesses would be open, and one of the reasons he wants to partner with the Chamber and the Convention Center to create a website. And we'll also highlight those businesses at the event and tell people what places will be open after Zozobra."

Mr. Sandoval continued, "There were some businesses that wanted to take a "Wait and See" attitude. We can plan for every contingency, but I think we showed downtown, at least the restaurants, that this can be profitable for them. He said several restaurants closed early and told him they have no intention of doing that the next time we have Zozobra. He said partnering better to make that communication will help this as well."

Councilor Bushee said she is grateful for the approach taken, which at first seemed incendiary with the businesses, but Mr. Sandoval has done the necessary outreach. She asked him if it is his feeling that people felt much better about the delivery of the event this time around.

Mr. Sandoval said, "Yes. We have a lot of folks that want to go back to a Fiesta Friday, and we've talked with our partners at the Fiesta Council and we're just not prepared to do that. We've talked with neighbors, businesses. Some businesses would rather have both events on one weekend. But, to do this in a safe and productive, we want to make sure we're doing things that are smart to bring visitors to the City and to spend money while they're that weekend. I think we can accomplish it. And thank you for starting the dialogue with those businesses."

Councilor Bushee appreciates their outreach to the neighborhood in general. She said, "With you at the helm, we've had a much better sense of communication, outreach and participation from those that are affected most by it. So I appreciate that."

Mr. Sandoval said it's not just the venue, we have to be responsible for our footprint and to really be good citizens and neighbors.

Councilor Bushee asked if we can anticipate some kind of night life after next year's Zozobra.

Mr. Sandoval said, "Absolutely. We're going to spend a lot of time thinking about this over a couple of months and we'll come back and report our recommendations. I do not want visitors to come to the City have an amazing unique cultural experience with the burning of Zozobra and then leave with a bad taste in their mouth."

Councilor Bushee said in the past, her favorite thing to do was to go down to the Plaza and enjoy the food and music and fun and visit with my longtime friends and neighbors. She said, "Maybe we can get back to that." She said it's back on a Friday and has been separated and severed from Fiestas, but maybe we can come up with something.



Mayor Gonzales said part of that challenge would be the Labor Day Arts & Crafts Market, so we would have to see how that goes. And as for the night life, I think the Councilor is right, it would be nice to see more. Let's keep in mind that The Skylight opened over the summer, and we have Evangelos, and The Den and a few other spaces that I think have that type of capacity to handle some of the nightlife, the activity. To me, it seems like we need more food venues for people, because maybe they don't want to show up to a bar and want to eat with their families, and that is something that we should look at and expand."

Mr. Sandoval said a big complaint was that people decided they wanted to get to the Park to see the show, stake out their place, and thought they would eat later, and there was just no place to go.

Councilor Bushee said maybe there's a way to shift it a bit, but still focus it downtown.

Councilor Trujillo said, "I was very critical of you guys two years ago, from the complaints we received from the constituent. In these last two years, the Kiwanis have gone above and beyond, and a lot has to do with you and the members of the Kiwanis Club and it is great what you guys have done. One of biggest things I got from my constituents, is that it is nice because the kids didn't have to get and go to school the next day. That had a lot of impact on a lot of families in the community."

Councilor Trujillo continued, "For the first time ever in this community, we were able to hold a 24-hour softball tournament, something we've needed for a long time. We go to other cities in New Mexico as well as in other states where they have 24 hour softball tournaments. The Kiwanis lent its name to the Santa Fe Softball Association, first ever Zozobra Classic Burnout. That happened at midnight. And I think a lot of players, prior to the tournament, took their families to see Zozobra, which was great. He said if anybody has been to Ft. Marcy lately, they've seen the beautiful new scoreboard out there which was donated by the Kiwanis. He thanked them for what they're doing in the community."

Mayor Gonzales said this all happens because Kiwanis is raising money for scholarships for the youth of our community, commenting this is the reason Zozobra exists.

Councilor Dominguez thanked Mr. Sandoval, saying he believes the success is the result of the hard work the organization has done. It is something you are able to do with some flexibility, a lot of homework, and really a reaction to the neighborhoods, the business community, the constituency. He said, "So thank you and your organization for that, because it is really a result of the work the organization has done."

Councilor Bushee congratulated Mr. Sandoval and his team for the job he has done.

Mr. Sandoval thanked Councilor Lindell for attending all of the meetings with them, because it really helped.

## CONSENT CALENDAR DISCUSSION

### **10(c) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – PHASE I SOUTHWEST ACTIVITY NODE (SWAN) PARK; RMCI, INC. (MARY MacDONALD AND DAVID PFEIFER)**

Councilor Ives said he is curious about the significant costs due to delays and the fact the contractor is going to have to demobilize and then remobilize in the Spring to finish some of the work, a total of about \$119,000. He would like to understand the causes of the delay, noting there is talk about planned utilities by others and a number of other things..

Mary MacDonald said, "The two main reasons are that we've had the delays and we couldn't complete, especially the green portions, the park this year, are the lack of the planned utilities, and we have plans in motion now, of course, but lack of the planned utilities caused a trickle effect. And the other part of it was that we had in timely fashion had applied for an effluent discharge permit, without which we could not start irrigating. We could grow the entire system, but we could not start irrigating. And we just, today, received that permit from NMED. They had a sizeable turnover in their section that processes these permits and takes care of them for us, including our key contact who left in the Spring and that caused that lack of being able to confidently plan. But then the irrigation pump itself, three phase, substantial electricity, no simple short 110 run of power would have powered that up."

Ms. MacDonald continued, "So we could have potentially completed things without potable water for phase 1, but the lack of electrical and a discharge permit created the delays."

Councilor Ives said he is curious about the phrase, "Planned utilities by others."

Ms. MacDonald said, "That's true. There currently are dirt road, compacted, graded, dirt road extensions of Jaguar Drive and Plaza Central, and the completely done first grade of those two road connections that lead to the planned entrance to SWAN Park. So the contractor had in the original contract to get everything to, including the Park entry road, right to that stub-out at Plaza Central. And it was always a plan throughout design. And we had multiple meetings with the developer, everything was in good order as far as schedule and having those roads paved and utilities brought down."

Councilor Ives said the only other line item, which was a big one, in the delay cost was the extended job site overhead for final completion, and asked what that term means, noting that cost \$84,000 plus.

Ms. MacDonald said, "There was a part of delay that City caused in trying to adequately and fairly deal with the lack of planned utilities, especially electrical. And the City first, finding out about it, and then trying to deal with it as effectively as possibly to hopefully save money and get it back on track through a good effort, then caused the contractor's build project schedule got further delayed by that. So it

essentially cost us about 35 days of time extensions and it cost them, for this period time, just a little more than \$1,000 a day to be out there. For the first 6 days of this delay, they didn't charge, but then the rest of the 35-37 days is what is included in this cost."

Councilor Ives said, "I guess my only request going forward is that hopefully, however we do our contracting, that we can do it in such a way that we don't face again additional charges of more than \$100,000 for delay having to do, in part, the actions of others. Just a request going forward. I certainly understand the nature of these things and I appreciate the explanation."

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

**DISCUSSION:** Councilor Lindell said we are paying about \$160,000 to a contractor to not complete any work, although understands we owe the contractor that money. She said this is a tremendous amount of money to spend and get nothing for it. She asked in these kinds of situations is there sufficient time to meet with the contractor and renegotiate to perhaps lessen the damage and find something else they might do during that time frame.

Ms. MacDonald said, "We in fact did negotiate with them quite a bit to keep the costs limited to what it here. But due to plantings, the major delay is planting, they are going to complete, and would have as I mentioned at a previous committee meeting – would have completed the project effectively if not for these problems. But the planting was something we couldn't get around. There's a long time frame that starts with getting the soil amendments down and wet and ready. You have to be able to discharge that irrigation water to proceed into the Fall. And that, and the electrical supply is what we have left, the plantings and the electrical supply. PNM, we're proceeding with an agreement with PNM as you might be aware and there wasn't anything more for them to do over the winter."

Councilor Lindell said, "I'm just horrified that we're paying \$160,000 for really nothing in return on this Change Order. And I hope that procedurally we have learned something from it, and that we have changed our procedure, so we never see something like this again. It's a painful amount of money to pay for this, and if we in fact mitigated it from a larger amount, that's even worse. So, that's what I have to say about this."

Councilor Bushee asked if the irrigation system is in place enough so we could begin the planting now. She said we've had an extraordinary Indian Summer, and the soil isn't frozen. There seems to be no reason, even if they hand-watered within the \$160,000 that could not get that planted and established.

Ms. MacDonald said, "My understanding from the landscape architect is we could, if we had power, we're certainly still lacking power for the irrigation pump, now that we have the permit we could, if we had power, we could plant trees. But the sod is a very different kind of sequence and the roots won't grow. They won't establish."

Councilor Bushee said it's that you can't get the treated effluent there because of the pump, and so how quickly can you get electricity. She said it seems to her we have the rest of this month, December, January, February March essentially to plant. She said, "Our ground doesn't freeze that much anymore, even when we have a hard winter. But when do you expect electricity."

Ms. MacDonald said, "We're bringing forward the PNM Agreement to Public Works Committee, in fact we did, so we will be at Council with the PNM Agreement on December 10, 2014."

Councilor Bushee asked the reason it couldn't be at this meeting or the next meeting.

Ms. MacDonald said they had to wait for PNM do the design and generate the agreement. She said, "There is a long delay, Councilor Bushee."

Councilor Bushee said, "You will have electricity by December, and the ground still will not have been frozen. It doesn't mean you have to put the sod in. What about the rest. It seems we should get something for that amount of money. I agree with Councilor Lindell."

Ms. MacDonald said, "It's probably cheapest to bring them back when all the planting is going to be done, due to these delays being not caused by the contractor. We have to pay general conditions and mobilizations if they come back. And there's no way I know of for us to keep them busy with plantings and complete it. So I think we would end up paying more if they did some over the winter. If we bring them back in the Spring, it's the minimal time we can have them out there and get everything done quickly."

Councilor Bushee said, "I'm reticent to vote for this. I don't know if that happened for the rest of us, so then you may have to have a Plan B."

Councilor Maestas said, "When we heard this weeks ago in Committee, in looking at the Staff Memo that summarized the Change Order, my initial reaction was, this is substantial. It's a high ticket price relative to the original contract amount. And I just didn't see enough of a staff summary, because this Change Order comprises a whole number of events that occurred that led to the whole Change Order. And so it really required me to go through the packet. And, fortunately, the correspondence from the contractor was most helpful in explaining the nature of what had occurred, the damages the contractor had incurred, complete with a stand along and separate estimate for each occurrence. And so all that I would ask in the future is that staff distill the correspondence and the justification from the contractor, kind of like findings of fact so we can decide what staff's interpretation is, and the reason behind their recommendation to approve the Change Order. But having read everything.... I thought the costs were more than reasonable. Unfortunately, liquidated damages in construction contracts have been around for a long time and we should expect that." He would like to see incentives and disincentives for early completion. He thinks we can do a better job in the future.

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

**For:** Mayor Gonzales, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** Councilor Lindell and Councilor Bushee.

**11(i) CONSIDERATION OF RESOLUTION NO. 2014-93 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION IN THE INTEREST OF PUBLIC SAFETY; DIRECTING PARKING DIVISION STAFF TO REMOVE FOUR PARKING SPACES ON CANYON ROAD EASTBOUND, FROM PASEO DE PERALTA TO GARCIA STREET. (SEVASTIAN GURULE)**

Councilor Trujillo said he wants verification that this request absolutely is about public safety. He wants to hear from the Chief that this definitely is in the interest of public safety and there are issues with getting the fire truck there. He said, "I want formal verification."

Chief Litzenberg, said, "We were asked to an evaluation which the Fire Marshal did. He measured the width of the road and determined that it was unsafe with the parking spaces there, and it would be safer with the parking spaces removed for access for a fire truck both westbound and eastbound. The Fire Marshal made the determination if it would be safer for the public if the spaces were removed."

Councilor Trujillo asked if this will come back for an annual review.

Mr. Gurule said the Resolution includes language that the staff will monitor the impact and we can report back to the Governing Body.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Maestas, to adopt Resolution No. 2014-93.

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

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

**Against:** None.

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

**11(j) CONSIDERATION OF RESOLUTION NO. 2014-94 (COUNCILOR RIVERA, COUNCILOR MAESTAS AND COUNCILOR DOMINGUEZ). A RESOLUTION DECLARING THE GOVERNING BODY-S ON-GOING SUPPORT FOR THE HOMELESS COMMUNITY, LOCAL BUSINESSES AND ESTABLISHED RESIDENTIAL NEIGHBORHOODS; DIRECTING STAFF TO CONVENE MEETINGS WITH AGENCIES WHO PROVIDE SERVICES TO THE HOMELESS AND, THEREAFTER, ANALYZE AND REPORT BACK TO THE GOVERNING BODY ON THE OVERALL OPERATION OF THE ONE-STOP FOR HOMELESS SERVICES AND WINTER SHELTER LOCATED AT 2801 CERRILLOS ROAD. (TERRIE RODRIGUEZ)**

**Disclosure for the Record:** Councilor Trujillo said, "I want to disclose that my wife Amber Espinoza-Trujillo serves on the Board of the Interfaith Shelter. In the past I have recused myself from these issues for that reason. I have recently had talks with Kelley Brennan, and Kelley can explain that you feel that I am able to vote on this issue. And I want to just clarify it for the public anyway."

Ms. Brennan said, "I think the disclosure is required, but there certainly is no pecuniary loss or gain that I can discern, and if you feel that you can maintain an open mind and vote fairly on the question, I see no reason to recuse yourself."

Councilor Trujillo said, "I will be staying for the discussion and voting on this issue."

Councilor Bushee said, "There are a lots of folks, I think, here for this particular issue this evening. Mayor it is okay if they raise their hand if that's what they're here for."

Mayor Gonzales said yes.

Councilor Bushee said, "Okay, so there's a lot of interest in this issue I would gather. So, what I would proposed, Councilor Rivera, I welcome the fact that you at least have changed the spirit of the Resolution that you have first proposed, which I felt was fairly unvetted and perhaps a little draconian. But this one still, I don't feel really hits the mark, and so I'm going to give you a few of my thoughts on this. And I know there are folks that affected by this that leave nearby, and I can tell you I've been serving and representing District 1 for a couple of decades. And you know we have St. Elizabeth's Shelter in District 1, and they used to call The Resource Days there, in particular on Fridays. And we call it One-Stop Services now. I see your sign, you don't really have to hold it up too high."

Councilor Bushee continued, "I went through a series of public meetings where we invited the neighbors, the shelter, any of the stakeholders that were affected by the scenario. What really piqued for me my interest in it is the area not only has St. Elizabeth's there and have Resource Days, but it has 5 venues that serve alcohol within walking distance. And what culminated this was a stabbing, where several chronic inebriate homeless residents of our community were beginning to become violent. So we

had these hearings and meetings, and it was very clear that it was a hot issue, but it really come down to what the City was willing to do to really provide resources to address the problems.”

Councilor Bushee continued, “And everybody knows, and I see Bo shaking her head because she was part of those meetings, and being there I feel like I gave blood in some of those meetings with some folks. But I will say is that I don’t feel like this Resolution really addresses the concerns of the people in this room. I understand the few things that I see in here. It says ‘Convene meetings with agencies who provide services to the homeless,’ and then it says, ‘Evaluate the current management structure..... and evaluate the current management structure and evaluate the location and facility.’ It has many *[inaudible]* like short term movement of the homeless community and long term movement of the homeless community. And I want to tell people, we have a plan to end homelessness, whether or not we can actual effectuate that.”

Councilor Bushee continued, “But what I can say is this problem is not black and white. I call it a problem, this concern that everybody has is not simply about where it’s located now, because certainly the problems are going persist wherever it’s located. And that was the case with St. Elizabeth’s and the Resource Days. And when I consider that also this Resolution doesn’t address is the issues behind the issue which is really the behavioral health and mental health issues in this part of the world and alcoholism. We’re dealing with a population of chronic inebriates that are probably causing the majority of the problems.”

Councilor Bushee continued, “And so what I would ask is that we not vote on this Resolution this evening, and that we actually convene a series of public meetings where there are hearings on the issues and everybody gets a chance. I really feel like... I’ve heard everything. These are less than ideal circumstances and I’m very empathetic to neighborhood problems, I really am. But what I can say. I have to tell you about the genesis of this facility. What was less than ideal or less that perfect was the fact we were having people die. I drove here this evening and the temperature gage hit 28 degrees on my way here. That was earlier this evening. We had women, children, families who had nowhere to go. Literally, people were dying.”

Councilor Bushee continued, “And so what happened is this really wonderful group of community members Came together and said we want to do something about this. We managed to get them \$15,000 however many years ago was that, was that 5 years ago. They band-aided together an overflow shelter or operation essentially. And the City really didn’t do much. We had a nice plan to end homelessness. We said everybody deserves and should get a home. I’ve watched this issue and I’ve looked at it. I’ve looked at what Albuquerque’s trying to do, what other cities are trying to do, and the problem just increases here. I’ve gone to the Legislature every year to try to lobby for a local option excise tax to get more treatment beds in this community. But the liquor lobby is so strong in this part of the world that we’ll never get that done, it seems.”

Councilor Bushee continued, “So I have to say that this Resolution that just starts to translate a problem and say this shelter, this facility is not addressing the needs. It doesn’t even make a distinction between the resource operation and the facility and the homeless care. And so I can’t imagine that we are

going to set much in motion with the way this is written. And I would ask that we table this and that we bring together everybody and hash this out. And in fact, I think the City needs to prepare to expend more resources, and I've had this conversation with our City Manager. It is incumbent upon the City. This is a City facility to provide the kind of security that's needed in the neighborhood, the kind of lighting that might be needed in the neighborhood, because I don't believe there is any on Harrison Road. To provide the parking if there is a problem with that. We have security contracts and if we can't get a permanent police station there. The answers we came to in the Railyard were, we hired full time security, we got cameras, we got more bicycle cops going around, we had people really participating."

Councilor Bushee continued, "So far the direction has been to point fingers and say you're not doing a good enough job in operating the facility. And I have to just remind people when they came to us to offer to help the fact that we, the City of Santa Fe was doing nothing to address the fact that people were dying in the cold here that had no place to live. And they came through to us, and I think we need to come through for them. I'm passionate about this because I've watched this happen for years. This problem does not go away and I don't feel like this Resolution is coming from the right place, or will get us to the right end results. So I would ask that we table it. I know there's some Memorandum of Understanding of operations that's forthcoming, and I know there's a lease that needs to be addressed. I know there are neighborhood issues and concerns, and there have been a couple of meetings with Councilors and neighbors, but this, as you can see, than what this Resolution can, I feel, accomplish."

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve this postpone this request, until we are able to undergo a series of stakeholder meetings and City staff would be available, the City Manager, the Police Chief and anyone who could be available, and Councilors, to postpone to a date certain after we achieve those hearings, and then have staff write the report of what took place there, what the suggestions are and what else we can do.

**DISCUSSION:** Councilor Bushee said, "We held, I don't know how many meetings in the Railyard, and we got there. And so I will just ask that we approach this differently."

Mayor Gonzales asked if there can be discussion on a Motion to Postpone.

Ms. Brennan said, "I don't see why not, but the motion is to postpone to a date certain and that date would be named."

Councilor Bushee said, "Three months, I don't know. Two months. Whatever it's going to take. I know people are anxious about it. One month, whatever you can achieve to get this done."

Councilor Rivera said, "I don't know if many of you know, but I spent most of adult life working on an ambulance here in the City of Santa Fe. So, unlike many people who read about homeless people dying, I've seen it first hand. I've responded to homeless people in places, picked them up with an ambulance where you would never expect them to be. And I cared for them, and taken them to a hospital and made sure they were cared for during my time there."



Councilor Rivera continued, "With that being said, I do support the homeless shelter. No one on this Council, the Mayor, nobody, wants to see the homeless shelter go away. This Resolution is simply designed, one the lease is up, so for the City to do its due diligence, do the lease, see if there's any changes we wanted to make, and see if there are any changes that the shelter wanted to make. The second part of it was to convene as many groups as possible, and I didn't close it to just a certain amount of groups, or just the original participants, but to open it to whomever provides services to the shelter, which includes medical, possibly mental health. To convene as many people as possible to see if we can provide better services for the homeless. And why people would be opposed to providing better services than we're currently providing is beyond me."

Councilor Rivera continued, "This is an opportunity to get as many players back to the table as possible to see if can do better, and I think we can. There are many times I drive by the Shelter, and I don't have to tell you, many of your volunteer, there are people on Harrison Road, there are sitting there waiting, they're eating on the side of the Road. Can we do better, yes we can. And why we would be opposed to that is completely beyond me. So, can we do better with mental health issues. Definitely. Do we have enough space there. I had an email today from a volunteer, she's a nursing student, who said we need to do better with medical services at the shelter. We don't have enough room there."

Councilor Rivera continued, "And that's what I was trying to get to. Maybe the way I came about it was completely wrong. Maybe it came across to people in different ways. The people I was able to respond to and let them know what my intentions were, were very open to it, but I wasn't able to get back to everybody that emailed me. Can we provide more beds. I think we can. Can we do better. I think we can. Parking issues. Yes, we have use of the tire place for now, but if that place sells and turns into another business, we're limited again to the parking that is at the shelter. And I've been there when the parking lot is full."

Councilor Rivera said, "I volunteer on Saturdays, during the noontime hour, sometimes to feed the homeless, with our Church group. And it's sad to see people, kids, grab their lunch, sit on the road, sit on the sidewalk, sit on the curbs to eat their lunch. Why don't we have a sheltered area that's covered, protected from the sun, protected from the elements, with picnic tables where they can sit down and eat a nice meal. We can do better. That's what this Resolution was designed to do. It morphed into something other than that for other reasons. That was not my intention. I support the homeless shelter, we need to have a homeless shelter. I would never, ever, want to see us go back to a place where we didn't have a shelter. Because, like I said, I've seen people first hand, I've been there."

Councilor Rivera continued, "I too am passionate about this, but we can do better. Don't limit yourselves to just what is there and happy. Just because they're homeless, doesn't mean they don't deserve the best that we have to offer. And if that means a bigger facility, let's start that discussion. That's what is designed for, to bring people back together to have those discussions, start those discussions. So in summary, Councilor Bushee, I think we're on the same page, whether we get there a different way, we can definitely have that discussion. Those were my intentions. I want to make them clear to everybody, that I, in no way, ever want to see us go back."