



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
OCTOBER 30, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10-25-13 TIME 4:20 p.m.

PREPARED BY

DATE

A handwritten signature in black ink, likely of the City Clerk, over the "DATE" and "PREPARED BY" fields.

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: Special City Council Meeting – September 24, 2013
Special City Council Meeting – October 3, 2013
Reg. City Council Meeting – October 9, 2013
Special City Council Meeting – October 15, 2013
9. PRESENTATIONS
 - a) Muchas Gracias – Bicycle Trails Advisory Committee, City Staff and Members of the Santa Fe Bicycling Community for Their Help in Obtaining National Recognition from the League of American Bicyclists as a "Bicycle Friendly Community" - Silver Designation. (Councilor Bushee) (10 minutes)
 - b) Presentation of Kiwanis Zeller Award. (Ray Sandoval and Lynette Kennard, Kiwanis.) (5 minutes)
 - c) Tierra Contenta Corporation (TCC) Board - Update of the Status of Tierra Contenta Master Plan. (James Hicks) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 14/10/B – On Call Roadway & Trails Construction Services and Construction Agreements. (James Martinez)
 - 1) H.O. Construction, Inc
 - 2) TLC Plumbing & Utility
 - 3) GM Emulsion, LLC



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- b) Bid No. 14/11/B – Santa Fe Rail Trail Retaining Wall & Slope Stabilization Project; H.O. Construction, Inc. (James Martinez)
- c) Bid No. 14/13/B – Taxiway F Extension for Santa Fe Municipal Airport and Contract; Albuquerque Asphalt, Inc. (Francey Jesson)
 - 1) Request for Approval of Grant Agreement – Taxiway F Extension Construction; Department of Transportation Aviation Division Grant. (Francey Jesson)
- d) Request for Approval of Procurement Under State Price Agreement – Base Course Material; EMCO of Santa Fe LLC. (David Catanach)
- e) Request for Approval of Procurement Under State Price Agreement – Pavement Resurfacing Services for Walking Trails Along Arroyo Chamisa Trail; EMCO of Santa Fe LLC. (David Catanach)
- f) Request for Approval of Sale of Real Estate – Approximately 3166 Square Feet Within Lot 3, Section 1, Township 16 North, Range 8 East, NMPM, Adjoining 3020 South Meadows Road; Carol Ortega. (Edward Vigil)
- g) Request for Approval of Professional Services Agreement – Impact Fees Update in Accordance With New Mexico Development Fees Act (RFP #14/06/P); Duncan Associates. (Reed Liming)
 - 1) Request for Approval of Budget Transfer – Long Range Planning Fund.
- h) Request for Approval of Amended Mortgage Document and Amended and Restated Promissory Note – Secure Remaining Acreage Owned by Tierra Contenta Corporation; Tierra Contenta Corporation. (Alexandra Ladd)
- i) Request for Approval of Procurement – Service, Repairs and Equipment for Wastewater Management Division; James, Cooke and Hobson (JCH). (Luis Orozco)
- j) Request for Approval of Disposal and Recycling of Unusable Metal Dumpsters at Environmental Services Division and Provide Revenues from Sale of Scrap Metal to Keep Santa Fe Beautiful for City Wide Clean-Up Projects; Mr. G's Santa Fe Recycles. (Lawrence Garcia)



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- k) Request for Approval of Grant Application and Award – Health Equipment and Services; U.S. Department of Homeland Security. (Sheila Beuler)
 - 1) Request for Approval of Procurement Under Federal Price Agreement – Health Related Equipment and Services for Fire Department; Federal Emergency Management Agency (FEMA); BIOSPACE, Inc. and Parvomedics.
 - 2) Request for Approval of Professional Services Agreement – MaxV02 Advanced Cardiorespiratory Testing Project for Fire Department; Sierra Pulmonary and Sleep Institute.
 - a) Request for Approval of Budget Increase – Grant Fund.
- l) Request for Approval of Professional Services Agreement – Fiscal Agent Services for City of Santa Fe (RFP #13/25/P); Wells Fargo Bank, N.A. (Helene Hausman)
- m) Request for Approval of Project Agreement – Hire Attorney, Engage Other Legal Resources and DWI Forfeiture Program; New Mexico Department of Transportation, Traffic Safety Division, Highway Safety Project. (Alfred Walker and Geno Zamora)
- n) Request for Approval of Grant Award and Budget Increase – State Fire Expenditure Fund for Fire Department; State of New Mexico Department of Finance and Administration. (Jan Snyder)
- o) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Dominguez, Councilor Bushee, Councilor Dimas and Councilor Rivera)
A Resolution Supporting the Santa Fe Public School Transitional Education Program (“TEP”); Authorizing the Reallocation of Designated Funding in the Amount of \$23,000 from Children and Youth Providers That Have Dissolved Their Programs to the TEP Program to Pay for Space Rental and Coordination of Wrap Around Services for the Months of January to May 2014, During the Implementation of the TEP Pilot Program. (Chris Sanchez)
- p) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee and Councilor Wurzbarger)
A Resolution Supporting Initiation of a Needs Assessment by the North Central Regional Transit District to Identify Alternative Service and Financing Options to Begin Provision of Scheduled Regional Transit Service to the Santa Fe Ski Basin. (Jon Bulthuis)



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- q) **CONSIDERATION OF RESOLUTION NO. 2013-____.** (Councilor Wurzbarger, Councilor Ives, Councilor Calvert and Councilor Dominguez)
A Resolution Relating to the Development of a Veterans Art Therapy Program in Santa Fe; Directing Staff to Convene a Meeting of the Department of Veterans Services, Veterans Affairs, Health and Human Services Agencies, Service Providers, Art Therapy Organizations, Nonprofit Organizations, Funders and Relevant Agencies and Organizations to Discuss the Establishment of a Veterans Art Therapy Program in Santa Fe. (Terrie Rodriguez)
- r) **Request to Publish Notice of Public Hearing on December 11, 2013:**
 - 1) **Bill No. 2013-39: An Ordinance Creating a New Section 19-2 SFCC 1987 to Establish a Fraud, Waste and Abuse Hotline for City Employees to Report Alleged Fraud, Waste and Abuse Being Committed by Employees and Officers of the City.** (Councilor Rivera, Councilor Dimas and Councilor Bushee) (Liza Kerr and Judith Amer)
 - a) **A Resolution Authorizing Staff, During the 2014/2015 Budget Process, to Establish a Budget for the Design, Implementation and Administration of a Fraud, Waste and Abuse Hotline for City Employees to Report Alleged Fraud, Waste and Abuse Being Committed by Employees and/or Officers of the City.** (Councilor Rivera, Councilor Dimas and Councilor Bushee) (Lisa Kerr and Judith Amer)
- s) **CONSIDERATION OF RESOLUTION NO. 2013-____.** (Councilor Bushee and Councilor Ives)
A Resolution Relating to the Enhancement of City of Santa Fe Environmental Services and the Use of Recycled Materials; Directing Staff to Establish Ordinance Provisions, Where Possible, Related to: Commercial Businesses Providing Equal Space for Trash Receptacles and Recycling Containers; Mandated Green Waste Collection Days and the Mandated Use of Recycled Asphalt, Within the City Limits, That Contains a Minimum of 10% Recycled Glass to be Used Within the City Limits of Santa Fe. (Nick Schiavo)



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- t) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Relating to the Health, Safety and Welfare of the Residents of the City of Santa Fe; Encouraging the Santa Fe Police Department and the Residents of Our Community to Come Together in a Collaborative Effort and for a Common Cause – Take Illegal Drugs Off the Streets of Santa Fe. (Chief Raymond Rael)
- u) Request for Approval of 2014 Employee Holiday Calendar. (Vicki Gage)
- v) Request for Approval of Proposed Changes to Procurement Manual Section 29, Contract Modifications/Amendments/Change Orders. (Robert Rodarte and Judith Amer)
- 11. Request for Ratification of Professional Services Agreement for Emergency Pool Boiler Replacements at Genoveva Chavez Community Center; Welchs Boiler Service, Inc. (David Pfeifer and Lisa Martinez)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY
 - a) Appointment of Kelley Brennan as Interim City Attorney.
 - b) Consideration of Request for Approval of Conflict Waiver Regarding Legal Services at the City of Santa Fe and the Santa Fe Public Schools.
- 14. MATTERS FROM THE CITY CLERK
- 15. 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



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D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Library Board

H. PUBLIC HEARINGS:

1) Request from Alexander's Inn, Inc. for the Following: (Yolanda Y. Vigil)

- a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Hacienda Nicholas Bed & Breakfast, 320 E. Marcy Street, Which is Within 300 Feet of the Church of The Holy Faith, 311 E. Palace Avenue.
- b) If the Waiver of the 300 Foot Location Restriction is Granted, a Request from Alexander's Inn, Inc. for a Special Bed & Breakfast Dispensing License (Beer and Wine On-Premise Consumption Only) to be Located at Hacienda Nicholas Bed & Breakfast, 320 E. Marcy Street.

2) Request from Alexander's Inn, Inc. for the Following: (Yolanda Y. Vigil)

- a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at The Madeleine Inn, 106 Faithway Street, Which is Within 300 Feet of the Church of The Holy Faith, 311 E. Palace Avenue.
- b) If the Waiver of the 300 Foot Location Restriction is Granted, a Request from Alexander's Inn, Inc. for a Special Bed & Breakfast Dispensing License (Beer and Wine On-Premise Consumption Only) to be Located at The Madeleine Inn, 106 Faithway Street.



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- 3) Request from The Santa Fe Bite, LLC for the Following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at The Santa Fe Bite, 311 Old Santa Fe Trail, Which is Within 300 Feet of The San Miguel Mission, 401 Old Santa Fe Trail and The Church of Antioch at Santa Fe, 207 Old Santa Fe Trail.
 - b) If the Waiver of the 300 Foot Location Restriction is Granted, a Request from The Santa Fe Bite, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at The Santa Fe Bite, 311 Old Santa Fe Trail.
- 4) Request from 1754 La Posada, LLC for a Transfer of Ownership of Dispenser License #893, From Ektorner US La Posada Liquor, LLC to 1754 La Posada, LLC. This License Will Remain at La Posada de Santa Fe Resort & Spa, 330 E. Palace Avenue. (Yolanda Y. Vigil)
- 5) Request from Highgarden Entertainment, LLC for a Transfer of Ownership and Location of Inter-Local Dispenser License #2626 From Central Market, Ltd., dba One Up Restaurant Lounge, 301 Central Avenue, NW, Albuquerque, to Highgarden Entertainment, LLC, dba Jean Cocteau Cinema, 418 Montezuma Avenue, Suite A. (Yolanda Y. Vigil)
- 6) Request from Santa Fe Hard Cider, LLC for the Issuance of a Winegrowers Liquor License to be Located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North #103. (Yolanda Y. Vigil)
- 7) Pursuant to §60-6B-10 NMSA 1978, a Request from St. John's College for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at St. John's College, Great Hall, 1160 Camino Cruz Blanca. The Request is for Four (4) "Music on the Hill Elevated Concerts" to be Held on January 25, February 22, March 15 and March 29, 2014 from 7:30 p.m. to 9:30 pm. (Yolanda Y. Vigil)
- 8) Pursuant to §60-6B-10 NMSA 1978, a Request from Girls Incorporated of Santa Fe for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at the Santa Fe University of Art and Design, Southwest Annex, 1600 St. Michaels Drive. The Request is for the 2nd Annual LUNAFEST to be Held on November 9, 2013 from 5:00 p.m. to 6:30 p.m. (Yolanda Y. Vigil)



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- 9) Pursuant to §60-6B-10 NMSA 1978, Request from Ellsworth Gallery, LLC for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Ellsworth Gallery, 215 E. Palace Avenue, Which is Within 300 Feet of The Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place. The Request is for the "Kathryn Stedham: Alluvium" Opening Reception to be Held on November 8, 2013 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 10) CONSIDERATION OF BILL NO. 2013-36: ADOPTION OF ORDINANCE NO. 2013-____: (Councilor Dominguez and Councilor Bushee)
An Ordinance Relating to the City of Santa Fe Internal Audit Department; Amending Section 2-22 SFCC 1987 to Strengthen Internal Audit Independence (Liza Kerr and Judith Amer)
- 11) CONSIDERATION OF BILL NO. 2013-37: ADOPTION OF ORDINANCE NO. 2013-____: (Councilor Ives and Councilor Bushee)
An Ordinance Relating to Chapter VI SFCC 1987, Boards, Committees and Commissions; Creating a New Article 6-5 SFCC 1987 to Establish the City of Santa Fe Audit Committee. (Liza Kerr and Judith Amer)
 - a) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Ives and Councilor Bushee)
A Resolution Amending Resolution 2010-83 to Repeal the Establishment of the City Audit Committee. (Liza Kerr and Judith Amer)
- 12) Action on Proposed Charter Amendments Relating to Policy Statements, Elections, Redistricting Commission and Miscellaneous Government Issues. (Zachary Shandler)
 - a) A Resolution Calling for Santa Fe Municipal Charter Amendments Recommended by the Charter Review Commission be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Ives and Councilor Wurzbarger) (Zachary Shandler)
 - b) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to Water Protection and Conservation, Neighborhood Preservation, an Independent Redistricting Commission, Timely Disclosure of the Purposes of Tax Increases and Bond Measures, Campaign Contribution Limits, an Audit Committee and Children's Issues and Concerns be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Bushee) (Zachary Shandler)
 - 1) Proposed Amendments.



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- c) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to the Powers and Duties of the Mayor; Removal of the City Manager and the Establishment of a Runoff Election Provision; and Authorizing that Such Amendments be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Ives and Councilor Wurzbarger) (Zachary Shandler)
- d) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to Amendments to the Powers and Duties of the Mayor; Amendments to the Powers and Duties of the Governing Body; Deletion of Article VIII, City Manager; Creation of a New Article VIII, Department Directors and Creation of a New Provision that Would Allow Voting, on All Matters, by Chairpersons of City Committees, Commissions, Boards and Task Forces. (Councilor Rivera) (Zachary Shandler)

13) 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.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
October 30, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT AGENDA LISTING		2-5
<u>APPROVAL OF MINUTES:</u>		
SPECIAL CITY COUNCIL MEETING - SEPTEMBER 24, 2013	Approved	5
SPECIAL CITY COUNCIL MEETING - OCTOBER 3, 2013	Approved	5
REGULAR CITY COUNCIL MEETING - OCTOBER 9, 2013	Approved	5
SPECIAL CITY COUNCIL MEETING - OCTOBER 15, 2013	Approved	6
<u>PRESENTATIONS</u>		
PRESENTATION OF KIWANIS ZELLER AWARD		6
MUCHAS GRACIAS – BICYCLE TRAILS ADVISORY COMMITTEE, CITY STAFF AND MEMBERS OF THE SANTA FE BICYCLING COMMUNITY FOR THEIR HELP IN OBTAINING NATIONAL RECOGNITION FROM THE LEAGUE OF AMERICAN BICYCLISTS AS A “BICYCLE FRIENDLY COMMUNITY” – SILVER DESIGNATION		6-7
TIERRA CONTENTA CORPORATION (TCC) BOARD – UPDATE OF THE STATUS OF TIERRA CONTENTA MASTER PLAN		7-8
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF DISPOSAL AND RECYCLING OF UNUSABLE METAL DUMPSTERS AT ENVIRONMENTAL SERVICES DIVISION AND PROVIDE REVENUES FROM SALE OF SCRAP METAL TO KEEP SANTA FE BEAUTIFUL FOR CITY WIDE CLEANUP PROJECTS; MR. G’S SANTA FE RECYCLES	Approved	8

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF PROJECT AGREEMENT – HIRE ATTORNEY, ENGAGE OTHER LEGAL RESOURCES AND DWI FORFEITURE PROGRAM; NEW MEXICO DEPARTMENT OF TRANSPORTATION, TRAFFIC SAFETY DIVISION, HIGHWAY SAFETY PROJECT	Approved	8-9
CONSIDERATION OF RESOLUTION NO. 2013 -95. A RESOLUTION SUPPORTING INITIATION OF A NEEDS ASSESSMENT BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT TO IDENTIFY ALTERNATIVE SERVICE AND FINANCING OPTIONS TO BEGIN PROVISION OF SCHEDULED REGIONAL TRANSIT SERVICE TO THE SANTA FE SKI BASIN	Approved	9-10
CONSIDERATION OF RESOLUTION NO. 2013-96. A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF SANTA FE; ENCOURAGING THE SANTA FE POLICE DEPARTMENT AND THE RESIDENTS OF OUR COMMUNITY TO COME TOGETHER IN A COLLABORATIVE EFFORT AND FOR A COMMON CAUSE – TAKE ILLEGAL DRUGS OFF THE STREETS OF SANTA FE	Approved [amended]	10-13
***** END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST FOR RATIFICATION OF PROFESSIONAL SERVICES AGREEMENT FOR EMERGENCY POOL BOILER REPLACEMENTS AT GENOVEVA CHAVEZ COMMUNITY CENTER; WELCHS BOILER SERVICE, INC.	Approved	13-14
MATTERS FROM THE CITY MANAGER	None	14
<u>MATTERS FROM THE CITY ATTORNEY</u>		
APPOINTMENT OF KELLY BRENNAN AS INTERIM CITY ATTORNEY	Appointment made	14

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF REQUEST FOR APPROVAL OF CONFLICT WAIVER REGARDING LEGAL SERVICES AT THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS	Removed from agenda	14
MATTERS FROM THE CITY CLERK	None	14
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	15-22
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	23
PETITIONS FROM THE FLOOR		23-24
<u>APPOINTMENTS</u>		
Library Board	Approved	24-25
<u>PUBLIC HEARINGS</u>		
<u>REQUEST FROM ALEXANDER'S INN FOR THE FOLLOWING:</u>		
PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT HACIENDA NICHOLAS BED & BREAKFAST, 320 E. MARCY STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 3. PALACE AVENUE	Approved	25-26
IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FROM ALEXANDER'S INN, INC., FOR A SPECIAL BED & BREAKFAST DISPENSING LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT HACIENDA NICHOLAS BED & BREAKFAST, 320 E. MARCY STREET	Approved	25-26

ITEM**ACTION****PAGE #****REQUEST FROM ALEXANDER'S INN, INC.,
FOR THE FOLLOWING:**

PURSUANT TO §60-6B-10 NMSA 1978, A
REQUEST FOR A WAIVER OF THE 300 FOOT
LOCATION RESTRICTION TO ALLOW THE
SALE OF ALCOHOLIC BEVERAGES AT THE
MADELEINE INN, 106 FAITHWAY STREET,
WHICH IS WITHIN 300 FEET OF THE CHURCH
OF THE HOLY FAITH, 311 E. PALACE AVENUE

Approved

26-27

IF THE WAIVER OF THE 300 FOOT LOCATION
RESTRICTION IS GRANTED, A REQUEST FROM
ALEXANDER'S INN, INC., FOR A SPECIAL BED
& BREAKFAST DISPENSING LICENSE) (BEER
AND WINE ON-PREMISE CONSUMPTION ONLY)
TO BE LOCATED AT THE MADELEINE INN, 106
FAITHWAY STREET

Approved

26-27

**REQUEST FROM THE SANTA FE BIT, LLC, FOR
THE FOLLOWING:**

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST
FOR A WAIVER OF THE 300 FOOT LOCATION
RESTRICTION TO ALLOW THE SALE OF
ALCOHOLIC BEVERAGES AT THE SANTA FE
BITE, 311 OLD SANTA FE TRAIL, WHICH IS WITHIN
300 FEET OF THE SAN MIGUEL MISSION, 401 OLD
SANTA FE TRAIL AND THE CHURCH OF ANTIOCH
AT SANTA FE, 207 OLD SANTA FE TRAIL

Approved

27-28

IF THE WAIVER OF THE 300 FOOT LOCATION
RESTRICTION IS GRANTED, A REQUEST FROM
THE SANTA FE BITE, LLC, FOR A RESTAURANT
LIQUOR LICENSE (BEER AND WINE ON-PREMISE
CONSUMPTION ONLY) TO BE LOCATED AT THE
SANTA FE BITE, 311 OLD SANTA FE TRAIL

Approved

27-28

REQUEST FROM 1754 LA POSADA, LLC, FOR A
TRANSFER OF OWNERSHIP OF DISPENSER
LICENSE #893, FROM EKTORNET US LA POSADA
LIQUOR, LLC, TO SANTA FE RESORT & SPA, 330
E. PALACE AVENUE

Approved

28-29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM HIGHGARDEN ENTERTAINMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2626, FROM CENTRAL MARKET, LTD., D/B/A ONE UP RESTAURANT LOUNGE, 301 CENTRAL AVENUE, NW, ALBUQUERQUE, TO HIGHGARDEN ENTERTAINMENT, LLC, D/B/A JEAN COCTEAU CINEMA, 418 MONTEZUMA AVENUE, SUITE A	Approved	29
REQUEST FROM SANTA FE HARD CIDER, LLC, FOR THE ISSUANCE OF A WINEGROWERS LIQUOR LICENSE TO BE LOCATED AT SANTA FE HARD CIDER, 1730 CAMINO CARLOS REY NORTH #103	Approved	30
PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FROM ST. JOHN'S COLLEGE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT ST. JOHN'S COLLEGE, GREAT HALL, 1160 CAMINO CRUZ BLANCA. THE REQUEST IS FOR FOUR (4) "MUSIC ON THE HILL ELEVATED CONCERTS: TO BE HELD ON JANUARY 25, FEBRUARY 22, MARCH 15 AND MARCH 29, 2014, FROM 7:30 P.M. TO 9:30 P.M.	Approved	30-31
PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FROM GIRLS, INCORPORATED OF SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT THE SANTA FE UNIVERSITY OF ART AND DESIGN, SOUTHWEST ANNEX, 1600 ST. MICHAELS DRIVE. THE REQUEST IS FOR THE 2 ND ANNUAL LUNAFEST TO BE HELD ON NOVEMBER 9, 2013 FROM 5:00 P.M. TO 6:30 P.M.	Approved	31

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
PURSUANT TO §60-6B-10 NMSA 1978, REQUEST FROM ELLSWORTH GALLERY, LLC., FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE "KATHRYN STEDHAM: ALLUVIUM" OPENING RECEPTION TO BE HELD ON NOVEMBER 8, 2013 FROM 5:00 P.M. TO 8:00 P.M.	Approved	31-32
CONSIDERATION OF BILL NO. 2013-36: ADOPTION OF ORDINANCE NO. 2013-34. AN ORDINANCE RELATING TO THE CITY OF SANTA FE INTERNAL AUDIT DEPARTMENT; AMENDING SECTION 2-22 SFCC 1987, TO STRENGTHEN INTERNAL AUDIT INDEPENDENCE	Approved [amended]	33-38
CONSIDERATION OF BILL NO. 2013-37: ADOPTION OF ORDINANCE NO. 2013-35. AN ORDINANCE RELATING TO CHAPTER VI SFCC 1987, BOARDS, COMMITTEES AND COMMISSIONS; CREATING A NEW ARTICLE 6-5 SFCC 1987, TO ESTABLISH THE CITY OF SANTA FE AUDIT COMMITTEE	Approved	38-39
CONSIDERATION OF RESOLUTION NO. 2013-97. A RESOLUTION AMENDING RESOLUTION 2010-83 TO REPEAL THE ESTABLISHMENT OF THE CITY AUDIT COMMITTEE	Approved	38-39
<u>ACTION ON PROPOSED CHARTER AMENDMENTS RELATING TO POLICY STATEMENTS, ELECTIONS, REDISTRICTING COMMISSION AND MISCELLANEOUS GOVERNMENT ISSUES</u>	Some Amendments approved Substitute Resolution approved	40-55
A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 4, 2014	No Action	40

ITEM**ACTION****PAGE #**

A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO WATER PROTECTION AND CONSERVATION, NEIGHBORHOOD PRESERVATION, AN INDEPENDENT REDISTRICTING COMMISSION, TIMELY DISCLOSURE OF THE PURPOSES OF TAX INCREASES AND BOND MEASURES, CAMPAIGN CONTRIBUTION LIMITS, AND AUDIT COMMITTEE AND CHILDREN'S ISSUES AND CONCERNS BE PLACED ON THE BALLOT OF THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION
PROPOSED AMENDMENTS

No action
No action

40
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A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RELATED TO THE POWERS AND DUTIES OF THE MAYOR; REMOVAL OF THE CITY MANAGER AND THE ESTABLISHMENT OF A RUNOFF ELECTION PROVISION; AND AUTHORIZING THAT SUCH AMENDMENTS BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION ON MARCH 4, 2014

No action

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A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO AMENDMENTS TO THE POWERS AND DUTIES OF THE MAYOR, AMENDMENTS TO THE POWERS AND DUTIES OF THE GOVERNING BODY; DELETION OF ARTICLE VIII; CITY MANAGER; CREATION OF A NEW ARTICLE VIII, DEPARTMENT DIRECTORS AND CREATION OF A NEW PROVISION THAT WOULD ALLOW VOTING ON ALL MATTERS BY CHAIRPERSONS OF CITY COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES

No action

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 30, 2013**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, October 30, 2013, 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 David Coss
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Snyder requested to hear Item 9(b) before Item 9(a), and asked to remove Item 13(b).

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to approve the agenda as amended.

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Bushee asked to be added as a cosponsor to Item 10(q)

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

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

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

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, October 28, 2013, regarding Item 10(a) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, October 28, 2013, regarding Item 10(b) is incorporated herewith to these minutes as Exhibit "2."

A copy of a Substitute Resolution regarding Item 10(s) is incorporated herewith to these minutes as Exhibit "3."

- a) **BID NO. 14/10/B – ON CALL ROADWAY & TRAILS CONSTRUCTION SERVICES AND CONSTRUCTION AGREEMENTS. (JAMES MARTINEZ)**
 - 1) **H.O. CONSTRUCTION, INC.**
 - 2) **TLC PLUMBING & UTILITY**
 - 3) **GM EMULSION, LLC**
- b) **BID NO. 14/11/B – SANTA FE RAIL TRAIL RETAINING WALL & SLOPE STABILIZATION PROJECT; H.O. CONSTRUCTION, INC. (JAMES MARTINEZ)**
- c) **BID NO. 14/13/B — TAXIWAY F EXTENSION FOR MUNICIPAL AIRPORT AND CONTRACT; ALBUQUERQUE ASPHALT, INC. (FRANCEY JESSON)**
 - 1) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – TAXIWAY F EXTENSION CONSTRUCTION; DEPARTMENT OF TRANSPORTATION AVIATION DIVISION GRANT. (FRANCEY JESSON)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – BASE COURSE MATERIAL; EMCO OF SANTA FE, LLC. (DAVID CATANACH)**

- e) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PAVEMENT RESURFACING SERVICES FOR WALKING TRAILS ALONG ARROYO CHAMISA TRAIL; EMCO OF SANTA FE LLC. (DAVID CATANACH)
- f) REQUEST FOR APPROVAL OF SALE OF REAL ESTATE – APPROXIMATELY 3,166 SQUARE FEET WITHIN LOT 3, SECTION 1, TOWNSHIP 16 NORTH, RANGE 8 EAST, NMPM, ADJOINING 3020 SOUTH MEADOWS ROAD; CAROL ORTEGA. (EDWARD VIGIL)
- g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – IMPACT FEES UPDATE IN ACCORDANCE WITH NEW MEXICO DEVELOPMENT FEES ACT (RFP #14/06/P); DUNCAN ASSOCIATES. (REED LIMING)
 - 1) REQUEST FOR APPROVAL OF BUDGET TRANSFER – LONG RANGE PLANNING FUND.
- h) REQUEST FOR APPROVAL OF AMENDED MORTGAGE DOCUMENT AND AMENDED AND RESTATED PROMISSORY NOTE – SECURE REMAINING ACREAGE OWNED BY TIERRA CONTENTA CORPORATION; TIERRA CONTENTA CORPORATION. (ALEXANDRA LADD)
- i) REQUEST FOR APPROVAL OF PROCUREMENT – SERVICE, REPAIRS AND EQUIPMENT FOR WASTEWATER MANAGEMENT DIVISION; JAMES, COOKE AND HOBSON (JCH). (LUIS OROZCO)
- j) *[Removed for discussion by Councilor Rivera]*
- k) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – HEALTH EQUIPMENT AND SERVICES; U.S. DEPARTMENT OF HOMELAND SECURITY. (SHEILA BEULER)
 - 1) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – HEALTH RELATED EQUIPMENT AND SERVICES FOR FIRE DEPARTMENT; FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); BIOSPACE, INC. AND PARVOMEDICS.
 - 2) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MAXV02 ADVANCED CARDIORESPIRATORY TESTING PROJECT FOR FIRE DEPARTMENT; SIERRA PULMONARY AND SLEEP INSTITUTE.
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- l) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FISCAL AGENT SERVICES FOR CITY OF SANTA FE (RFP #13/25/P); WELLS FARGO BANK, N.A. (HELENE HAUSMAN)
- m) *[Removed for discussion by Councilor Trujillo]*

- n) REQUEST FOR APPROVAL OF GRANT AWARD AND BUDGET INCREASE – STATE FIRE EXPENDITURE FUND FOR FIRE DEPARTMENT; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION. (JAN SNYDER)
- o) CONSIDERATION OF RESOLUTION NO. 2013-92 (COUNCILOR DOMINGUEZ, COUNCILOR BUSHEE, COUNCILOR DIMAS AND COUNCILOR RIVERA). A RESOLUTION SUPPORTING THE SANTA FE PUBLIC SCHOOL TRANSITIONAL EDUCATION PROGRAM (“TEP”); AUTHORIZING THE REALLOCATION OF DESIGNATED FUNDING IN THE AMOUNT OF \$23,000 FROM CHILDREN AND YOUTH PROVIDERS THAT HAVE DISSOLVED THEIR PROGRAMS TO THE TEP PROGRAM TO PAY FOR SPACE RENTAL AND COORDINATION OF WRAP AROUND SERVICES FOR THE MONTHS OF JANUARY TO MAY 2014, DURING THE IMPLEMENTATION OF THE TEP PILOT PROGRAM. (CHRIS SANCHEZ)
- p) *[Removed for discussion by Councilor Rivera]*
- q) CONSIDERATION OF RESOLUTION NO. 2013-93 (COUNCILOR WURZBURGER, COUNCILOR IVES, COUNCILOR CALVERT AND COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). A RESOLUTION RELATING TO THE DEVELOPMENT OF A VETERANS ART THERAPY PROGRAM IN SANTA FE; DIRECTING STAFF TO CONVENE A MEETING OF THE DEPARTMENT OF VETERANS SERVICES, VETERANS AFFAIRS, HEALTH AND HUMAN SERVICES AGENCIES, SERVICE PROVIDERS, ART THERAPY ORGANIZATIONS, NONPROFIT ORGANIZATIONS, FUNDERS AND RELEVANT AGENCIES AND ORGANIZATIONS TO DISCUSS THE ESTABLISHMENT OF A VETERANS ART THERAPY PROGRAM IN SANTA FE. (TERRIE RODRIGUEZ)
- r) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 11, 2013:
 - 1) BILL NO. 2013-39: AN ORDINANCE CREATING A NEW SECTION 19-2 SFC 1987, TO ESTABLISH A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY EMPLOYEES AND OFFICERS OF THE CITY (COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR BUSHEE). (LISA KERR AND JUDITH AMER)
 - a) A RESOLUTION AUTHORIZING STAFF TO BUDGET AND ACQUIRE AN INDEPENDENT CONTRACTOR TO DESIGN, IMPLEMENT AND ADMINISTER A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY EMPLOYEES AND/OR OFFICERS OF THE CITY (COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR BUSHEE). (LISA KERR AND JUDITH AMER)

- s) **CONSIDERATION OF RESOLUTION NO. 2013-94 (COUNCILOR BUSHEE AND COUNCILOR IVES) A RESOLUTION RELATING TO THE ENHANCEMENT OF CITY OF SANTA FE ENVIRONMENTAL SERVICES AND THE USE OF RECYCLED MATERIALS; DIRECTING STAFF TO ESTABLISH ORDINANCE PROVISIONS RELATED TO: COMMERCIAL BUSINESSES PROVIDING EQUAL SPACE FOR TRASH RECEPTACLES AND RECYCLING CONTAINERS; MANDATED GREEN WASTE COLLECTION DAYS AND THE MANDATED USE OF RECYCLED ASPHALT, WITHIN THE CITY LIMITS, THAT CONTAINS A MINIMUM OF 10% RECYCLED GLASS TO BE USED WITHIN THE CITY LIMITS OF SANTA FE. (NICK SCHIAVO)**
- t) *[Removed for discussion by Councilor Ives]*
- u) **REQUEST FOR APPROVAL OF 2014 EMPLOYEE HOLIDAY CALENDAR. (VICKI GAGE)**
- v) **REQUEST FOR APPROVAL OF PROPOSED CHANGES TO PROCUREMENT MANUAL SECTION 29, CONTRACT MODIFICATIONS/AMENDMENTS/CHANGE ORDERS. (ROBERT RODARTE AND JUDITH AMER)**

8. **APPROVAL OF MINUTES: SPECIAL CITY COUNCIL MEETING - SEPTEMBER 24, 2013
SPECIAL CITY COUNCIL MEETING - OCTOBER 3, 2013
REGULAR CITY COUNCIL MEETING - OCTOBER 9, 2013
SPECIAL CITY COUNCIL MEETING - OCTOBER 15, 2013**

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the minutes of the Special City Council meeting of September 24, 2013, as presented.

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

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the minutes of the Special City Council meeting of October 3, 2013, as presented.

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

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of October 9, 2013, as presented.

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

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to approve the minutes of the Special City Council meeting of October 15, 2013, as presented.

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

9. PRESENTATIONS

b) PRESENTATION OF KIWANIS ZELLER AWARD. (RAY SANDOVAL AND LYNETTE KENNARD, KIWANIS)

Lynette Kennard, Immediate Past President Kiwanis, spoke about the work of Kiwanis and its pledge, and it's participation in the Eliminate Project to eliminate maternal neonatal tetanus syndrome. The goal is to vaccinate women of childbearing age so they and their children are immune to tetanus.

Ray Sandoval presented the Zoeller Award to Chief Rael for his efforts in helping Kiwanis to achieve its goal to protect and save lives. Mr. Sandoval said they appreciate his ability to listen to them, to offer advice and allow changes that made events better and safer. He said they wouldn't have gotten through the transitional year of Zozobra without the direct help of Chief Rael and the Santa Fe Police Department. They appreciate all he did to help them get this event back on track.

Mayor Coss congratulated Chief Rael for his award.

a) MUCHAS GRACIAS – BICYCLE TRAILS ADVISORY COMMITTEE, CITY STAFF AND MEMBERS OF THE SANTA FE BICYCLING COMMUNITY FOR THEIR HELP IN OBTAINING NATIONAL RECOGNITION FROM THE LEAGUE OF AMERICAN BICYCLISTS AS A "BICYCLE FRIENDLY COMMUNITY" – SILVER DESIGNATION. (COUNCILOR BUSHEE).

Councilor Bushee said the City has a brand new designation - Silver Category Bicycle-Friendly Community. Santa Fe is the only city in New Mexico with this designation. Councilor Bushee introduced all BTAC members in attendance and all those who helped with this effort, including staff, especially Robert Siqueiros.

Councilor Bushee said last week *USA Today* put Santa Fe on the map as a Mountain Bike Designation, and she learned today Santa Fe is listed in the single track field among the top 10 mountain bike destinations in North American.

Councilor Bushee read the Muchas Gracias into the record, and presented a certificate to all of the members of BTAC and staff in attendance.

Members of BTAC thanked Patti for her leadership and hard work in this effort.

c) TIERRA CONTENTA CORPORATION (TCC) BOARD – UPDATE OF THE STATUS OF TIERRA CONTENTA MASTER PLAN. (JAMES HICKS)

A power point presentation *Tierra Contenta*, with attached script, is incorporated herewith to these minutes as Exhibit "4."

James Hicks, Tierra Contenta Corporation, introduced the Tierra Contenta Corporation Board members in attendance. Mr. Hicks presented information via power point. Please see Exhibit "4" for specifics of this presentation.

Mr. Hicks noted the School for Deaf owns half of the property yet to be developed. He said they greatly appreciate the support of staff, the Planning Commission, and the Mayor and Governing Body. He said they are 3/4 way through and look forward to completing the buildout.

Mayor Coss thanked Mr. Hicks for his long time service with Tierra Contenta.

Councilor Dominguez thanked Mr. Hicks for his tenure and work on Tierra Contenta as well as Dave Thomas, Peggy and the Board. He said a lot has happened over the years, and has come a long way in its architectural design. He recognized Paul Lewis who served on the Board when he served on the Board. He asked how the City of Santa Fe can help Tierra Contenta..

Mr. Hicks said they will be talking with the City in the future with regard to the infrastructure which needs to be built in Phase 3 to connect current residents in the northern portion to the new infrastructure being built behind K-Mart which will provide a new access to Tierra Contenta, the School, and SWAN Park which all need to come together.

Councilor Dominguez thanked this Governing Body and previous Governing Bodies for support of this effort.

Councilor Rivera said he is a resident of Tierra Contenta and he and his family love the neighborhood. He thanked Mr. Hicks, past and future Councils who will help make decision to guide how Tierra Contenta moves forward which is very important. He said 12 years ago he and his wife were looking for a home in Rio Rancho because they felt it was one of the only places they could afford to buy a home. He said his wife saw a home in Tierra Contenta, Whispering Ridge, and fell in love it, and thanks to Tierra Contenta he is still living in Santa Fe..

Councilor Bushee thanked everyone involved in this effort, including former Councilor Ouida MacGregor and her vision and all of the City Councils. She said when Councilor Dominguez moved to Tierra Contenta they worked on the C-Cell Ordinance which became the Early Neighborhood Notification Act. She said the roads and design styles were new and narrow and much more appropriate than some of the older neighborhoods she represents in Casa Solana with big boulevards. She said it a good place for

families to take root. She said it is wonderful that Tierra Contenta has succeeded, and "I know the City will continue to be supportive of what you need to build out the last of it."

CONSENT CALENDAR DISCUSSION

10(j) REQUEST FOR APPROVAL OF DISPOSAL AND RECYCLING OF UNUSABLE METAL DUMPSTERS AT ENVIRONMENTAL SERVICES DIVISION AND PROVIDE REVENUES FROM SALE OF SCRAP METAL TO KEEP SANTA FE BEAUTIFUL FOR CITY WIDE CLEANUP PROJECTS; MR. G'S SANTA FE RECYCLES. (LAWRENCE GARCIA)

Councilor Rivera said he pulled this item to recuse himself because he is related to the owner of Mr. G's.

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

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives and Councilor Trujillo.

Against: None.

Recused: Councilor Rivera.

10 (m) REQUEST FOR APPROVAL OF PROJECT AGREEMENT – HIRE ATTORNEY, ENGAGE OTHER LEGAL RESOURCES AND DWI FORFEITURE PROGRAM; NEW MEXICO DEPARTMENT OF TRANSPORTATION, TRAFFIC SAFETY DIVISION, HIGHWAY SAFETY PROJECT. (ALFRED WALKER AND GENO ZAMORA)

A Memorandum dated October 29, 2013, to the Finance Committee, from R. Alfred Walker, Assistant City Attorney, regarding Self-Sustainability of the DWI Vehicle Forfeiture Program, is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo said he pulled this item to disclose that he is employed by the New Mexico Department of Transportation, but he does not work for this bureau and has no conflict.

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

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

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

Against: None.

10 (p) CONSIDERATION OF RESOLUTION NO. 2013 -95 (COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING INITIATION OF A NEEDS ASSESSMENT BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT TO IDENTIFY ALTERNATIVE SERVICE AND FINANCING OPTIONS TO BEGIN PROVISION OF SCHEDULED REGIONAL TRANSIT SERVICE TO THE SANTA FE SKI BASIN. (JON BULTHUIS)

Councilor Rivera said this is just a plan supporting the initiation of a needs assessment, but thought it was important to answer questions before the needs assessment is done. He asked if there will be multiple stops on the way to the Ski Basin, such as places where people like to go tubing, or snow-shoeing, or cross-country skiing, or will there be just one stop at the Ski Basin.

Mr. Bulthuis said he is in the very early discussion stages in terms of services. He said, however, it is envisioned to be a community-based asset, so the places noted by Councilor Rivera for recreation, including the ski area, would be part of that discussion. He said in terms of the service, we are at the "front door" of that, and there is a lot of opportunity for community involvement and public comment about how the service would look and operate in the future..

Councilor Rivera said he was involved in an accident that took place at the ski basin several years ago. He said, "Working in the Fire Department and being up there in a large fire truck, and an ambulance and seen the wear and tear it can take on a vehicle, and coming down sometime with little or no brakes is a very thing. I don't know how you measure this, but I would hope you would take that into consideration as we consider moving forward. He asked Mr. Bulthuis to bring that up at some point during the needs assessment, and helps that weighs heavily in consideration as to whether or not to move forward with this.

Councilor Bushee said, "We met this morning with some folks from Ski Santa Fe, and we are going to look at other private sector partners, maybe the Lodger's industry, to make sure this is an effort that supports not only our visitors that like to ski, but our community members and our work force that travel up there daily, and part of the discussion will involve the DOT as well to take safety into account. It is a brand new route and has to get in line for potential funding for the NCRTD, which I'm a member of, so really what we needed to do was to bring everybody to the table. And we've done that today, and will move forward at the next meeting on November 8, 2013. There is even the possibility of bringing back a ski program in the schools, which is something many kids here grew up with. So everybody understands the liability involved, and the safety precautions that need to taken. And that's been a big part of the discussions. And one of the main thrusts of why we would want to consider doing it is primarily safety. There are a lot of potential benefits, aside from the economic development. It is important that we get all out there, but we are involving the private sector and I just wanted people to know that."

Councilor Trujillo said he has the same concerns as Councilor Rivera about multiple stops going up to the ski basin, and he has concerns about multiple stops within the City. He understands we are looking at tourism and getting tourists up there, but his main concern is making sure our residents get to

the Ski Basin. He said the NCTRD technically was set up for New Mexico residents, and would like to see stops throughout all the Districts, and not just in front of all of the hotels to pick up tourists. He wants us to keep in mind the locals that live here and spend money at the Ski Basin as well.

Councilor Dominguez said he will see Mr. Bulthuis at the Quality of Life Initiative and perhaps he can talk about some of that, noting public transportation is one of the biggest barriers for constituents.

Mr. Bulthuis said he will be there.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-95

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

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

Against: None.

10(t) CONSIDERATION OF RESOLUTION NO. 2013-96 (COUNCILOR DIMAS, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR CALVERT AND COUNCILOR IVES). A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF SANTA FE; ENCOURAGING THE SANTA FE POLICE DEPARTMENT AND THE RESIDENTS OF OUR COMMUNITY TO COME TOGETHER IN A COLLABORATIVE EFFORT AND FOR A COMMON CAUSE – TAKE ILLEGAL DRUGS OFF THE STREETS OF SANTA FE. (CHIEF RAYMOND RAE)

Councilor Ives said he has questions about this Resolution, noting he would like to join as a cosponsor.

Councilor Ives said on Page 3 of the Resolution, line 1 provides, "Establish close patrols in the areas reported for suspicious drug activity," and asked what is meant by "close patrols."

Chief Rael said, "Close patrols are basically assignment of an officer to monitor an area more closely than they would normally. While areas are assigned they are required to patrol through, close patrols are kind of special attention areas where the officer will try to focus on, as frequently as possible, between calls for service and other functions."

Councilor Ives said also on Page 3, line 5, there is a directive to the Police Department to, "Lobby the New Mexico State Legislature." He said this seems to call for the Police Department to independently lobby the Legislature on these issues. He said he is confused as to what that should mean, given how we normally go about identification of our Legislative priorities for the Legislature.

Geno Zamora, City Attorney said, "It is the authority of the Governing Body, in consultation with the City Manager, to determine the Legislative priorities of the City of Santa Fe, and that is coordinated through the City Manager and through the City's Lobbyist, and therefore that should be read so any recommendations from the Police Department are presented through City Manager to the Governing Body for joint determination of what legislative priorities go forward. Plus, this is a Resolution, so it cannot confer separate authority to the Police Department than is already established by Charter and Ordinance."

Councilor Ives asked, in directing the Police that they shall lobby the Legislature, if we are accomplishing the purposes we usually accomplish through other mechanisms, or would this still be subject to a later determination by the Governing Body as we get closer to the Legislature.

Mr. Zamora said, "We can talk about this a bit further off line. However, you raise a good point that passing a Resolution is a determination of the policy of the Governing Body, so in fact, you are authorizing the administration, collective, to make it a legislative priority, lobbying for these services that are included in the Resolution.

Councilor Ives said because we usually do the Legislative directive separately, it is appropriate to ask that be carried forward, and the Police Department be available for hearings when we do the general charge, rather than doing it here in a piecemeal way. He will suggest an amendment to this effect.

Councilor Ives said on page 3, line 5, we say, "Lobby the New Mexico State Legislature during the 2014 legislative session, to mandatory minimum sentencing for illegal narcotic drug trafficking cases." He said, given we just endorsed the LEAD Program, does lobbying for mandatory minimums conflict with the directive to divert potential drug traffickers into the LEAD program. We're saying we want everybody prosecuted and put in jail, but we want to take these identified people and send them to diversion programs to avoid them coming into the cycle of the criminal justice system.

Councilor Bushee said she and Councilors Dimas, Rivera and Dominguez attended the Community Town Hall last night on opiate use. She said this is really coming from the law enforcement side, and the policy suggested doesn't require funds. She thinks a companion Resolution needs to come forward. Last night she learned that Drug Court funds are about to end as are prevention funds for the schools, and some monies will be freed up through Medicaid and Obamacare, and there is a dearth of providers. She said there needs to be a companion Resolution that supports the other side where we are diverting from incarceration and moving toward treatment as another way to get drug users/traffickers off the street. She initially signed onto the Resolution because she thought it would approach the City having its own Narcotics Unit. She would like the chief to speak to that. She doesn't see this as a complete effort and she will be lobbying for drug court funds which is "ridiculously important" to this effort. If those funds aren't available, then she would put that at the top of the list over some other things.

Councilor Dimas said we discussed this last night, and the diversion program is still in place. He said, "What we're talking about are really hard core drug traffickers who have been convicted once or twice. It's just like DWI. There was no mandated sentencing when I was very first in the Courts back in 1994, and we didn't have mandatory minimum sentencing until later when MADD and other groups started to demand that people convicted for the 2nd and 3rd DWIs are sent to prison for a certain amount of time,

which is mandatory minimum sentencing. We have the same situation with drug traffickers who are being convicted 2 or 3 times and getting a minimum sentence because Judges aren't mandated by statute to send them to prison for any length of time, which was the whole idea of going to the Legislature and asking for something. It's just a start, a beginning and it's not the end-all. I think the Resolution has been well thought out and the components to it are just a start"

Councilor Dimas continued, "I said last night that as we move on, I think one of the components we have to start looking at is reestablishing the narcotics unit in the Police Department, and we talked about that last night. Knowing the financial constraints and what it will cost to do about, I think we need to start looking at ways to implement this without it costing a lot of money. Like I said, this Resolution is a good start and a way to get the entire community involved in this, and to get them active in reporting suspicious, illegal drug activity in our neighborhoods, in our parks and wherever it might happen to be. That was that was the whole intent."

Councilor Ives said he wants to find a way he can join as sponsor. He reiterated his primary concerns were in directing lobbying efforts separate and apart from our general direction, and then trying to understand how we were pushing mandatory minimum sentencing. There is no exclusion for the first time offender.

MOTION: Councilor Ives moved, seconded by Councilor Calvert seconded for purposes of discussion, to adopt Resolution No. 2013-96, but removing Paragraph 2, beginning on line 5 on page 3, with the understanding that we would take that up as part of our legislative charge when we adopt a Resolution on our legislative priorities, and perhaps in the interim we could work on language for mandatory minimum sentencing and figure out how to coordinate that with the LEED Program which was supported unanimously by the entire Council.

DISCUSSION: Mayor Coss said he is introducing a Resolution establishing the priorities and believes that was concluded on the assumption this was going to pass this evening.

Councilor Bushee asked if this can be introduced in a 30-day session.

Mayor Coss said it can be introduced only if it is in the Governor's call.

Councilor Dimas said he already has spoken with some legislators about this who are interested in pursuing this and learning more about it, after my explanation to them about the DWI laws and the mandatory minimum sentencing on that. He said, "The lobbying efforts have already started by me. This is something very personal to me, and I've already started those efforts."

CLARIFICATION OF MOTION BY MAYOR COSS: Mayor Coss said, "I think his motion would take out number 2 on the Be It Further Resolved, so the 'Lobby the New Mexico Legislature piece' would be removed to be inserted. I believe it's already in the draft Legislative priorities."

Councilor Dominguez said he has no problem with the Resolution, and sees leaving the language in the Resolution and mandating that be in the Resolution the Mayor will be introducing. He doesn't think it's a bad thing to have it in there, as long as the Governing Body understands, if this approved, that we have approved this piece and are supporting it as a legislative priority. I want to be sure we have that understanding.

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yes. I wanted to finish the discussion about having our own narcotics unit, but maybe we can take that up at Finance again soon, since it has a cost to it. So I will vote yes, but really the initial impetus of this Resolution was to talk about getting our own narcotics unit back and I would like to have that discussion, but I don't need to have it now, I guess, but I would like to see what that would cost, what that would mean and what the Chief thinks we're missing not having that."

Councilor Ives reiterated his request to be added as a cosponsor of the bill.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR RATIFICATION OF PROFESSIONAL SERVICES AGREEMENT FOR EMERGENCY POOL BOILER REPLACEMENTS AT GENOVEVA CHAVEZ COMMUNITY CENTER; WELCHS BOILER SERVICE, INC. (DAVID PFEIFER AND LISA MARTINEZ)

Lisa Martinez presented information regarding this matter from the Memorandum of October 21, 2013 to Mayor Coss and City Council, from Isaac J. Pino, Debbie Jo Almager, David Pfeifer and Lisa Martinez, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Ms. Martinez noted the press releases and the article in the newspaper yesterday, with regard to the emergency replacements that we've had to get done.

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

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

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

Against: None.

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

a) APPOINTMENT OF KELLY BRENNAN AS INTERIM CITY ATTORNEY

Mayor Coss said we are going to miss Mr. Zamora.

Mr. Zamora said I have enjoyed serving you for close to four years, some Councilors are newer. I've enjoyed serving you for close to two years. But most of all, Mayor Coss, I do what to thank you for providing me and my family this opportunity by giving me the chance to serve the community that I grew up in. I've had many roles throughout the years, but 4 years I started thinking, what have I done for the City that I live in and you were kind enough to give me the opportunity to serve my community. And I hope in very small ways, I've had a chance to move things forward and help make things move forward.

Mayor Coss said, "Absolutely, Geno."

Mayor Coss said he is appointing Kelley Brennan as Interim City Attorney and asked if we need a motion to approve that.

Mr. Zamora said, "No motion is necessary Mayor. It's your appointment at this time."

b) CONSIDERATION OF REQUEST FOR APPROVAL OF CONFLICT WAIVER REGARDING LEGAL SERVICES AT THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS.

This item was withdrawn from the agenda.

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

15. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of October 30, 2013, is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution relating to a Local Government Road Fund Cooperative Agreement between the City of Santa Fe and the New Mexico Department of Transportation for improvements to Palace Avenue between Cathedral Place and Delgado Street; directing staff to cause such cooperative agreement to be executed on behalf of the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. An Ordinance relating to sewer rates for properties located outside the City limits; amending Subsection 22-6.2 SFCC 1987, to establish that the Santa Fe County Housing Assistance Ordinance shall have jurisdiction over properties outside the City limits; and amending Rule 8A of Exhibit A of Chapter 22 SFCC 1987, City of Santa Fe Sanitary Sewer Rate, Fee and Penalty Schedule, to establish customer wholesale rates for properties located outside the City limits that are connected to the City Sewer System. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Calvert said, "I too want to thank Geno for all his work. I can't claim to know your family ancestry like some Councilors do. I've only known Geno for the four years that we've worked together, but I've come to respect his opinion and his advice. And I appreciate especially, those occasions where you said, 'Councilor, are you sure you want to do that.' And I particularly want to thank Geno for expending some political capital in D.C. to set up a meeting, while I was there, with the White House staff. I do appreciate that. It took a lot of work, I know it did, because you kept doing all these emails and communicating back and forth, and it almost looked like it wasn't going to happen there for a while, but it finally did. And I truly appreciate that. I wish you well in your future endeavors. I know the Public Schools' gain is our loss, but hopefully, we'll both gain, as the Mayor said, through our cooperative working relationship. So best success. And I won't say goodbye, because I'm sure we'll be seeing each other in the future."

Mr. Zamora said, Councilor Calvert, thank you very much. We've developed an incredible friendship over the last two years. You care for the entire community. You think through issues so deeply and so rationally, sometime to the point of really calling me on it if I haven't dedicated the time or research necessary to come up with the best answers. So you've always kept me in check. I always looked forward to our Friday afternoon conversations when you call in. And I always know when it's your day off from the route, because I get a call on that day checking progress. So you're diligent and dedicated, and I've appreciated the friendship, not only with you, but with Carol also."

Councilor Dimas

Councilor Dimas said, "Geno, I've enjoyed working with you immensely, and have the utmost respect for you as an attorney, because I've worked with a lot of them over the years. And as I always told you, and I hope it's something you remember, your opinion is only your opinion and not necessarily the law all the time, but I appreciate it. And I just hope you take that one thing that I gave you while you've been here. And I wish you the very best of luck at the Schools. I think the Schools are very lucky to have you on board, and I'm sure you're going to a tremendous job over there. And we will miss you. We're going to miss your smile over here and the scores for the Lobo games during the Council meetings and stuff. So, we will miss all of that. We hope you think of us every now and then, and I know you'll stay in contact, so, anyway, best of luck to you."

Mr. Zamora said, "Thank you Councilor Dimas. My one regret is that I've only known you really closely for the last two years, and I wish that I had had the opportunity to know you more, but I'm grateful for the friendship, the working relationship and the friendship that we're going to have going forward. I'm glad I was able to provide you the scores. That gives me the opportunity to say, Go Red Sox. But, I have learned from you and your expertise, having sat on the bench for so long. And thank's for reinforcing what I've strived to be for you these last few years, which is, I am an advisor, not a policymaker. I am not a decision maker, but every day, I hope to give you the best advice, and give you also the strength and opportunity to make your own choices, to make your own decisions."

Councilor Dimas said, "Because of numerous things, but you're not going to admit that we went to school together since grade school."

Mr. Zamora said, "We went to school together since grade school, and you look much better than I do."

Councilor Dimas had no other communications.

Councilor Ives

Councilor Ives introduced the following on behalf of Councilor Wurzbarger:

1. A Resolution authorizing the City of Santa Fe Emergency Manager to establish a Hazard Mitigation Advisory Group for the purpose of maintaining, updating and monitoring the progress of projects that are placed in the City's *All Hazard Mitigation Plan*. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution authorizing the City of Santa Fe Fire Department to establish a coalition of individuals with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Ives said, "Geno, we've known each other for about 30 years."

Mr. Zamora said, "Since Junior High, high Junior High."

Councilor Ives said, "Because that's when I came to Santa Fe. And I happen to have gone to law school with Geno's older brother, Diego. And it was coming out to Santa Fe and having green chile at his mom and dad's house that sort of seals the deal. So, if anybody thinks I shouldn't be here, talk to Geno, because it's all his fault, but it has been fabulous working with you here at Council. I look forward to the next opportunity, over at the Public Schools, and I certainly believe there are many ways that the City and the Schools can work more productively together. So I look forward to having, hopefully, an open door, an open dialogue, on all those fronts, and very sorry to see you leave, but very excited about the new possibilities."

Mr. Zamora said, "Councilor Ives, thank you so much. Thank you for your friendship all these years, and your mentorship while I was in my teenage years. Yes, I do like to lay claim that my mother's chile brought Councilor Ives to Santa Fe. But I will always remember, and I've told this story many, many times, the lessons that you've taught me, prior to my term here, about marriage and the growth of love with marriage, which sort of brings me back to fast forward several years later. And the role that this Council played in hoping to bring that love and marriage to many many more people in our community. Thank you Councilor Ives."

Councilor Rivera

Councilor Rivera introduced an Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; creating a new Subsection 14-8.6(B)(2)(g) requiring safety barriers for specified driveways and parking lot aisles; and making such other stylistic or grammatical changes that are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."

Councilor Rivera said, "I would like to just take a minute to thank Geno for his years of service here. I know I've only been on the Council for almost two years, but I've known you since high school. So, it's been a pleasure working with you and knowing you all this time. You know, we love your family and we wish you well in the future."

Mr. Zamora said, "Thank you very much Councilor. It has been a pleasure being your friend all of these years."

Councilor Trujillo

Councilor Trujillo introduced the following:

1. An Ordinance creating a new Section 16-15.5 SFCC 1987, to include procuring of electronic nicotine delivery products or E-cigarettes by minors. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "12."
2. An Ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12.6 relating to driving with a revoked license; 12-12-3, relating to electronic uniform traffic citations; 12-12-11 relating to abstract of traffic cases; creating a new Section 12-12-3.1 relating to electronic Uniform Traffic Citations; and making such other stylistic and grammatical changes as are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."
3. A Resolution repealing Resolution 2012-33 and adopting a new Resolution to establish a policy related to the waiver of user fees at the Santa Fe Community Convention Center, so that on an annual basis each member of the Governing Body is authorized to have the user fees waived at the Santa Fe Community Convention Center, on behalf of a non-profit organization, for a one-day event. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."
4. A Resolution No. 2007-109 and adopting a new Resolution to establish a policy related to waivers or reduction of fees for special events or for the use of City facilities, exclusive of the Santa Fe Community Convention Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Trujillo thanked City staff for being able to pull off the Fishing Derby in two weeks. He said, "My hat goes off to them, because in that short time, they were able to communicate with Game & Fish, YouthWorks, Parks, get the River ready, get the fish into the River." He said he was there and helped to stock the fish. He said this truly is a local event. He said the Derby was attended by children, their parents and grandchildren, noting they were "just having a blast, and you couldn't have asked for a better day. It was an October day, sunny, a little cold in the morning. The staff was out early, and all in all it turned out to be a wonderful day. He said, "I just want to give hats off to staff because they did a heckuva job."

Councilor Trujillo said, "Geno. I've known Geno a long time. We go back to high school. He went to the bad school, I went to the good school. St. Mike's/Santa Fe. But no, Geno, your insight here at the City, your leadership, you've kept us on the straight and narrow. I do appreciate all you've done for this community. I know it's not the last time we're going to see you, you're going to be with the Schools, but I see a future here in the City, in the State, who knows.... in Washington some day, too. I still remember 4 years ago, *Subway*. Best of Luck to you Geno. I know you're going to good things at the Santa Fe Public Schools and I look forward to working with you on the Council and with the Schools, and let's move Santa Fe forward. And I just thank you for all you've done for this community.

Mr. Zamora said, "Thank you so much Councilor Trujillo for your support, and for your wife Amber's support and friendship all of these years. I am grateful that we had lunch at *Subway* just about 4 years ago, because it was you that put the thought in my mind when I said I wanted to get more involved with my community. You said there's a City Attorney role open here soon, and again, with the friendship I've developed with Mayor Coss, it turned into a great opportunity. So thanks to Jared in *Subway* for bringing me here."

Councilor Bushee

Councilor Bushee introduced a Resolution relating to climate change as a real and growing threat to the well being of present and future inhabitants of Santa Fe and urging the U.S. Congress to pass legislation that levies an annually increasing revenue neutral fee on the carbon in fossil fuels at the point of production and importation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Bushee said, "I also wanted to thank Geno. We did not go to high school together. I don't know how long City Attorneys usually serve, but I think you might be becoming one of the longer serving ones over the years here, and I appreciate the efforts that you've given to the community."

Mr. Zamora said, "Thank you Councilor Bushee, thank you also for the opportunity to serve here. I've learned a lot from you, as I have from all the members on this Committee. Again, I'm grateful for your vote 4 years ago when you voted for my appointment."

Councilor Bushee said tomorrow is Halloween and she would caution people to be safe and be careful of the Trick-or-Treaters.

Councilor Dominguez

Councilor Dominguez thanked Councilor Bushee and City Staff and all those who were part of the unveiling of the Food Plan. He thinks it's great this community is moving forward and trying to bring food security to the public and the citizens of this City.

Councilor Dominguez said he and many of us had the opportunity to ride a school bus for National School Bus Safety Day or Week, and thinks it's worthwhile to have a discussion with Traffic and some of the bus drivers regarding about some of the laws in place, and when vehicles are supposed to stop and identifying what really is a divided highway or road. He said the bus drivers told him they are concerned that there seems to be some vague definitions. He said we can talk about that when we have the joint School Board meeting as well.

Councilor Dominguez thanked Brian Snyder and staff for their work they did last Sunday with the Sidewalk Angels. He said there are pieces of the neighborhood that are starting to come together and look well. He thanked him for the meeting on Monday to discuss some of the fiscal impacts of that. He said the

residents are interested as well, and want to do the responsible and right thing. It is wonderful to see the enthusiasm coming from the residents in wanting to help City staff and be involved in their neighborhood.

Councilor Dominguez said, "Although I'm not part of the Horsemen clan, and although I haven't had the opportunity to eat a subway sandwich with you, or even taste your mom's green chile, I just wanted to thank you Geno for all the work that you've done for the City of Santa Fe. It has been a pleasure working with you, knowing you and having some of the conversations that we have had. I especially want to thank you for your support in some of the alcohol legislation that we've passed recently. Your ability to be creative and direct your staff to be creative, I think goes a long way. And just thanks to your wife and your family as well for lending you to us all these years. I imagine that we may have something later on so I can thank her myself, but I wanted to just pass that along."

Councilor Dominguez introduced the following:

1. A Resolution authorizing the organizational transfer of the Office of Anti-Graffiti Coordination and Abatement Program from the Police Department and Parks Division to Keep Santa Fe Beautiful, Environmental Services Division. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
2. An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.1(C), Table 14-6.1-1, Table of Allowed Uses to allow certain food and beverage uses in the I-2 General Industrial District and making such other stylistic or grammatical changes that are necessary. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Dominguez said both pieces of legislation should be going to Finance and Council.

Mr. Zamora said, "Mayor, if I may respond to Councilor Dominguez, because I didn't get a chance to thank Councilor Dominguez. I've learned a lot from the entirety of this Governing Body, but what I've seen from you, Councilor Dominguez, is dedication, true dedication and hard work for your District, which is a younger District, a needier District as far as City services. And I've just been grateful to see, in action, how you've provided the political support, the policy support, the financial support, and initiatives such as healthy food policies, or the new corridor initiatives for the areas of town that need it, the newest areas of town that need it. It is incredible dedication, and thank you for including me in those projects.

Mayor Coss

Mayor Coss introduced the following:

1. An Ordinance relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; amending Ordinance No. 2013-2 for the purpose of approving and adopting a Second Amended Local Economic Development Project Participation

Agreement between the City of Santa Fe and Rodeo Property, Inc., for an indoor multipurpose facility, a local economic development project. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "19."

2. A Resolution respectfully requesting that President Obama deny the permit application by Transcanada to construct the Keystone XL Tar Sands Pipeline. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Mayor Coss said he met with a group that is working on this, so it can just come back to the Council, noting a lot of people in the community are working on this issue.

3. A Resolution establishing City of Santa Fe Legislative priorities for consideration by the New Mexico State Legislature during the 51st Legislature – State of New Mexico – Second Session, 2014. A copy of the Resolution was not available at the time these minutes were submitted.

Mayor Coss thanked the staff and all those involved for the State of the City – Councilor Dominguez for making it a requirement noting this is the 8th one. He said he especially wants to thank Geno Zamora, Kate Noble and Bryan Snyder for all the work on the speech which was well done.

Mayor thanked Esperanza and everyone for attending the Mayor's Ball, which is a very important service organization in Santa Fe.

Mayor Coss said, "I want to thank Geno for all your work and your service, and try not to hold it against you that you are both a Horseman and a Red Sox fan. We've done some very very good work here in the last four years, and you've been an integral part of all of it. And I look forward to seeing you at the Schools, because I think a good relationship is developing with the Schools and I know you'll be part of that."

Mr. Zamora said, "Finally, Mayor Coss, you moved quickly, but I want to dedicate slightly more time to say thank you to a friend. And that's a friendship that's developed very strongly over the last few years, four years especially. In 2008, we got to know each other the best during the Obama campaign, when you served as Northern New Mexico's best surrogate for President Obama, then Senator Obama. As part of the campaign, we could call on you at a moment's notice, and you would go out as a surrogate and have a speech that rallied the crowd, turned out votes. And that was very impressive. And I knew, at some point in time, I wanted to work for you as an elected official, not realizing that I would grow to work for you as a friend and someone that I respect. The friend that calls on the day of my father's heart surgery. A friend that calls on the day of my own surgery. And also, just generally a friend that we could talk to after Council meetings, and sort of go through what we learned and what we needed to do next. I too, am particularly proud of being part of your last State of the City Address as that was coming together. The accomplishments that you had as Mayor, in coordination with this Governing Body, 'blew me away.' I called it a progressive playbook. I have kept a copy of that speech, because if I ever choose to be an

elected official in the future, as I said in my Face Book page, when I grow up I want to be more like David Coss. So thank you, Mayor, for the opportunity. I've enjoyed it. I know I'll move on to other places, but the friendship will last forever."

END OF AFTERNOON SESSION AT APPROXIMATELY 6:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

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

F. PETITIONS FROM THE FLOOR

David McQuarie, 2997 Calle Cerrado, said he is going to deviate from his usual petition tonight. He said the City, especially the Council deserve to be complimented on improvement of its access. He said, for years he has been fighting for access on City streets via curb cuts. He said he uses the ADA guidelines because there is teeth in that law, but it is mainly for people who have strollers. He said years ago he read an article saying strollers are the number one user of curb cuts, with wheelchairs a very distant third. He said he read an article where the ramp was so steep, they bounced the child out of the stroller. He said unfortunately, this weekend, City staff is referring to what they used to do. He said there is a new curb ramp at the corner of Don Gaspar and Alameda, which is a diagonal right into the track of a car. He said where is the money for this purpose and asked if there was fraudulent use of public funds. He asked what did you do with the money. He heard the feds got a letter and didn't like it. He said the City should do what it is supposed to do.

Councilor Calvert arrived at the meeting

David Olsen said the Mayor uses the swimming pool at Chavez, so he is aware of the problems. He said there are saunas that don't work and the manager has no idea when it can be fixed. He said it should be a simple repair, and would petition the Governing Body hire a commercial electrician to repair it, commenting it could be done in a day. He said the City electricians are busy with other things, including the boilers at the Chavez Center. He said he is dependent on the sauna for medical related therapy to make him feel well. He said with regard to the Chavez Center, he noticed there is no corporate policy manual for the facility which is a hindrance in getting any business done out there. He suggested the City institute a 3-ring binder, loose leaf manual systems like many organizations use. Each time a situation comes up you have a paragraph that lists how to handle the problem, commenting things that come up repeatedly should be in there. He said when you want to amend the manual, send a new memo out, take the old one out and put new one back in which eliminates confusion as to what should be done with a certain thing happens. He has spotted one thing that could possibly save the City "tens of thousands of dollars" in electricity over the upcoming years, and he may present that to the City at some point in the future. He said, lastly, the management style of the staff at the Chavez Center, and their actions in sanctioning users of the facility are coming very close to civil rights violation. He won't elaborate, but may in the future, and said Mr. Zamora may want to alert his successor.

Chris Suiden, Director of Community Action at Creative Santa Fe, located at 314 Read Street. It is a non-profit-organization dedicated to strengthening Santa Fe's creative economy. She is here tonight to thank the Governing Body and City staff for their tremendous support in helping them to kick off their next event which starts tomorrow on Halloween, called Walk Santa Fe. It is a month-long event that is serving as a prototype for a simple, affordable, practical solution to increase walkability downtown. They want to show residents, business owners and visitors that they can experience the impact of clear signage and a designated pathway, so when you get off the train you can figure out how to get to the Plaza and the other direction as well. She said with increased walkability and increased people we have increased economic vitality. They have more than 80 partners in the project. It has turned into the biggest walk your City event in USA. All of the money for the project has come from private sources. She said City staff was instrumental in helping them along the way and gave them some really good ideas to make it smoother. Tomorrow there is a kickoff event at 12:00 noon tomorrow at the Railyard water tower. The public is invited and there are maps. They are starting tomorrow morning to work on putting up signage so you can see the pathway. She hopes the Governing Body can join them.

G. APPOINTMENTS

Library Board

Mayor Coss made the following appointments to the Library Board:

Emily E. Dwyer – to fill unexpired term ending 07/2015; and
David Wagner – to fill unexpired term ending 07/2016.

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

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

H. PUBLIC HEARINGS

STENOGRAPHER'S NOTE: Items H(1) through H(9) were combined for the purposes of public hearing, but presentation of staff reports, discussions and voting was done separately and individually. The one Public Hearing is reported under Item 9(H).

1) REQUEST FROM ALEXANDER'S INN FOR THE FOLLOWING:

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT HACIENDA NICHOLAS BED & BREAKFAST, 320 E. MARCY STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 3. PALACE AVENUE.**
- b) **IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FROM ALEXANDER'S INN, INC., FOR A SPECIAL BED & BREAKFAST DISPENSING LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT HACIENDA NICHOLAS BED & BREAKFAST, 320 E. MARCY STREET.**

(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there is a letter in the packet from Kenneth J.G. Semon, Rector, Church of the Holy Faith, stating they have no objection to this request. She said these are new licenses and allow for the serving of beer and wine in conjunction with food to the guests of the Bed and Breakfast and it is limited to two 12-ounce servings of beer or two 6-ounce servings of wine per guest. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the waiver for the 300 foot location and allow the sale of alcoholic beverages at Hacienda Nicholas Bed & Breakfast, 320 E. Marcy Street, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request from Alexander's Inn, Inc., for a Special Bed & Breakfast Dispensing License (beer and wine on-premise consumption only), to be located at Hacienda Nicholas Bed & Breakfast, 320 E. Marcy Street, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 2) **REQUEST FROM ALEXANDER'S INN, INC., FOR THE FOLLOWING:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE MADELEINE INN, 106 FAITHWAY STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 E. PALACE AVENUE.**
 - b) **IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FROM ALEXANDER'S INN, INC., FOR A SPECIAL BED & BREAKFAST DISPENSING LICENSE) (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE MADELEINE INN, 106 FAITHWAY STREET**
(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there is a letter in the packet from Kenneth J.G. Semon, Rector, Church of the Holy Faith, stating they have no objection to this request. She reiterated that these are new licenses and allow for the serving of beer and wine in conjunction with food to the guests of the Bed and Breakfast and it is limited to two 12-ounce servings of beer or two 6-ounce servings of wine per guest. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to grant the waiver for the 300 foot location and allow the sale of alcoholic beverages at The Madeleine Inn, 106 Faithway Street, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the request from Alexander's Inn, Inc., for a Special Bed & Breakfast Dispensing License (beer and wine on-premise consumption only), to be located at The Madeleine Inn, 106 Faithway Street, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 3) **REQUEST FROM THE SANTA FE BIT, LLC, FOR THE FOLLOWING:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE SANTA FE BITE, 311 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF THE SAN MIGUEL MISSION, 401 OLD SANTA FE TRAIL AND THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL**
 - b) **IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FROM THE SANTA FE BITE, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE SANTA FE BITE, 311 OLD SANTA FE TRAIL.**
- (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there are letters in the packet from Jackie Nutina, Finance Director, St. Michael's High School, which is the owner of the San Miguel Mission, and The Most Rev. Daniel P. Danganan, Pastor, The Church of Antioch at Santa Fe, stating they have no objection to this request. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this

business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to grant the waiver for the 300 foot location and allow the sale of alcoholic beverages at The Santa Fe Bite, 311 Old Santa Fe Trail, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the request from The Santa Fe Bite, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at The Santa Fe Bite, 311 Old Santa Fe Trail, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

4) REQUEST FROM 1754 LA POSADA, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #893, FROM EKTORNET US LA POSADA LIQUOR, LLC, TO SANTA FE RESORT & SPA, 330 E. PALACE AVENUE. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments. She noted the business is within 300 feet of the Church of the Holy Faith, but a liquor license was located at 300 East Palace Avenue prior to an enactment of the Liquor Control Act, therefore, a waiver of the existing 300 foot restriction is not required. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Ives moved, seconded by Councilor Calvert, to approve the request for a transfer of ownership of Dispenser License #893, from Ektornet US La Posada Liquor, LLC, to Santa Fe Resort & Spa, 330 E. Palace Avenue, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 5) **REQUEST FROM HIGHGARDEN ENTERTAINMENT, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2626, FROM CENTRAL MARKET, LTD., D/B/A ONE UP RESTAURANT LOUNGE, 301 CENTRAL AVENUE, NW, ALBUQUERQUE, TO HIGHGARDEN ENTERTAINMENT, LLC, D/B/A JEAN COCTEAU CINEMA, 418 MONTEZUMA AVENUE, SUITE A. (YOLANDA Y. VIGIL)**

A copy of a letter dated October 30, 2013, to the Mayor and City Councilors from Shelley Mann-Lev, Santa Fe Prevention Alliance, urging the City Council to maintain its vigilance about this public health issue in the transfer of another inter-local license to Santa Fe from Albuquerque, is incorporated herewith to these minutes as Exhibit "21."

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 25, 2013, with attachments. She noted the business is not located within 300 feet of a church or a school. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request for a transfer of ownership and location of Inter-Local Dispenser License #2626 from Central Market, Ltd., d/b/a One Up Restaurant Lounge, 301 Central Avenue NW, Albuquerque, to Highgarden Entertainment, LLC, d/b/a Jean Cocteau Cinema, 418 Montezuma Avenue, Suite A, Santa Fe, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Rivera, Councilor Dimas and Councilor Dominguez.

Explaining his vote: Councilor Dominguez said, "I'm going to vote no, but I really want to work with staff to see if we can't resolve some of those issues."

6) REQUEST FROM SANTA FE HARD CIDER, LLC, FOR THE ISSUANCE OF A WINEGROWERS LIQUOR LICENSE TO BE LOCATED AT SANTA FE HARD CIDER, 1730 CAMINO CARLOS REY NORTH #103. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments. She noted the business is not located within 300 feet of a church or a school. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to approve the request for the issuance of a Winegrowers Liquor License to be located at Santa Fe Hard Cider, 1730 Camino Carlos Rey North #103, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Rivera, Councilor Dimas and Councilor Dominguez.

7) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FROM ST. JOHN'S COLLEGE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT ST. JOHN'S COLLEGE, GREAT HALL, 1160 CAMINO CRUZ BLANCA. THE REQUEST IS FOR FOUR (4) "MUSIC ON THE HILL ELEVATED CONCERTS: TO BE HELD ON JANUARY 25, FEBRUARY 22, MARCH 15 AND MARCH 29, 2014, FROM 7:30 P.M. TO 9:30 P.M. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there is a letter in the packet from Susan Patten, St. John's College, Director of Development, requesting approval of these events.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to grant the waiver for the 300 foot location and allow the dispensing/consumption of beer and wine in the Great Hall at St. John's College, 1160 Camino Cruz Blanca, for four (4) "Music on the Hill Elevated Concerts," to be held on January 25, February 22, March 15 and March 29, 2014 from 7:30 p.m. to 9:30 p.m., with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 8) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FROM GIRLS, INCORPORATED OF SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT THE SANTA FE UNIVERSITY OF ART AND DESIGN, SOUTHWEST ANNEX, 1600 ST. MICHAELS DRIVE. THE REQUEST IS FOR THE 2ND ANNUAL LUNAFEST TO BE HELD ON NOVEMBER 9, 2013 FROM 5:00 P.M. TO 6:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there is a letter in the packet from Michael S. Boittrill, Finance Director, Santa Fe University of Art and Design, granting approval from the University of Art and Design for this event.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to grant the waiver for the 300 foot location and allow the dispensing/consumption of wine at the Santa Fe University of Art and Design, Southwest Annex, 1600 St. Michaels Drive, for the 2nd Annual Lunafest to be held on November 9, 2013, from 5:00 p.m. to 6:30 p.m., with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 9) **PURSUANT TO §60-6B-10 NMSA 1978, REQUEST FROM ELLSWORTH GALLERY, LLC., FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE "KATHRYN STEDHAM: ALLUVIUM" OPENING RECEPTION TO BE HELD ON NOVEMBER 8, 2013 FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of October 23, 2013, with attachments, noting there is a letter in the packet The Very Rev. Adam Lee Ortega y Ortiz, Rector, The Cathedral Basilica of St. Francis of Assisi, stating they have no objection to this request.

Public Hearing for Items (H1) through Item H(9)

Mary Clare Voorhees, Communications Director, Santa Fe Prevention Alliance, was sworn. Ms. Voorhees read a letter into the record, "specifically in regard to Item #H(5), the Inter-Local DispenserLicense #2626 transfer." Please see Exhibit "21," for the text of this letter. She noted, according to the quota, the City is supposed to have 34 licenses and currently it has 120 full dispenser licenses.

The Public Hearing was closed

Councilor Dominguez said, "In light of the information we have regarding Item #H(5) that has been presented by the Prevention Alliance, I'm wondering if there is a way for us, and I had brought it up before Geno, a way for us to be notified every time we're getting a liquor license transferred from another City. I know it's not as easy as that, because there are different liquor licenses that are allowed, but I'm wondering if there is way for you to be able to give us that information every time there is another license that is coming from another City. It's just so we can keep track of that quota. And if there is a way for us to maybe direct staff to do some research on that quota, and on how we can use our Land Use Code to get a better handle on that quota. Again, so much of this has to do with State law and our ability at the local level to regulate some of this. But I think that if there is a way for us to study that and do something about it, we ought to take a good look at that. Those are all the comments I wanted to make about that particular case, Mayor."

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to grant the waiver of the 300 foot location and allow the dispensing/consumption of wine at the Ellsworth Gallery, 215 E. Palace Avenue, for the "Kathryn Stedham: Alluvium," Opening Reception on November 8, 2013, 5:00 p.m. to 8:00 p.m. with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10) CONSIDERATION OF BILL NO. 2013-36: ADOPTION OF ORDINANCE NO. 2013-34 (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO THE CITY OF SANTA FE INTERNAL AUDIT DEPARTMENT; AMENDING SECTION 2-22 SFCC 1987, TO STRENGTHEN INTERNAL AUDIT INDEPENDENCE. (LIZA KERR AND JUDITH AMER)

Internal Auditor Liza Kerr said she will stand for questions.

Mayor Coss thanked the members of the Audit Committee, as well as Judith Amer and Geno Romero, for their work on this.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Ordinance No. 2013-34 with the amendments in the packet.

CLARIFICATION OF THE MOTION BY COUNCILOR CALVERT: Councilor Calvert said he presumes the Motion was with amendments, and Councilor Dominguez shook his head yes.

DISCUSSION: Councilor Calvert said we need to clarify which amendments we're talking about, noting there are several pages of amendments and some are changing some of the other ones.

FRIENDLY AMENDMENT: Councilor Calvert said on page 7 of the Substitute Ordinance, line 21, it says, "Within sixty days (60) days of the beginning of each fiscal year." He said he thought it was supposed to be "Within sixty days (60) days prior to the beginning of each fiscal year." He said it is in the amendment, but it isn't in the corrected/ substitute bill. He asked that the corrected version to amended as per the amendment. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Ms. Amer said staff will make that change.

Councilor Ives said, "Judy, obviously, there is a good deal of language in here about compliance with IPRA, and I'm just wondering, because we seem to be giving audits that might exist in draft form, essentially sort of declaring them unavailable under IPRA until they are put on an agenda for Finance or some other Committee, and I just want to make sure I understand that that complies with the disclosure requirements of IPRA, because that seems like one we're likely to get challenged on if it doesn't."

Mr. Zamora said, "Under the New Mexico Inspection Of Public Records Act [IPRA] it has several exclusions of documents as public records and then a catch-all provision that says, 'As otherwise provided by law.' City Ordinance is considered law and because there was no other provision.... at the State level, there is a provision for state audits and protection during the audit process, but there wasn't anything that covered charter municipalities. We are able to do so in passing an Ordinance, and we have taken great care in drafting this language to draft it as narrowly as possible while ultimately making the records public. It just protects for a small window while the investigation is taking place. A good example, and a good basis for protecting investigative process is when there is the target of an investigation that could IPRA and find out what practices are being looked at. So, it's a gap in the law that is being filled through this Ordinance."

Councilor Ives said on Ordinance page 9, lines 7-8, two provisions were added that the Auditor would determine, "The entity, programs, activities, functions or policies are effective, including the identification of any causes of inefficiencies or uneconomical practices; (6) The desired result or benefits are being achieved." He said that suggests that when the City enacts a resolution or Ordinance it is incumbent to have a statement as to why our policies are being adopted as well as what their efficacy is likely to be. He asked if this is a standard auditing practice to ask for an evaluation of policies adopted by the Governing Body as to its effectiveness, or inefficiencies or the economics associated with those."

Ms. Amer said, "That line and the subsequent line are only implicated when the auditor is actually conducting an audit. If you look at the beginning on page 8, Paragraph C provides, 'The auditor shall have the authority to conduct performance and financial audits, attestation engagements or to provide advisory (non-audit) services to independently and objectively determine whether.' To me those two sentences are only implicated in conjunction with a particular audit."

Councilor Ives noted Ms. Amer left out language 'or to provide advisory "non audit" services.' as part of that, and there is no exclusions of paragraphs 5 and 6 from that as well.

Ms. Amer said, "I would say that is on request. I would not think that is mandatory every time you enact a resolution."

Councilor Ives said presumably, this gives the auditor full authority to do it whenever the auditor decides with regard to any policy enacted by the Governing Body. He said he is not clear that is a normal part of the audit process. He said we always are concerned about financial transparency, financial protections and best practices.

Mr. Kerr said this language comes directly from the auditing standard, and it's saying "when I am conducting an audit, I look and the policies and make sure the policies are efficient and effective, during the course of that audit. It's restricted to the audit work itself."

Councilor Ives suggested striking the language in Subparagraph C, line which says, "...provide advisory non-audit services."

Ms. Kerr said the advisory non-audit services are defined earlier in the Ordinance. These are the fraud type of audits. She said, "Again, this is the way the standard is defined. A performance audit, not a financial audit, not an attestation review. Again, that is directly out of the standards and they're just call non-advisory services. Non-advisory services could be a fraud investigation, or another project that the City Manager or somebody else has directed me to do. And it's not necessarily considered an audit, but a project or investigation."

Councilor Ives said he still is not comfortable that evaluation of the policy, in terms of its efficacy and economics, and whether or not the desired results or benefits are being achieved. He said to him, this suggests that when this body enacts anything is going to have to tell you why we're doing it, what we want the outcomes to be, because he doesn't know there is a means of evaluating whether the policies are achieving the desired results, other than her sense as good as it might be.

Ms. Kerr said she wouldn't be auditing every policy that the City implements. She said, "During an audit one of the first things I do is pull the policy, look at the policy and use the policy to help develop an audit program. I do audit the entity against the policies and ordinances that are in place, and part of that review is to determine if they are efficient and effective. That's not broad scope. That's just for the audits I'm conducting which are limited every year. I can't look at every ordinance and policy."

Councilor Ives said this is the primary policymaking body, not that he does not welcome scrutiny of what we do, but he is unsure the auditing function is the place to do that, as opposed to feedback from relevant areas handling those policies within the City.

Councilor Wurzbarger said, "As I'm understanding the argument, it seems to me the issue might be one of language, in that the efficacy that the auditor is looking is to what degree did the information that you're gathering actually complies with the policies. And that's the context for you making your opinion. That is different from the point my colleague is raising, with respect to evaluating the policy and whether it was a good and efficient policy. I can understand that distinction. I don't know if I am understanding that correctly, or if that adds anything to the debate. It does for me. You could tell me that's not the proper interpretation."

Ms. Kerr said, "Councilor Wurzbarger, that is the proper interpretation. Does that help."

Councilor Ives said it helps, but it frankly still leaves him a little adrift trying to fully understand how it could possibly be implemented, which relies, obviously, on the sound judgment of all parties involved. He said, "Let me move from that, and ask a question with regards to a proposed amendment on page 4."

Councilor Ives noted the proposed amendment on page 4, lines 2-5, Subsection D where language was inserted, "...the city manager shall report proposed personnel actions, such as hiring, discipline or termination relating to the internal auditor to the Audit Committee in executive session in accordance with

the New Mexico Open Meetings Act.” He asked who has the power to terminate the internal auditor, and under what circumstance and what matters need to be taken before the Audit Committee, and the effect of any recommendation or response from the Audit Committee.

Mr. Zamora said, “To put this paragraph in context, it is almost like a pressure relief valve. Theoretically, if the City Manager hires and fires all City employees, other than the appointees, theoretically a City Manager could hire and fire an internal auditor on an occasion where the auditor has discovered problems that may be caused or otherwise protected by a City Manager, again, all theoretically. And so this is a safety provision, read in context. We’re talking about a safety provision where the City Manager actually discusses personnel actions with the Audit Committee, but as I understand it, the Audit Committee has no authority within the personnel process. This particular paragraph, at line 2, just brings into account the Open Meetings Act. It does not create any new provisions of the Open Meetings Act. It just recognizes that under certain personnel conditions, and discussion of certain personnel matters, that can be discussed in an Executive Session. So it recognizes the Audit Committee has the ability to hear limited personnel matters in executive session, but also provides another safety valve by saying you can’t do that willy-nilly, you have to consult with the City Attorney’s Office to verify that this is a legitimate use of the law.”

Councilor Ives said, “I still have concern, since the City Manager is charged with hiring or firing of all employees, if there were a circumstance of malfeasance or another action by the auditor, for example, if the internal auditor were found to have child pornography on a computer. And the City determined an immediate termination was appropriate, this would seem to necessitate not taking that action, but going to the Audit Committee in executive session.

Ms. Amer said, “This allows the City Manager to go discuss it with the Audit Committee. That’s simply what this allows. It doesn’t require them to follow any particular recommendation of the Audit Committee.”

Councilor Ives said, “But it says shall report proposed personnel actions, so presumably it restricts the City Manager’s capacity to act in an egregious circumstance like that in any way until it has been presented to the Audit Committee.”

Ms. Amer said that is correct.

Mr. Zamora said, “I believe what presents the difficulty is simply that word “proposed,” and it could be a good amendment to remove that word.”

Councilor Ives said that would work, noting the auditing standards are all incredibly appropriate bases to go to the Audit Committee for input, because the City Manager might not have that expertise, so the advice would be not only welcome, but very prudent in that circumstance. He said his concern is that not all personnel actions are necessarily such that they should go to the Audit Committee. He would feel more comfortable if the hiring, discipline or termination relate to any action taken in connection with the performance by the auditor of their duties.

Mr. Zamora said, "That consideration is certainly appropriate in ideal and honest circumstances. I think, with this safety valve, theoretically a future City Manager could come in and say, I did not need to bring this to you because it was reporting late for work, or some kind of inappropriate use of computer systems, and then use that as the basis for not coming to the Audit Committee. The reason that executive session is used, is so that the City Manager can come in and even explain and attempt to demonstrate why the action was made, whether it relates specifically to the audit duties or otherwise, again it's a safety valve to prevent a future City Manager from making up an excuse to terminate in case that auditor discovers wrong doing at the City. So, I understand what you're saying. It should be limited. Ideally, the subject matter should be limited as far as personnel actions coming before the Audit Committee, but if you limit it, you give an opportunity for a City Manager to push things into an exception, or create a situation where there's an exception and then there is no check on removing the auditor."

Councilor Calvert asked what the check is. He said, "There is no authority granted here, so the check is, that just by having to explain it, the City Manager might have second thoughts about doing something that wasn't justified. Is that sort of the implied what, check."

Ms. Amer said, "That is partly the check, but all there are all levels of disciplinary actions included within this paragraph. So perhaps, the City Manager wanted to do a month's suspension and then upon discussion, realizes that no, this is more appropriate for a 3-day suspension. So it is to get the feedback and the expertise of the Audit Committee. But you are correct, they don't have the authority to direct the City manager to do any particular action, one way or the other."

FRIENDLY AMENDMENT: Councilor Ives would like to amend the motion to amend language on page 4, lines 2-3, as follows: ".,, the City Manager shall report ~~proposed~~ personnel actions..." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND.**

Councilor Calvert said the amendment seems to defeat some of the purpose of what we were just discussion. If they are personnel actions, and you delete "proposed," that means they are done and then there is no leverage to try and persuade them, or give them counsel to do otherwise. If the actions are still proposed, then you have the possible benefits of making them think about his actions if they aren't square with policy and procedure, and also counseling them as to a more appropriate sanction, punishment or something. He said by removing the word "proposed," you will lose some of the benefits of doing this.

WITHDRAWAL OF APPROVAL OF FRIENDLY AMENDMENT BY MAKER OF THE MOTION. Councilor Dominguez said when he spoke with staff about this, the idea was to be as independent as possible without breaking any of the personnel rules and regulations. He remembers the discussion we had about whether it would be proposed personnel actions, and Councilor Calvert "hit the nail on the head." That is really the intent.

FRIENDLY AMENDMENT: Mr. Zamora said another alternative would be to add language on line 10, at the end that says, "Nothing in this paragraph shall prevent the City Manager from placing the internal auditor on administrative leave until such time as he or she may comply with this paragraph." He said the language can be shortened, but the concept is that if there is something really egregious the City Manager can place the internal auditor on administrative leave, and then call a meeting of the Audit Committee within a certain number of days, 5 for example." Councilor Ives said he would make that as a friendly amendment.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Dominguez asked if it is necessary to specify a specific time. Mr. Zamora said, "No, except for this. Someone could put the internal auditor on administrative leave and not call for an Audit Committee meeting, so a timeframe would be helpful.

Councilor Dominguez asked if he would contemplate thirty days.

Councilor Ives said the notion here would be if it serious enough to put the internal auditor on administrative leave, it's something that should be looked at quickly, noting the Audit Committee meets monthly, so if it was 30 days, it would be saying essentially when you have your next meeting. He said, given the seriousness of undertaking action to put someone on administrative leave, to say five working days or seven working days, probably makes the most sense. He thinks the Audit Committee wouldn't want to wait a month to find out more about that.

Councilor Dominguez asked if he is giving a time frame.

Councilor Ives said why don't we say within 7 working days, and Councilor Dominguez said he likes that better.

RESTATEMENT OF THE FRIENDLY AMENDMENT: "Nothing in this paragraph shall prevent the City Manager from placing the internal auditor on administrative leave until such time as he or she may comply with this paragraph." And then add a provision that the City Manager shall call a meeting of the Audit Committee within 7 working days to report the action. **THE RESTATED FRIENDLY AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining his vote: Councilor Calvert said, "Yes, as amended."

- 11) **CONSIDERATION OF BILL NO. 2013-37: ADOPTION OF ORDINANCE NO. 2013-35 (COUNCILOR IVES AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO CHAPTER VI SFCC 1987, BOARDS, COMMITTEES AND COMMISSIONS; CREATING A NEW ARTICLE 6-5 SFCC 1987, TO ESTABLISH THE CITY OF SANTA FE AUDIT COMMITTEE. (LIZA KERR AND JUDITH AMER)**
- a) **CONSIDERATION OF RESOLUTION NO. 2013-97. (COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION AMENDING RESOLUTION 2010-83 TO REPEAL THE ESTABLISHMENT OF THE CITY AUDIT COMMITTEE. (LIZA KERR AND JUDITH AMER)**

Mayor Coss said this action would change the Audit Committee from being created by Resolution to being created by Ordinance.

Ms. Amer said the Mayor is correct. This would codify the existing Resolution.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to adopt Ordinance No. 2013-35, with the amendment in the packet.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to adopt Resolution No. 2013-97.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Mayor Coss thanked the Audit Committee, the Finance Committee, the City Councilors and the City Attorney's office for their work on both Ordinances.

- 12) **ACTION ON PROPOSED CHARTER AMENDMENTS RELATING TO POLICY STATEMENTS, ELECTIONS, REDISTRICTING COMMISSION AND MISCELLANEOUS GOVERNMENT ISSUES. (ZACHARY SHANDLER)**
- a) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 4, 2014 (COUNCILOR IVES AND COUNCILOR WURZBURGER). (ZACHARY SHANDLER)**
 - b) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO WATER PROTECTION AND CONSERVATION, NEIGHBORHOOD PRESERVATION, AN INDEPENDENT REDISTRICTING COMMISSION, TIMELY DISCLOSURE OF THE PURPOSES OF TAX INCREASES AND BOND MEASURES, CAMPAIGN CONTRIBUTION LIMITS, AND AUDIT COMMITTEE AND CHILDREN'S ISSUES AND CONCERNS BE PLACED ON THE BALLOT OF THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION (COUNCILOR BUSHEE). (ZACHARY SHANDLER)**
 - 1) **PROPOSED AMENDMENTS**
 - c) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RELATED TO THE POWERS AND DUTIES OF THE MAYOR; REMOVAL OF THE CITY MANAGER AND THE ESTABLISHMENT OF A RUNOFF ELECTION PROVISION; AND AUTHORIZING THAT SUCH AMENDMENTS BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION ON MARCH 4, 2014 (COUNCILOR IVES AND COUNCILOR WURZBURGER). (ZACHARY SHANDLER)**
 - d) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO AMENDMENTS TO THE POWERS AND DUTIES OF THE MAYOR, AMENDMENTS TO THE POWERS AND DUTIES OF THE GOVERNING BODY; DELETION OF ARTICLE VIII; CITY MANAGER; CREATION OF A NEW ARTICLE VIII, DEPARTMENT DIRECTORS AND CREATION OF A NEW PROVISION THAT WOULD ALLOW VOTING ON ALL MATTERS BY CHAIRPERSONS OF CITY COMMITTEES, COMMISSIONS,**

BOARDS AND TASK FORCES (COUNCILOR RIVERA). (ZACHARY SHANDLER)

Items 12(a), (b), (b)(1), (c) and (d) were combined for purposes of presentation, public hearing and discussion, and voting was done individually in accordance with the items listed in the Table of Proposed Amendments [to the Charter] Exhibit "22."

A copy of the "Table of Proposed Amendments," is incorporated herewith to these minutes as Exhibit "22."

A copy of *Proposed Amendments to Charter Amendment to Proposal A by Councilors Ives and Wurzbarger*, Item #H(12)(a), by Councilor Peter Ives, is incorporated herewith to these minutes as Exhibit "23."

A copy of *Proposed Amendments to Charter Amendment Proposal C by Councilors Ives and Wurzbarger*, Item #H(12)(c), by Councilor Peter Ives, is incorporated herewith to these minutes as Exhibit "24."

A Memorandum dated October 30, 2013, with attachments, to Mayor Coss, Santa Fe City Councilors, from The League of Women Voters of Santa Fe County, regarding Pros and Cons on Additional "Strong Mayor" Proposals, is incorporated herewith to these minutes as Exhibit "25."

The staff report was presented by Zachary Shandler. Mr. Shandler said the proposed process going forward is as follows. He will first review the proposals to be discussed this evening, and then turn it over for public comment. He will then return for the motion process. He said, "While you are listening to public comment, I would like you to think about these types of issues: how many items on the menu [Exhibit "22"] do you want to send to the voters for the voters to decide whether they should be enshrined in the City Constitution. Right now, the menu as we have here, could be up to 12 items, not counting the Governance issues which will occur at the next meeting. So then I will return, and I'll be asking for motions on items that you consider ready, or ready for an amendment. You do not have to go sequentially off the menu, you can say a motion on #4 or #11, whatever you think is ready to send to voters."

Mr. Shandler continued, "Now, if staff hears silence, it will be our working presumption that you consider the remaining items not ready and should wait until at least the 2016 election. At the conclusion of all of this, staff will ask the Council for a motion for a substitute resolution which will combine all the approved items, and then will be combined into a Special Election Resolution which will be on the Consent Calendar for the December 9, 2013 Council meeting. For the purposes of the public, we're just talking tonight about policy statements, elections, redistricting commission and miscellaneous issues."

Zachary Shandler, Assistant City Attorney, reviewed the Table of Proposed Amendments, Items 1 through 11. Please see Exhibit "22" for the specific language of each Item.

Public Hearing

Mayor Coss gave each person 3 minutes to speak to the Council

Former Councilor Karen Heldmeyer, 325 East Berger, representing the League of Women Voters of Santa Fe County. Former Councilor Heldmeyer said there are several potential amendments to the charter that were proposed by and supported by the League of Women Voters: 1) including a statement about water in the Environmental Principle Section; 2) citizen redistricting; 3) limits on campaign contributions; and 4) timely disclosure of the purposes of bonds and taxes that voters will vote on.

Former Councilor Heldmeyer continued, "Two of these, citizen redistricting and limits on campaign contributions are cosponsored by the League of Women Voters and Common Cause. Jim Harrington had to leave, but he said I could speak for both the League and Common Cause. You've heard a lot of detail on these, and I'm not going to go into it. Let me just say one thing on each of the two cosponsored versions. One is on campaign contributions that is an Ordinance right now, but both the League and Common Cause are saying it should be in the Charter so that ordinance can't be repealed or changed to be essentially useless. The second thing, citizen redistricting is a national position for both the League and for Common Cause. It's been adopted by many other municipalities and states. It's done wonders for the places where it's been adopted."

Former Councilor Heldmeyer continued, "A New York Times article two weeks ago talked about how the California State Legislature has dramatically changed and improved because their last redistricting was done by a citizen redistricting committee. It has taken a lot of the politics and personal feuding out of redistricting, and is something both of these groups very strongly support. We know there was a question raised about redistricting and how often it can be done. Both of these groups support the language as it was approved by the Charter Commission. I know that one of the Charter Commission members had some problems with it. She felt it should say citizen redistricting every 10 years and only 10 years. Neither of us felt that was appropriate because, 1) redistricting may take place more often than every 10 years because of legal reasons, major changes in the community. And 2) also, if a citizen committee is doing the redistricting, the kind of political mischief that some people fear, that has happened in Texas since the last redistricting is much less likely to take place if it's done by a political body."

Councilor Heldmeyer continued, "Let me say just one further thing, you're not going to be talking about tonight, but I want to hand something out, which is the Governance Issues. The League takes the position that the Mayor should vote on all issues so people know where the Mayor stands. The governance issues are sort of a rolling change. There have been different amendments put out. There were amendments handed out again tonight. The League gave you a series of pros and cons on the governance issues at your last meeting on this. We have another set of pros and cons tonight for the amendments offered at the last meeting. We will also provide pros and cons on the amendments that

have been offered tonight, so that as you go through you'll see what some of the arguments are for and against. We would really like more public input on these issues. They are important issues. We know you are going to consider them on the 13th of November. We would also like, on the ballot, in fact, I've alluded to this, any issues that are not interdependent upon each other that can stand alone, to be stand alone issues on the ballot. Thank you for consider the League's and Common Causes's positions on these. We think they will make Santa Fe government much stronger and more open to the public."

Cheri Johansen, President, Neighborhood Network, said she is here to ask for Council support for the preservation of neighborhood amendment to the Charter. She said, "The Charter Commission, after many hours of lengthy hearings, unanimously voted to amend Section 2.04 to include neighborhood preservation with cultural preservation. We urge you to support the resolutions of the Charter Commission, Councilor Ives, Wurzbarger and Bushee, to amend Section 2.04. The preservation of our unique multi-cultural heritage is enhanced in the preservation of our neighborhoods. The Santa Fe Neighborhood Associations and the Neighborhood Network believe that the City's neighborhoods deserve a greater acknowledgment of their legitimate needs and concerns. Articulating the importance of neighborhoods as a Charter provision will aid in protecting and preserving our cultural heritage. Many other cities have included neighborhood associations and neighborhood advisory councils in their Charter. Neighborhood councils are in effect in Las Angeles, Oahu, and the City of Missoula and especially in many other western cities. We believe the neighborhoods, the neighborhood boards are established under the Charter as a means to increase and assure effective citizen participation. We urge the Council to support the unanimous Charter Commission recommendation, and to place Amendment Section 2.04 on the March 4, 2013 ballot. Thank you."

John Otter, 2300 W. Alameda, #D3, said he is addressing Item #8, runoff elections. He said the Charter Review Commission stated, "Attention should be given to the implementation of ranked choice voting as provide in Charter Section 4.06." The Charter Commission Chairman Serna said in a CRC meeting, "We reached consensus today that the City Council should, as soon as possible, implement ranked choice voting that was adopted by the citizens." He said one of the proposed resolutions before the Council tonight includes a provision for the establishment of a run-off election. The 2007 Charter Review Commission considered several election systems, including run-offs. They recommended ranked choice voting. Voters adopted ranked choice voting by a considerable majority. Citizens of Santa Fe deserve to have ranked choice voting in City elections.

Mr. Otter continued, "Implementation of ranked choice voting has been delayed due to the unavailability in New Mexico of certified machines that accommodate it. Such machines are successfully used in the United States for ranked choice voting, municipal elections in several cities. At least one such ranked choice voting capable machine is being reviewed by the Secretary of State's Office for certification currently. It seems it can be certified and available for City use in the 2016 election. Now is not the time to propose to go to a far inferior election system. There is not time to compare all of the characteristics of ranked choice voting and run-off elections right now, but in general terms, ranked choice voting is

perceived to be fair, empowers voters more, has greater voter turn-out and candidate choice, has more positive campaigning, is simpler and costs less. Specifically, the cost of a second election for the City and for candidates and the additional efforts required by the City Clerk's Office are not desirable, nor is the delay in determining the elected officials."

Mr. Otter continued, "Also there is little, if any, greater degree of representation resulting from a run-off election. Consider a Mayoral election in which 40% of the registered voters, vote. With ranked choice voting, the winner would be elected with a minimum of 50% of the voters, which is 20% of those registered. The turnout for runoff elections is typically well below that for the first election. If, say 30% of the registered voters voted and the winner in the runoff got 60% of the vote, the winner would be elected by only 18% of those registered. It appears there will be at least a dozen Charter changes on the ballot. That is plenty for voters to consider without including a change to an electoral system that has so many disadvantages compared to ranked choice voting." Mr. Otter urged the Council not to place the proposal to establish run-off elections on the ballot.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Ives, that all items on today's agenda that were recommended by the Charter Commission be placed in a substitute resolution for inclusion on the March 2014 ballot, and that other items whose subject matter was not recommended or considered by the Charter Commission, may be tabled until after the March 2014 election, with the proviso that the motion does not apply to the amendments we have agreed we will hear at our next meeting.

CLARIFICATION OF THE MOTION: Councilor Ives asked, in terms of the run-off election provision and the amendment we were introducing to Section 4.07 which reads, "Until such time as ranked choice voting is implemented, if no candidate for Mayor, City Council or Municipal Judge receives more than 50% of the votes cast, there shall be a run-off election between the two candidates who received the most votes. The winner of the run-off shall be elected." He asked if this is to be included.

Councilor Wurzbarger said she meant for that to be discussed as part of the next meeting, because that is a governance/electoral issue. She thanked him for that clarification. She said this is a way for us to move forward on the issues for which I think there has been community consensus and a diligent and deliberate amount of work.

DISCUSSION: Councilor Calvert said 12 issues in addition to the candidates may be too many things on the ballot in his opinion, and he doesn't want to put Item #5 and #6 on the ballot. We already have an ordinance for Item #5 as well as for Item #6. One was already in place, and one recently passed. He said, "I think this area of law is too much in flux and we could get ourselves in the same trouble as Albuquerque when they tried to do some of these things. First they put them in their charter and then they were found unconstitutional. I think they're still in that situation because it's such a lengthy process to change the Charter sometimes. So I think, on these two, we should stay with the ordinances we have currently, allow the courts to review these before we cast them in more stone in the Charter. I don't have a problem with

them being in the Charter *per se*, but I think that we want to make sure we're not put in a position where we've got something in there, it's found to be invalid or unconstitutional and then we have to go quite a bit to correct that."

Councilor Calvert said he believes it would be prudent for #5 and #6 to see the light of day and be aired and reviewed before we put those items in the Charter.

Councilor Wurzbarger said the issue shouldn't be the number of amendments, it's how we present them. If, however, if there were agreement on your observation with respect to those, she would be willing to modify her motion so we can move forward with the ones with which there is agreement tonight.

Councilor Calvert said he failed to mention that Common Cause takes the same position on these two items, that these are better left in Ordinance form, because that area of law has seen a great deal of flux in interpretation lately, and we should wait to put them in the charter.

Councilor Wurzbarger said she had not heard that and would like clarification.

Mr. Shandler a letter was submitted supporting the proposition to not do it.

Councilor Dominguez asked, for clarification, of the Charter Commission recommendations, which ones are included in the motion.

CLARIFICATION: Councilor Wurzbarger said Items #1, #2, #5, #6, #7, #9 and #10, were deliberated and recommended by the Charter Commission, according to the Table [Exhibit "22"] and that is the intention of her motion, subject to the discussion we're having now.

Councilor Dominguez asked if it is the intent that these item be all in one question.

Councilor Wurzbarger said she is not defining the question, she is trying to help us to come to a decision on what we agree should be or should not be on the ballot.

Councilor Dominguez said his preference is that they be separate questions, and asked the recommendation from staff as to how that happens.

Mr. Zamora said, "These are separate and distinct issues, and would need to be voted on separately."

Councilor Bushee asked why Item #11 seems to be separated out, and said it appears to be part of a suggestion Councilor Rivera had on governance, and she still has questions.

Councilor Rivera said it was part of the Strong Mayor Proposal if it were to go to the voters, and it isn't a policy issue.

Councilor Bushee asked if we can strike that for tonight.

Councilor Calvert said tonight is just policy issues, and Mayor Coss said we all agreed on that.

Councilor Bushee asked if Councilor Wurzbarger accepted the removal of Items #5 and #6.

Councilor Wurzbarger said that issue is being discussed right now.

Councilor Bushee said then all we're talking about leaving out of her motion are the childrens issues and concerns and the support for local business. Then there is a separate one that the Mayor has on the Living Wage, and asked the proposal as to when we would hear those in that motion.

Councilor Wurzbarger said that would be in 2016.

Councilor Bushee asked the reason runoff was lumped into governance, rather than consideration as a separate question in your motion.

Councilor Wurzbarger said in her motion run-off is an issue related to governance as opposed to a policy issue.

Responding to Councilor Bushee, Councilor Wurzbarger said, "My initial thinking was exactly as I said, and that was the following issues that were recommended by the Charter Commission which are policy issues. That is the position which I was taking, the policy issues."

Councilor Bushee said, "Runoff is a policy issue, at least the lawyer seems to have placed it in that, so I'm not understanding how that goes under governance, and it was not considered, at least.... and I understand that there's an amendment, somebody just said there is a 40% threshold now instead of a 50% did I hear that."

[The response here was inaudible]

Councilor Bushee said, "I'd rather at least have that be part of the discussion and not left out of a motion, although it doesn't fit your rationale for having not really been discussed by the Charter Commission."

Councilor Wurzbarger said, "Again, I would like to leave my motion for those which were discussed. We can add others. We can continue to have the discussion either tonight or next meeting, but I'm starting with those which were discussed, and that was the rationale for my motion."

Councilor Bushee said, "I don't agree with the motion at the moment. I don't know why we can't put out what we want to put out to the voters, given that we're not limiting ourselves to simply what the Charter Commission discussed by the inclusion of run-offs at all. So, I would like to vote one-by-one, issue-by-issue, policy statement-by-policy statement tonight. That's just my thoughts on the motion."

Mr. Shandler said, "I wasn't able to find the initial letter from Jim Harrington of Common Cause, but I found a follow-up email where he discusses that while they had objections before, some of the changes made by the Charter Commission in the process, that they withdraw their objection, but with some conditional language. Let me try again. So, Common Cause did object initially. The Charter Commission changed the language up a little bit, and Common Cause said they withdrew their opposition, but they still have some points of concern.

Councilor Calvert said when he spoke recently with Jim Harrington of Common Cause, Mr. Harrington said he thought it would be better that those not be in the Charter for now, because he didn't want us to get into the same position of Albuquerque, and he agrees this area of the law is still in considerable flux in interpretation and review. So I would go by what I had in a conversation with him.

Former Councilor Heldmeyer said there is some confusion about #5 and #6. She said, "#5 says there should be a limitation on campaign contributions in the Charter. It doesn't say what they are, how much or which contributions they apply to, whether they apply to seed money or \$5 contributions, or contributions for people who aren't taking public funds – that's all for Ordinance. But it does say there should be something in the charter about limitations on campaign contributions, and that is cosponsored in its entirety by both the League and Common Cause."

Former Councilor Heldmeyer continued, "#6 has to do with limitations on contributions from contractors. As the Charter Commission was meeting that was in flux, it's still in flux in terms of going through the appellate level. But in terms of Albuquerque's law, the law itself was in flux in front of the courts at the time the Charter Commission was meeting. And that is not specifically an issue the League has a position on. We favor anything that limits the role of money in campaigns, including limiting campaign contributions in any way that is legal, but we don't have a position on contributions from contractors. That was proposed by, and only by, Common Cause. And I know that Jim Harrington, because the law was in flux, had some questions about that, but it ended up being proposed by and supported by Common Cause."

Councilor Calvert said that was also before we enacted the ordinance on this area, and since we have enacted the Ordinance, Mr. Harrington has said his opinion is that we should stick with just the Ordinance for now and see how that works, especially in light of your concurring testimony about this area of the law being in flux and still being under review.

Councilor Calvert said he would modify his objection. He said, "I would be fine with leaving #5, but I would still think #6 should not be on there as one of the consideration."

Councilor Wurzbarger said she would be willing to change her motion for purposes of voting on something now.

AMENDED MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to accept the recommendations as made by the Charter Review Commission for all that we've stated [#1, #2, #5, #6, #7, #9 and #10] with the exception of #6.

DISCUSSION: Mayor Coss said, with this motion, we are at least putting on the ballot the work of the Charter Commission. He said in all the public hearings we've had, those have been most strongly supported by members of the public and organizations. He appreciates that Former Councilor Heldmeyer, Cheri Johansen and Jim Harrington attended all of the public meetings and a lot of the Charter Review Commission meetings as well.

Councilor Rivera said he thought Mr. Zamora said we had to consider each item individually.

Mayor Coss said on the ballot they would be individual questions.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Mayor Coss asked if there are any motions for any of the other items which were not from the Charter, but from those of us up here.

MOTION: Councilor Bushee moved to approve Item #3 from the Table [Exhibit "22"]. **THE MOTION FAILED FOR LACK OF A SECOND.**

Councilor Bushee said the future seems to be Pre-K, and all of that, and asked where is the statement.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to approve Item #4 from the Table [Exhibit "22"] under Amendment Proposals from Councilor Bushee, to support local business.

DISCUSSION: *Councilor Bushee's remarks here are inaudible.*

Mr. Shandler said the proposed amendment is, "Proposal to 2.08, a local economy is critical to a healthy and prosperous community. The Governing Body shall, wherever possible, support local business in a strong entrepreneurial spirit."

Councilor Bushee asked if there was language on the Childrens issue;

Mr. Shandler said it wasn't listed in the chart, but it's been in the packet materials, so there is language.

Councilor Ives said that language is on pages 32 and 33 in the packet.

Councilor Wurzbarger said, "Point of clarification of what's happening. Do we have a motion on the table with respect to that issue."

Mayor Coss said there is a motion and second by Councilor Rivera.

Councilor Wurzbarger said, "I would like to speak on behalf of that and how it fits consistently with my motion not to mention it in the Charter Commission. I am aware that during the process of the Charter Commission debates, at the time when we were discussing the importance of having the role of neighborhoods in the form of a Charter amendment, that there were business people in the audience wondering why we hadn't considered that, and I spoke with them as well and then during the process. So it was brought up during that process, but it was not brought forward until after they had made their recommendations, but I feel it did come up during the process, so I am in support of that."

Mayor Coss said he was at the first Council sponsored public hearing on this and Simon Brackley spoke to this, and I asked him to submit some language that the Chamber submitted. Mayor Coss said it is included on the Amendment Sheet, page 32.

Councilor Bushee said this is correct, commenting she wish they had been written in the chart.

Councilor Wurzbarger said it is important to emphasize that proposal, like many of the proposals that came through the process, came from a citizens' group and they sent it to all Councilors, so I think it should be considered. We don't need to wait 4 years to make a statement about the important of business in Santa Fe.

Councilor Rivera said he wants to make sure we are looking at the same piece of paper – pages 32 and 33.

Mayor Coss said his recommendation is on page 33.

[Councilor Bushee's remarks here are inaudible]

Councilor Wurzbarger said it was proposed by you, and submitted by the Chamber of Commerce, and the language is in the amendment on page 32.

Councilor Bushee read the proposed amendment from page 32 as follows, "A local economy is critical to a healthy and prosperous community. The governing body shall wherever possible, support local business and a strong local entrepreneurial spirit."

Mayor Coss said he wanted to address that because we always have striven for balance on the Council, and he wouldn't expect Simon Brackley to offer language on the Living Wage. He said, "I'm asking for us to include in this language that supports local business, and I'm saying again I can't make a motion."

Councilor Wurzbarger said, "I'll make the motion for you after we do this."

Mayor Coss said, "Okay then, I would just point out, that if we make a motion, we're amending the motion we just made because I put Living Wage language and protecting local workers' right as part of my amendment to go with the balance. Workers and business.

Councilor Bushee said she didn't accept that as part of her amendment, because that is a separate item under policy.

Councilor Calvert said it doesn't make sense that you're going to consider them separately because they're on the same subject, so you're going to pick one or the other I would think. You're not going to yes to both of them.

Mayor Coss said, "What I'm asking is we say yes to both of them, but the one I've proposed, which I can't make a motion for, would modify the one that the motion is on the floor for now."

Councilor Bushee said this is not a friendly amendment. She said, "You asked to insert that language when I brought the other motion forward, and I said I would like it as a separate item. I'm happy to propose it as a motion after this one and have a vote. I see no reason they couldn't be entertained separately. I don't think it's either/or proposition. When I surveyed colleagues about the language you had submitted, the ones I surveyed said please separate it, so I did."

Councilor Ives agrees with Councilor Calvert that presumably we want to bring one provision forward dealing with adding a reference to supporting local business and the local economy in the Charter.

FRIENDLY AMENDMENT: Councilor Ives proposed to modify the language slightly to read: "A local economy is critical to a healthy and prosperous community. The governing body shall, as guiding principles, strive to support local business, a strong local entrepreneurial spirit and an enduring local economy that recognizes the rights of all to earn a living wage." **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

Councilor Bushee said there has been a motion and a second and no friendly amendment has been offered nor accepted, so the motion that sits on the floor needs to be what we discussed. I'm sure the Parliamentarian would want to take that into account.

Mayor Coss said Councilor Ives offered it as a friendly amendment and it's not accepted as friendly.

Councilor Bushee said there is a motion on the floor to be voted on. There is not a substitute motion. The only other substitute would be to postpone.

Mayor Coss said the only other thing Councilor Ives could do is to move to amend your motion, and Mr. Zamora said this is correct.

MOTION TO AMEND: Councilor Ives moved, seconded by Councilor Calvert to amend the motion to reflect the following language: "A local economy is critical to a healthy and prosperous community. The governing body shall, as guiding principles, strive to support local business, a strong local entrepreneurial spirit and an enduring local economy that recognizes the rights of all to earn a living wage."

DISCUSSION: Councilor Bushee said she doesn't know why he thinks we need to attach them. She said, "I think it's important that we have votes on them, individually, and I think it's important to put them out to the voters individually. Neither of these were entertained by the Charter Commission. They don't have to be united, and so I'm not sure I understand the whole motion here in terms of why you can't entertain them separately."

Councilor Wurzbarger said, "What you're saying is that you want the living wage and workers rights to be voted on as to whether or not they should be a priority in the City. I am interpreting what you're saying is there would be a separate ballot item saying we want the public to decide if we have a living wage, or whether we are supporting workers rights in this community. Is that correct."

Councilor Bushee said, "What I'm saying is that I submitted, as did you, apparently, because you signed on, to the first sentiment which was to support an entrepreneurial spirit, which I am putting in as a separate motion which has now been amended to now join together with this other new section that recognizes a living wage and workers rights. I think they should be sent out separately to the voters. Yes, that's what I think."

Councilor Dominguez said, "The way I understand the amendment is not whether or not they're on the ballot separately, that still can happen. It's just whether or not we want to take both concepts."

Councilor Bushee said this motions joins them.

Councilor Dominguez said, "What I heard Geno say in the beginning that on the ballot we don't have to have them, but we're not deciding now whether or not they're going to be separate or all together on one question."

Mr. Zamora said, "I get the question as to theory. As has been proposed, what is before you right now, is an original proposal on support for local business, and an amendment to that proposal. So they are not proposed in any way thus far as two separate questions. If the body, as a policy matter, decides they could do a Section 2.08 on one and a separate Section as another. That is not what is before you as the proposal, so it would be a new proposal, first of all, and second it's not what's before you as a motion and as an amendment to the motion."

Councilor Wurzbarger said, "My concern is, and it is correct that when this first came forward to us from the Chamber of Commerce, it was about supporting local business, which you all know I certainly do. But the notion of the enduring local economy and from my perspective, dividing the issue, further divides the community in terms of there are workers and there are businesses. And the fact is, as far as I'm

concerned after sitting her 12 years, is that part of our challenge has been trying to build the economy, recognizing the value, responsibility and input of all of these. Without the workers rights, I do appreciate the way that you've rephrased this, because it is talking about rights to the living wage which we have supported as a Council, for how many years now, I don't know. Anyway, I'm concerned about separating these, and it doesn't bother me that it came to us one way, but I think it's an improvement to add the notion of taking a position on the living wage as a value. Again, the major purpose of the Charter is not just structure. The reason we have the policy statements is to express our normative views about what's important in this community. So that would be my argument. That would be my vote in whatever way we can finally get some kind of proposal on the table to address the issue of how do we create a sustainable, vibrant economy that is made up of the businesses who hire the people, some of whom happen to be union or not union, and that's not in there at least, thank you very much. But it is talking about the right of a living wage is the way I'm interpreting it."

Councilor Bushee said, "I don't know why you're afraid to send out a separate policy statement in support of the living wage and workers rights. I really truly don't know why you would be afraid to do that. And that's what I feel like's happening here tonight. I think one sentiment supports the entrepreneurial spirit, which is the backbone of our economy, the small businesses here. I don't think they're mutually exclusive. I support both. I don't see why you wouldn't be willing to put them out to the voters that way, given that there's never even been discussions throughout all the public hearings, and we're just doing it up here tonight. And we're playing political games here tonight. Why are you afraid to put this out to the voters as two separate issues. They are two separate statements. Yes, they're related to the economy, but they are very separate sentiments, and I have no doubt that the voters will support both."

Councilor Wurzbarger said, "I am not afraid. I think it is a political decision. I think it's a political decision and not on my part. So, I'm not comfortable with it."

Mayor Coss said, "The reason I put them together is so that we don't polarize more between the workers and the businesses. Trying to streak the balance. It's not that I'm afraid, because I know the living wage maintains a 75% approval, but if we put the language just with business by itself, I have concern that community will then come and say, see, you can't do a living wage because your Charter says you're going to support business. And putting them together, says the Council intends to keep that balance as best we can, going forward, in supporting and encouraging business and entrepreneurship and supporting workers right and a living wage. To me, they've always gone together."

FRIENDLY AMENDMENT: Councilor Bushee would like to amend the motion as follows: "A local economy is critical to a healthy and prosperous community. The governing body shall, as guiding principles, strive to support local business, a strong local entrepreneurial spirit and an enduring local economy that recognizes the rights of all to earn a living wage, including a Community Workforce Agreement." **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER OF THE MOTION TO AMEND AND TO THE MAKER OF THE MOTION.**

Councilor Bushee said, "Mayor, you're the one that wanted this."

Mayor Coss said, "I didn't say a word about a CWA. I said I wanted a statement about workers' rights and a living wage, which is very general. A CWA is a very specific legislative agenda going forward collective bargaining in the building trades, and we shouldn't put that in the charter."

Councilor Bushee said, "Well, but we should put the other."

Mayor Coss said, "We should put a reference to wanting to balance workers rights and business development."

VOTE ON THE MOTION TO AMEND: The motion to amend was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dominguez, Councilor Ives, and Councilor Wurzburger.

Against: Councilor Rivera, Councilor Trujillo, Councilor Bushee and Councilor Dimas.

The resulting vote was a tie and the Mayor voted in favor of the motion, and the motion was approved.

Explaining her vote: Councilor Bushee said, "No. I'd like to deal with them separately."

Councilor Rivera asked Councilor Ives to read the main motion as amended prior to voting.

Councilor Ives said the motion, as amended is, "Section 2.08 Support for Local Business and an enduring local economy. A local economy is critical to a healthy and prosperous community. The Governing Body shall, as guiding principles, strive to support local business, a strong local entrepreneurial spirit, and an enduring local economy that recognizes the rights of all to earn a living wage."

VOTE ON THE MAIN MOTION, AS AMENDED: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Explaining her vote: Councilor Bushee said, "I actually support this. I just tried to help my colleagues in terms of I don't think they have to be together, but, so I vote yes on the concept, but I feel like this is, you know, we know what it is."

Explaining his vote: Councilor Dominguez said, "I'm going to vote yes, and I'm just going to say this. This is a very interesting debate we're having here, because I think, if anything, what we

were going to before in separating, jeopardizes the living wage even more. And so I think it is important for us to be as unified as we can be, and so I support this."

Explaining his vote: Councilor Ives said, "Yes. And I would like to make a short statement after my vote."

Councilor Ives said, "To me, it's very difficult, because both these provisions were put forward as new Section 2.08 in the Charter. And if we had both provisions going to voters and they approved both of them, to me, it just sets up an inherent and pernicious conflict in Charter language that presumably could only be resolved by going again to the voters to find out what provision, in fact, they found acceptable. I think the result that we've reached makes sense in terms of how we put this forward to the voters, so, I just wanted to say that much."

Mayor Coss said then we're putting off run-off elections to the next meeting.

Mayor Coss said Mr. Otter told that the Secretary of State is investigating machines that can do run-off voting, and asked if that can be verified by staff prior to the next meeting.

Councilor Wurzbarger said she understands that the League of Women Voters does have a position on run-offs, so it would be useful if we could have that information early, rather than on arrival.

Ms. Vigil said this would be for the 2016 election. She said she believes the software may be available by 2016.

Councilor Wurzbarger said she had a short conversation with Former Councilor Heldmeyer, and she had the impression that the League is ready to take a position on that issue now, and she wants to be sure we hear that, and she would like to see it in advance.

Mr. Shandler said we need a motion for a Substitute Resolution that will include #1, #2, #4(f), #5, #7, #9 and #10 for the December 9, 2013 meeting.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt a Substitute Resolution, incorporating what we just voted on, and would incorporate what we discuss at the next meeting as well.

DISCUSSION: Councilor Ives said he wanted to be sure we captured the discussion as opposed to simply referring to the provisions in the chart.

CLARIFICATION OF THE MOTION: Mayor Coss said the motion is to adopt a Substitute Resolution incorporating the issues we just voted for, and we will amend that Resolution at the next meeting when we talk about the Governance Issues.

Councilor Bushee said, "I still don't understand why we're not dealing with run-off tonight as a separate issue."

Councilor Calvert said, "Part of that was linked to the fact that some of the proposals for the Strong Mayor Proposal were saying that the Mayor gets elected by all of the people of Santa Fe. And so, my response to that was until you have a runoff and make sure that they are elected by at least 50% of the people, that statement isn't true, so I think it belongs with the Strong Mayor Proposal. In my opinion, I think they're linked."

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

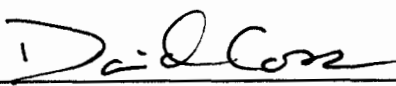
For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:15 p.m.

Approved by:



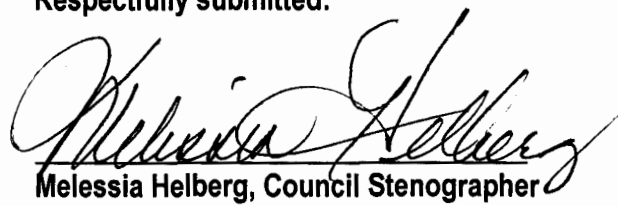
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Melessia Helberg", written over a horizontal line.

Melessia Helberg, Council Stenographer

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, OCTOBER 28, 2013**

ITEM 19**ON-CALL ROADWAY & TRAILS CONSTRUCTION SERVICES**

- REQUEST FOR APPROVAL OF BID NO. 14/10/B AND CONSTRUCTION AGREEMENTS, FOR ON CALL ROADWAY & TRAILS CONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$2,000,000 EXCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX WITH:
 - H.O. CONSTRUCTION
 - TLC PLUMBING & UTILITY
 - GM EMULSION, LLC (JAMES MARTINEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Not present at this time		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit #11

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, OCTOBER 28, 2013**

ITEM 20

CIP PROJECT #413C - SANTA FE RAIL TRAIL RETAINING WALL & SLOPE STABILIZATION

- REQUEST FOR APPROVAL OF BID NO. 14/11/B AND CONSTRUCTION CONTRACT WITH H.O. CONSTRUCTION INC. IN THE AMOUNT OF \$198,699 PLUS \$16,268.48 (NMGR) FOR A TOTAL AMOUNT OF \$214,967.48 (JAMES MARTINEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	Not present at this time		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "2"

Substitute Resolution
With Amendments Incorporated

Finance Amendments—underlined; Bushee Amendments—italicized;
Rivera Amendments—double-underlined

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

Item #10(s)

INTRODUCED BY:

Councilor Patti Bushee

Councilor Peter Ives

A RESOLUTION

RELATING TO THE ENHANCEMENT OF CITY OF SANTA FE ENVIRONMENTAL SERVICES AND THE USE OF RECYCLED MATERIALS; DIRECTING STAFF TO ESTABLISH ORDINANCE PROVISIONS, WHERE POSSIBLE, RELATED TO: COMMERCIAL BUSINESSES PROVIDING [EQUAL] APPROPRIATE SPACE FOR TRASH RECEPTACLES AND RECYCLING CONTAINERS; MANDATED GREEN WASTE COLLECTION DAYS AND THE MANDATED USE OF RECYCLED [ASPHALT,] MATERIALS IN ROAD CONSTRUCTION WITHIN THE CITY LIMITS, THAT CONTAINS A MINIMUM OF [10%] 5% RECYCLED GLASS TO BE USED WITHIN THE CITY LIMITS OF SANTA FE.

WHEREAS, §2.03 of the Santa Fe Municipal Charter provides a policy statement regarding environmental protection for the city of Santa Fe; and

WHEREAS, such policy mandates the governing body to encourage re-use and recycling of materials and enact ordinances to effectively administer the environmental protection policy; and

WHEREAS, §21-6 SFCC 1987 has provisions related to the "collection of recyclable

1 materials from residential and nonresidential sources;” and

2 **WHEREAS**, in order to enhance the city’s recycling laws, there is a need to establish
3 ordinance provisions, where possible, in the law that would require that:

- 4 1. Commercial entities provide an [*equal*] appropriate amount of space for trash receptacles
5 and recycling containers;
- 6 2. The environmental services division schedule and advertise at least two green waste only
7 collection days each year; and
- 8 3. All [*asphalt*] base course that is used in the city limits contain a minimum of [*10%*] 5%
9 recycled glass with the source of glass used is restricted to recycled glass collected within
10 the city limits; and

11 **WHEREAS**, there is also a need to establish legislation that would require the City to
12 provide permanent recycle/trash receptacles in all new parks and a plan for retrofitting existing parks
13 with permanent recycle/trash receptacles over a realistic period of time.

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

- 16 1. Staff from the Land Use Department and Environmental Services Division shall
17 collaborate together to create [~~an~~] ordinance provisions, where possible, that would
18 require commercial businesses to provide equal space for trash receptacles and recycling
19 containers.
- 20 2. Staff from the Environmental Services Division shall establish [~~a~~] proposed ordinance
21 provisions, where possible, that would:
 - 22 (a) Require the scheduling and advertising of a minimum of two green waste only
23 collection days each year; and
 - 24 (b) Require that all [*asphalt*] base course that is used in the city limits contain a
25 minimum of [*10%*] 5% recycled glass with the source of glass used being restricted

to recycled glass collected within City limits.

BE IT FURTHER RESOLVED that staff is directed to establish legislation that would
require the City to provide permanent recycle/trash receptacles in all new parks and a plan for
retrofitting existing parks with permanent recycle/trash receptacles over a realistic period of time.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

Tierra Conterta

Exhibit "4"

Presentation to the SF City Council, 10-30-13

James Hicks, Executive Director

- Thank you for the opportunity to bring the Council up to date on what has become a significant part of the City of Santa Fe,

- Introduction of the board members: **PLEASE STAND**

Mike Chapman (Pres), Bob Siqueiros (VP), (officers) Alexandra Ladd and Paul Lewis, Jack Hiatt, Dave Thomas, Fabian Chavez, Sharron Welsh, and James Hicks (traditionally, our board included City employees on the Board of Directors to assist with implementing the Master Plan as envisioned, with the Mayor approving the City Board members.) This was established by the original TCC Bylaws.

We have three employees, with average tenure of 15 years

- The Enterprise Community Partners has said that Tierra Contenta is unique in the country noting that it is the most sizable and truly affordable housing plan that has ever been developed to this scale in the US.
- We have your predecessors on the City Council in 1993 to thank for the **vision and success of Tierra Contenta.**
- The concept of Tierra Contenta was born of the City Council in the early '90's in response to Santa Fe's critical affordable housing shortage.
- At that time only families in the top 25% of income could afford a median priced house.
- The Council decided to take on the challenge and approved the purchase of 860 acres of property for the development of a master plan for a mixed-use and mixed-income community.
- In February of 1993 the Council approved the Tierra Contenta Master plan, Annexation Agreement and the creation of the Tierra Contenta Corporation as a non-profit organization.
- The Council created the non-profit Tierra Contenta Corporation to implement the master plan by:
 - Building the spine infrastructure
 - Selling tracts of land to developers
 - Establishing requirements that would create at least 40% of the units priced at levels affordable to families earning no more than 80% of median income.
- 14 years later, in May of 2007 Tierra Contenta celebrated its 1,000th affordable unit out of a combined total of 2,200 homes and apartments.

Presentation to the SF City Council, 10-30-13

James Hicks, Executive Director

- Currently in the Tierra Contenta community, there are approximately 2,403 units with a population of around 7,000
- Approximately 46% of the units are affordable by families earning no more than, 80% of median income, which exceeds the goal of 40% established at inception.
- In addition to the residential component Tierra Contenta has:
 - Capital High School (slide)
 - Ortiz Middle School (slide)
 - Cesar Chavez Elementary School (slide)
 - A new K-8 school under construction (slide)
 - The Santa Fe Business Incubator
 - Tierra Contenta Head Start
 - The Southside Public Library
 - Zona del Sol Children and Youth Facility
 - Fire Station No. 8 (slide)
 - Several small parks and playgrounds
 - Several miles of recreational trails
 - Plans for the new SWAN regional park to start this fall. Located in this general area. (slide)
 - Tierra Contenta Village Plaza commercial and office area currently under construction (slide)
 - Plans for a connection of Jaguar Drive in Tierra Contenta to NM 599 (slide)
- Since its approval by the Council in 1993, the Tierra Contenta master plan has never been amended.
- We thank the previous Council for its vision and courage to invest in our Santa Fe citizens in such a unique manner. Tierra Contenta has made a profound positive impact on the Santa Fe and continues to move forward.
- Current significant construction projects that are under way at this time:
 - Tierra Contenta Village Plaza, a commercial plaza adjacent to NM Hwy 599
 - A new connection to Tierra Contenta from NM 599 at Jaguar Drive, and a new entrance to the SF Airport
 - A new entrance to the community from Cerrillos Road that eases traffic issues within TC
 - the SWAN park
 - the new K-8 public school that is scheduled to open in the fall of 2014

These all represent significant progress toward the implementation of our master plan since the severe national and NM downturn in the housing market and the recession in 2007 that seems to be slowly diminishing. These projects also represent a commitment from this City Council toward the future of Tierra Contenta and Santa Fe.

Presentation to the SF City Council, 10-30-13

James Hicks, Executive Director

- Tierra Contenta faces significant challenges in the future. The most critical is the financing the ~~community development~~ of its final phase. The financing of this infrastructure must include the New Mexico School for the Deaf which owns about half of remaining property in the final phase of TC.
- We treasure the partnership between the City of SF and TCC and wish to maintain it until the community is completed. We appreciate the support of the City Staff, Planning Commission and the Governing Body over the last 20 years. In 1993 we all thought we would be finished by now, but we are only about 2/3 of the way through. We look toward completing this **already successful housing effort**.
- Council members in the early 90's saw that they could leave a legacy to the City. We at the Tierra Contenta Corporation want that to share in that legacy.
- The TCC Board thanks you.


We will now stand for any questions that the Council has at this time.


Tierra Contenta



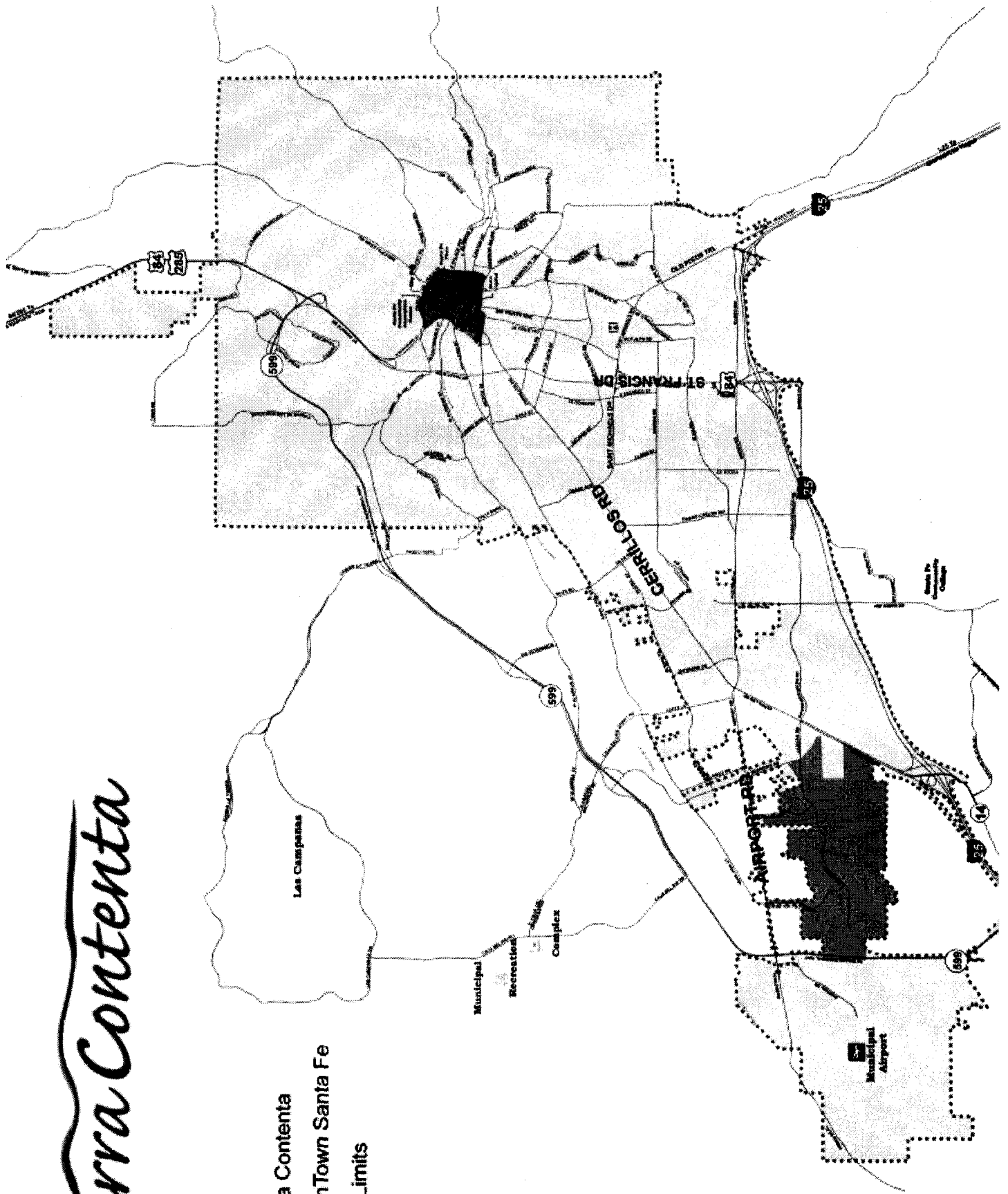
Tierra Contenta

Legend

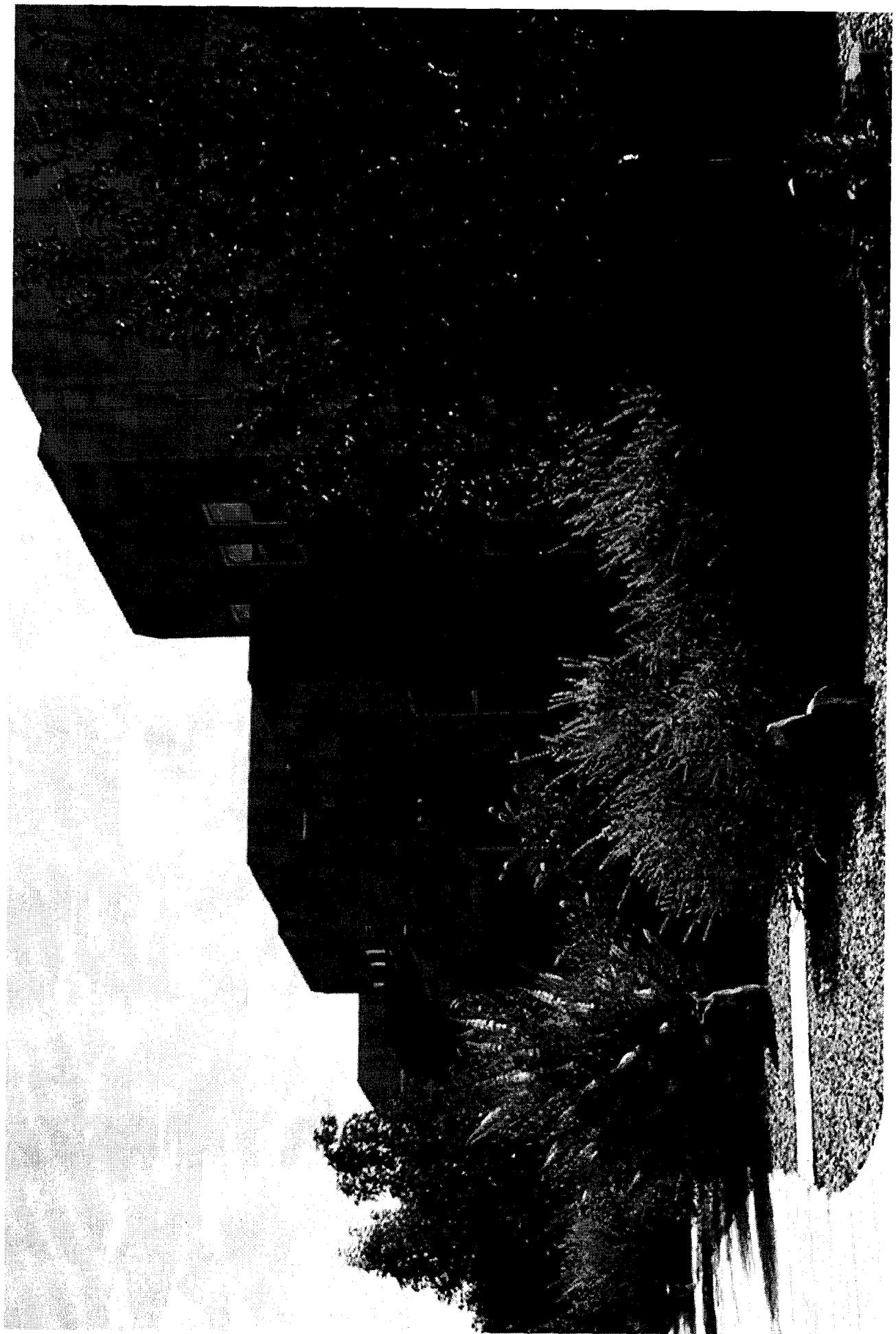
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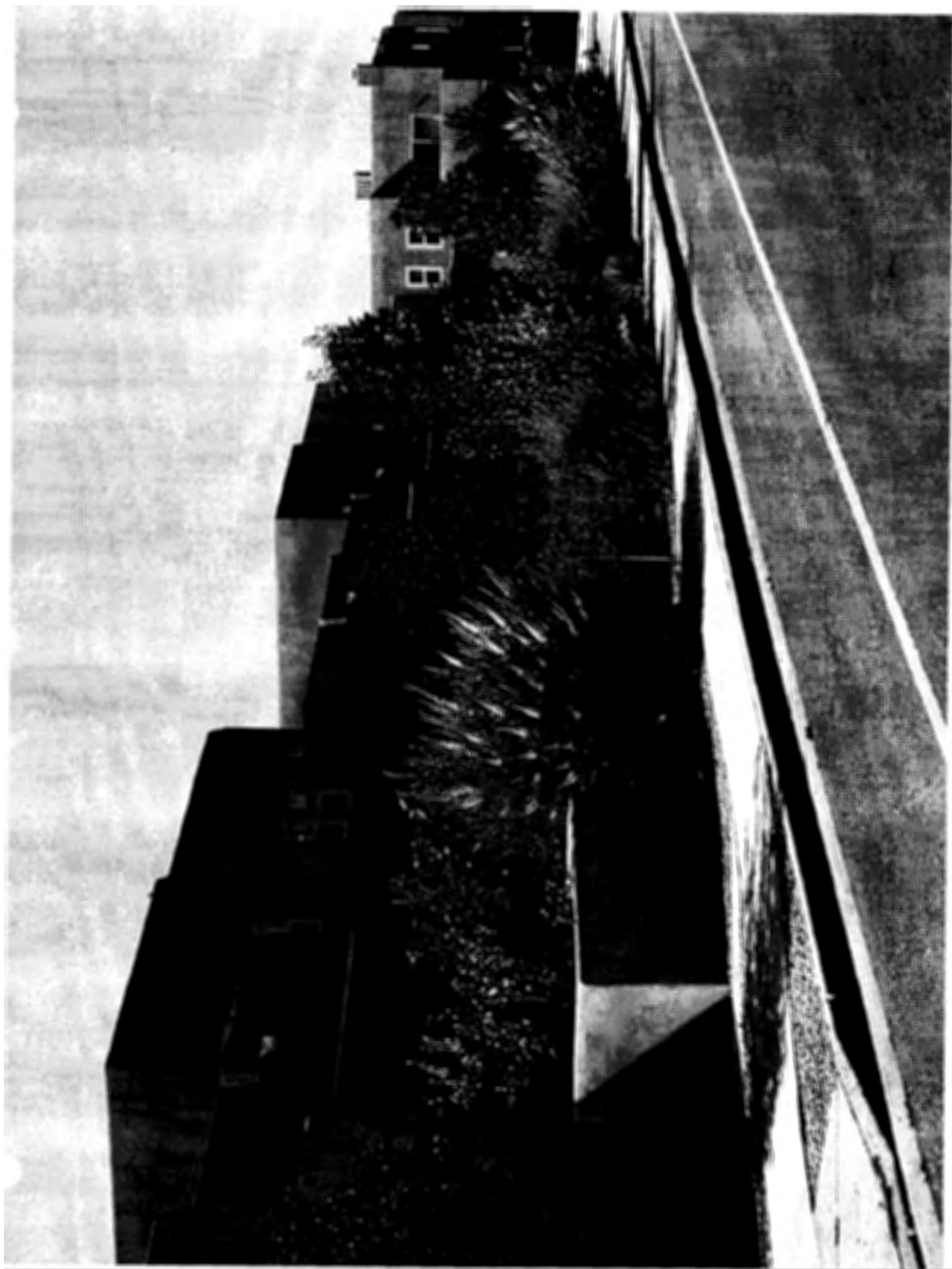
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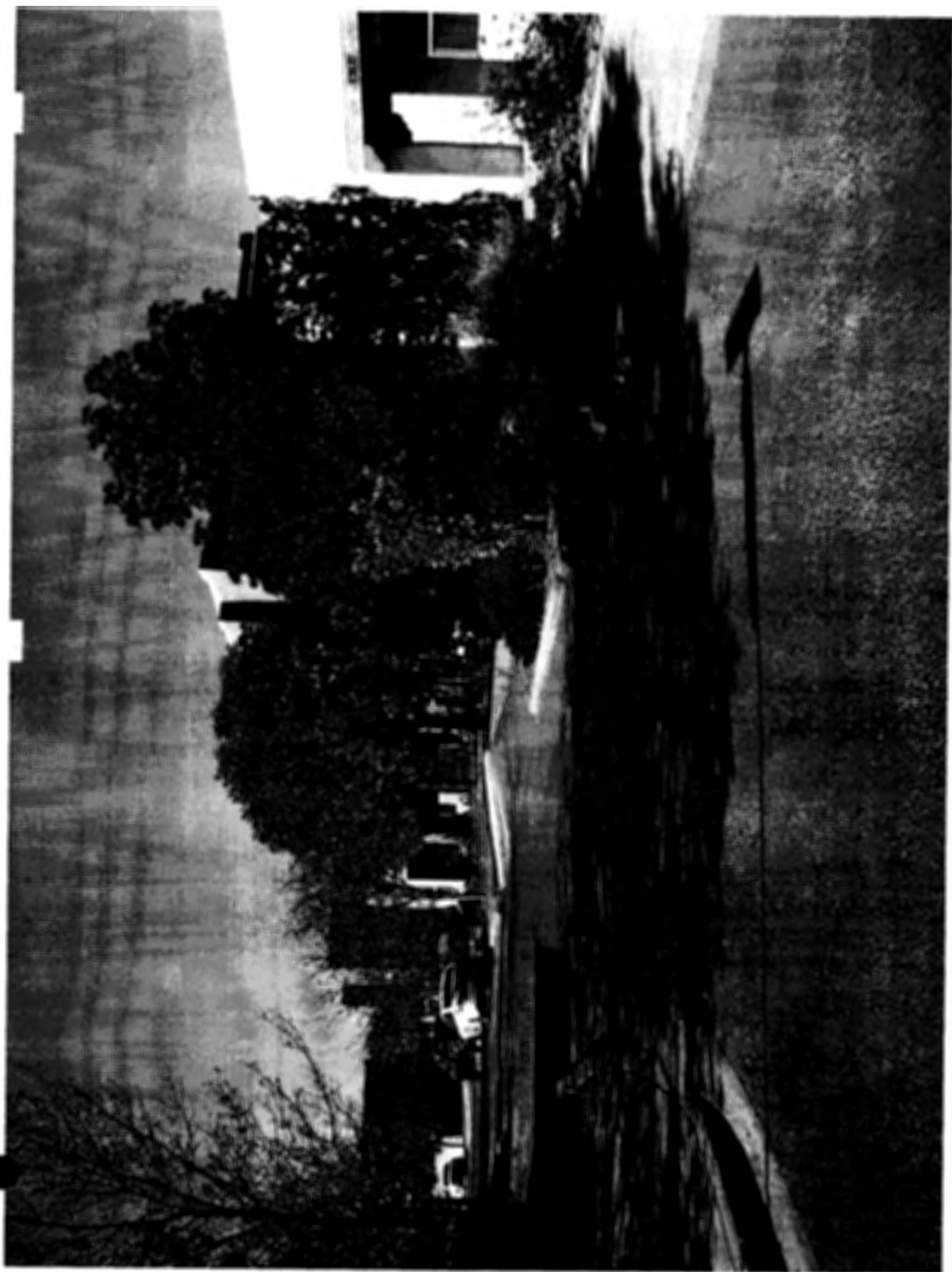
 City Limits



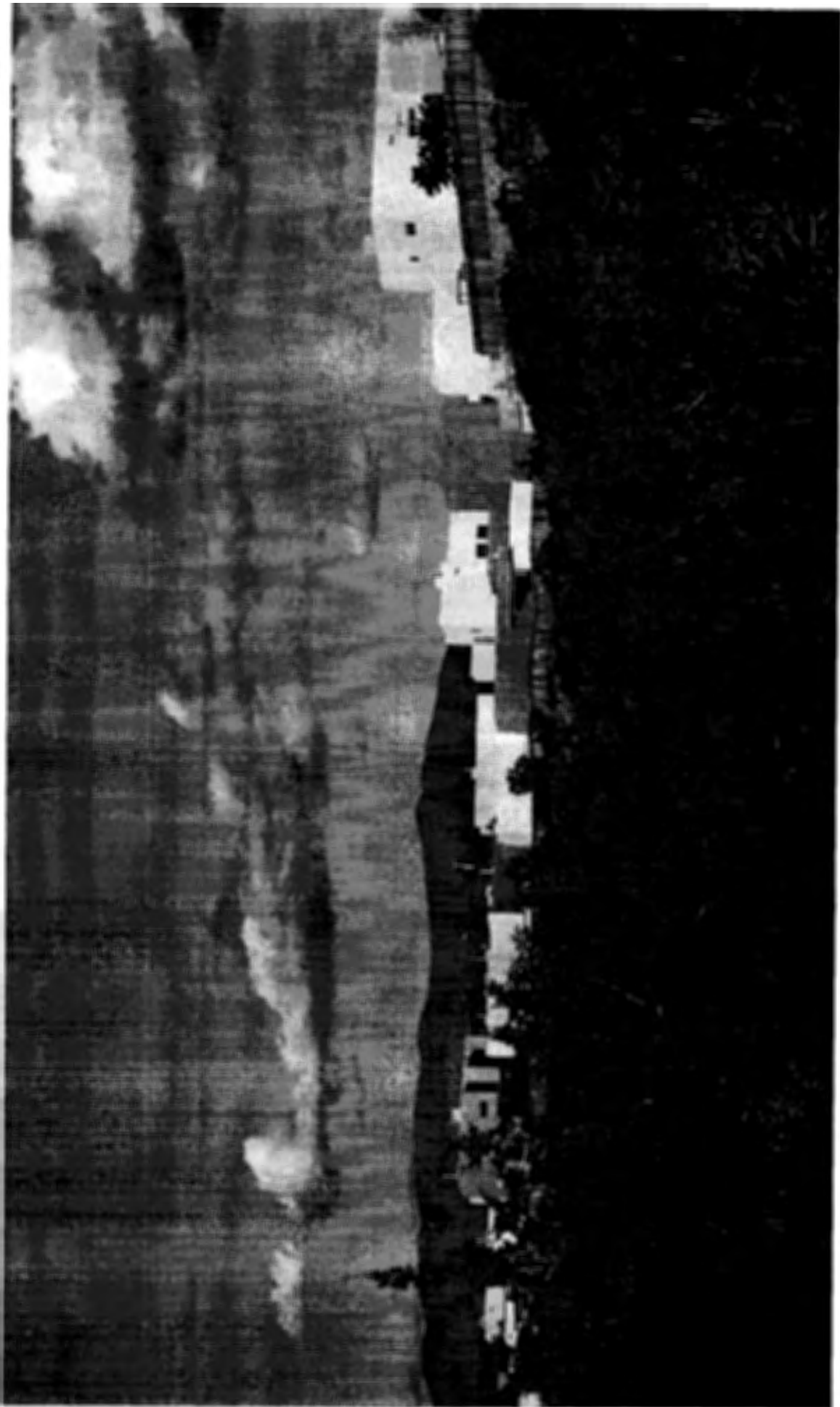


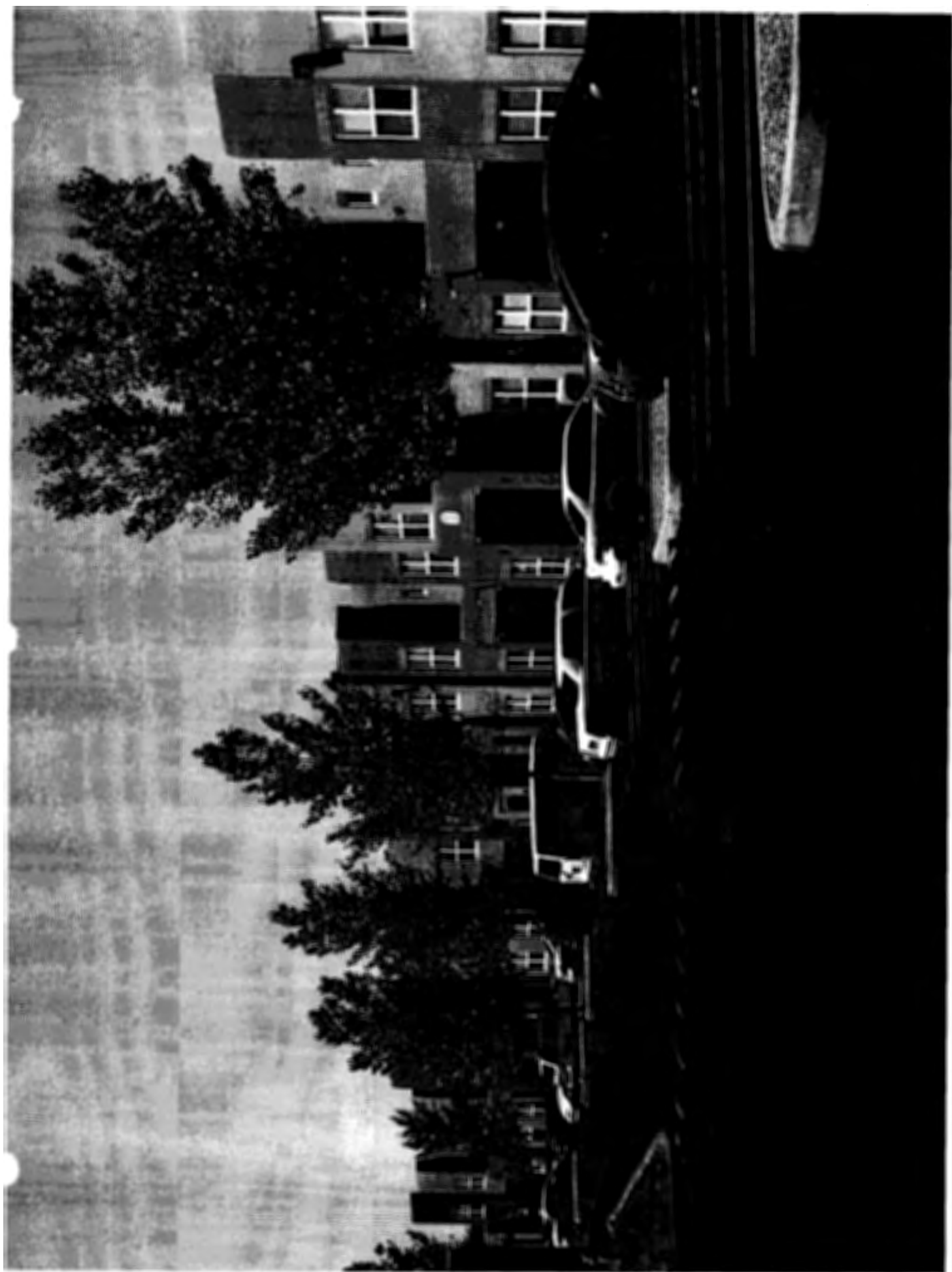


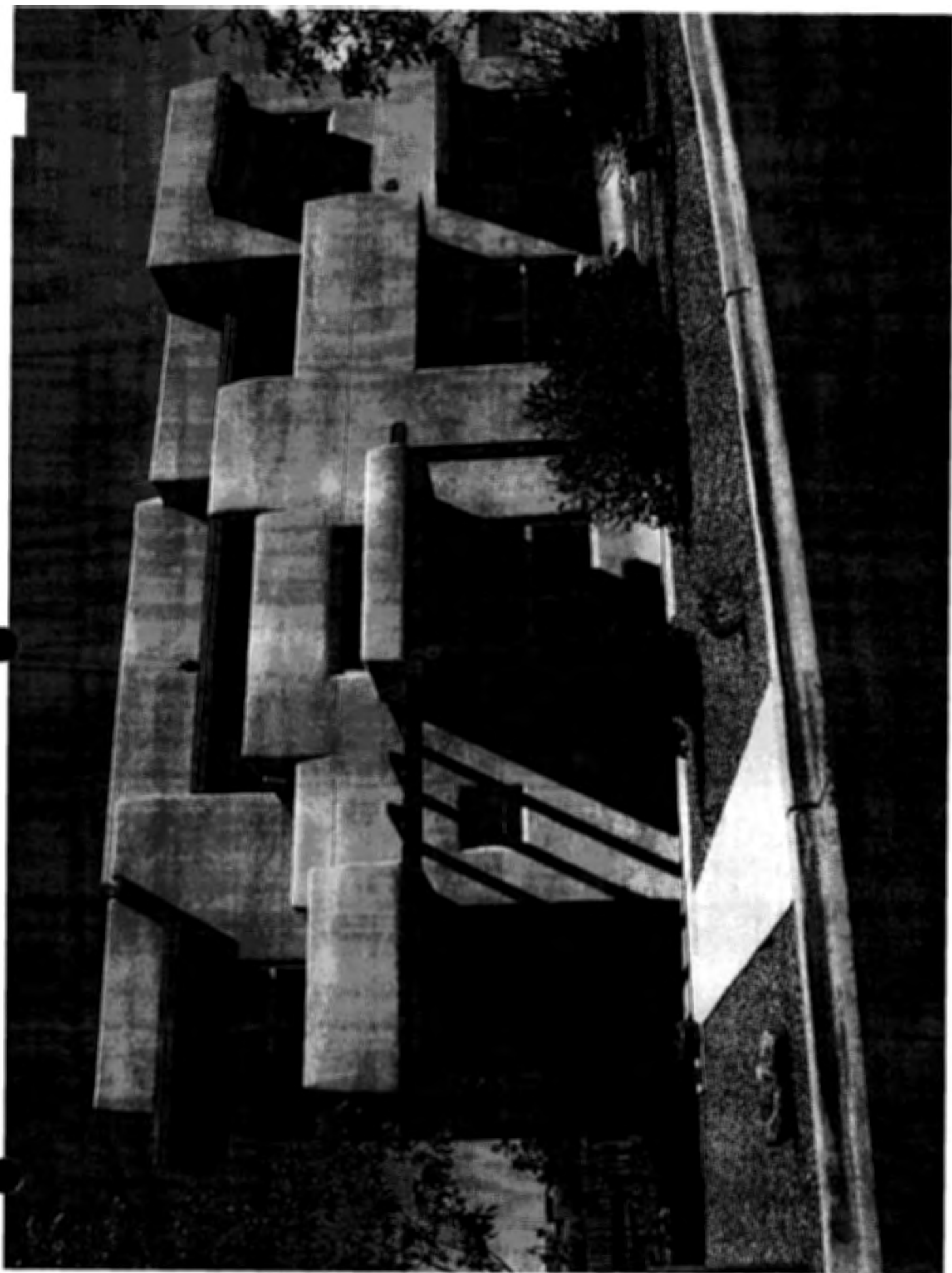


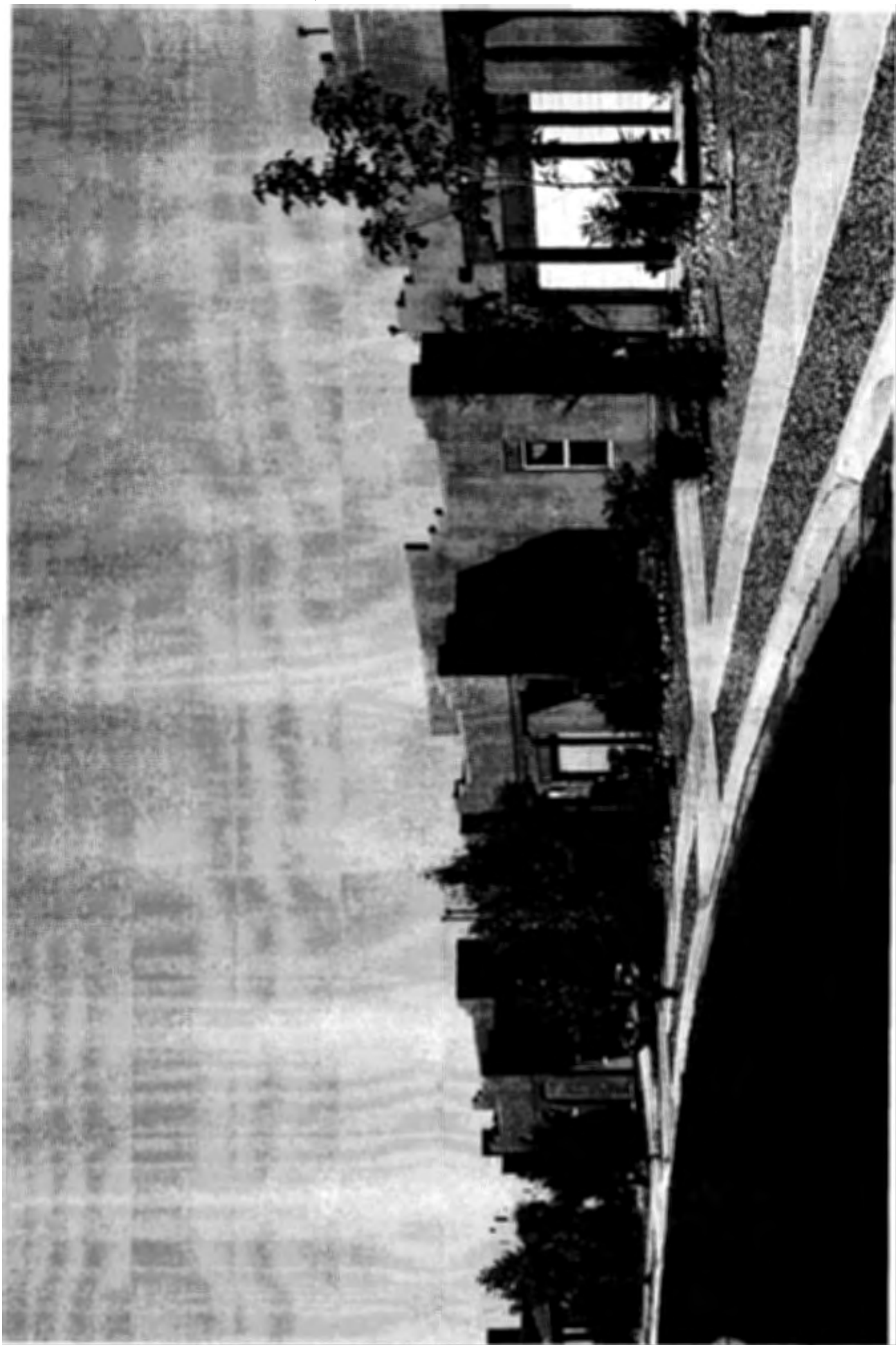




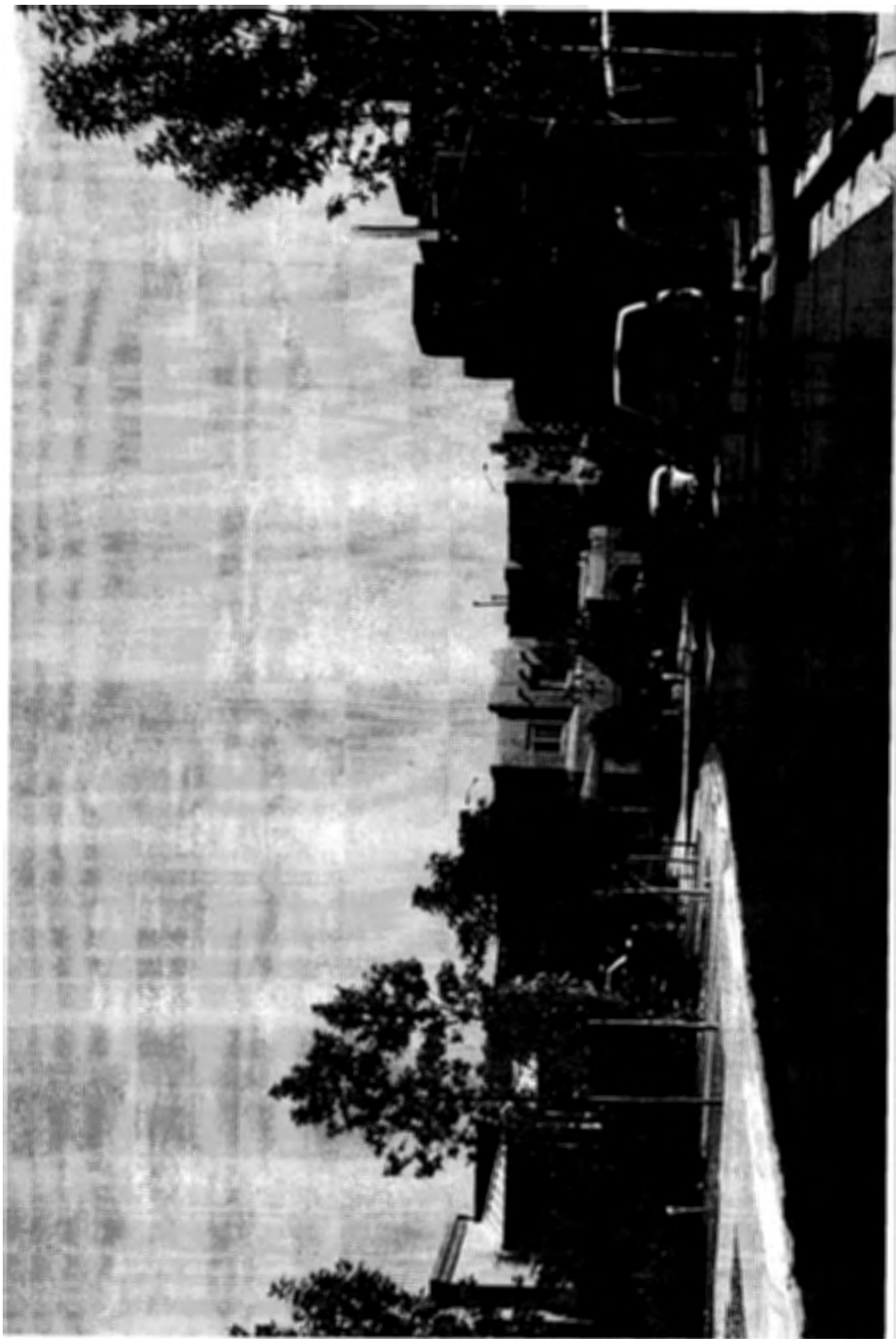












Tierra Contenta

LEGEND

- RESIDENTIAL - HIGH DENSITY
- RESIDENTIAL - MEDIUM DENSITY
- RESIDENTIAL - LOW DENSITY
- COMMERCIAL - GENERAL
- COMMERCIAL - OFFICE
- SPECIALTY COMMERCIAL
- INDUSTRIAL
- AGRICULTURE
- PARKS & OPEN SPACE
- TRAILS
- WATER
- UNDEVELOPED LAND
- FUTURE PARKS
- BUILDING FOOTPRINT

PARKS & OPEN SPACE:

- UNDEVELOPED LAND
- FUTURE PARKS
- BUILDING FOOTPRINT

SCALE:

0 1/4 MILE

October 30, 2013

LEGEND

- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- AGRICULTURAL
- OPEN SPACE
- TRAILS
- PARKS & OPEN SPACE

TRAILS:

- EXISTING TRAIL
- NEW TRAIL

PARKS & OPEN SPACE:

- EXISTING PARK
- NEW PARK
- OPEN SPACE

Scale: 0 1/4 MILE

North Arrow

Map Title: Tierra Contenta

Date: October 30, 2013

LEGEND

[Light Blue]	RESIDENTIAL
[Dark Blue]	COMMERCIAL
[Yellow]	INDUSTRIAL
[Green]	AGRICULTURAL
[White]	OPEN SPACE
[Dashed Line]	TRAILS
[Green Area]	PARKS & OPEN SPACE
[Dark Green]	UNDEVELOPED PARKS
[Light Green]	FUTURE PARKS
[White]	OPEN SPACE

TRAILS:

0.00 0.25 0.50 1.00 MILE

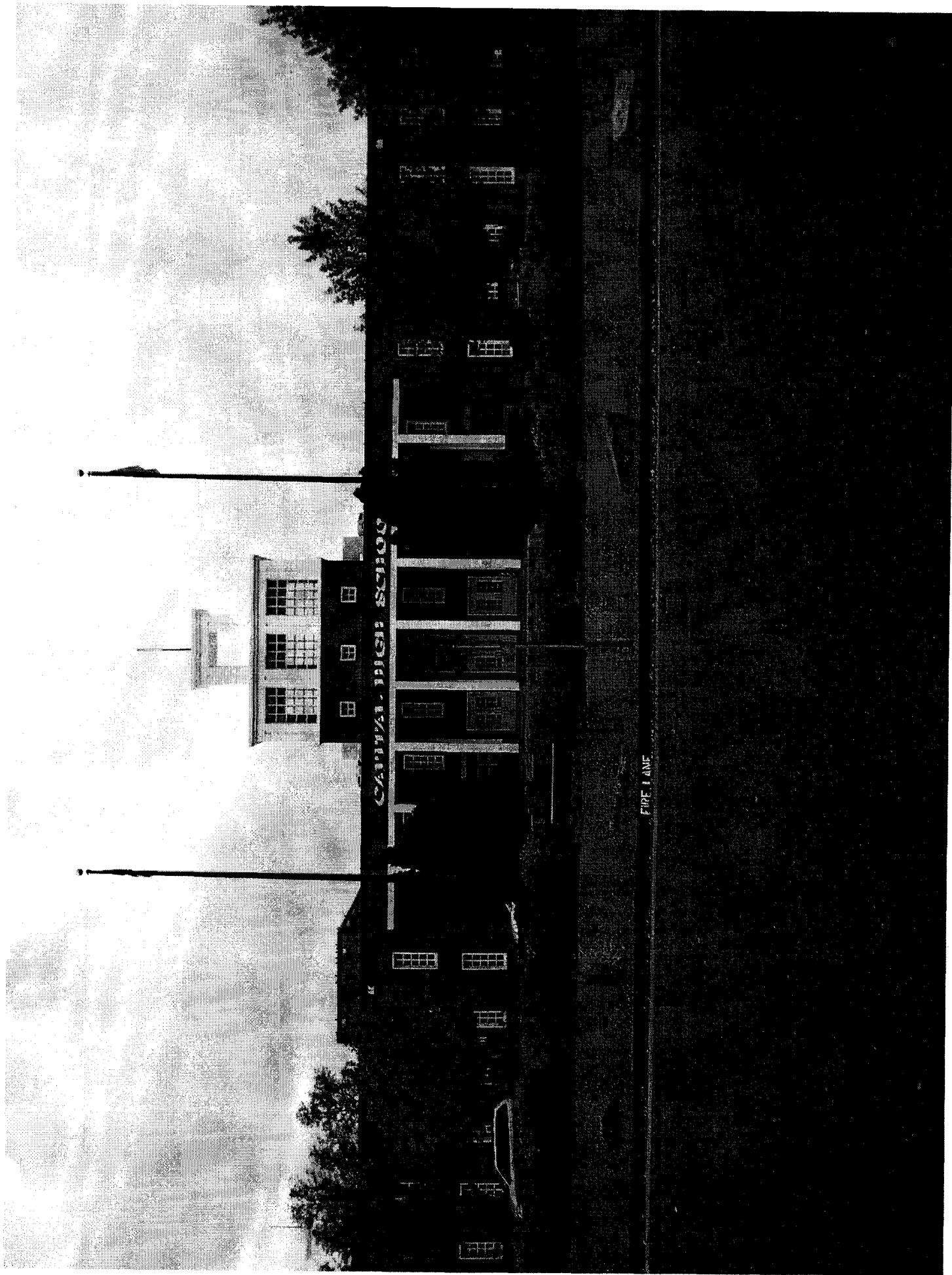
TC MASTER PLAN
October 30, 2013

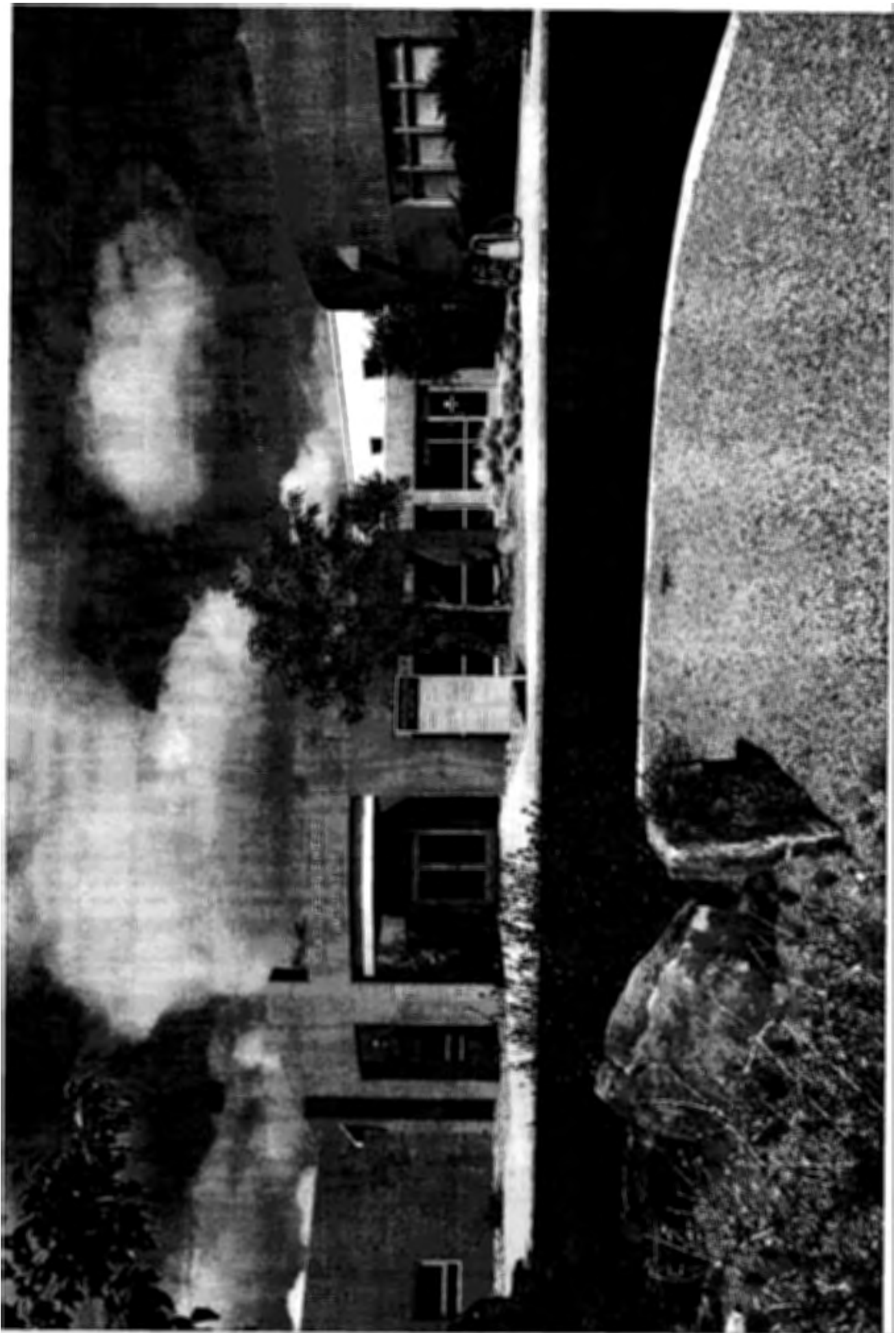


LEGEND



06-28-14 DAY





Tierra Contenta

LEGEND

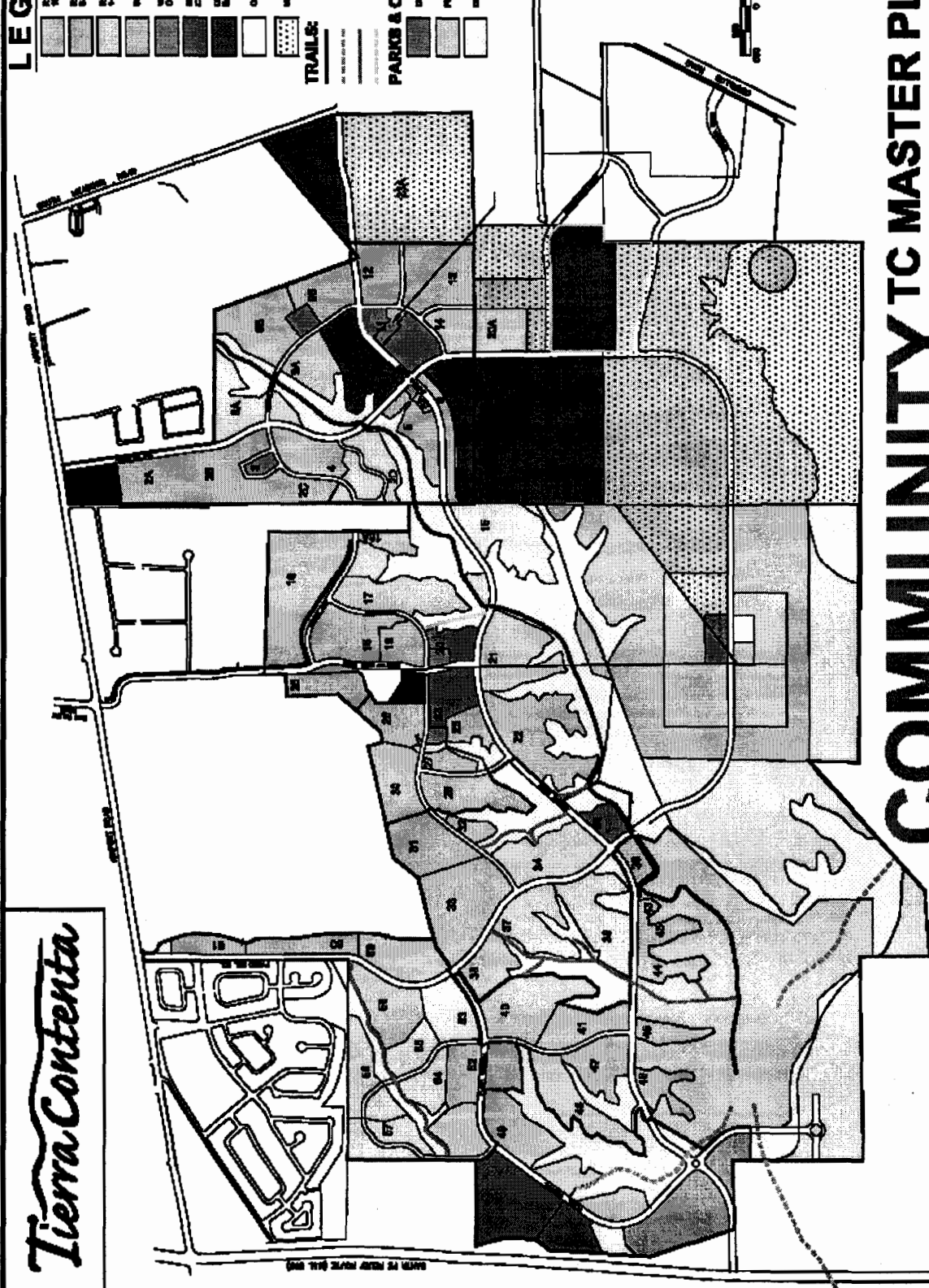
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- RESIDENTIAL MEDIUM DENSITY
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL SINGLE-FAMILY
- SCHOOL
- WALLACE COMMERCIAL
- COMMERCIAL
- COMMERCIAL
- COMMERCIAL
- COMMERCIAL
- COMMUNITY
- WATER RESERVATION

TRAILS:

- TRAIL
- TRAIL
- TRAIL

PARKS & OPEN SPACE:

- UNDEVELOPED PARK
- PARK
- OPEN SPACE



COMMUNITY TC MASTER PLAN

October 30, 2013



Tierra Contenta

LEGEND

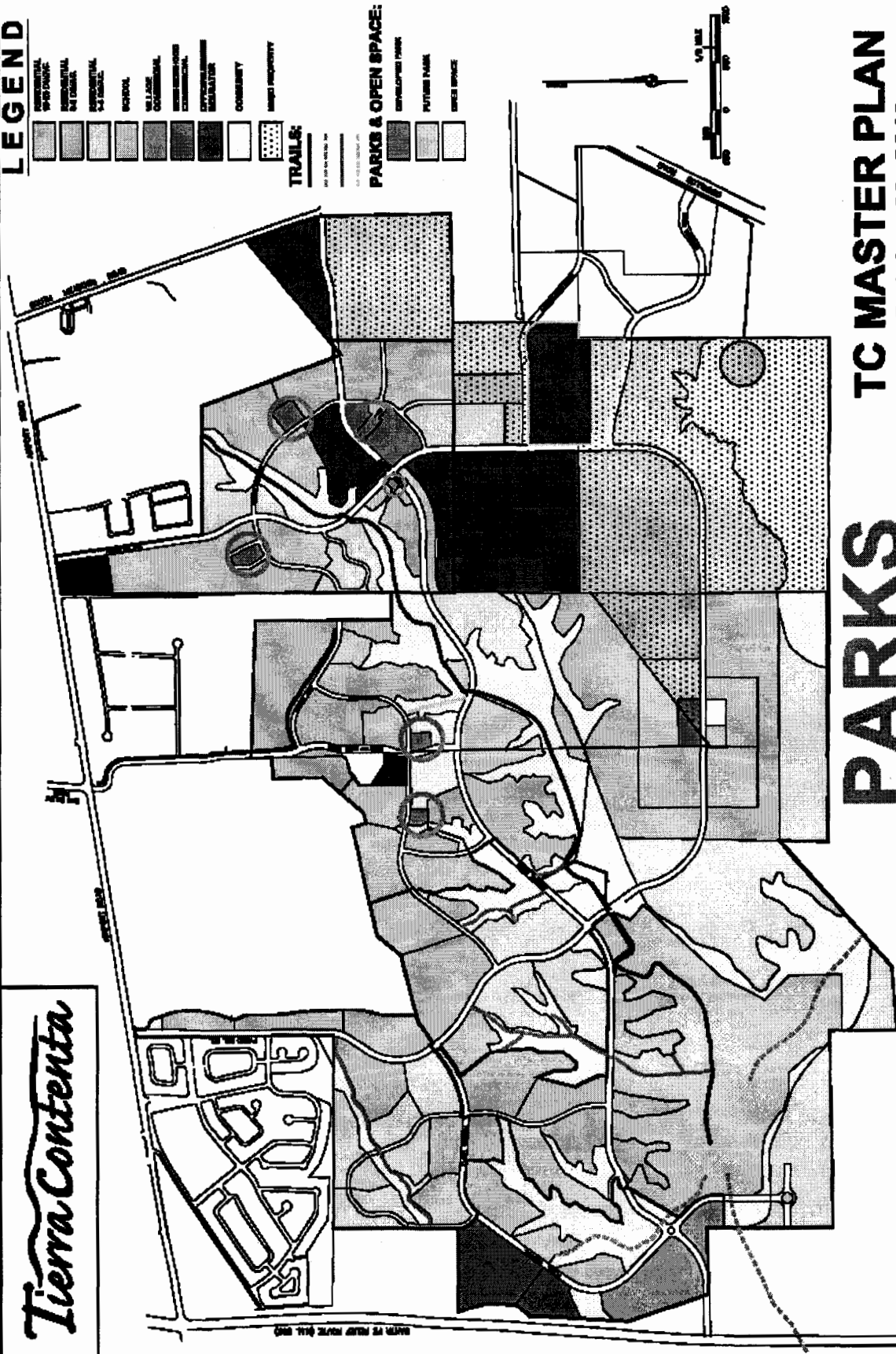
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- RESIDENTIAL 40-50 DENSITY
- RESIDENTIAL 20-30 DENSITY
- RESIDENTIAL 10-20 DENSITY
- SCHOOL
- WILLAGE COMMERCIAL
- INDUSTRIAL/WAREHOUSE COMMERCIAL
- OFFICE/INFORMATION
- RECREATION
- CONSUMER
- INDUSTRIAL PROPERTY

TRAILS:

- 1/2 MILE
- 1/4 MILE
- 1/8 MILE

PARKS & OPEN SPACE:

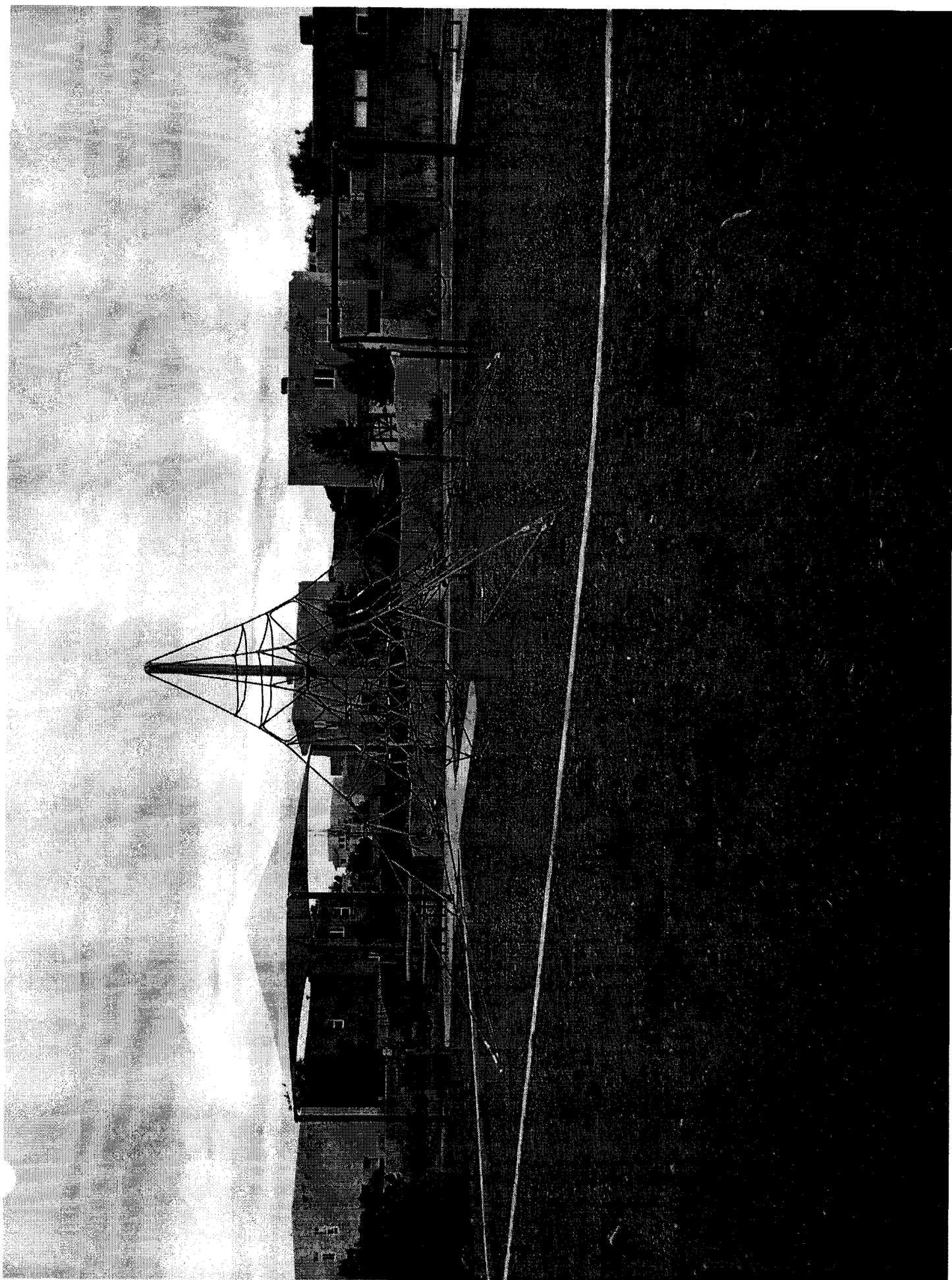
- DEVELOPMENT PARK
- PARKING PARK
- OPEN SPACE



PARKS

TC MASTER PLAN

October 30, 2013



Tierra Contenta

LEGEND

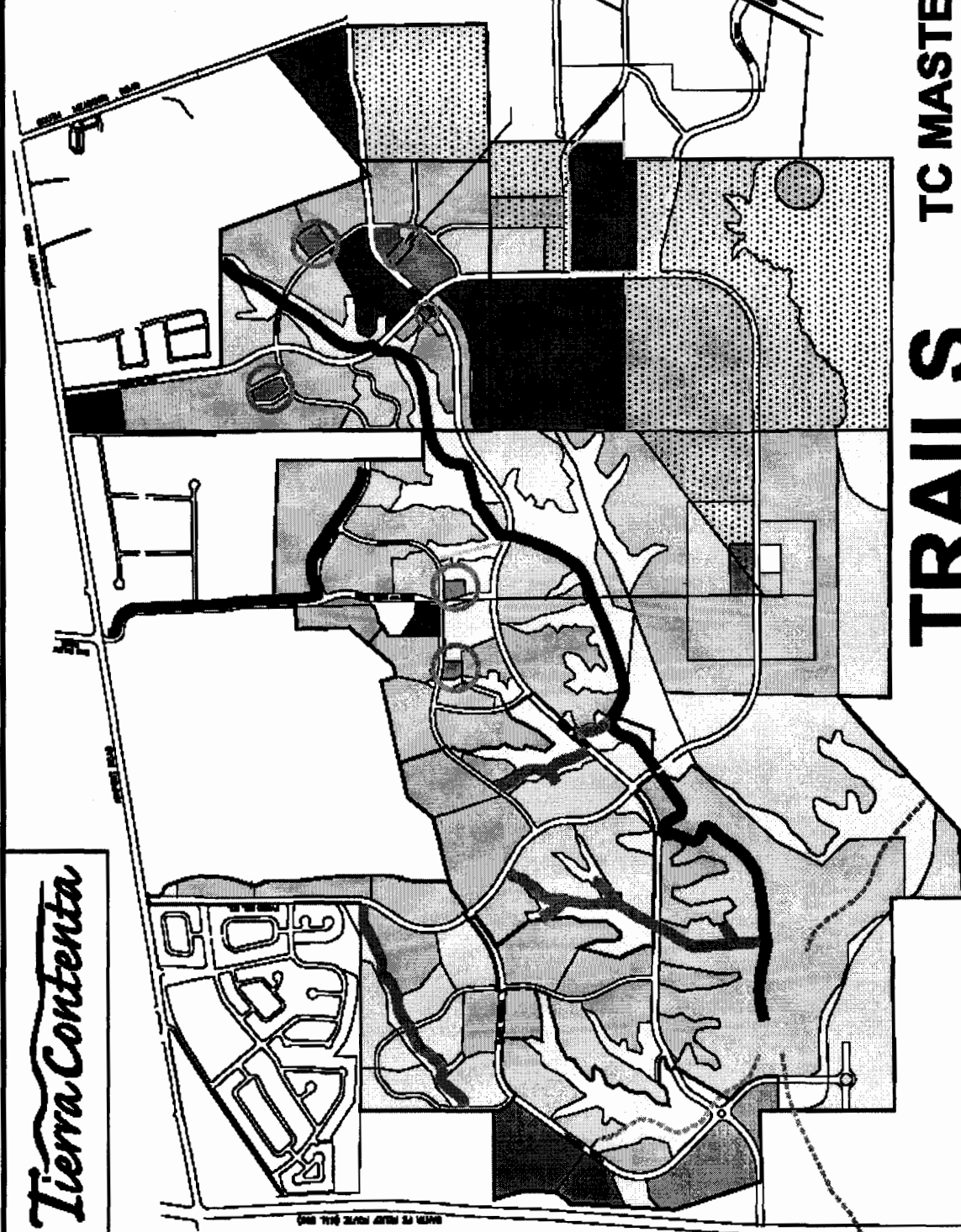
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- RESIDENTIAL 4-8 UNITS
- RESIDENTIAL 3-4 UNITS
- RESIDENTIAL 2-3 UNITS
- SCHOOL
- WILLAGE COMMERCIAL
- INTERMEDIATE COMMERCIAL
- OFFICE/INDUSTRIAL
- MAINTENANCE
- COMMUNITY
- HEAVY INDUSTRY

TRAILS

- 1/4" = 100' 0" 200' 400'
- 1/8" = 100' 0" 200' 400'
- 1/16" = 100' 0" 200' 400'

PARKS & OPEN SPACE

- DEVELOPED PARK
- POTENTIAL PARK
- WATER SPACE



TRAILS

TC MASTER PLAN
October 30, 2013



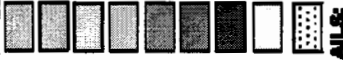
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35-28-13 INT

2103, 1970

Tierra Contenta

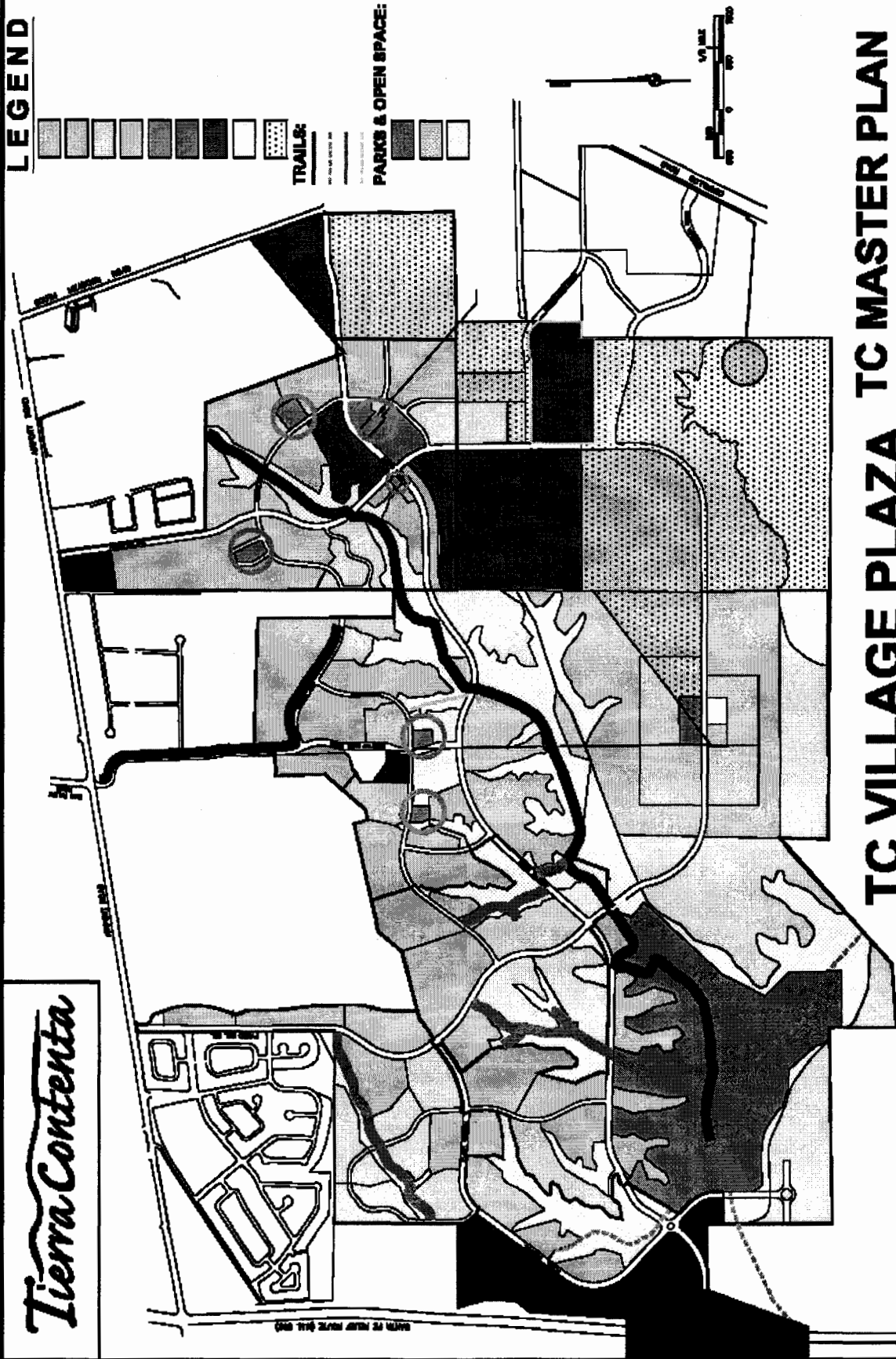
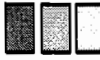
LEGEND



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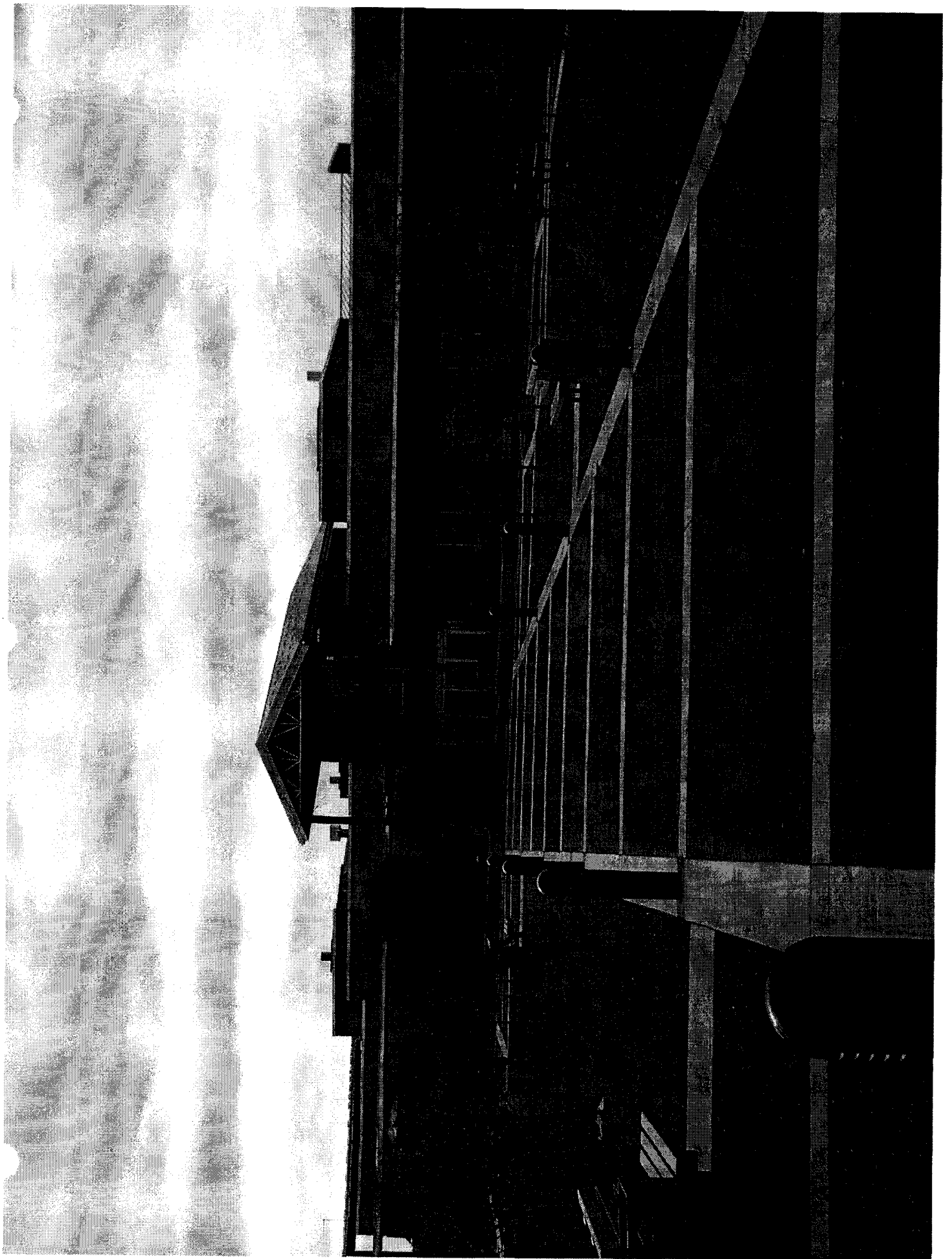
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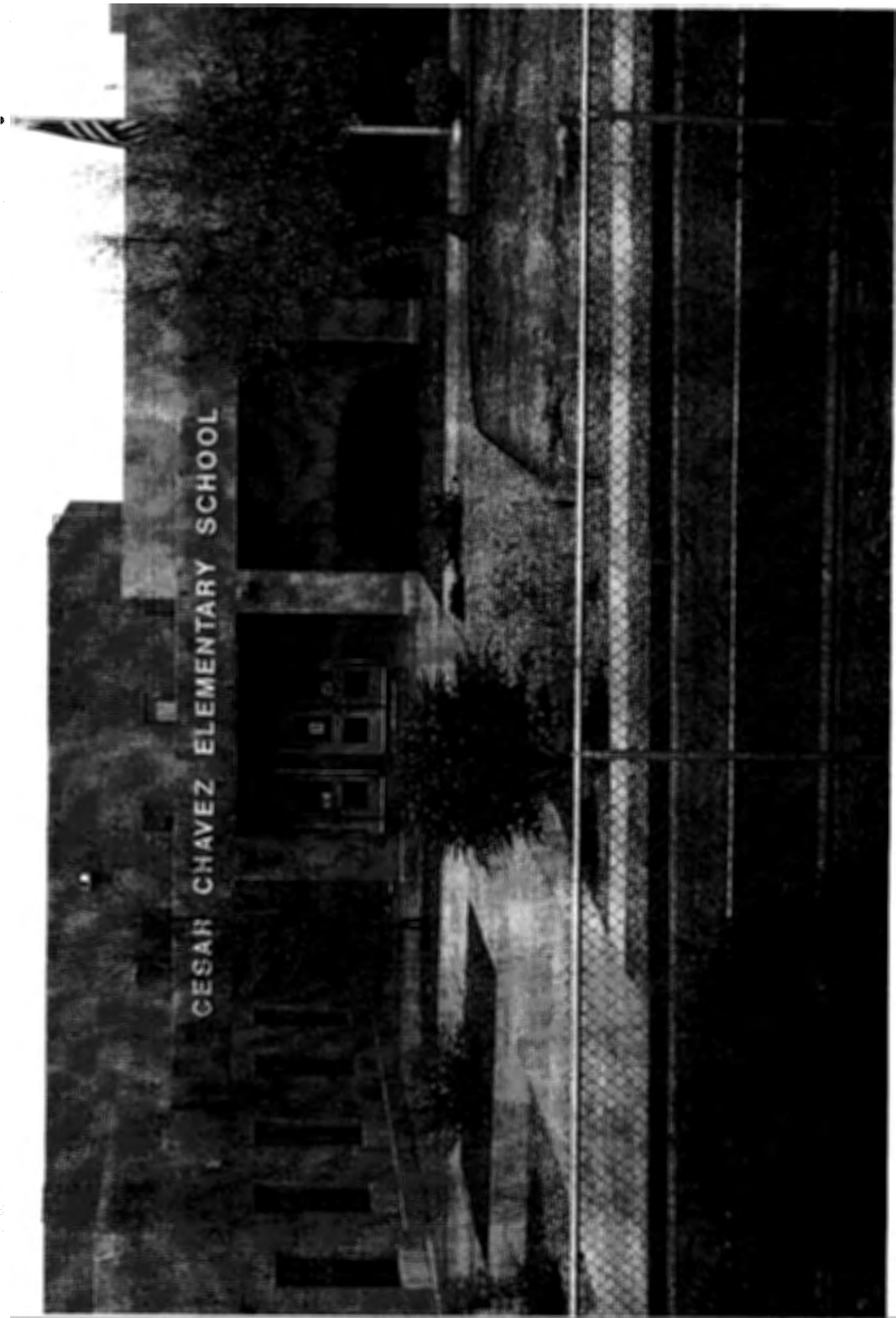
PARKS & OPEN SPACE:

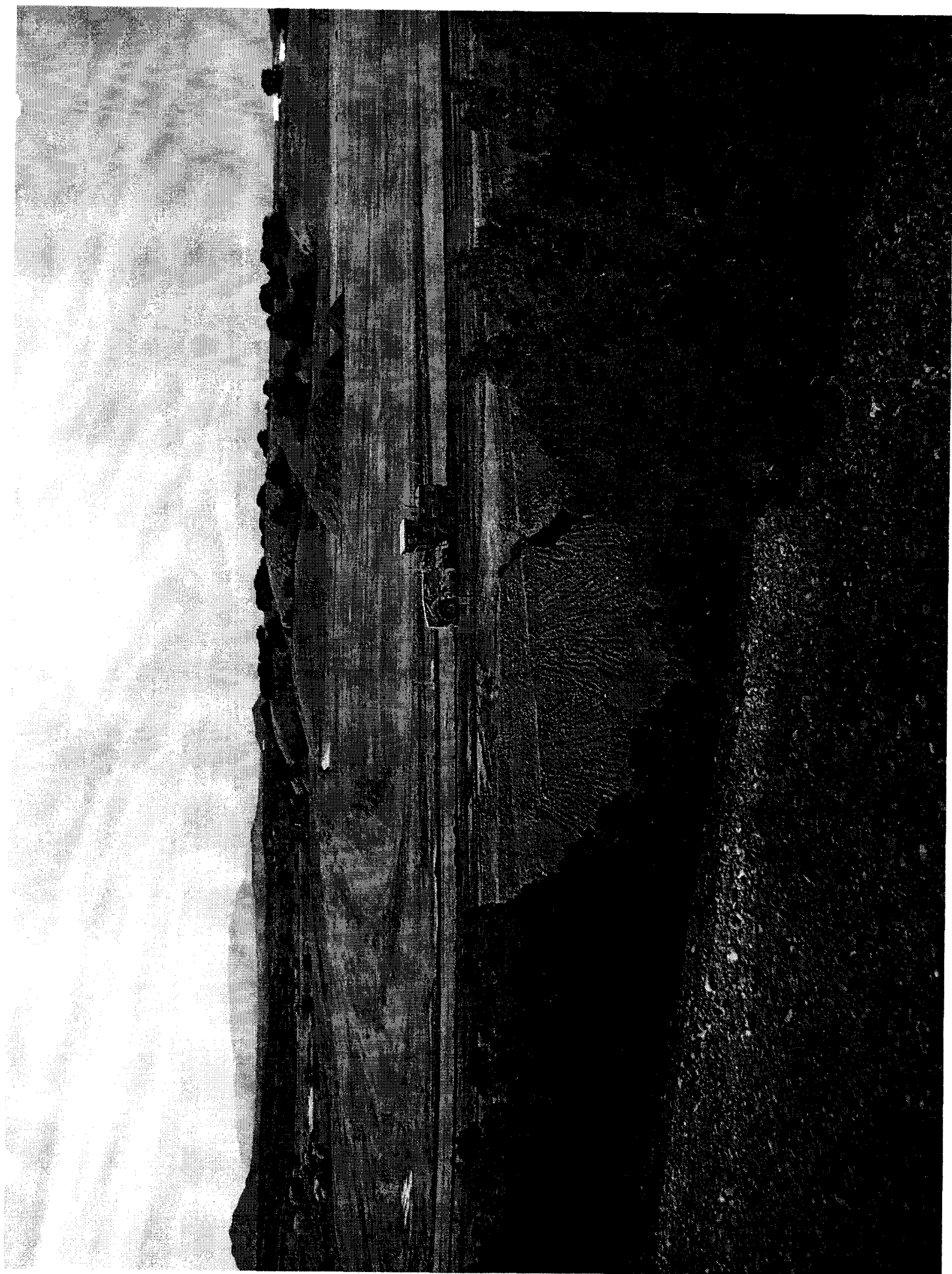


TC VILLAGE PLAZA TC MASTER PLAN
October 30, 2013

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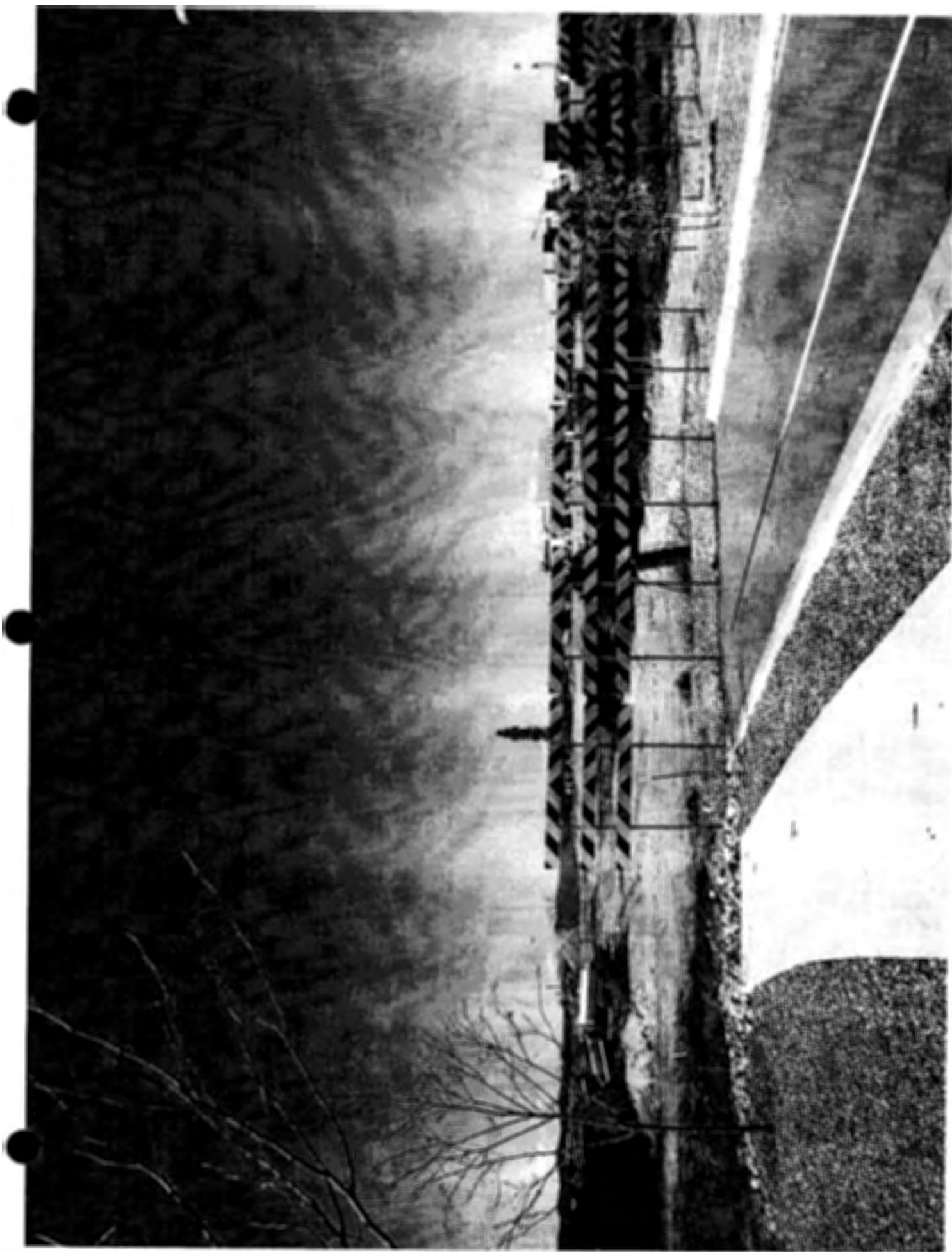


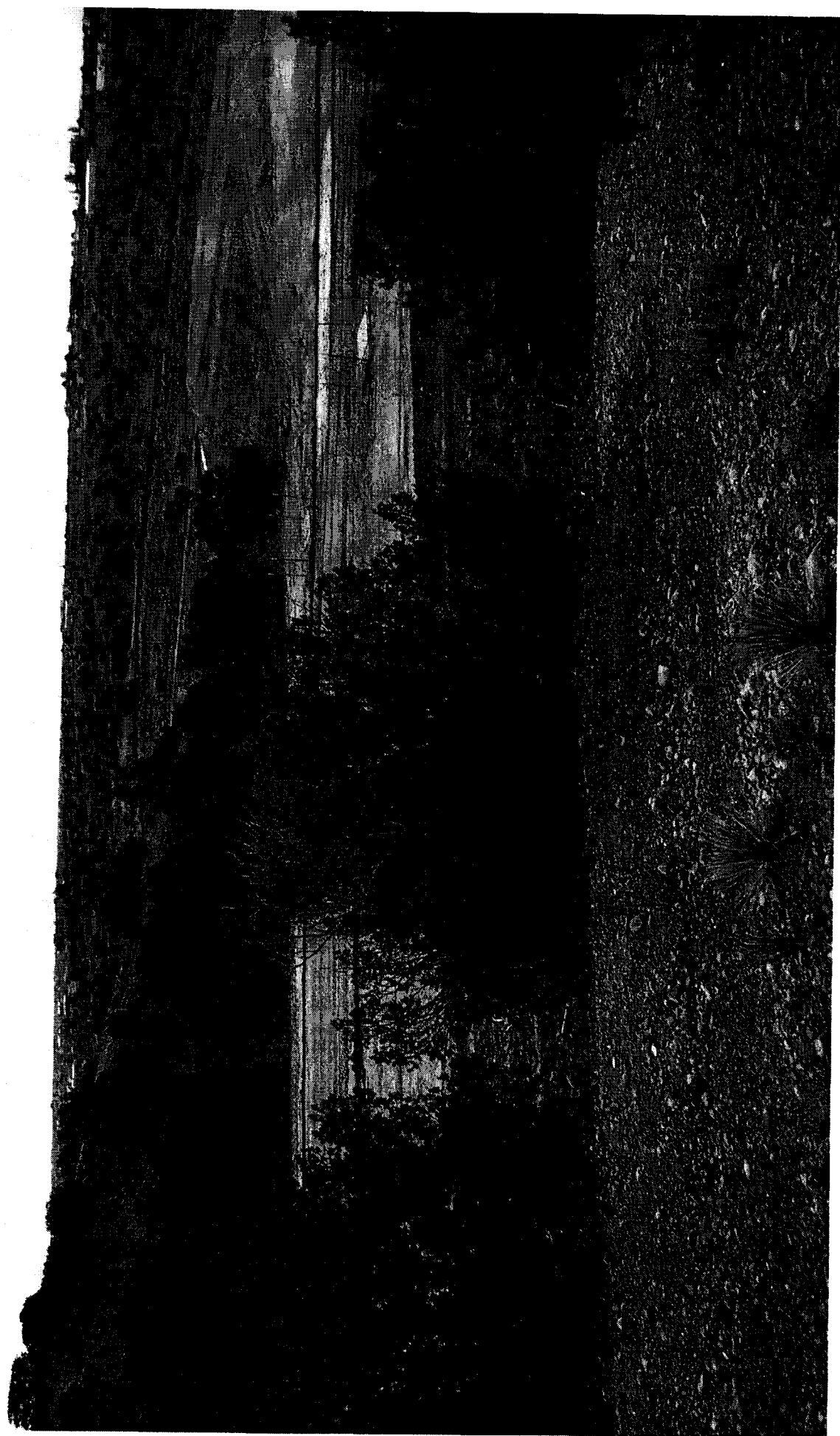


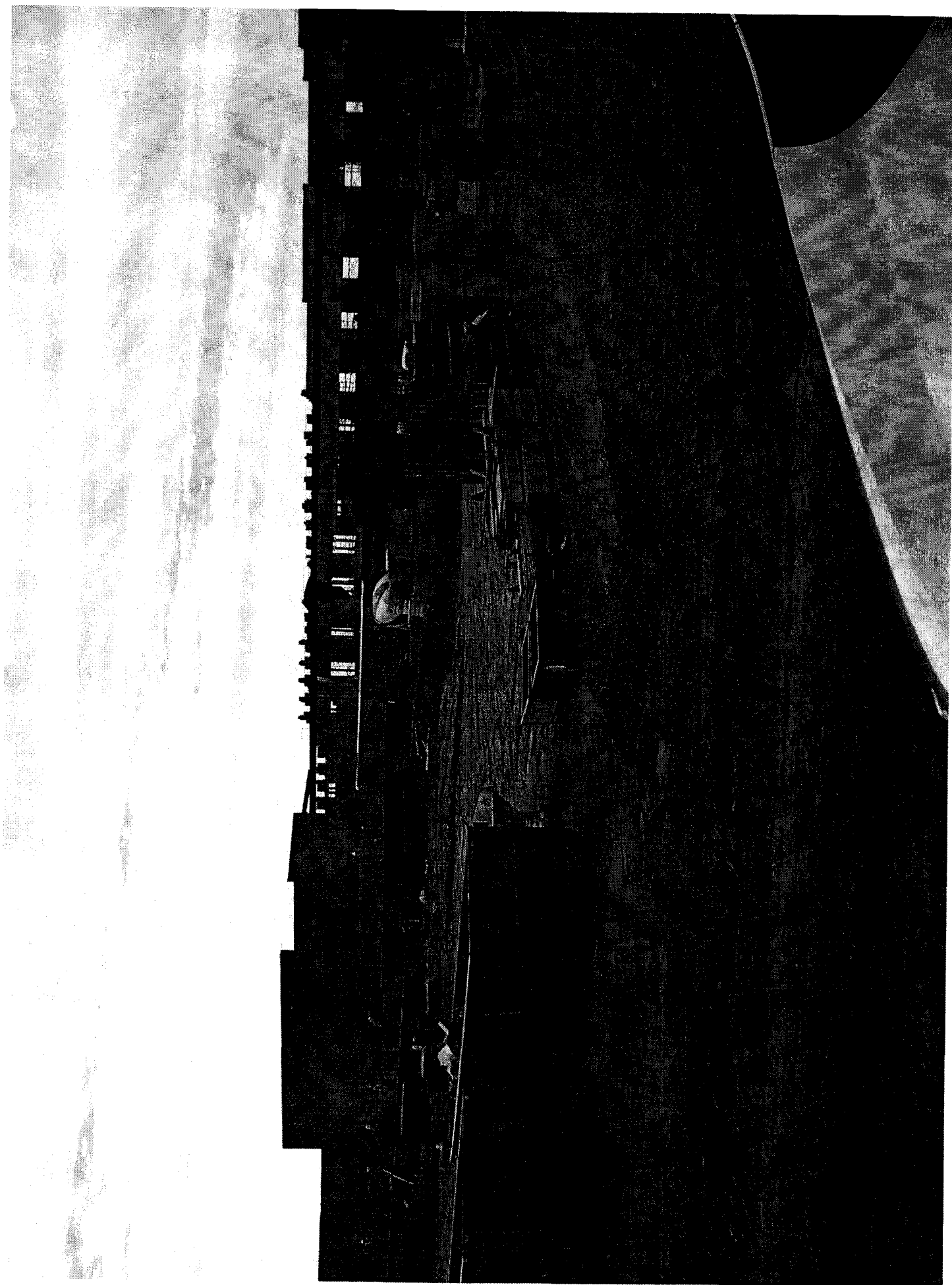


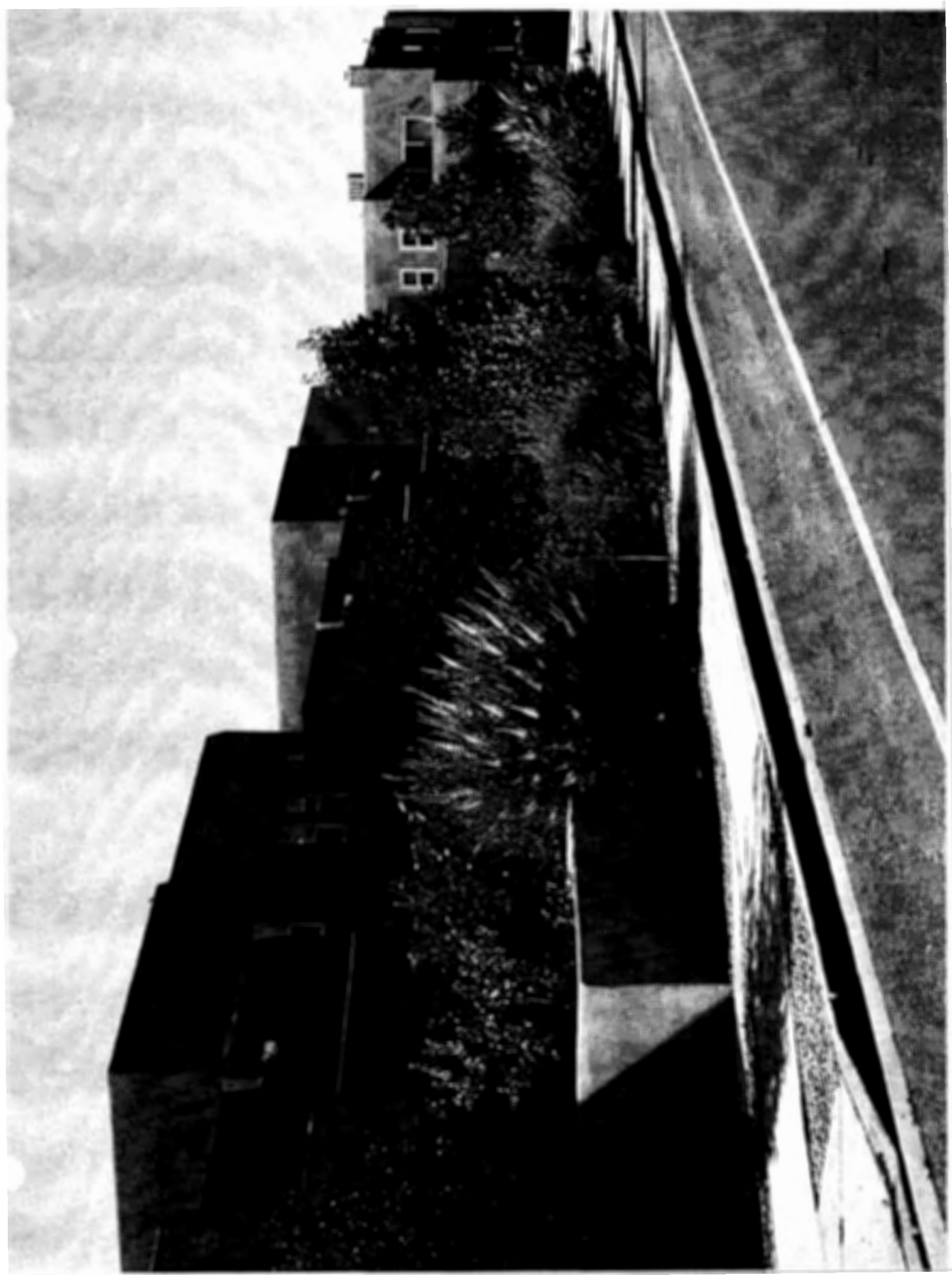


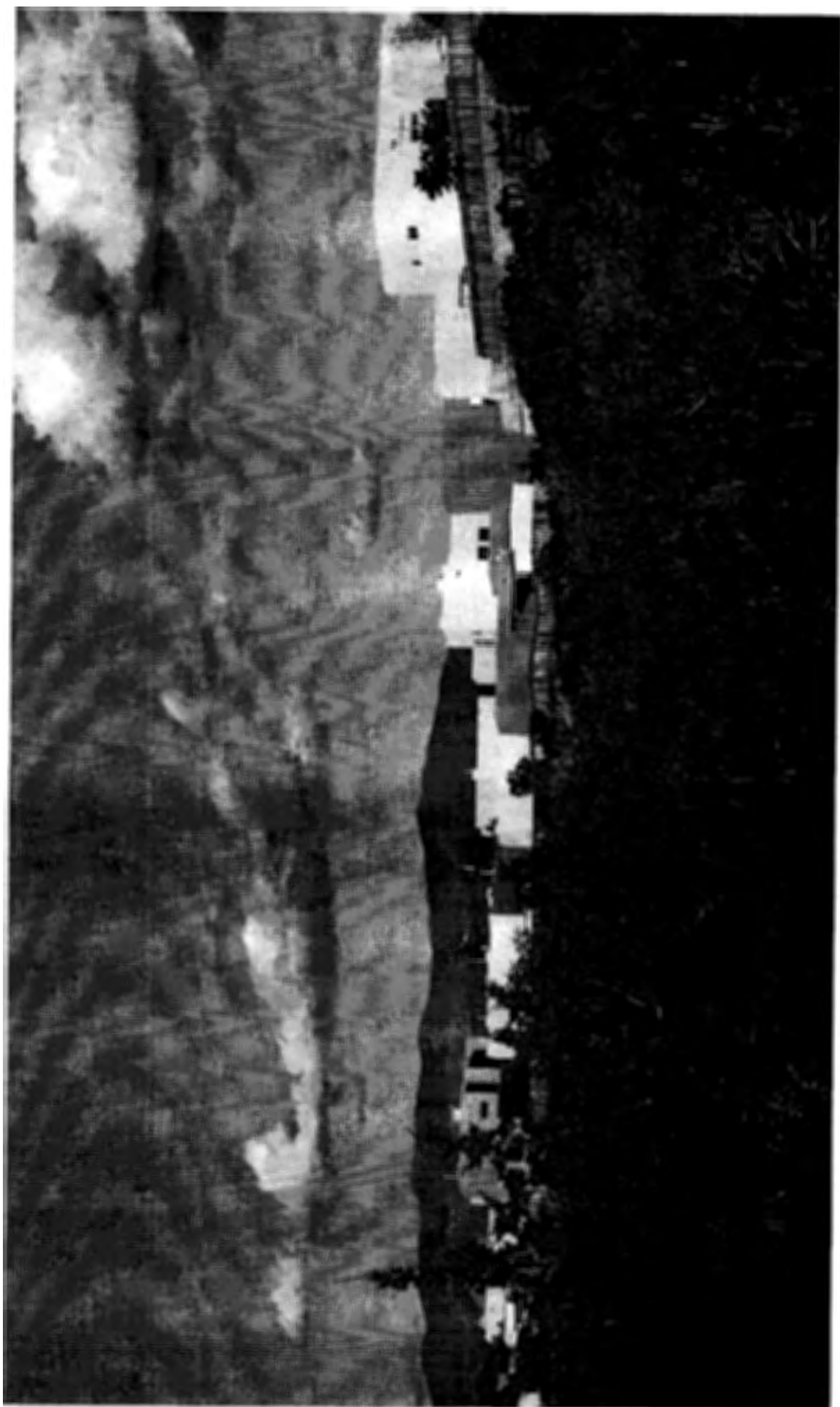
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Tierra Contenta Drive











Tierra Contenta

City of Santa Fe, New Mexico

memo

Item #10(m)

To: Finance Committee

From: R. Alfred Walker, Assistant City Attorney *RAW*

Direct Line: 6967

Date: October 29, 2013

Re: Self-Sustainability of the DWI Vehicle Forfeiture Program

At the October 21, 2013 Finance Committee meeting, I was requested to provide this memorandum concerning where we are in making the DWI Vehicle Forfeiture Program self-sustaining.

I do not have the expertise to do a thorough analysis of the income and expense reports to give a completely accurate assessment. However, based on rough numbers, it would appear that the Program is currently self-sustaining, even without the grant assistance we will be receiving from the New Mexico Department of Transportation.

According to the Police Department, these are the income and expense numbers for the three complete fiscal years that the program has been in operation.

2011	Income: \$152,332.15	Expenses: \$75,204.80
2012	Income: \$222,999.55	Expenses: \$66,619.28
2013	Income: \$311,399.45	Expenses: \$190,660.51

It is my understanding that three salaries (plus benefits) are partially paid from these revenues (and have not been included in the expenses). The amounts (salaries and benefits) paid are estimated at:

Program Coordinator (50% from Program):	\$27,456
Program Coordinator (70% from Program):	\$38,438
Assistant City Attorney (25% from Program):	<u>\$25,918</u>
Total salaries and benefits paid from Program:	\$91,812

Thus, if the current salaries and benefits were included in the FY 2013 numbers, there would still be a surplus of roughly \$29,000 for that year. This leads me to believe that the program is currently self-sustainable.

Exhibit "5"



**CITY COUNCIL MEETING OF
OCTOBER 30, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC. FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.	Economic Development Review Committee - 10/31/13 City Business/Quality of Live Committee - 11/12/13 Finance - 11/18/13 Council (request to publish) - 12/11/13 Council (public hearing) - 1/8/14
	A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 51 ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014.	Finance - 11/18/13 Council - 12/11/13
	A RESOLUTION RESPECTFULLY REQUESTING THAT PRESIDENT OBAMA DENY THE PERMIT APPLICATION BY TRANSCANADA TO CONSTRUCT THE KEYSTONE XL TAR SANDS PIPELINE.	Council - 11/13/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO CLIMATE CHANGE AS A REAL AND GROWING THREAT TO THE WELL-BEING OF PRESENT AND FUTURE INHABITANTS OF SANTA FE AND URGING THE U.S. CONGRESS TO PASS LEGISLATION THAT LEVIES AN ANNUALLY INCREASING REVENUE NEUTRAL FEE ON THE CARBON IN FOSSIL FUELS AT THE POINT OF PRODUCTION AND IMPORTATION.	Finance - 11/4/13 Council - 11/13/13

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PALACE AVENUE BETWEEN CATHEDRAL PLACE AND DELGADO STREET; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE.	Public Works - 11/12/13 Finance - 11/18/13 Council - 12/11/13
	AN ORDINANCE RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 1987 TO ESTABLISH THAT THE SANTA FE COUNTY HOUSING ASSISTANCE ORDINANCE SHALL HAVE JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND AMENDING RULE 8 A. OF EXHIBIT A OF CHAPTER 22 SFCC 1987, CITY OF SANTA FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH CUSTOMER WHOLESALE RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS THAT ARE CONNECTED TO THE CITY SEWER SYSTEM.	Finance - 11/4/13 Public Utilities - 11/6/13 Council (request to publish) - 11/13/13 Council (public hearing) - 12/11/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING THE ORGANIZATIONAL TRANSFER OF THE OFFICE OF ANTI-GRAFFITI COORDINATION AND ABATEMENT PROGRAM FROM THE POLICE DEPARTMENT AND PARKS DIVISION TO KEEP SANTA FE BEAUTIFUL, ENVIRONMENTAL SERVICES DIVISION.	Public Utilities - 11/6/13 Finance - 11/18/13 Council - 12/11/13
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE I-2 GENERAL INDUSTRIAL DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.	Planning Commission - 11/7/13 Public Works - 11/25/13 Finance - 12/2/13 Council (request to publish) - 12/11/13 Council (public hearing) - 1/8/14

Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.	Planning Commission – 11/7/13 Public Works - 11/25/13 Finance - 12/2/13 Council (request to publish) - 12/11/13 Council (public hearing) –1/8/14
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE CREATING A NEW SECTION 16-15.5 SFCC 1987 TO INCLUDE PROCURING OF ELECTRONIC NICOTINE DELIVERY PRODUCTS OR E-CIGARETTES BY MINORS.	Public Safety - 11/19/13 Finance - 12/2/13 Council (request to publish) - 12/11/13 Council (public hearing) – 1/8/14
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING SECTIONS 12-6-12.6 RELATING TO DRIVING WITH A REVOKED LICENSE; 12-12-3 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; 12-12-11 RELATING TO ABSTRACT OF TRAFFIC CASES; CREATING A NEW SECTION 12-12-3.1 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY.	Public Safety - 11/19/13 Finance - 12/2/13 Council (request to publish) - 12/11/13 Council (public hearing) – 1/8/14
	A RESOLUTION REPEALING RESOLUTION 2007-109 AND ADOPTING A NEW RESOLUTION TO ESTABLISH A POLICY RELATED TO WAIVERS OR REDUCTION OF FEES FOR SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES, EXCLUSIVE OF THE SANTA FE COMMUNITY CONVENTION CENTER.	Public Works – 11/12/13 Finance – 11/18/13 Council – 12/11/13

Councilor Ron Trujillo Continued		
	<p style="text-align: center;">A RESOLUTION</p> <p>REPEALING RESOLUTION 2012-33 AND ADOPTING A NEW RESOLUTION TO ESTABLISH A POLICY RELATED TO THE WAIVER OF USER FEES AT THE SANTA FE COMMUNITY CONVENTION CENTER, SO THAT ON AN ANNUAL BASIS EACH MEMBER OF THE GOVERNING BODY IS AUTHORIZED TO HAVE THE USER FEES WAIVED AT THE SANTA FE COMMUNITY CONVENTION CENTER, ON BEHALF OF A NON-PROFIT ORGANIZATION, FOR A ONE-DAY EVENT.</p>	<p>Public Works – 11/12/13 Finance – 11/18/13 Council – 12/11/13</p>
Councilor Rebecca Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule
	<p style="text-align: center;">A RESOLUTION</p> <p>AUTHORIZING THE CITY OF SANTA FE FIRE DEPARTMENT TO ESTABLISH A COALITION OF INDIVIDUALS, WITH A VESTED INTEREST IN PROTECTING NEIGHBORHOODS FROM A WILDFIRE, TO PRODUCE AND IMPLEMENT TANGIBLE WILDFIRE MITIGATION STRATEGIES.</p>	<p>Public Safety - 11/19/13 Finance - 12/2/13 Council - 12/11/13</p>
	<p style="text-align: center;">A RESOLUTION</p> <p>AUTHORIZING THE CITY OF SANTA FE EMERGENCY MANAGER TO ESTABLISH A HAZARD MITIGATION ADVISORY GROUP FOR THE PURPOSE OF MAINTAINING, UPDATING AND MONITORING THE PROGRESS OF PROJECTS THAT ARE PLACED IN THE CITY'S <i>ALL-HAZARD MITIGATION PLAN</i>.</p>	<p>Public Safety - 11/19/13 Finance - 12/2/13 Council - 12/11/13</p>

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

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

2 **RESOLUTION NO. 2013-_____**

3 **INTRODUCED BY:**

4
5 Councilor Chris Calvert

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10 **A RESOLUTION**

11 **RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE**
12 **AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO**
13 **DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PALACE**
14 **AVENUE BETWEEN CATHEDRAL PLACE AND DELGADO STREET; DIRECTING**
15 **STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON**
16 **BEHALF OF THE CITY OF SANTA FE.**

17
18 **WHEREAS**, in recent years, Palace Avenue has experienced a rapid pavement surface
19 deterioration due to many street utility cuts from residential development and utility repair, with
20 subsequent pavement substructure failures caused by moisture, recent harsh winters, and
21 increases in traffic volumes; and

22 **WHEREAS**, the City of Santa Fe plans to make roadway improvements to Palace
23 Avenue between Cathedral Place and Delgado Street as part of its annual resurfacing program
24 (2014 season); and

25 **WHEREAS**, such improvements shall include roadway pavement rehabilitation,

1 drainage and pedestrian improvements to include reconstruction of some deteriorated sidewalks,
2 and manhole adjustments; and

3 **WHEREAS**, funding assistance for such improvements will be provided by the State
4 upon execution of a Local Government Road Fund (LGRF) Cooperative Agreement between the
5 New Mexico Department of Transportation (NMDOT) and the City of Santa Fe; and

6 **WHEREAS**, the improvements to Palace Avenue shall enhance roadway and pedestrian
7 safety and improve ride ability; and

8 **WHEREAS**, funding from the NMDOT to aid construction shall consist of \$43,321.00
9 through the LGRF cooperative agreement; and

10 **WHEREAS**, the City, as part of the LGRF Cooperative Agreement shall match up to
11 \$131,650.44 to the NMDOT funds; and

12 **WHEREAS**, the City shall assume ownership, liability and maintenance responsibilities
13 for all amenities related to the completion of the project.

14
15 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
16 **OF SANTA FE** that staff is directed to cause a Cooperative Agreement between the City and the
17 NMDOT to be executed on behalf of the City to share in the funding for improvements on Palace
18 Avenue between Cathedral Place and Delgado Street.

19 PASSED, APPROVED and ADOPTED this _____ day of _____, 2013.

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David Coss, Mayor

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ATTEST:

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Kelley Brennan, Interim City Attorney

CAO//Melissa/ Resolutions 2013/ Palace Ave. 2013-2014 LGRF

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-____

3 INTRODUCED BY:

4
5 Councilor Chris Calvert

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9
10 AN ORDINANCE

11 RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY
12 LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 1987 TO ESTABLISH THAT THE
13 SANTA FE COUNTY HOUSING ASSISTANCE ORDINANCE SHALL HAVE
14 JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND
15 AMENDING RULE 8 A. OF EXHIBIT A OF CHAPTER 22 SFCC 1987, CITY OF SANTA
16 FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH
17 CUSTOMER WHOLESALE RATES FOR PROPERTIES LOCATED OUTSIDE THE
18 CITY LIMITS THAT ARE CONNECTED TO THE CITY SEWER SYSTEM.

19
20 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

21 Section 1. Subsection 22-6.2 SFCC 1987 (being Ord. #1997-3, §39, as amended
22 is amended to read:

23 22-6.2 Properties Outside City Limits.

24 A. Purpose. The governing body has determined that connections to the city's sewer
25 system should be allowed outside the city limits under certain conditions. The wastewater

1 treatment plant has the capacity for such connections, the effluent is a benefit to the city, and
2 protection of the groundwater is important.

3 B. *Definitions.* As used in this section:

4 *Presumptive City Limits* is defined in the settlement agreement and mutual
5 release of claims entered into by the city of Santa Fe, Santa Fe County and other parties
6 dated May 19, 2008.

7 C. *Connection Prohibited.* Sanitary sewer service line connections and sanitary
8 sewer mainline extensions are prohibited outside the presumptive city limits except as set forth in
9 this section.

10 D. *Existing Agreements.* Sanitary sewer service line connections and sanitary sewer
11 mainline extensions for which there is a valid, written agreement obligating the city to allow
12 connection to the city's sewer system shall be reviewed by the city attorney and may be
13 implemented by the wastewater management division director.

14 E. *Property Owners.* This section shall apply to properties owned by private property
15 owners as well as to properties owned by county, state or federal agencies to the extent allowed
16 by law.

17 F. *Areas of Sanitary Sewer Service.*

18 (1) Requests for sanitary sewer service line connections and sanitary sewer
19 mainline extensions submitted after October 29, 2008, (date of adoption of this
20 Ordinance) for properties located entirely within the areas to be annexed, as defined in
21 the settlement agreement and mutual release of claims entered into by the city of Santa
22 Fe, Santa Fe county and other parties dated May 19, 2008, shall be processed in the same
23 manner as requests for properties within the current city limits. This paragraph shall not
24 apply to those requests described in paragraph D. above.

25 (2) Requests for sanitary sewer service line connections and sanitary sewer

1 mainline extensions for properties outside the presumptive city limits including the Aqua
2 Fria traditional historic community and the county of Santa Fe fairgrounds shall be
3 processed pursuant to paragraph I. below.

4 G. *Affordable Housing.* [~~Section 14-8.11 (D) SFCC 1987 regarding the Santa Fe~~
5 ~~Homes Program~~] The Santa Fe County Housing Assistance Ordinance, Sec. 151.01, Santa Fe
6 County Code of Ordinances shall apply.

7 H. *Conditions of Service.* The property owner and all future owners of the property
8 obtaining city sewer service under this section shall be required to pay all applicable rates,
9 charges and fees for city sewer service. Requirements set forth in Chapters XIV and XXII SFCC
10 1987 and all other rules and regulations pertaining to the use of the city's sewer service are also a
11 condition of service.

12 I. *Water/Wastewater Review Team.*

13 (1) All applications for city sewer service connections for properties outside
14 the presumptive city limits shall be reviewed by the water/wastewater review team
15 (WWRT). The team shall meet regularly and shall be made up of city and county staff
16 from the water division, the wastewater division, the city attorney's office, the county
17 attorney's office, the land use departments and the office of affordable housing. The team
18 shall evaluate the completeness of the application and the feasibility of implementing the
19 connection. Applications shall include the following:

20 (a) A map of the proposed project in relation to the existing city
21 limits and the presumptive city limits;

22 (b) A detailed description of the proposed development including
23 the type and size of proposed land uses;

24 (c) The health, safety, public welfare or other legal reason for the
25 connection;

1 (d) Documentation from the county of Santa Fe that county sewer
2 service is not available; and

3 (e) A certified Santa Fe Homes Proposal as set forth in Section 14-8.
4 11 SFCC 1987.

5 (2) If the WWRT finds the connection feasible and the legal reasons
6 compelling, it shall submit a report to the public utilities committee of the city, the
7 governing body and the board of county commissioners for consideration of an
8 agreement between the city of Santa Fe and Santa Fe county pursuant to Section 2.m. of
9 the settlement agreement and mutual release of claims entered into by the city of Santa
10 Fe, Santa Fe county and other parties dated May 19, 2008.

11 J. *Wastewater Service Agreement.* The property owner obtaining city sewer service
12 under paragraph F.(1) of this section shall enter into a wastewater service agreement with the city.
13 The applicant shall agree to not oppose the annexation of the property upon the request of the city
14 and in accordance with the applicable regulations regarding such annexations. The agreement
15 shall be reviewed and approved by the city attorney's office and the wastewater management
16 division director. The document, which includes a legal description of the property, shall apply to
17 the property and all future owners and shall be recorded at the county clerk's office and retained
18 at the city clerk's office. No connection to the city's sewer system shall be provided until a copy
19 of the recorded document is provided to the wastewater management division director. The
20 requirement to agree to not oppose the annexation of the property shall not apply to property
21 located entirely within the boundary of the Agua Fria traditional historic community.

22 **Section 2. Rule 8 A. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-**
23 **3, Exhibit A, as amended) is amended to read:**

24 **8. Sewer Service Charges.**

25 A. Connected to City Sewer

1. Single Family Residential Sewer Service Fees and Usage Fees.

Single family residential sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the single family service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, single family residential sewer service fees and usage fees shall apply where the sewer connection serves only one unit* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one unit* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$ 13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	<u>Connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
January 1, 2014	<u>Not connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$14.22/unit*</u>

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$ 13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.78 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

4. Exceptions to Commercial Sewer Service.

Mobile home parks; commercial greenhouses; churches; properties

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owned by the U.S. government, the state of New Mexico, the city of Santa Fe, the county of Santa Fe and the Santa Fe board of education; and state accredited private elementary and secondary schools and colleges shall not be considered commercial sewer services and shall be considered residential sewer service.

Section 2. **EFFECTIVE DATE.** This Ordinance shall become effective January 1, 2014.

APPROVED AS TO FORM:

KELLEY BRENNAN, INTERIM CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-__

3 INTRODUCED BY:

4
5 Councilor Rebecca Wurzbarger
6
7
8
9

10 A RESOLUTION

11 AUTHORIZING THE CITY OF SANTA FE EMERGENCY MANAGER TO ESTABLISH A
12 HAZARD MITIGATION ADVISORY GROUP FOR THE PURPOSE OF MAINTAINING,
13 UPDATING AND MONITORING THE PROGRESS OF PROJECTS THAT ARE PLACED
14 IN THE CITY'S *ALL-HAZARD MITIGATION PLAN*.
15

16 WHEREAS, the City of Santa Fe has identified threats and hazards, both naturally occurring
17 and human-caused, that could impact the City; and

18 WHEREAS, the City has dedicated numerous resources towards responding to and
19 recovering from the potential effects of these threats and hazards; and

20 WHEREAS, hazard mitigation and disaster prevention efforts require attention equal to
21 response and recovery efforts; and

22 WHEREAS, the City of Santa Fe, its departments and divisions and the community we serve
23 all have a role to play in mitigating the impact of these hazards and preventing these hazards from
24 becoming disasters; and

25 WHEREAS, the City of Santa Fe continues to update its *All-Hazard Mitigation Plan* and

1 solicit input from its partners across the community; and

2 **WHEREAS**, the *All-Hazard Mitigation Plan* has identified multiple projects to reduce the
3 impact of the primary hazards facing the City of Santa Fe; and

4 **WHEREAS**, public education, community outreach, and improvements to infrastructure are
5 the cornerstones of reducing or eliminating the impacts of hazards on our community; and

6 **WHEREAS**, a Hazard Mitigation Advisory Group, co-chaired by the City of Santa Fe Fire
7 Department Chief and City of Santa Fe Emergency Manager, should be established to maintain,
8 update, and monitor the progress of projects that are placed in the City's *All-Hazard Mitigation Plan*.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that the Governing Body of the City of Santa Fe hereby authorizes the City of
11 Santa Fe Emergency Manager to establish a Hazard Mitigation Advisory Group and directs City staff
12 to locate sufficient resources and foster collaborative relationships across all levels of government to
13 effectively mitigate against our hazards and engage our community in emergency and disaster
14 prevention initiatives.

15 PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2013.

16
17 _____
18 DAVID COSS, MAYOR

19 ATTEST:

20 _____
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23
24 _____
25 KELLEY BRENNAN, INTERIM CITY ATTORNEY *M/Melissa/Resolutions 2013/Hazard Mitigation Advisory Group*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-__

3 INTRODUCED BY:

4
5 Councilor Rebecca Wurzbarger

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10 A RESOLUTION

11 AUTHORIZING THE CITY OF SANTA FE FIRE DEPARTMENT TO ESTABLISH A
12 COALITION OF INDIVIDUALS, WITH A VESTED INTEREST IN PROTECTING
13 NEIGHBORHOODS FROM A WILDFIRE, TO PRODUCE AND IMPLEMENT TANGIBLE
14 WILDFIRE MITIGATION STRATEGIES.

15
16 WHEREAS, the risk to life and property from wildfires has risen significantly over the last
17 decade; and

18 WHEREAS, the United States Congress passed the 2009 Federal Land Assistance,
19 Management and Enhancement (FLAME) Act of 2009 ("FLAME Act of 2009"); and

20 WHEREAS, the FLAME Act of 2009 requires the Secretary of the Interior and the Secretary
21 of Agriculture to develop and implement a cohesive Wildland Fire Management Strategy
22 ("Strategy"); and

23 WHEREAS, the Strategy is being implemented in three phases: planning for wildfire,
24 responding to wildfire and recovering from wildland fire incidents; and
25

Exhibit "10"

1 **WHEREAS**, the Strategy focuses on: restoring and maintaining resilient landscapes, creating
2 fire adapted communities, and response to wildland fires; and

3 **WHEREAS**, fire adapted communities are more aware, prepared, resilient, and better
4 protected from a wildfire threat; and

5 **WHEREAS**, the City of Santa Fe Fire Department has identified 27 neighborhoods which
6 exist in the city of Santa Fe wildland urban interface; and

7 **WHEREAS**, 19 of the identified neighborhoods received a wildfire hazard rating of high,
8 very high, or extreme; and

9 **WHEREAS**, solely removing trees to protect life and property is not an effective solution to
10 the threat from a wildland fire; and

11 **WHEREAS**, there are five categories within four environments (Built, Natural, Social, and
12 Response) that address wildfire hazard mitigation: (1) education; (2) engineering; (3)
13 enactment/enforcement; (4) economic incentives; and (5) emergency response that are the most
14 effective approach to reducing the affect a large wildland fire may have on the City of Santa Fe; and

15 **WHEREAS**, the City of Santa Fe Fire Department recognizes that individuals, organizations,
16 businesses and government have to influence the effectiveness in planning, responding, and
17 recovering from a wildland fire incident; and

18 **WHEREAS**, the Governing Body desires that a coalition of individuals such as residents,
19 builders, realtors, insurance agents, land managers and employees of the Fire Department with a
20 vested interest in protecting neighborhoods from a wildfire would develop wildfire mitigation
21 strategies to best protect life and property in the city of Santa Fe.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that the Governing Body of the City of Santa Fe hereby authorizes the City of
24 Santa Fe Fire Department to establish a coalition of individuals such as residents, builders, realtors,
25 insurance agents, land managers and employees of the Fire Department, who have a vested interest in

1 protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation
2 strategies.

3 PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2013.

4

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6 ATTEST:

DAVID COSS, MAYOR

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9 YOLANDA Y. VIGIL, CITY CLERK

10 APPROVED AS TO FORM:

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13 KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Fire Hazard Mitigation Coalition*

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INTRODUCED BY:

AN ORDINANCE

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

(B) Standards for Off-Street Parking Spaces and Parking Lots

All *off-street parking* spaces and *lots* shall meet the standards set forth in this Subsection 14-8.6(B) and any additional standards shown on an approved site plan:

(a) they shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any *street*, walk or alley; provided that the public works director may approve parking

lots serving one or two *dwelling units* and comprising four or fewer parking spaces designed to allow vehicles to back onto a *street* classified as a subcollector or lane, onto a walk or alley, or in exceptional circumstances onto a *street* classified as an arterial or collector;

(b) they shall be designed so that vehicles may be removed without moving another vehicle except in attended *lots*, or single-family residences where not more than two spaces assigned for use to the same *dwelling unit* may be arranged in tandem;

(c) they shall have barriers that prevent vehicles from extending over the public sidewalks, abutting *lots* or the minimum required *landscaped* area;

(d) they shall be designed to discourage parking *lot* traffic from accessing directly onto *major arterial streets*, unless no reasonable alternative is available;

(e) they shall be appropriately marked to indicate the location of the spaces; and

(f) if they are required parking spaces, they shall be available at all times for parking the personal vehicles of *employees* and customers or residents and guests for which the spaces are required. Required parking spaces shall be unobstructed and shall not be used for storage, display, sales or parking of commercial or other vehicles used by *employees* in the conduct of the use for which the spaces are required, unless an itinerant vending *permit* or special use *permit* has been issued. Required *off-street loading spaces* shall not be included as

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off-street parking spaces in the computation of required *off-street parking*.

(g) A driveway or parking lot aisle that is oriented toward a primary pedestrian entryway to a nonresidential or multiple family residential building must have bollards or other safety barriers that prevent accidental vehicle collisions with the entryway and pedestrians in front of the entryway.

APPROVED AS TO FORM:

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KELLEY BRENNAN, INTERIM CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-____

3 INTRODUCED BY:

4
5 Councilor Ronald S. Trujillo

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9
10 AN ORDINANCE

11 CREATING A NEW SECTION 16-15.5 SFCC 1987 TO INCLUDE PROCURING OF
12 ELECTRONIC NICOTINE DELIVERY PRODUCTS OR E-CIGARETTES BY MINORS.

13
14 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

15 Section 1. A new Section 16-15.5 SFCC 1987 is ordained to read:

16 16-15.5 NEW MATERIAL Procuring of Non Tobacco Electronic Nicotine Delivery
17 Products or E-cigarettes by Minors.

18 A. Definitions as used in this section:

19 (1) *Minor* means an individual who is less than eighteen (18) years of age.

20 (2) *Electronic nicotine delivery product* means any article or product made
21 wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or
22 intended for human consumption.

23 (3) *E-cigarette* means any non-tobacco product composed of a mouthpiece,
24 heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to
25 the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such

1 devices as e-cigarettes, e-cigars, e-pipes or under any other product name.

2 B. No person shall knowingly sell, offer to sell, barter or give any electronic nicotine
3 delivery product or e-cigarette to any minor.

4 C. No minor shall procure or attempt to procure any electronic nicotine delivery product
5 or e-cigarette.

6 D. Evidence of the age and identity of the person may be shown by any document that
7 contains a picture of the person issued by a federal, state, county or municipal government, including
8 a motor vehicle driver's license or an identification card issued to a member of the armed forces.

9 E. Any person selling goods at retail or wholesale may refuse to sell electronic nicotine
10 delivery products to any person who is unable to produce an identity card as evidence that he is
11 eighteen (18) years of age or over.

12 F. No minor shall present any written, printed, or photo static evidence of age or
13 identity that is false for the purpose of procuring or attempting to procure any electronic nicotine
14 delivery products.

15 G. A person who sells, distributes, promotes or advertises electronic nicotine delivery
16 products or e-cigarettes shall not provide free samples or electronic nicotine delivery products or
17 e-cigarettes to a minor. This shall not apply to an individual who provides free samples of electronic
18 nicotine delivery products or e-cigarettes to a family member or to an acquaintance on private
19 property not held open to the public.

20 H. The police department shall conduct random, unannounced inspection of facilities
21 where electronic nicotine delivery products or e-cigarettes are sold to ensure compliance with the
22 provisions of the section.

23 I. Any person who violates paragraphs B, E and G of this section is guilty of a petty
24 misdemeanor. A person who violates paragraphs C and F of this section shall be referred to the
25 juvenile probation office.

1 APPROVED AS TO FORM:

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KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2013/Electronic Nicotine to Minors*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-____

3 INTRODUCED BY:

4
5 Councilor Ronald Trujillo

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9
10 AN ORDINANCE

11 RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE;
12 AMENDING SECTIONS 12-6-12.6 RELATING TO DRIVING WITH A REVOKED
13 LICENSE; 12-12-3 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; 12-
14 12-11 RELATING TO ABSTRACT OF TRAFFIC CASES; CREATING A NEW SECTION
15 12-12-3.1 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; AND
16 MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE
17 NECESSARY.

18
19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. Section 12-6-12.6 of the City of Santa Fe Uniform Traffic Ordinance
21 (being Ord. #2006-34) is amended to read:

22 12-6-12.6 UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO
23 HAS BEEN SUSPENDED OR REVOKED.

24 A. No person shall:

25 (1) display or cause or permit to be displayed or have in his possession any canceled,

1 revoked or suspended driver's license or permit;

2 (2) lend his driver's license or permit to any other person or knowingly permit the
3 use thereof by another;

4 (3) display or represent as one's own any driver's license or permit not issued to him;

5 (4) fail or refuse to surrender to the court upon its lawful demand any driver's license
6 or permit which has been suspended, revoked or canceled;

7 (5) permit any unlawful use of driver's license or permit issued to him; (66-5-37
8 NMSA 1978)

9 (6) drive a motor vehicle on any public street or highway at a time when his
10 privilege to do so is suspended ~~[or revoked]~~ and who knows or should have known that his
11 license was suspended ~~[or revoked]~~. Upon conviction, the person shall be punished by
12 imprisonment for not less than four days nor more than ninety days or participation for an
13 equivalent period of time in a certified alternative sentencing program, and there may be
14 imposed in addition a fine of not more than five hundred dollars (\$500.00). When a person
15 pays any or all of the cost of participating in a certified alternative sentencing program, the
16 court may apply that payment as a deduction to any fine imposed by the court.
17 ~~[Notwithstanding any other provision of law for suspension or deferment of execution of~~
18 ~~sentence, if the person's privilege to drive was revoked for driving under the influence of~~
19 ~~intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction under~~
20 ~~this section, that person shall be punished by imprisonment for not less than seven~~
21 ~~consecutive days and shall be fined not less than three hundred dollars (\$300.00) or not more~~
22 ~~than five hundred dollars (\$500.00) and the fine and imprisonment shall not be suspended,~~
23 ~~deferred or taken under advisement. No other disposition by plea of guilty to any other charge~~
24 ~~in satisfaction of a charge under this section shall be authorized if the person's privilege to~~

1 ~~drive was revoked for driving under the influence of intoxicating liquor or drugs or a~~
2 ~~violation of the Implied Consent Act.] (66-5-39 NMSA 1978)~~

3 (7) drive a motor vehicle on a highway of this state at a time when the person's
4 privilege to do so is revoked and who knows or should have known tht the person's license
5 was revoked is guilty of a misdemeanor and shall be charged with a violation of this section.
6 Under conviction, the person shall be punished, notwithstanding the provisions of Sec.
7 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days
8 or by participation for an equivalent period of time in a certified alternative sentencing
9 program, and there may be imposed in addition a fine of nore more than \$500. When a
10 person pays any or all of the cost of participating in a certified alternative sentencing
11 program, the court may apply that payment as a deduction to any fine imposed by the court;
12 and

13 (8) notwithstanding any other provision of law for suspension or deferment of
14 execution of a sentence, if the person's privilege to drive as revoked for driving under the
15 influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon
16 conviction shall be punished by imprisonment for not less than seven consecutive days and
17 shall be fined not less than three hundred dollars (\$300) and not more than five hundred
18 dollars (\$500) and the fine and imprisonment shall not be suspended, deferred or taken under
19 advisement. No other disposition by plea of guilty to any other charge in satisfaction of a
20 charge under this section shall be authorized if the person's privilege to drive was revoked for
21 driving under the influence of intoxicating liquor or drugs or a violation of the Implied
22 Consent Act, (66-3-39.1 NMSA 1978)

23 B. In addition to any other penalties imposed pursuant to the provisions of this section,
24 when a person is convicted pursuant to the provisions of this section, the motor vehicle the person
25 was driving shall be immobilized by an immobilization device for thirty days, unless immobilization

1 of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted
2 person's immediate family or the family of the owner of the motor vehicle. The convicted person
3 shall bear the cost of immobilizing the motor vehicle. (66-5-39 NMSA 1978)

4 **Section 2. Section 12-12-3 of the City of Santa Fe Uniform Traffic Ordinance**
5 **(being Ord. #2006-34) is amended to read:**

6 **12-12-3 CONDUCT OF ARRESTING OFFICER--NOTICES BY CITATION.**

7 A. Except as provided in Section 12-12-5, unless a penalty assessment or warning
8 notice is given, whenever a person is arrested for any violation of this ordinance or other law relating
9 to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic
10 citation, in paper or electronic form, shall complete the information section and prepare a notice to
11 appear in court, specifying the time and place to appear, have the arrested person sign the agreement
12 to appear as specified, give a copy of the citation to the arrested person and release him from custody.

13 B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and
14 elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation, in paper
15 or electronic form, shall complete the information section and prepare the penalty assessment notice
16 indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay
17 the amount prescribed, give a copy of the citation along with a business reply envelope addressed to
18 the municipal court with jurisdiction and release him from custody. No officer shall accept custody
19 or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment
20 notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)

21 C. The arresting officer may issue a warning notice, but shall fill in the information
22 section of the uniform traffic citation in paper or electronic form, and give a copy to the arrested
23 person after requiring his signature on the warning notice as an acknowledgment of receipt. No
24 warning notice issued under this section shall be used as evidence of conviction for purposes of
25 suspension or revocation of license under Section 66-5-30 NMSA 1978.

1 D. In order to secure his release, the arrested person must give his written promise to
2 appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning
3 notice.

4 E. Any officer violating this section is guilty of misconduct in office and is subject to
5 removal. (66-8-123 NMSA 1978)

6 F. An electronic traffic citation, prescribed by Sec 12-12-3.1, is an electronic version of
7 the uniform traffic citation. For the purposes of this section, an electronic citation may be completed
8 instead of a uniform traffic citation; provided, however, that where this section requires a copy of a
9 citation to be given to an arrested person, a physical copy of the citation shall be provided whether a
10 uniform citation or an electronic form of the uniform traffic citation was used. An electronic form of
11 the uniform traffic citation may be signed electronically.

12 Section 3. A new Section 12-12-3.1 of the City of Santa Fe Uniform Traffic
13 Ordinance is ordained to read:

14 **12-12-3.1 [NEW MATERIAL] ELECTRONIC UNIFORM TRAFFIC CITATION**

15 An electronic version of a uniform traffic citation shall include the same information required
16 to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be
17 signed electronically and a law enforcement officer may submit or file with a court an electronic
18 version of a uniform traffic citation if prior permission of the department has been secured. Where
19 the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested,
20 a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation
21 or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

22 Section 4. Section 12-12-11 of the City of Santa Fe Uniform Traffic Ordinance
23 (being Ord. #2006-34) is amended to read:

24 **12-12-11 ABSTRACT OF TRAFFIC CASES--REPORT ON CONVICTIONS.**

25 A. Every municipal judge shall keep a record of every traffic complaint, uniform traffic

1 citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and
2 every official action and disposition of the charge by that court. The court shall notify the
3 Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other
4 law or ordinance relating to motor vehicles.

5 B. Within ten days of the later of entry of ~~[judgment and sentence or failure to appear on~~
6 ~~a charge of violating]~~ a final disposition on a conviction for violation of this ordinance or other law or
7 ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter
8 and from which no appeal or review is successfully taken, every municipal judge, including children's
9 court judges, or the clerk of the court in which the entry of ~~[judgment and sentence or failure to~~
10 ~~appear]~~ the final disposition occurred shall prepare and forward to the department an abstract of the
11 record containing the name and address of the defendant; the specific section number and common
12 name of the provision of the local law, ordinance or regulation under which the defendant was tried;
13 the plea, finding of the court and disposition of the charge, including fine or jail sentence or both;
14 ~~[forfeiture of bail or dismissal of the charge]~~ total costs assessed to the defendant; the date of the
15 hearing; the court's name and address; whether defendant was a first or subsequent offender; and
16 whether the defendant was represented by counsel or waived his right to counsel and, if represented,
17 the name and address of counsel.

18 C. The abstract of record prepared and forwarded under Subsection B of this section
19 shall be certified as correct by the person required to prepare it. With the prior approval of the
20 department, the information required in Subsection B of this Section may be transmitted
21 electronically to the department. Report need not be made of any disposition of a charge of illegal
22 parking or standing of a vehicle except when the uniform traffic citation is used.

23 D. When the uniform traffic citation is used, the court shall provide the information
24 required in Subsection B of this Section in the manner prescribed by the director. A copy of each
25 penalty assessment processed shall be forwarded to the division within ten (10) days of completion of

1 local processing for posting to the driver's record. With the prior approval of the director, the
2 required information may be submitted to the division by electronic means in lieu of forwarding
3 copies of the penalty assessments.

4 E. The willful failure or refusal of any judicial officer to comply with this section is
5 misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

6 APPROVED AS TO FORM:

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KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2013/UTO Amendments 2013*

1 CITY OF SANTA FE, NEW MEXICO

2 **RESOLUTION NO. 2013-__**

3 **INTRODUCED BY:**

4
5 Councilor Ronald Trujillo

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9
10 **A RESOLUTION**

11 **REPEALING RESOLUTION 2012-33 AND ADOPTING A NEW RESOLUTION TO**
12 **ESTABLISH A POLICY RELATED TO THE WAIVER OF USER FEES AT THE SANTA FE**
13 **COMMUNITY CONVENTION CENTER, SO THAT ON AN ANNUAL BASIS EACH**
14 **MEMBER OF THE GOVERNING BODY IS AUTHORIZED TO HAVE THE USER FEES**
15 **WAIVED AT THE SANTA FE COMMUNITY CONVENTION CENTER, ON BEHALF OF A**
16 **NON-PROFIT ORGANIZATION, FOR A ONE-DAY EVENT.**

17
18 **WHEREAS**, in 2012, the City Council approved Resolution 2012-33 to support local non-
19 profit organizations and declare that on an annual basis, each member of the governing body was
20 authorized to have the user fees waived at the Santa Fe Community Convention Center so that the
21 non-profit organization could host a one-day fundraising event; and

22 **WHEREAS**, Resolution 2012-33 established a new process to allow for one day waiver per
23 year of user fees for the Community Convention Center by non-profit organizations for fundraising
24 purposes; and

25 **WHEREAS**, as part of the directive by the Governing Body in Resolution 2011-62, the

1 Director of the Convention and Visitors Bureau and the Finance Director, when establishing rates for
2 use of the Santa Fe Community Convention Center are to respond to market conditions; be
3 competitive with local, state and national facilities and accommodate community needs; and

4 **WHEREAS**, the Community Convention Center exists not only to support for-profit events
5 but to support community events, as well, including events sponsored by local non-profit
6 organizations; and

7 **WHEREAS**, the City of Santa Fe actively supports non-profit organizations in Santa Fe,
8 including human service organizations and children and youth organizations; and

9 **WHEREAS**, non-profit organizations provide services that benefit the residents of Santa Fe
10 that the City would otherwise have to provide; and

11 **WHEREAS**, there are nonprofits in Santa Fe that are too essential to fail and are struggling
12 to survive through the economic downturn; and

13 **WHEREAS**, in an effort to assist local non-profit organizations, the Governing Body desires
14 to establish a process to allow for one waiver per year of user fees for the Community Convention
15 Center by non-profit organizations for fundraising purposes; and

16 **WHEREAS**, the New Mexico Constitution, Article IX, Section 14, requires that the city
17 establish procedures to ensure that the city receive consideration in the form of direct services and/or
18 direct benefits to the city from the non-profit that either equal or exceeds the value of the waiver of
19 the user fees for use of a city facility for a one day fundraiser.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the Governing Body hereby repeals Resolution No. 2012-33 and adopts
22 the following provisions to in order to establish a policy related to the waiver of user fees for a one
23 day event at the Santa Fe Community Convention Center, so that on an annual basis each member of
24 the governing body is authorized to have the user fees waived at the Santa Fe Community Convention
25 Center, for a one day event on behalf of a non-profit organization, for a one-day event.

1 **Section 1.** On an annual basis, the City Manager shall solicit proposals from non-profit
2 organizations desiring to have a one day fundraising event user fee waiver for that year for the
3 Community Convention Center.

4 **Section 2.** Members of the Governing Body shall consider the non-profit organizations'
5 proposals. On an annual basis, each member of the Governing Body is authorized to select one
6 proposal submitted by a non-profit organization for a one day event per year user fees waiver at the
7 Community Convention Center for fund-raising purposes. When a Governing Body member has
8 selected one non-profit organization's proposal, he shall forward the selection to the City Manager.
9 The City Manager shall award the one day event per year waiver of the user fees to each non-profit
10 organization selected by each Governing Body member, with the limitation that no non-profit
11 organization shall receive more than one waiver per year.

12 **Section 3.** No more than six months prior to the proposed date of the event, the City
13 Manager shall coordinate with the Director of the Convention and Visitors Bureau and a
14 representative of the non-profit organization to determine a date specific for the event, which is
15 subject to the availability of the Community Convention Center.

16 **Section 4.** Each and every non-profit organization holding the one-time fund-raising
17 event shall be responsible for paying the current clean up, security and damage fees and agree to
18 accept all liability for the event.

19 **Section 5.** No date or facility may be reserved until the proposed recipient provides
20 documentation demonstrating that the recipient is a properly registered non-profit.

21 **Section 6.** Within 10 days of receipt of a waiver request from a member of the
22 Governing Body, the city manager shall report the request to the city clerk including the requesting
23 member, the proposed recipient with verification that the recipient is a properly registered non-profit,
24 the estimated value of the fee waiver including facility rental, staff time and other related expenses,
25 justification for the fee waiver, the date of the event and description proposed facilities. Such

1 preliminary report shall be immediately posted by the city clerk, on the city's website. Within ten
2 (10) days of the conclusion of the event, the City Manager shall file a final report that includes the
3 final value of the fee waiver and any necessary additional information relating to the event.

4 **BE IT FURTHER RESOLVED** that the intent of this Resolution shall be implemented in a
5 manner that complies with the laws of the state of New Mexico and the ordinances of the City of
6 Santa Fe, including the Code of Ethics, Article 1-7 SFCC 1987.

7 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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9 _____
10 DAVID COSS, MAYOR
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12

13 ATTEST:

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15 _____
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

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19 _____
20 GENO ZAMORA, CITY ATTORNEY
21
22
23

24 *CAO/M/Melissa/Resolutions 2013/fee waivers_sfcc (gb members)_FINAL*

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

2 **RESOLUTION NO. 2013-_____**

3 **INTRODUCED BY:**

4
5 Councilor Ronald S. Trujillo
6
7
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9

10 **A RESOLUTION**

11 **REPEALING RESOLUTION NO. 2007-109 AND ADOPTING A NEW RESOLUTION TO**
12 **ESTABLISH A POLICY RELATED TO WAIVERS OR REDUCTION OF FEES FOR**
13 **SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES, EXCLUSIVE OF THE**
14 **SANTA FE COMMUNITY CONVENTION CENTER.**
15

16 **WHEREAS**, over the years, either through tradition or through old policies and
17 procedures, fee waivers or reductions have been granted for special events on city property or for
18 the use of city facilities; and

19 **WHEREAS**, the purpose of charging fees for special events on city property or for the
20 use of city facilities is to help offset the costs to the city; and

21 **WHEREAS**, these waivers of or reductions in fees may result in a significant loss of
22 revenue to the city at a time when the city is accounting for the cost of various city programs and
23 services in order to balance the budget during times of stagnant economic growth; and

24 **WHEREAS**, the New Mexico Constitution, Article IX, Section 14, requires that the city
25 establish procedures to ensure that the city receive consideration in the form of direct services

1 and/or direct benefits to the city from the non-profit that either equal or exceeds the value of the
2 waiver of the user fees for use of a city facility for a one day fundraiser event; and

3 **WHEREAS**, in 2007, the City Council approved Resolution 2007-109 to set out the
4 policy and procedure for seeking and receiving a waiver or reduction of fees for a one day special
5 event or for one day use of city facilities; and

6 **WHEREAS**, in 2012, the City Council approved Resolution 2012-33 to support local
7 non-profit organizations and declare that on an annual basis, each member of the governing body
8 was authorized to have the user fees waived at the Santa Fe Community Convention Center so
9 that the non-profit organization could host a one-day fundraising event; and

10 **WHEREAS**, Resolution 2012-33 established a new process to allow for a one day
11 waiver per year of user fees for the Community Convention Center by non-profit organizations
12 for fundraising purposes; and

13 **WHEREAS**, the Governing Body now wishes to use this same process for allowing one
14 waiver per year of user fees at one of the city facilities, exclusive of the Santa Fe Community
15 Convention Center, for a one day special event for non-profit organizations for fundraising
16 purposes.

17 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
18 **CITY OF SANTA FE** that Resolution No. 2007-109 is repealed and the following policy is
19 established which relates to waivers or reduction of fees for special events or for the use of city
20 facilities, exclusive of the Santa Fe Community Convention Center:

21 **Section 1.** Fees are waived for interdepartmental use of facilities for city business.

22 **Section 2.** Fees may be waived by the city manager for events organized by city
23 staff for which the general public is invited.

24 **Section 3.** This resolution does not supersede Resolution No. 2006-149 regarding
25 fees for the annual Fiesta celebration on the Plaza and Resolution No. 2006-148 regarding fees

1 the annual Zozobra presentation at Fort Marcy Park.

2 **Section 4.** Fees may be waived by the city manager for an event that is part of a
3 contract between the city and another party for the purpose of furthering a city department's
4 mission.

5 **Section 5.** This resolution does not apply to memorandums of agreement between
6 the city and another governmental entity.

7 **Section 6.** In addition to the one day, event waiver of user fees at the Santa Fe
8 Convention Center authorized by Resolution 2013-___ for a non-profit to hold a one day, event
9 fundraiser, the city manager may approve fee waivers for an additional one event per calendar
10 year upon request of each member of the governing body. Events must be for a non-profit
11 organization for fundraising purposes.

12 A. On an annual basis, the City Manager shall solicit proposals from non-
13 profit organizations desiring to have one user fees waiver for that year for a city facility
14 or special event for a one-day fundraising event. Each proposal shall contain a list of the
15 non-profit's services provided to the citizens of the city on an annual basis and their
16 corresponding monetary value. These listed services shall only include services for
17 which the non-profit does not receive adequate compensation for that service. The value
18 provided by the non-profit shall equal or exceed the value of the one-day fundraising
19 event waiver of user fees.

20 B. Members of the Governing Body shall consider the non-profit
21 organizations' proposals. On an annual basis, each member of the Governing Body is
22 authorized to select one proposal submitted by a non-profit organization for a one day per
23 year user fees waiver at a city facility or special event for a one-day fund-raising event.
24 When a Governing Body member has selected one non-profit organization's proposal, he
25 shall forward the selection to the City Manager. The City Manager shall award the one

1 time per year waiver of the user fees to each non-profit organization selected by each
2 Governing Body member, with the limitation that no non-profit organization shall receive
3 more than one waiver per year for a one day event at a city facility or waiver of a special
4 event user fee.

5 C. No more than six months prior to the proposed date of the event; the City
6 Manager shall coordinate with the Director of the Public Works Department and a
7 representative of the non-profit organization to determine a date specific for the event,
8 which is subject to the availability of the city facility or special event location.

9 D. Each and every non-profit organization holding the one day fund-raising
10 event shall be responsible for paying the current clean up, security and damage fees and
11 agree to accept all liability for the event.

12 E. Other than described in Section 6(D) above, non-profit organizations
13 must pay the same fees as for-profit entities.

14 F. No date or facility may be reserved until the proposed recipient provides
15 documentation demonstrating that the recipient is a properly registered non-profit.

16 G. Within 10 days of receipt of a waiver request from a member of the
17 Governing Body, the city manager shall report the request to the city clerk including the
18 requesting member, the proposed recipient with verification that the recipient is a
19 properly registered non-profit, the estimated value of the fee waiver including facility
20 rental, staff time and other related expenses, justification for the fee waiver, the date of
21 the event and description proposed facilities. Such preliminary report shall be
22 immediately posted by the city clerk, on the city's website. Within ten (10) days of the
23 conclusion of the event, the City Manager shall file a final report that includes the final
24 value of the fee waiver and any necessary additional information relating to the event.

25 **Section 7.** City employees are not eligible to receive fee waivers or reduced fees for

1 | personal events.

2 | **Section 8.** This resolution does not preclude reduced fees or waivers for city
3 | employees to use city facilities or recreational classes as part of the city wellness policies or free
4 | bus passes as part of the city's transportation policies.

5 | **Section 9.** The fee waivers approved in this resolution shall not include any waiver
6 | specifically prohibited by ordinance.

7 | **Section 10.** No other fee waivers or reductions are allowed except by subsequent
8 | official action of the governing body.

9 | **Section 11.** This resolution shall be reviewed by the governing body within 12
10 | months of its adoption.

11 | **BE IT FURTHER RESOLVED** that the intent of this Resolution shall be implemented
12 | in a manner that complies with the laws of the state of New Mexico and the ordinances of the
13 | City of Santa Fe, including the Code of Ethics, Article 1-7 SFCC 1987.

14 | PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

15 |
16 |
17 | ATTEST:

DAVID COSS, MAYOR

18 |
19 | _____
20 | YOLANDA Y. VIGIL, CITY CLERK

21 | APPROVED AS TO FORM:

22 |
23 | _____
24 | KELLEY BRENNAN, INTERIM CITY ATTORNEY

25 | *M/Melissa/Resolutions 2013/Fee Waivers_FINAL*

- 1 • It is extremely likely (95-100%), that more than half of the observed increase in global
- 2 average surface temperature from 1951-2010 was caused by the manmade increase in
- 3 greenhouse gas concentrations and other anthropogenic forces; and
- 4 • Every additional release of greenhouse gases diminishes our chances of avoiding
- 5 catastrophic climate change; and

6 **WHEREAS**, the *City of Santa Fe Municipal Charter* charges the governing body with the

7 responsibility “to secure for ourselves and our children the continuity of our cultural values, our

8 personal freedoms, and our well-being,” declares that “[t]he natural beauty of Santa Fe” is “among

9 the city’s most valued and important assets,” and charges the governing body of Santa Fe to “protect,

10 preserve and enhance the city’s natural endowments, plan for and regulate land use and development,

11 manage the city’s growth, encourage source reduction,” and take such actions as are necessary to do

12 so; and

13 **WHEREAS**, the City of Santa Fe has a record of accepting these responsibilities and

14 acknowledging the reality of climate change, probable effects of climate change on our City, and our

15 ability and responsibility to reduce our contribution to the causes of climate change – as evidenced by

16 the City’s endorsement of the U. S. Conference of Mayors Climate Protection Agreement; the

17 adoption of the Sustainable Santa Fe Plan (Resolution 2008-93); the establishment of the Sustainable

18 Santa Fe Commission; and the passing of Resolutions addressing these concerns (e.g., Resolutions

19 2009-45, 2011-17, 2012-12, 2013-12 and 2013-12, among others); and

20 **WHEREAS**, the urgent need to transition from fossil fuels can best be accomplished with a

21 market-based program, namely a revenue-neutral carbon fee and rebate; and

22 **WHEREAS**, such an instrument would encourage consumers and the market to replace their

23 consumption of carbon-based energy with innovative energy sources, whether by being more efficient

24 or by choosing other, less carbon-intensive energy sources; and

25 **WHEREAS**, this revenue-neutral carbon fee and dividend is a superior method to reduce

1 carbon emissions for the following reasons:

- 2 (1) The fee would motivate everyone to conserve and to adopt renewable energy without
3 the need for extensive governmental regulatory controls or infrastructure;
- 4 (2) The fee would employ a free market approach to encourage innovative processes, not
5 only in energy production, but also in every other field in which energy is consumed,
6 e.g., electric cars, mass transportation, architectural planning and construction, water
7 heating, lighting, and air conditioning in residential and commercial buildings;
- 8 (3) Levying the fee at the point of production would be more efficient, less expensive
9 and provide more accurate price signals than would doing so at the points of
10 consumption;
- 11 (4) The fee would incentivize the development and use of alternative energies and
12 attendant technologies, eliminating the need for government subsidies that attempt to
13 forecast alternative energy winners and losers;
- 14 (5) Because the fee is levied on the same basis on all businesses, it is fairer to every
15 business and easier to administer than alternatives, such as a cap and trade system;
16 and

17 **WHEREAS**, further delay in responding to this crisis increases the risk of catastrophic
18 climate change, imminently threatens low-lying coastal areas and land and sea species, threatens
19 water supplies, increases the frequency of severe weather events, reduces the time available and
20 increases the cost of undertaking adequate responses, and increases risks to the global economy.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** that the governing body recognizes that the pollution caused by humans
23 burning fossil fuels is recognized by scientists as a primary cause of climate change; that the City of
24 Santa Fe Municipal Charter charges the governing body with protection of our city's residents and
25 natural assets; and that a necessary measure to address this problem is the enactment of a revenue-

1 neutral fee on carbon production at its source, with the fees being returned to Americans as a
2 dividend.

3 **BE IT FURTHER RESOLVED THAT** the governing body:

4 (1) Strongly urges the U.S. Congress to pass legislation that levies an annually
5 increasing revenue neutral fee on the carbon in fossil fuels at the point of production
6 and importation, that would be sufficient to:

7 (a) Encourage individuals and corporations to produce and use less fossil fuels;

8 (b) Make the transition from fossil fuels less onerous to consumers and to the
9 economy by returning to Americans on an equitable basis all of the revenues
10 gained from the fee;

11 (c) Reduce US CO₂-equivalent emissions to 10% of 1990 levels by 2050;

12 (d) Encourage similar actions by other nations trading with the United States, by
13 suitable carbon-content-based fees for imports and rebates for exports to
14 nations that have not taken such actions.

15 (2) Requests that the U.S. Congress construct and implement this policy with the speed
16 appropriate to the gravity and urgency of the situation.

17 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
18 resolution to the City's Congressional Delegation.

19 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

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22 ATTEST:

DAVID COSS, MAYOR

23
24 _____
25 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Climate Change*

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

2 **RESOLUTION NO. 2013-____**

3 **INTRODUCED BY:**

4
5 Councilor Carmichael Dominguez
6
7
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9

10 **A RESOLUTION**

11 **AUTHORIZING THE ORGANIZATIONAL TRANSFER OF THE OFFICE OF**
12 **ANTI-GRAFFITI COORDINATION AND ABATEMENT PROGRAM FROM THE POLICE**
13 **DEPARTMENT AND PARKS DIVISION TO KEEP SANTA FE BEAUTIFUL,**
14 **ENVIRONMENTAL SERVICES DIVISION.**

15
16 **WHEREAS**, pursuant to the Graffiti Vandalism Ordinance, §20-4.2 SFCC 1987, "Graffiti is
17 a form of vandalism which injures and stains Santa Fe;" and

18 **WHEREAS**, the purpose and intent of the Graffiti Vandalism Ordinance is to eradicate or
19 minimize the visual blight caused by graffiti; and

20 **WHEREAS**, the Graffiti Vandalism Ordinance established the Office of Anti-Graffiti
21 Coordination and a process for the City to use to eliminate graffiti; and

22 **WHEREAS**, Graffiti continues to be problematic for the City of Santa Fe and as a result the
23 City contracted with a consultant to prepare a Graffiti Abatement Strategic Plan ("Strategic Plan");
24 and

25 **WHEREAS**, this Strategic Plan provided background information, relevant statutes, a review

1 of the current program operating within the City, identification of several weaknesses and
2 recommendations for improvement; and

3 **WHEREAS**, according to the Strategic Plan, the major weaknesses of the current program
4 include organizational fragmentation between the Graffiti Abatement crew and the Anti-Graffiti
5 Coordinator; and

6 **WHEREAS**, emphasis is on enforcement rather than removal and limited resources; and

7 **WHEREAS**, the Strategic Plan states that law enforcement responses alone are seldom
8 effective in reducing or solving the graffiti problem; and

9 **WHEREAS**, the Strategic Plan emphasizes strengths stemming from City Council and
10 Mayor support, through the adoption of the Graffiti Vandalism Ordinance, establishment of the
11 hotline and website, free removal services, abatement success in 2012 and the existing public/private
12 sector partnership between the City and Keep Santa Fe Beautiful; and

13 **WHEREAS**, it is apparent that a new direction should be taken in order to continue to
14 strengthen the program and focus the needed attention on the problem; and

15 **WHEREAS**, the critical issues outlined in the Strategic Plan include law enforcement,
16 centralizing the program, implementing a marketing and awareness campaign, focusing on
17 community engagement and providing for outcome-based evaluation methodology; and

18 **WHEREAS**, the major recommendations highlighted key principles underpinning the
19 strategies for an effective graffiti abatement program to include organization, rapid removal,
20 community partnerships prevention – community education and awareness and law enforcement; and

21 **WHEREAS**, under the key principle of community partnerships, it is recommended the City
22 of Santa Fe utilize a nonprofit organization to manage the anti-graffiti removal program and
23 centralize the program; and

24 **WHEREAS**, Keep Santa Fe Beautiful has shared a public/private partnership with the City
25 of Santa Fe since its incorporation in 1984; and

1 **WHEREAS**, as a nonprofit 501 (c) (3) organization is well equipped to increase and leverage
2 resources such as funding grants and in-kind donations under the organization's tax exempt status;
3 and

4 **WHEREAS**, Keep Santa Fe Beautiful has historically supervised the Anti-Graffiti program;
5 and

6 **WHEREAS**, the City has made efforts to reorganize the program by housing the Office of
7 Anti-Graffiti Coordination in the Police Department and the abatement in the Parks Division, which
8 has led to fragmentation and limited success of the program; and

9 **WHEREAS**, it is the desire of the City of Santa Fe to incorporate recommendations made
10 through the Graffiti Abatement Strategic Plan 2013 and build on previous successes experienced
11 under the supervision of Keep Santa Fe Beautiful; and

12 **WHEREAS**, the transfer from the Police Department and Parks Division will have no
13 additional fiscal impact to the City or the solid waste enterprise fund; and

14 **WHEREAS**, funds presently budgeted for the Parks Division and Police Department will be
15 transferred to the Environmental Services Division and will continue to be budgeted from the general
16 fund and will not have an impact on solid waste rates.

17 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
18 **CITY OF SANTA FE** that the Governing Body hereby authorizes the organizational transfer of the
19 Office of Anti-Graffiti Coordination and Abatement Program from the Police Department and Parks
20 Division to Keep Santa Fe Beautiful, Environmental Services Division; and the re-organization
21 hereby includes the transfer and placement of the following to Keep Santa Fe Beautiful:

- 22 1. The Anti-Graffiti Coordinator;
- 23 2. Parks Anti-graffiti staff (supervisor and 2 laborers);
- 24 3. Equipment associated with graffiti abatement and removal; and
- 25 4. General fund budget to support the operations of the program (with the exception of the

1 Keep Santa Fe Beautiful Coordinator).

2 **BE IT FURTHER RESOLVED** that the Governing Body hereby re-establishes, in
3 accordance with Resolution 2009-96 the following duties for the Anti-Graffiti Coordinator which
4 shall include, but not be limited to:

- 5 1. Operating the graffiti hotline and serving as the City's primary anti-graffiti contact;
- 6 2. Performing the duties described in Section 20-4.2(D) SFCC 1987 for the Office of Anti-
7 Graffiti Coordination;
- 8 3. Implementing the recommendations of the Anti-Graffiti Task Force that have no or
9 minimal fiscal impact;
- 10 4. Coordinating the efforts of the Keep Santa Fe Beautiful and the City Attorney's Office to
11 ensure enforcement of the City's Code regarding the eradication of graffiti on public and
12 private property and penalties for violations of the code;
- 13 5. Working with law enforcement agencies, non-profit organizations and the public to
14 combat graffiti;
- 15 6. Applying for grants to supplement the City's revenues to combat graffiti;
- 16 7. Implementing Resolution No. 2006-147, the "Graffiti Busters" program; and
- 17 8. Collecting statistics and evaluating trends regarding graffiti complaints, graffiti
18 eradication and investigations, civil fines assessed, and violators cited and making
19 quarterly reports to the Governing Body.

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22 ATTEST:

DAVID COSS, MAYOR

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25 _____
YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *CAO/Melissa/Resolutions 2013/Graffiti*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-__

INTRODUCED BY:

Councilor Carmichael Dominguez

AN ORDINANCE

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO
ALLOW CERTAIN FOOD AND BEVERAGE USES IN THE I-2 GENERAL INDUSTRIAL
DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES
THAT ARE NECESSARY.**

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

**Section 1. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4, as amended) is
amended to amend the Table of Permitted Uses to permit Food and Beverage Uses in I-2
Zoning Districts, as follows:**

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7 - I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I- 1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S ³	S ³		P*			P	P	<u>P¹⁰</u>		P*	P*	P*	P ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S* ³	S ³		P*			P*	P*	<u>P*¹⁰</u>		P*	P*	P*	P* ²	
Restaurant - full service, with or without incidental alcohol service								S ³	S ³		P			P	P	<u>P¹⁰</u>	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S* ³	S* ³		P*			P*	P*	<u>P*¹⁰</u>		P*	P*	P*	P* ²	

CATEGORY Specific Use	RR	R- 1 - R- 6	R- 7 - R- 9	R- 7 - I	RC- 5, RC- 8	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I- 1	I-2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
Restaurant - Fast service/take- out, no drive- through/ drive-up								S		P ⁴	P	P ⁴		P	P	<u>P¹⁰</u>	S	P	P	P	P	
Restaurant - with drive- through/ drive-up											P*			P*	P*	<u>P*¹⁰</u>	S	P*	P*	P*	P* ²	

1 Section 2. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4, as amended) is amended to amend the Table of Permitted

2 Uses to create a new footnote #10 for the Table, as follows:

*Special use *permit* required if located within 200 feet of *residentially-zoned property*; otherwise permitted. (Ord. No. 2013-16 § 29)

**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential* uses.

***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)

1. In the RR district, multiple-family dwellings are limited to four per *lot*.
2. Hours of operation limited to 7 a.m. to 10 p.m.
3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.
4. Not to exceed 1,000 square feet *gross floor area*, sales of alcohol prohibited.
5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use *permit* use in the Christus St. Vincent Hospital District.
6. See Section 14-6.2(A)(7) for additional regulations for *dwelling units* in the C-2, BIP and SC districts.
7. See Section 14-6.3 for additional *accessory* use regulations; see Section 14-6.4 (Temporary Uses or Structures)
8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.
9. See Subsection 14-7.2(I) for standards for pre-existing mobile home parks and Subsection 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.
10. Permitted or special use on parcels with frontage on Siler Road; prohibited on other parcels.

1 APPROVED AS TO FORM:

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4 KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Bills 2013/I-2 Restaurant_Clean*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-__

3 INTRODUCED BY:

4
5 Mayor David Coss

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10 AN ORDINANCE

11 RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN
12 ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR
13 THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL
14 ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN
15 THE CITY OF SANTA FE AND RODEO PROPERTY, INC. FOR AN INDOOR
16 MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.

17
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Short Title. This Ordinance shall be known as the "Rodeo Property, Inc.
20 Local Economic Development Project Ordinance."

21 Section 2. Recitals.

22 A. The Local Economic Development Act, Sections 5-10-1 *et. seq.* NMSA 1978
23 explicitly permits municipalities to assist qualifying entities with economic development projects
24 through the use of public resources; and

25 B. The City of Santa Fe has complied with the requirements of the Local Economic

1 Development Act by adopting an economic development plan ordinance (11-11 SFCC (1987)),
2 incorporating within that ordinance its community economic development plan and its economic
3 development strategy for implementation dated May 21, 2008; and

4 C. On December 14, 2011 the City approved the Economic Development Project
5 Participation Agreement ("PPA") between the City and Rodeo Property, Inc., and designated the
6 Rodeo Property, Inc., as a "Qualifying Entity," to receive \$100,000 in funding from the City for the
7 Rodeo Project that would support the City's Economic Development Plan; and

8 D. The Rodeo Property, Inc. Economic Development Project is an indoor multipurpose
9 facility that shall be designated for rodeo events, sports events, and entertainment events as well as
10 serve as a disaster relief facility for animals (hereinafter referred to as the "Project"); and

11 E. Pursuant to the December 14, 2011 PPA, the dispersal of \$100,000 by the City is
12 contingent on:

13 (1) The City's issuance and sale of sufficient gross receipts tax bonds for the
14 purpose of procuring a contractor to complete a feasibility study that shall be the basis for
15 securing additional funding for the planning, designing and construction of an indoor
16 multipurpose facility; and

17 (2) Rodeo Property, Inc. securing sufficient matching funds in the amount of
18 \$100,000 to fully fund the feasibility study;

19 F. In 2012, to partially fulfill the match, the State Legislature appropriated \$81,000 in
20 severance tax bonds to plan, design, construct, equip and furnish an indoor multiuse arena and
21 regional disaster relief facility at the Rodeo de Santa Fe grounds in Santa Fe. The Local Government
22 Division of the Department of Finance and Administration intends to grant to the Rodeo Property,
23 Inc. \$81,000 for the Project; and

24 G. In order to complete the match requirement, and pursuant to Santa Fe County
25 Resolution 2012-78, Rodeo Property, Inc., the City of Santa Fe and Santa Fe County executed a

1 Memorandum of Understanding ("MOU") for the County to transfer \$19,000 to the City. After
2 execution of the MOU and the Grant Agreement, Rodeo Property, Inc.'s match required under the
3 December 14, 2011 PPA, will consist of the \$81,000 State Appropriation and \$19,000 in funds from
4 the County which together provide a full match for the City's \$100,000 contribution toward the
5 completion of the Project; and

6 H. In the 2013 Legislative Session, the State Legislature appropriated \$230,000 to the
7 Local Government Division, to be granted to the City, for Project 13-1778 "to plan, design,
8 construct, purchase, furnish and equip the Rodeo Indoor Arena and Disaster Relief Facility in Santa
9 Fe..."

10 I. On _____, 2013, the City and County entered into a second Memorandum
11 of Understanding ("Second MOU") providing for the County to transfer to the City an additional
12 \$35,000 in funding for the Project.

13 J. At the City Council meeting held on January 9, 2013, the Council approved
14 Ordinance 2013-2 which approved the original December 14, 2011 PPA and approved the Amended
15 PPA, to add the 2012 State Appropriation and the County contributions of funds to the Project; and

16 K. The Amended PPA is now being amended to add the 2013 State Appropriation of
17 \$230,000 and the County's contribution of \$35,000 per the Second MOU.

18 L. Under the Amended PPA, the City's total contribution of \$100,000 was applied
19 towards the completion of the feasibility and architectural design phase of the Rodeo Project and was
20 matched by the State's contribution of \$81,000 for the architectural design phase and the County's
21 contributions of \$19,000 for the planning phase on a dollar for dollar basis.

22 M. Under the Second Amended PPA, the State will contribute the 2013 STB
23 appropriation of \$230,000 by way of a grant to the City and the County will contribute \$35,000 by
24 way of a MOU between the County and the City for the purpose of planning, designing, and
25 constructing the Rodeo Economic Development Project.

1 **Section 3. Findings.** The governing body hereby finds:

2 A. The City of Santa Fe has determined that it is in the interest of the welfare of the
3 citizens of Santa Fe to enter into an amended Economic Development Project Participation
4 Agreement for the purposes of effectuating its Economic Development Plan and the Project.

5 B. In compliance with the City's economic development ordinance, 11-11 SFCC (1987),
6 the December 14, 2011 Project Participation Agreement, the Amended Project Participation
7 Agreement between Rodeo Property, Inc. and the City and the Second Amended Project Participation
8 Agreement all clearly state the following:

- 9 (1) The economic development goals of the project;
- 10 (2) The contributions of the City and Rodeo Property, Inc.;
- 11 (3) The specific measurable objectives upon which the performance review will
12 be based;
- 13 (4) A schedule for project development and goal attainment;
- 14 (5) The security being offered for the City's investment;
- 15 (6) The procedures by which the Project may be terminated and the City's
16 investment recovered;
- 17 (7) The time period for which the City shall retain an interest in the Project; and
- 18 (8) A "sunset" clause after which the City shall relinquish interest in and
19 oversight of the project.

20 **Section 4. Approval and Adoption of Second Amended Project Participation**
21 **Agreement.**

22 A. The governing body hereby approves the Second Amended PPA, the State will
23 contribute the 2013 STB appropriation \$230,000 by way of a grant to the City and the County will
24 contribute \$35,000 by way of a MOU between the County and the City for the purpose of planning,
25 designing, and constructing the Rodeo Economic Development Project. The Second Amended Project

1 Participation Agreement, attached hereto as Exhibit "A", is hereby adopted.

2 **Section 5. Severability Clause.** If any section, paragraph, clause, or provision of this
3 Ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder
4 shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or
5 unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the
6 remaining portions of this Ordinance or the regulation so challenged.

7 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon
8 adoption.

9 APPROVED AS TO FORM:

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12 _____
KELLEY BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Rodeo PPA_Second Amended*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Mayor David Coss

Councilor Chris Calvert

Councilor Patti Bushee

A RESOLUTION

RESPECTFULLY REQUESTING THAT PRESIDENT OBAMA DENY THE PERMIT APPLICATION BY TRANSCANADA TO CONSTRUCT THE KEYSTONE XL TAR SANDS PIPELINE.

WHEREAS, President Obama must issue a Presidential Permit declaring that construction of the 875-mile northern segment of the Keystone XL tar sands pipeline through America's heartland is in the national interest; and

WHEREAS, President Obama told the nation on June 25, 2013 that "our national interest will be served only if this project does not significantly exacerbate the problem of carbon pollution"; and

WHEREAS, the 830,000 barrels of tar sands oil proposed to be carried daily from Alberta, Canada to the Gulf Coast would increase climate changing emissions yearly by 24.3 million tons, the equivalent of Americans driving an additional 60 million miles per year; and

WHEREAS, over the course of the project's lifetime carbon emissions would increase by up to 1.2 billion metric tons at a time when the World Bank and International Energy Administration are

1 warning that 66 percent of known fossil fuel reserves must be kept in the ground if we are to have
2 even a small chance at stopping the climate crisis

3 **WHEREAS**, life cycle GHG emissions from oil sands crude could be 81% greater than
4 emissions from the average crude refined in the U.S. according to the Environmental Protection
5 Agency; and

6 **WHEREAS**, an area of pristine boreal forest the size of Florida will be mined to extract tar
7 sands oil, causing the loss of millions of migratory birds and other wildlife; and

8 **WHEREAS**, about three barrels of water are dumped in toxic tailing ponds for every barrel
9 of oil produced; and

10 **WHEREAS**, high rates of rare cancers, renal failure, lupus, and hyperthyroidism have been
11 documented in indigenous communities living downstream from tar sands extraction; and

12 **WHEREAS**, in the last decade, there have been over 2,500 pipeline mishaps, leading to 161
13 deaths, including recent tar sands pipeline breaks in Kalamazoo, Michigan and Mayflower, Arkansas;
14 and

15 **WHEREAS**, refining tar sands oil emits higher levels of mercury and other disease-causing
16 air pollutants than conventional oil, worsening the already unacceptable air quality of impacted Gulf
17 Coast communities; and

18 **WHEREAS**, the U.S. State Department confirms that the majority of tar sands crude oil will
19 be exported internationally after it is processed in Gulf Coast refineries.

20 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the governing body hereby respectfully requests and strongly urges
22 President Obama and the State Department to reject TransCanada's permit application to construct
23 the Northern segment of the Keystone XL pipeline.

24 **BE IT FURTHER RESOLVED** that the Governing Body strongly support public
25 expression of resistance to approval of the Keystone XL pipeline, up to and including peaceful,

1 nonviolent and dignified expressions of civil disobedience.

2 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of the this
3 resolution to President Obama and members of the Santa Fe's congressional delegation.

4 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

5

6

7 ATTEST:

DAVID COSS, MAYOR

8

9

10 YOLANDA Y. VIGIL, CITY CLERK

11 APPROVED AS TO FORM:

12

13

14 KELLEY BRENNAN, INTERIM CITY ATTORNEY

15

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25 *M/Melissa/Resolutions 2013/Keystone Pipeline*



Santa Fe
PREVENTION
Alliance

October 30, 2013

Dear Mayor and City Councilors,

The Santa Fe Prevention Alliance appreciates the efforts you have made to keep our youth safe by enacting measures that address underage drinking and alcohol availability. Extensive research has demonstrated that availability of alcohol, as indicated by alcohol outlet density, is linked to a variety of negative health and social outcomes including underage drinking, violence, crime, DWI, poverty, unemployment, injury and death.

Alcohol outlet density refers to the concentration of retail alcohol establishments (liquor licenses) in a given geographic area, typically based on population. In NM, current state statutes require alcohol outlets to be licensed by the NM State Alcohol and Gaming

Division and to limit the number of licenses to 1 license to every 2,000 persons. This limit does not count beer and wine licenses or other restricted licenses.

As the chart indicates, the City of Santa Fe greatly exceeds this license to population ratio. In fact, the City of Santa Fe has the second highest alcohol outlet density in the state, second only to Espanola.

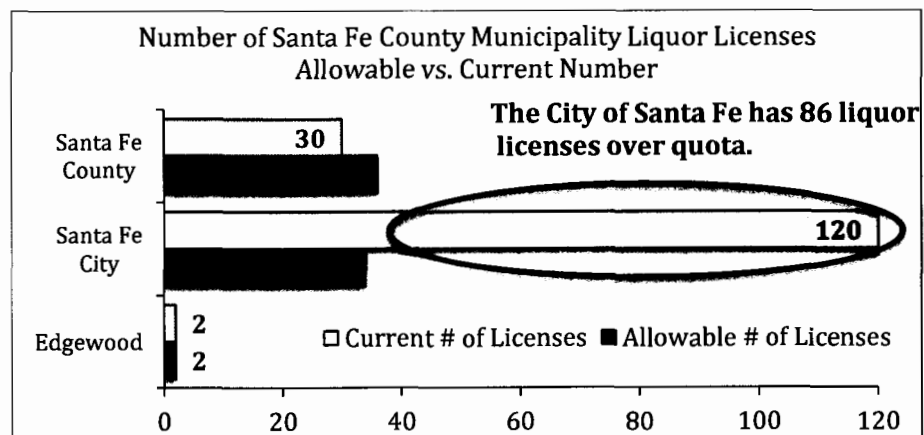
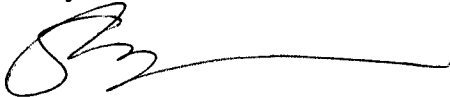


Exhibit "21"

night, the City Council is considering the transfer of an inter-local liquor license from Albuquerque into the City of Santa Fe. This is just like the transfer of another inter-local license to the new bowling alley at the Railyard that was approved last month. This action will increase the alcohol outlet density in the City of Santa Fe, most likely leading to increased violence, crime, DWI, underage drinking and related harms in our City.

The Santa Fe Prevention Alliance recognizes that local jurisdictions have limited ability to prevent alcohol outlet expansion; however we encourage the City Council to maintain its vigilance about this public health issue.

Shelley Mann-Lev

A handwritten signature in black ink, appearing to be 'Shelley Mann-Lev', with a long horizontal line extending to the right.

Chair,
Santa Fe Prevention Alliance

Santa Fe County where no one drinks alcohol before the age of 21,
where adults model low risk use, no one drives while impaired and no one abuses drugs.

TABLE OF PROPOSED AMENDMENTS

SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO POLICY STATEMENTS, ELECTIONS, REDISTRICTING COMMISSION AND MISCELLANEOUS GOVERNMENTAL ISSUES

	Charter Commission Recommendations	Resolution Proposals				Amendment Proposals	
		Ives, Wurzburger	Bushee	Ives, Wurzburger	Rivera	Bushee, Wurzburger	Coss
		A	B	C	D	E	F
No. of Questions	8	8	10	2	2		
ARTICLE II – Policy Statements – 4 Charter Questions							
1.	§2.03 Environmental Protection. Include a provision related to water protection and conservation	§2.03 Environmental Protection. Include a provision related to water protection and conservation	§2.03 Environmental Protection. Include a provision related to water protection and conservation				
2.	§2.04 Cultural Preservation. Include neighborhood preservation	§2.04 Cultural Preservation. Include neighborhood preservation	§2.04 Cultural Preservation. Include neighborhood preservation				
3.			§2.07 Children's Issues and Concerns. Create a new section.				
4.						§2.08 Support for local business. Create a new section.	§2.08 Support for local business <u>and an enduring local economy</u> . Create a new section and include recognition for "a living wage and workers' rights."

SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO POLICY STATEMENTS, ELECTIONS, REDISTRICTING COMMISSION AND MISCELLANEOUS GOVERNMENTAL ISSUES

	Charter Commission Recommendations	Resolution Proposals				Amendment Proposals	
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		A	B	C	D	E	F
No. of Questions	8	8	10	2	2		
ARTICLE IV – Elections – 4 Charter Questions							
5.	§4.07 Campaign Contribution Limits. Create a new section related to campaign contribution limits.	§4.07 Campaign Contribution Limits. Create a new section related to campaign contribution limits.	§4.07 Campaign Contribution Limits. Create a new section related to campaign contribution limits.				
6.	§4.08 Ban and/or limit on Contributions From Business Entities and City Contractors. Create a new section.	§4.08 Ban and/or limit on Contributions From Business Entities and City Contractors. Create a new section.	§4.08 Ban and/or limit on Contributions From Business Entities and City Contractors. Create a new section.				
7.	§4.09 Timely Disclosure of the Purpose of Tax Increases or Bond Measures. Create new section.	§4.09 Timely Disclosure of the Purpose of Tax Increases or Bond Measures. Create new section.	§4.09 Timely Disclosure of the Purpose of Tax Increases or Bond Measures. Create new section.				
8.				§4.10 Runoff Elections. Create a new section			

SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO POLICY STATEMENTS, ELECTIONS, REDISTRICTING COMMISSION AND MISCELLANEOUS GOVERNMENTAL ISSUES

	Charter Commission Recommendations	Resolution Proposals				Amendment Proposals	
		Ives, Wurzburger	Bushee	Ives, Wurzburger	Rivera	Bushee, Wurzburger	Coss
		A	B	C	D	E	F
No. of Questions	8	8	10	2	2		
§6.03 Districts – 1 Charter Question							
9.	§6.03 Districts. Amend to include the establishment of an independent citizens' redistricting commission	§6.03 Districts. Amend to include the establishment of an independent citizens' redistricting commission	§6.03 Districts. Amend to include the establishment of an independent citizens' redistricting commission				
ARTICLE IX – Miscellaneous Governmental Issues – 2 Charter Questions							
10.	§9.04 Audit Committee. Create a new section.	§9.04 Audit Committee. Create a new section.	§9.04 Audit Committee. Create a new section.				
11.					Create a new Section that reads: "§9.05 Voting by Chairpersons of City Committees. Each chairperson of every city committee, commission, board and task force shall have the authority to vote on all matters before such committee, commission, board and task force."		

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
Charter Amendment Proposals – Councilors Ives & Wurzbarger 1
(Proposal A)

Mayor and Members of the City Council:

I propose the following amendment to Resolution No. 2013-__ :

1. On page 1, line 12, after "COMMISSION" *insert* " , WITH THE EXCEPTION OF CHANGES TO THE POWERS AND DUTIES OF THE MAYOR, THE GOVERNING BODY AND THE CITY MANAGER, TO"
2. On page 2, line 17, after "Commission" *insert* " , with the exception of changes to the powers and duties of the mayor, the governing body and the city manager"
3. On page 2, line 23, *insert* the following:

BE IT FURTHER RESOLVED that Article V, Section 5.01 of the Charter is recommended to be proposed to the electorate as follows:

5.01. Powers and duties.

The city shall have a mayor who shall:

- A. be elected at large by the voters of the city;
- B. ~~[vote only in the case of a tie or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the governing body];~~ have a vote on all matters that come before the governing body;
- C. be the chief executive officer of the city, which position shall be no less than full time, forty (40) hours per week, and shall not be otherwise employed or self-employed. The mayor shall exercise administrative control and supervision over the city manager, city attorney, city clerk and the department directors;
- D. appoint ~~[and remove, subject to the approval]~~ with the consent of the governing body, the city manager, city attorney, city clerk, and members of advisory commissions;
- E. cause the ordinances and regulations of the city to be faithfully and constantly obeyed
- F. appoint department directors;
- ~~[F]G.~~ have, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;
- H. have sole authority to remove the city manager, city attorney, city clerk and department directors;
- ~~[G]I.~~ propose programs and policies to the governing body;
- ~~[H]J.~~ represent the city in intergovernmental relationships;
- ~~[I]K.~~ present an annual state of the city message which shall identify among other matters the mayor's legislative agenda for the upcoming year;
- ~~[J]L.~~ perform other duties compatible with the nature of the office as the governing
body may from time to time require;
- M. work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval of the finance committee and the City council;
- N. present an annual state of the city message which shall identify among other matters the mayor's legislative agenda for the upcoming year.

[K]O. be recognized as head of the city government for all ceremonial purposes; and

[L]P. be recognized by the governor for purposes of military law.

BE IT FURTHER RESOLVED that Article VI, Section 6.02 of the Charter is recommended to be proposed to the electorate as follows:

6.02. Powers and duties.

A. The governing body shall serve as the principal policy maker of the city, and shall, as it deems necessary, amend existing policies that are consistent with other provisions of this charter. The governing body shall consider the mayor's annual legislative agenda, put forth by the mayor.

B. All legislative powers of the city shall be vested in the governing body, except as otherwise required by law or this charter. The governing body shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the city by law.

C. The governing body shall by ordinance fix the annual salaries of the mayor, the municipal judge and councilors and shall review those salaries not less than every four years. In fixing the mayor's salary, the governing body shall give consideration to the salaries paid to the ten highest paid city employees and fix the mayor's salary within a reasonable range of the average of those salaries.

D. The governing body shall by ordinance set a policy for reimbursement of the actual and necessary expenses incurred by the mayor, the municipal judge and city councilors.

BE IT FURTHER RESOLVED that Article VIII, Section 8.02 of the Charter is recommended to be proposed to the electorate as follows:

8.02. Qualifications.

The city manager should be professionally trained and have the necessary administrative and managerial skills to ~~[manage the municipality]~~ carry out the duties and responsibilities of the city manager.

BE IT FURTHER RESOLVED that Article VIII, Section 8.03 of the Charter is recommended to be proposed to the electorate as follows:

8.03. Powers and duties.

The city manager shall:

A. be the chief administrative officer of the city and shall report to and work under the supervision and control of the mayor;

B. have the power to hire and fire all city employees except the city attorney, city clerk and department directors, who are the employees the mayor has the exclusive authority to appoint and remove; and

C. have such other powers as are provided for in city ordinances and state law.

Effective Date: These amendments shall take effect when the mayor and councilors who are elected at the March 6, 2018 election, take office.

Respectfully submitted,

Peter Ives, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
Charter Amendment Proposals – Councilors Ives & Wurzburger
(Proposal C)

Mayor and Members of the City Council:

I propose the following amendment to Resolution No. 2013-__:

1. On page 4, *delete* lines 20 – 25 and on page 5, *delete* lines 1 – 11 and *insert* the following language in lieu thereof:

**4.07 RUNOFF ELECTION UNTIL RANKED-CHOICE VOTING
IMPLEMENTED**

Until such time as ranked-choice voting is implemented, if no candidate for mayor, city councilor or municipal judge receives more than 50% of the votes cast, there shall be a runoff election between the two candidates who received the most votes. The winner of the runoff shall be elected.

Respectfully submitted,

Peter Ives, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk



LEAGUE OF WOMEN VOTERSSM
OF SANTA FE COUNTY

October 30, 2013

To: Mayor Coss, Santa Fe City Councilors

Re: Pros and Cons on Additional "Strong Mayor" Proposals

Since the League of Women Voters of Santa Fe County produced and distributed our original set of pros and cons on the original "strong mayor" resolution presented by Councilors Ives and Wurzbarger, several other alternative proposals have surfaced. Here we present pros and cons on each new proposal, as they are spelled out in the council packet of October 15, 2013. Note that proposals are labeled with letters as they were in the 10/15 packet

This document does not address Option A in the 10/15 packet, Councilors Ives and Wurzbarger's proposal to present the Charter Review Commission's recommendations. Pros and cons of that proposal were presented in the LWFSFC's memo to the Mayor and Council on 10/3/13.

The League continues to urge that, regardless of which proposal Council votes to present to the voters in March 2014, all amendments that are not specifically interdependent on one another be presented to voters as separate amendments so that voters can make their wishes clear.

Councilor Bushee amendment (Option B in the 10/15 packet):

Article V: The Mayor

Section 5.01(B). Powers and Duties of the Mayor

The mayor shall "have a vote on all matters that come before the governing body".

This is the position of the LWVSFC.

Exhibit "25"

Councilors Ives and Wurzburger amendments to their original resolution (Option C in the 10/15 packet):

Article V: The Mayor

Delete formerly proposed Section 5.01(C), making the mayor full-time

Pro: Anyone running for mayor should already know what kind of time commitment is required. The provision that the mayor not have any other employment will limit the number of candidates who will be eligible to run for mayor and may be particularly difficult for small business owners.

Con: Candidates and voters need to know what kind of time commitment will be expected of the mayor and the mayor will be required to eliminate outside distractions and sources of conflict.

Delete formerly proposed Section 5.01(E), having the mayor appoint department directors

Pro: Although they are at-will employees, department directors should be professionals who have appropriate qualifications to do their jobs. Having a professional city manager appoint these people will result in a more professional, less political city hall.

Con: If the mayor appoints department directors, it will be more likely that the mayor's agenda will be carried out.

Delete formerly proposed Section 5.01(L), which requires the mayor to identify a legislative agenda in the state of the city speech

Pro: This may encourage the mayor to develop a legislative agenda in concert with the rest of the governing body.

Con: If not required by the charter, the mayor may not provide the public with specific information about the proposed legislative agenda for the coming year.

Article VIII: City Manager

Section 8.04(B). Removal

The city manager may be suspended or removed by the governing body by a supermajority vote of all members of the governing body at a regularly scheduled meeting.

Pro: This gives the council a voice in removing a city manager.

Con: The term “supermajority” needs to be defined. Also, this seems to conflict with the wording of the proposed Section 5.01(E), which says that the mayor shall have the sole authority to remove the city manager. This conflict needs to be resolved.

Article IV: Elections

Section 4.07 (NEW). Runoff elections

The LWVSFC has a position supporting runoff elections.

However, because there was no discussion at the Charter Review Commission of this new section, the details of runoff elections have not been thoroughly vetted. Questions that arose at previous Charter Review Commissions include whether runoffs would be offered for all positions or just for the mayor and what share of votes would have to be obtained by the highest vote-getter in order to avoid a runoff. Additionally, since public financing of elections is now in place, the question of whether there will be additional public financing for a runoff election will have to be addressed, either in the charter or through independent legislation.

Councilor Rivera's proposed “strong mayor” resolution (Option D in the 10/15 packet)

Article V: The Mayor

Section 5.01. The Powers and Duties of the Mayor

Section 5.01(B). The mayor shall “have a vote on all matters that come before the governing body”.

This is the position of the LWVSFC.

Section 5.01(C). The position of mayor shall be no less than full time (forty (40) hours per week), and the mayor shall not be otherwise employed or self-employed (note: this issue is not addressed in the current charter)

Pro: Candidates and voters will know what kind of time commitment will be expected of the mayor and the mayor will be required to eliminate outside distractions and sources of conflict.

Con: Anyone running for mayor should already know what kind of time commitment is required. The provision that the mayor not have any other employment will limit the number of candidates who will be eligible to run for mayor and may be particularly difficult for small business owners.

Note: There is currently no provision for amending the charter to say that the mayor should receive a full-time salary and benefits. The Charter Review Commission recommended that the

current language, in which the city council sets the mayor's salary without providing any details of how that would be done, remain in place.

Section 5.01(D). Deletes the authority of the mayor and the city council over the city manager, as that position is eliminated by the removal of the position of city manager from Section VIII. [see below]

Section 5.01(E). The mayor shall appoint department directors who shall be exempt employees (note: a new power; currently, this is done by the city manager)

Pro: This gives the mayor the power to appoint department directors who will carry out the mayor's policy agenda.

Con: Although they are at-will employees, department directors should be professionals who have appropriate qualifications to do their jobs. Having a professional city manager appoint these people will result in a more professional, less political city hall.

Section 5.01(F). The mayor shall have sole authority to remove the city attorney, city clerk, and department directors (currently, council consent is needed to appoint or remove the city manager, city clerk, and city attorney, while the city manager currently has the power to appoint or remove department directors).

Pro: This gives the mayor clear authority over appointments and allows the mayor to work with his or her appointees without interference from council.

Con: This drastically increases the power of the mayor and presents no safeguard if any of these mayoral appointees are not doing their jobs and the mayor, for whatever reason, does not want to remove them. In particular, critics have suggested that this could result in a mayor and a city manager who could collude with each other and that there would be no recourse, other than recalling the mayor, to correct this situation.

Article VI: Powers and Duties of the Governing Body

Section 6.02(C1). Gives the governing body the power to approve salaries for all department directors (note: currently, department director salaries are negotiated with the city manager and are approved by the governing body either through contract or by approval of the budget).

Pro: Makes the accountability of the governing body for department level salaries more transparent.

Con: Giving this power to the governing body may result in more micromanaging of the city's departments.

Section 6.02(C2). Limits the mayor's salary, to be set by council, to 10% above the highest paid department director.

Pro: This puts a cap on what the mayor can be paid.

Con: This does not address the question of what the minimum salary for a full time mayor shall be.

Sections 6.02 (E) and (F). Allows the governing body to remove department directors, the city attorney, or the city clerk with a supermajority vote of all members at a regularly scheduled meeting.

Pro: This gives the council a voice in removing people from these positions.

Con: Giving this power to the governing body may result in more micromanaging of the city's departments. The term "supermajority" needs to be defined. Also, this appears to conflict with the wording of the proposed Section 5.01(F), which says that the mayor shall have the sole authority to remove the city attorney, city clerk, and department directors. This conflict needs to be resolved.

Section 6.02(G). The governing body shall collaborate on legislative priorities.

Pro: Collaboration between different elected officials is to be encouraged.

Con: If there is no collaboration, it is not clear what the remedy would be.

Article VIII: Department Directors

This proposed article eliminates the position of city manager.

Pro: If the mayor is given more power under the other sections of the charter, the position of city manager is no longer needed.

Con: The LWVSFC's position on a city manager is as follows: "The governing body shall appoint the city manager. The city manager shall be professionally trained or have had executive and administrative experience. The city manager shall be the chief administrative officer and have the power to hire and fire all City employees including department heads. The choice of the city manager need not be limited to the inhabitants of the City or State".

It is important that the person running city government have the necessary training and experience to professionally and effectively run the complex organization that is city government. There are no such requirements for candidates for mayor, so it is imperative that there be a city manager who has such expertise, especially since this set of charter amendments does not call for the mayor to appoint a chief of staff nor indicate what requirements would be appropriate for such a position.

The proposed article also gives department directors the power to hire and fire all employees under their supervision.

Pro: Department directors would have the power to run their own departments.

Con: Does this charter amendment make all city employees at-will employees? If so, this runs counter to current personnel procedures and current union contracts.

Additionally, there is no oversight provided for the personnel actions of department directors, except for the power of the mayor and governing body to remove them. This could lead to arbitrary and capricious decisions in personnel matters, with the potential loss of experienced professional employees and of honest input to department directors from their employees.

Article IX: Miscellaneous Governmental Issues

Section 9.05. (NEW) Gives chairpersons of city committees/commissions/boards/task forces the authority to vote on all matters before said committees/commissions/boards/task forces.

Pro: This increases transparency and allows the public to know where these chairpersons stand on the issues.

Con: It does not require a chairperson to vote, although current city rules do require a chairperson to vote to break a tie.