



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 29, 2016
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

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: None
9. PRESENTATIONS
10. CONSENT CALENDAR

CITY CLERK'S OFFICE

DATE 6-24-16 TIME 3:30 P.M.

SERVED BY Melanie Byers

RECEIVED BY [Signature]

- a) Request for Approval of Budget Adjustment Decrease in the Amount of \$880,000 – 2015 Special Session State of New Mexico Severance Tax Bond Capital Appropriation Project Agreement (15-L-G-862) Plan, Design and Construct Public Health and Safety Infrastructure in Santa Fe was Reauthorized by the 2016 State Legislature. (David Chapman)
- b) Request for Approval of Amendment No. 4 to Professional Services Agreement in the Amount of \$130,000 – Financial Services for Public Utilities Department; Hawksley Consulting. (Nick Schiavo)
- c) Request for Approval of Confirmation Agreement Issued Under Natural Gas Marketing Statewide Price Agreement – Renewal of Natural Gas Marketer Services with State of New Mexico and Continuum Retail Energy Services, LLC; CenterPoint Energy Services, Inc. (Nick Schiavo)
- d) Request for Approval of Exempt Procurement and Professional Services Agreement in the Amount of \$67,740 – Water Conservation and Water Bank Software Hosting, Maintenance, Updates and Training Services for Water Division; ConserveTrack LLC. (Christine Chavez and Alan Hook)



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- e) Request for Approval of Amendment No. 4 to Construction Agreement in the Amount of \$500,000 – Construction Services for City-Wide Utility Construction and Repair Projects; Sub Surface Contracting, Inc. (Bill Huey)
- f) Request for Approval of Change Order No. 1 in the Amount of \$44,966.86 – Douglas St., Miller St., Camino Escondido Water Main Replacement (Bid No. 15/32/B) Adjustments and Additional Bid Items; Sub Surface Contracting, Inc. (Bill Huey)
- g) Request for Approval of Amendment No. 3 to Professional Services Agreement in the Amount of \$63,799.65 – Asbestos Removal and Floor Replacement Project at Canyon Road Water Treatment Plant; Blue Sky Builders, Inc. (Jonathan Montoya)
- h) Request for Approval of Amendment No. 4 to Electronic Site Lease Agreement in the Amount of \$8,525.56 – FY 2016/17 Telemetry Equipment for Communications from Remote Production Sites to Canyon Radio Water Treatment Plant; Tesuque Radio Company. (Alex Gamino)
- i) Request for Approval of Professional Services Agreement in the Amount of \$35,000 – Administrative Hearing Services for Parking Division; Anthony Tupler, Attorney at Law. (Sara Smith)
- j) Request for Approval of Procurement Under State Price Agreement in the Amount of \$116,687.85 – City-Wide Installation of Crosswalk Pavement Markings; San Bar Construction Corporation. (Randy Blake)
- k) Request for Approval of Bid No. 16/34/B and 16/35/B in the Amounts of \$116,518 and \$54,945 – Polyelectrolyte Chemicals for FY 2016/17 Wastewater Treatment Plant and Compost Dewatering Facility; Water Tech, Inc. (Kenneth Espinoza)
- l) Request for Approval of Amendment No. 2 to Professional Services Agreement in the Amount of \$379,108.38 – FY 2016/17 Security Services at Water Facilities; Chavez Security, Inc. (Alex Puglisi)
- m) Request for Approval of Amendment No. 2 to Professional Services Agreement in the Amount of \$40,000 – FY 2016/17 Controlling and Optimizing Drinking Water System Supply, Treatment, Distribution and Residuals Disposal for Canyon Road Wastewater Treatment Plant and Well Systems; Environmental Engineering and Technology. (Alex Puglisi)



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- n) Request for Approval of Professional Services Agreement in the Amount of \$49,500 – FY 2016/17 Railyard Events Marketing, Plaza Stage, Sound and Lighting Equipment and Digital Movie Projection Rental; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
- o) Request for Approval of Grant Awards and Intergovernmental Agreement in the Total Amount of \$357,745 – FY 2016/17 Senior Volunteer Programs for Division of Senior Services; State of New Mexico, Aging and Long-Term Services Department. (Melanie Montoya)
 - Foster Grandparent Program
 - Retired Senior Volunteer Program
 - Senior Companion Program
- p) Request for Approval of Renewal of City of Santa Fe FY 2016/17 Comprehensive Insurance Program Coverages (RFP #12/19/P) and Annual Broker Fee in the Amount of \$2,301,116; A.J. Gallagher & Co. (Barbara Boltrek)
- q) Request for Approval of Professional Services Agreements – FY 2016/2017 Affordable Housing Support Services for Low and Moderate Income Households. (Alexandra Ladd)
 - Santa Fe Community Housing Trust in the Amount of \$110,000.
 - Homewise in the Amount of \$190,000
- r) Request for Approval of Professional Services Agreements in the Total Amount of \$1,098,850 – FY 2016/17 and 2017/18 Services Provided Using Lodgers' Tax for the Arts Allocation Funds (RFP #16/32/P); 14 Various Vendors. (John Tennyson)
- s) Financial Report Ending March 31, 2016. (Andrew Hopkins)
(Informational Only)
- t) CONSIDERATION OF RESOLUTION NO. 2016-____. (Councilor Ives)
A Resolution Endorsing the Naming of a US Navy Submarine as the USS Los Alamos. (Jesse Guillen)



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REGULAR MEETING OF
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CITY COUNCIL CHAMBERS

- u) Request to Publish Notice of Public Hearing on July 27, 2016:
 - 1) **Bill No. 2016-30.** An Ordinance Authorizing the Sale of 7,146.1 Square Feet of Real Property Located Adjacent to 308 Madrid Lane and Described as "PORTION OF MADRID LANE" as Shown and Delineated on a Survey Entitled, "LEGAL DESCRIPTION PORTION OF MADRID LANE" Prepared by Del Rio Surveys, Inc., Philip B. Weigel, N.M.P.S. No. 9758, Dated June 1, 2016, Lying and Being Situate Within the City and County of Santa Fe, New Mexico. (Mayor Gonzales) (Matthew O'Reilly)
 - 2) **Bill No. 2016-31.** An Ordinance Authorizing the Sale of 1,996.9 Square Feet of Real Property Located Adjacent to 424 Arroyo Tenorio Street and Described as "PORTION OF TRACT A TO BE CONSOLIDATED" as Shown and Delineated on a Plat of Survey Entitled, "PLAT OF LOT CONSOLIDATION SURVEY FOR GARY SWANSON & JANE SWANSON" Prepared by Del Rio Surveys, Inc., Philip B. Weigel, N.M.P.S. No. 9758, Dated June 10, 2016, Lying and Being Situate Within the Santa Fe Grant, NE ¼ of Section 25, T17N, R9E, N.M.P.M., in the City and County of Santa Fe, New Mexico. (Mayor Gonzales) (Matthew O'Reilly)
 - 3) **Bill No. 2016-32.** An Ordinance Amending Section 14-6.2(A)(5) of the Land Use Development Code to Prohibit the Use of Short-Term Rental Units Located in Residentially-Zoned Districts for Commercial Activities or Events. (Councilor Lindell) (Jesse Guillen)
 - 4) **Bill No. 2016-33.** An Ordinance Adopting a Municipal Gross Receipts Tax. (Councilor Dominguez) (Kelley Brennan)
- v) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$625,000 – FY 2016/17 On Call Engineering Services for Water Resources Capital Improvements Program; CDM Smith. (Bill Schneider)
- w) Annual Review and Request for Approval of City of Santa Fe Debt Management and Post Issuance Policy. (Helene Hausman) **(Postponed at June 23, 2016 Special Meeting of the Governing Body)**
- 11. Request for Approval of Application for Edward Byrne Memorial Justice Assistance Grant Program for Fiscal Year 2016; Eligible for \$19,631 for Purchase of 30 Body Worn Cameras for Field Officers. (Chief Gallagher)



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REGULAR MEETING OF
THE GOVERNING BODY
JUNE 29, 2016
CITY COUNCIL CHAMBERS

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance With the New Mexico Open Meetings Act §§10-15-1(H)(2), (7) and (8) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, Without Limitation, the Evaluation Process for the City Manager; Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Mediation Under the Dispute Resolution Provision of the Facilities Operations and Procedures Agreement Between the City of Santa Fe, Santa Fe County and Others (FOPA); and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, Without Limitation, Relating to the Status of the Buckman Road Recycling and Transfer Station (BuRRT) Lease. (Kelley Brennan)

14. Action with Respect to Certain Proposed Amendments to the FOPA Pursuant to Discussions in Mediation. **(Postponed at June 23, 2016 Special Meeting of the Governing Body)**

15. Action Relating to the Buckman Road Recycling and Transfer Station (BuRRT) Lease. **(Postponed at June 23, 2016 Special Meeting of the Governing Body)**

16. MATTERS FROM THE CITY CLERK

17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 29, 2016
CITY COUNCIL CHAMBERS

G. APPOINTMENTS

- Library Board
- City Business & Quality of Life Committee
- Santa Fe Water Conservation Committee
- Airport Advisory Board
- Children and Youth Commission
- Santa Fe Film and Digital Media Commission

H. PUBLIC HEARINGS:

- 1) Request from Patricia Solis for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at El Museo Cultural, 555 Camino de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. The Request is for a 50th Wedding Anniversary Reception on July 2, 2016, with Alcohol Service from 7:00 p.m. to 12:00 a.m. (Yolanda Y. Vigil)
- 2) Request from Level 2 Industries, LLC for the Following (Yolanda Y. Vigil):
 - a) Pursuant to §60-68-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Beer and Wine by Duel Brewing at Meow Wolf, 1352 Rufina Circle Which is Within 300 Feet of La Petite Academy, 1361 Rufina Circle;
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request for a Small Brewer Off-Site License with On-Premise Consumption, to be Located at Duel Brewing at Meow Wolf, 1352 Rufina Circle, Santa Fe.
- 3) Request from Meow Wolf for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Meow Wolf, 1352 Rufina Circle, Which is Within 300 Feet of La Petite Academy, 1361 Rufina Circle. The Request is for the Following Events: (Yolanda Y. Vigil)
 - July 8, 2016 – Mesa Label Dance Party (7:00 p.m. to 1:00 a.m.)
 - July 9, 2016 – Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.)
 - July 13, 2016 – Golden Dawn Arkestra (7:00 p.m. to 12:00 a.m.)
 - July 15, 2016 – Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.)
 - July 16, 2016 – McQueen (7:00 p.m. to 1:00 a.m.)
 - July 22, 2016 – Meow Wolf Residents DJ Night (7:00 p.m. to 1:00 a.m.)
 - July 23, 2016 – Haunted Windchimes and Deslondes (7:00 p.m. to 1:00 a.m.)
 - July 26, 2016 – Whitney (7:00 p.m. to 12:00 a.m.)
 - July 28, 2016 – Robag Wruhme (7:00 p.m. to 1:00 a.m.)
 - July 29, 2016 – Bright Light Social Hour (7:00 p.m. to 1:00 a.m.)
 - July 30, 2016 – Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.)



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CITY COUNCIL CHAMBERS

- 4) **CONSIDERATION OF BILL NO. 2016-27: ADOPTION OF ORDINANCE NO. 2016-____. (Councilor Villarreal)**
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and the Santa Fe Farmers' Market Institute for Improvements to the Farmers' Market Pavilion, a Local Economic Development Project. (David Chapman)
 - a) Request for Approval of Local Economic Development Project Participation Agreement Between the City of Santa Fe and the Santa Fe Farmers' Market Institute for Improvements to the Farmers' Market Pavilion, a Local Economic Development Project.
- 5) **CONSIDERATION OF BILL NO. 2016-26: ADOPTION OF ORDINANCE NO. 2016-____. (Mayor Gonzales, Councilor Ives and Councilor Lindell)**
Bill No. 2016-26: An Ordinance Amending Subsection 18-1.4 to Include Businesses Selling Goods Represented as Native American Within the Native American Arts or Crafts District; and Creating a New Subsection 18-5.29 to Establish the Native American Arts or Crafts District, and Establishing Regulations for Sale of Native American Arts or Crafts Within the District. (Debra Garcia) (Postponed at June 23, 2016 Meeting of the Governing Body) (**Postponed to September 28, 2016**)

I. ADJOURN

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
Wednesday, June 29, 2016**

<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	2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES	None	5
PRESENTATIONS	None	5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$35,000 - ADMINISTRATIVE HEARING SERVICES FOR PARKING DIVISION; ANTHONY TUPLER, ATTORNEY AT LAW	Approved	6-7
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS - FY 2016/2017 AFFORDABLE HOUSING SUPPORT SERVICES FOR LOW AND MODERATE INCOME HOUSEHOLDS SANTA FE COMMUNITY HOUSING TRUST IN THE AMOUNT OF \$110,000	Approved	7-8
HOMEWISE IN THE AMOUNT OF \$190,000	Approved	7-8

ITEM**ACTION****PAGE**

REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING
ON JULY 27, 2016:

BILL NO. 2016-30. AN ORDINANCE AUTHORIZING THE
SALE OF 7,146.1 SQUARE FEET OF REAL PROPERTY
LOCATED ADJACENT TO 308 MADRID LANE AND
DESCRIBED AS "PORTION OF MADRID LANE" AS
SHOWN AND DELINEATED ON A SURVEY ENTITLED
"LEGAL DESCRIPTION PORTION OF MADRID LANE,"
PREPARED BY DEL RIO SURVEYS, INC., PHILIP B.
WEIGEL, N.M.P.S. NO. 9758, DATED JUNE 1, 2016,
LYING AND BEING SITUATE WITHIN THE SANTA FE
GRANT, NE 1/4 OF SECTION 25, 717N, R9E. N.M.P.M.,
IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO

Approved

8

END OF CONSENT CALENDAR DISCUSSION

REQUEST FOR APPROVAL OF APPLICATION FOR
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT PROGRAM FOR FISCAL YEAR 2016;
ELIGIBLE FOR \$19,631 FOR PURCHASE OF 30
BODY WORN CAMERAS FOR FIELD OFFICERS

Approved

9-11

MATTERS FROM THE CITY MANAGER

None

11

MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

Approved

12

MOTION TO COME OUT OF EXECUTIVE SESSION

Approved

12

ACTION TO JOIN AS *AMICUS CURIAE* IN APPEAL
BY NEW ENERGY ECONOMY, ETC.

Approved

13

ACTION WITH RESPECT TO CERTAIN PROPOSED
AMENDMENTS TO THE FOIA PURSUANT TO
DISCUSSIONS IN MEDIATION

Action approved

13

ACTION RELATING TO THE BUCKMAN ROAD
RECYCLING AND TRANSFER STATION

Direction to staff

13

ITEM**ACTION****PAGE**

**ACTION TO WAIVE ATTORNEY-CLIENT PRIVILEGE
FOR CITY ATTORNEY TO PROVIDE BACKGROUND
INFORMATION TO THE DISPUTE**

Approved

14-15

MATTERS FROM THE CITY CLERK

None

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	16
PETITIONS FROM THE FLOOR		16
<u>APPOINTMENTS</u>		
Library Board	Approved	17
City Business and Quality of Life Committee	Approved	17
Santa Fe Water Conservation Committee	Approved	17-18
Airport Advisory Board	Approved	18
Children and Youth Commission	Approved	18
Santa Fe Film and Digital Media Commission	Approved	18-19
<u>PUBLIC HEARINGS</u>		
REQUEST FROM PATRICIA SOLIS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR A 50 TH WEDDING ANNIVERSARY RECEPTION ON JULY 2, 2016, WITH ALCOHOL SERVICE FROM 7:00 P.M. TO 12:00 A.M.	Approved	19
REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR THE FOLLOWING: PURSUANT TO §60-68-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF BEER AND WINE BY DUEL BREWING AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE	Approved	20-21
IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A SMALL BREWER OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION, TO BE LOCATED AT DUEL BREWING AT MEOW WOLF, 1352 RUFINA CIRCLE, SANTA FE	Approved	20-21

ITEM**ACTION****PAGE**

REQUEST FROM MEOW WOLF FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOL AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE. THE REQUEST IS FOR THE FOLLOWING EVENTS: JULY 8, 2016 - MESA LABEL DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 9, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 13, 2016 - GOLDEN DAWN ARKESTRA (7:00 P.M. TO 12:00 A.M.); JULY 15, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 16 2016 - McQUEEN (7:00 P.M. TO 1:00 A.M.); JULY 22, 2016 - MEOW WOLF RESIDENTS DJ NIGHT (7:00 P.M. TO 1:00 A.M.); JULY 23, 2016 - HAUNTED WINDCHIMES AND DESLONDES (7:00 P.M. TO 1:00 A.M.); JULY 26, 2016 - WHITNEY (7:00 P.M. TO 12:00 A.M.); JULY 28, 2016 - ROBAG WRUHME (7:00 P.M. TO 1:00 A.M.); JULY 29, 2016 - BRIGHT LIGHT SOCIAL HOUR (7:00 P.M. TO 1:00 A.M.); AND JULY 30, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.)

Approved

22-23

CONSIDERATION OF BILL NO. 2016-27: ADOPTION OF ORDINANCE NO. 2016-21. AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE FARMERS' MARKET INSTITUTE FOR IMPROVEMENTS TO THE FARMERS' MARKET PAVILION, A LOCAL ECONOMIC DEVELOPMENT PROJECT

Approved

23

REQUEST FOR APPROVAL OF LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE FARMERS' MARKET INSTITUTE FOR IMPROVEMENTS TO THE FARMERS' MARKET PAVILION, A LOCAL ECONOMIC DEVELOPMENT PROJECT

Approved

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF BILL NO. 2016-2619: ADOPTION OF ORDINANCE NO. 2016-__ . AN ORDINANCE AMENDING SUBSECTION 18-1.4 TO INCLUDE BUSINESSES SELLING GOODS REPRESENTED AS NATIVE AMERICAN WITHIN THE NATIVE AMERICAN ARTS OR CRAFTS DISTRICT; AND CREATING A NEW SUBSECTION 18-5.29 TO ESTABLISH THE NATIVE AMERICAN ARTS OR CRAFTS DISTRICT, AND ESTABLISHING REGULATIONS FOR SALE OF NATIVE AMERICAN ARTS OR CRAFTS WITHIN THE DISTRICT	Postponed to 09/28/16	24
<u>Matters from the Afternoon Agenda</u>		
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	24-27
<u>MATTERS FROM THE CITY ATTORNEY</u>		
MOTION TO GO BACK INTO EXECUTIVE SESSION	Approved	27-28
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	28
ADJOURN		28

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 29, 2016**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, June 29, 2016, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Carmichael A. Dominguez
Councilor Mike Harris
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

Members Excused

Councilor Peter N. Ives

Others Attending

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

6. APPROVAL OF AGENDA

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to approve the agenda as presented.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT DECREASE IN THE AMOUNT OF \$880,000 – 2015 SPECIAL SESSION STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENT (15-L-G-862) PLAN, DESIGN AND CONSTRUCT PUBLIC HEALTH AND SAFETY INFRASTRUCTURE IN SANTA FE WAS REAUTHORIZED BY THE 2016 STATE LEGISLATURE. (DAVID CHAPMAN)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$130,000 – FINANCIAL SERVICES FOR PUBLIC UTILITIES DEPARTMENT; HAWKSLEY CONSULTING. (NICK SCHIAVO)**
- c) **REQUEST FOR APPROVAL OF CONFIRMATION AGREEMENT ISSUED UNDER NATURAL GAS MARKETING STATEWIDE PRICE AGREEMENT – RENEWAL OF NATURAL GAS MARKETER SERVICES WITH STATE OF NEW MEXICO AND CONTINUUM RETAIL ENERGY SERVICES, INC. LLC; CENTERPOINT ENERGY SERVICES, INC. (NICK SCHIAVO)**

- d) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$67,740 – WATER CONSERVATION AND WATER BANK SOFTWARE HOSTING, MAINTENANCE, UPDATES AND TRAINING SERVICES FOR WATER DIVISION; CONSERVE TRACK, LLC. (CHRISTINE CHAVEZ AND ALAN HOOK)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO CONSTRUCTION AGREEMENT IN THE AMOUNT OF \$500,000 – CONSTRUCTION SERVICES FOR CITY-WIDE UTILITY CONSTRUCTION AND REPAIR PROJECTS; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**
- f) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$44,966.86 – DOUGLAS ST., MILLER ST., CAMINO ESCONDIDO WATER MAIN REPLACEMENT (BID NO. 15/32/B) ADJUSTMENTS AND ADDITIONAL BID ITEMS; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$63,799.65 – ASBESTOS REMOVAL AND FLOOR REPLACEMENT PROJECT AT CANYON ROAD WATER TREATMENT PLANT; BLUE SKY BUILDERS, INC. (JONATHAN MONTOYA)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO ELECTRONIC SITE LEASE AGREEMENT IN THE AMOUNT OF \$8,525.56 – FY 2016/17 TELEMETRY EQUIPMENT FOR COMMUNICATIONS FROM REMOTE PRODUCTION SITES TO CANYON RADIO WATER TREATMENT PLANT; TESUQUE RADIO COMPANY. (ALEX GAMINO)**
- i) ***[Removed for discussion by Councilor Rivera]***
- j) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$116,668.85 – CITY-WIDE INSTALLATION OF CROSSWALK PAVEMENT MARKINGS; SAN BAR CONSTRUCTION CORPORATION. (RANDY BLAKE)**
- k) **REQUEST FOR APPROVAL OF BID NO. 16/34/B AND 16/35/B IN THE AMOUNTS OF \$116,518 AND \$54,945 – POLYELECTROLYTE CHEMICALS FOR FY 3026/27 WASTEWATER TREATMENT PLANT AND COMPOST DEWATERING FACILITY; WATER TECH, INC. (KENNETH ESPINOZA)**
- l) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT FOR THE AMOUNT OF \$379,108.38 – FY 2016/17 SECURITY SERVICES AT WATER FACILITIES; CHAVEZ SECURITY, INC. (ALEX PUGLISI)**

- m) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$40,000 – FY 2016/17 CONTROLLING AND OPTIMIZING DRINKING WATER SYSTEM SUPPLY, TREATMENT, DISTRIBUTION AND RESIDUALS DISPOSAL FOR CANYON ROAD WASTEWATER TREATMENT PLANT AND WELL SYSTEMS; ENVIRONMENTAL ENGINEERING AND TECHNOLOGY. (ALEX PUGLISI)**
- n) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$49,500 – FY 2016/17 RAILYARD EVENTS MARKETING, PLAZA STAGE, SOUND AND LIGHTING EQUIPMENT AND DIGITAL MOVIE PROJECTION RENTAL; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
- o) **REQUEST FOR APPROVAL OF GRANT AWARDS AND INTERGOVERNMENTAL AGREEMENT IN THE TOTAL AMOUNT OF \$357,745 – FY 2016/17 SENIOR VOLUNTEER PROGRAMS FOR DIVISION OF SENIOR SERVICES; STATE OF NEW MEXICO, AGING AND LONG-TERM SERVICES DEPARTMENT. (MELANIA MONTOYA)**
- **FOSTER GRANDPARENT PROGRAM**
 - **RETIRED SENIOR VOLUNTEER PROGRAM**
 - **SENIOR COMPANION PROGRAM**
- p) **REQUEST FOR APPROVAL OF RENEWAL OF CITY OF SANTA FE FY 2016/17 COMPREHENSIVE INSURANCE PROGRAM COVERAGES (RFP #12/19/P) AND ANNUAL BROKER FEE IN THE AMOUNT OF \$2,301,116; A.J. GALLAGHER & CO. (BARBARA BOLTREK)**
- q) ***[Removed for discussion by Councilor Harris]***
- r) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS IN THE TOTAL AMOUNT OF \$1,098,850 – FY 2016/17 AND 2017/18 SERVICES PROVIDED USING LODGERS' TAX FOR THE ARTS ALLOCATION FUNDS (RFP #16/32/P); 14 VARIOUS VENDORS. (JOHN TENNYSON)**
- s) **FINANCIAL REPORT ENDING MARCH 31, 2016. (ANDREW HOPKINS) (Informational Only)**
- t) **CONSIDERATION OF RESOLUTION NO. 2016-51 (COUNCILOR IVES). A RESOLUTION ENDORSING THE NAMING OF A US NAVY SUBMARINE AS THE USS LOS ALAMOS. (JESSE GUILLEN)**

u) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 27, 2016:**

1) *[Removed for discussion by Councilor Maestas]*

2) **BILL NO. 2016-31. AN ORDINANCE AUTHORIZING THE SALE OF 1,996.9 SQUARE FEET OF REAL PROPERTY LOCATED ADJACENT TO 424 ARROYO TENORIO STREET AND DESCRIBED AS "PORTION OF TRACT A TO BE CONSOLIDATED" AS SHOWN AND DELINEATED ON A PLAT OF SURVEY ENTITLED, "PLAT OF LOT CONSOLIDATION SURVEY FOR GARY SWANSON & JANE SWANSON," PREPARED BY DEL RIO SURVEYS, INC., PHILIP B. WEIGEL, N.M.P.S. NO. 9758, DATED JUNE 10, 2016, LYING AND BEING SITUATE WITHIN THE SANTA FE GRANT, NE 1/4 OF SECTION 25, T17N, R9E, N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO. (MAYOR GONZALES) (MATTHEW O'REILLY)**

3) **BILL NO. 2016-32. AN ORDINANCE AMENDING SECTION 14-6.2(A)(5) OF THE LAND USE DEVELOPMENT CODE TO PROHIBIT THE USE OF SHORT-TERM RENTAL UNITS LOCATED IN RESIDENTIALLY-ZONED DISTRICTS FOR COMMERCIAL ACTIVITIES OR EVENTS (COUNCILOR LINDELL). (JESSE GUILLEN)**

4) **BILL NO. 2016-33. AN ORDINANCE ADOPTING A MUNICIPAL GROSS RECEIPTS TAX (COUNCILOR DOMINGUEZ). (KELLEY BRENNAN)**

v) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$625,000 – FY 2016/17 ON CALL ENGINEERING SERVICES FOR WATER RESOURCES CAPITAL IMPROVEMENTS PROGRAM; CDM SMITH. (BILL SCHNEIDER)**

w) **ANNUAL REVIEW AND REQUEST FOR APPROVAL OF CITY OF SANTA FE DEBT MANAGEMENT AND POST ISSUANCE POLICY. (HELENE HAUSMAN). (Postponed at June 23, 2016 Special Meeting of the Governing Body)**

8. **APPROVAL OF MINUTES: NONE.**

9. **PRESENTATIONS**

There were no presentations

CONSENT CALENDAR DISCUSSION

10(i) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$35,000 – ADMINISTRATIVE HEARING SERVICES FOR PARKING DIVISION; ANTHONY TUPLER, ATTORNEY AT LAW. (SARA SMITH)

Councilor Rivera said Chief Gallagher did an RFP with this attorney early on.

Chief Gallagher asked if he is speaking of one of our hearing officers, and Councilor Rivera said yes.

Councilor Rivera asked Chief Gallagher if he recalls the scope of the contract.

Chief Gallagher said it was as a hearing officer for the DWI Forfeiture hearings.

Councilor Rivera asked Chief Gallagher if his use of Mr. Tupler for the DWI program is the same as that of the Parking Division's use of Mr. Tupler.

Chief Gallagher said since he hasn't seen the scope of work for the Parking Division proposal, he can't say, but based on what he knows he said, "I can't see the two things crossing."

Councilor Rivera said this is one of his concerns.

Councilor Rivera said Mr. Correia is piggy-backing from the same RFP and asked if the scope is the same or comparable.

Mr. Correia said no, it would not be so. He said he understands the difference is that the DWI Forfeiture Program are criminal hearings, while the Parking Division citation appeals are non-criminal. He would defer to the City Attorney for clarification.

Councilor Rivera said since they are different scopes, "can you really use the same RFP to do both PSAs."

Ms. Brennan said, "This scope is to act as a hearing officer, and just as a judge who hears many kinds of cases, both criminal and civil, the hearing officer brings to bear the judgment of a judge essentially, so it fundamentally is the same scope from that viewpoint, even though they are addressing.... a judge might hear a murder case one day, and a contract case another day. It's the same kind of distinction."

Councilor Rivera asked Ms. Brennan if she is comfortable with this, and Ms. Brennan said yes.

Councilor Rivera asked if there would be situations where the same hearing officer may be hearing a case for the same person, so possibly for Parking, and possibly something to do with a DWI.

Ms. Brennan said, "Under those circumstances, the Hearing Officer would be subject to the ethical rules applicable to an attorney, and would, if there were any conflict, recuse him or herself."

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

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

For: Councilor Dominguez, Councilor Harris, Mayor Pro-Tem Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Mayor Gonzales.

10(q) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FY 2016/2017 AFFORDABLE HOUSING SUPPORT SERVICES FOR LOW AND MODERATE INCOME HOUSEHOLDS. (ALEXANDRA LADD)

- **SANTA FE COMMUNITY HOUSING TRUST IN THE AMOUNT OF \$110,000**
- **HOMEWISE IN THE AMOUNT OF \$190,000**

Councilor Harris said Ms. Ladd made the corrections he requested, but that isn't his question today. He said he has questions for Ms. Brennan regarding Professional Liability coverage. He said that coverage is required of the contractor for these agreements, noting it is on packet page 11. He said neither the Housing Trust nor Homewise indicates this coverage. He said this needs to be resolved at some point in the future. He said he is familiar with this kind of coverage. He said we can't resolve this tonight, noting there are certain categories where we may not need to require that coverage. He said it isn't being provided, so it's not as if we're paying for something we don't need.

Ms. Brennan said, "In fact, I think you're right. I'm going to have to get further information for you. But there is a waiver process, and I believe typically we run it by our Risk Manager who runs it by our insurer to get approval to do that. And in most cases, as you know, it's not something we would waive for an engineer doing a structural design, obviously. But there are circumstances where it's not really relevant, the risk is minimal and our insurance would cover it, or there is no liability under the circumstances. So I can learn the details of that process and review them with you."

Councilor Harris said that would be appropriate, commenting we have a gap from what we are saying we require consistent with the New Mexico Tort Claims Act, and it seems it's not being provided on a series of agreements.

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

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

For: Councilor Dominguez, Councilor Harris, Mayor Pro-Tem Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Mayor Gonzales.

10 (u) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 27, 2016:

- 1) **BILL NO. 2016-30. AN ORDINANCE AUTHORIZING THE SALE OF 7,146.1 SQUARE FEET OF REAL PROPERTY LOCATED ADJACENT TO 308 MADRID LANE AND DESCRIBED AS "PORTION OF MADRID LANE" AS SHOWN AND DELINEATED ON A SURVEY ENTITLED "LEGAL DESCRIPTION PORTION OF MADRID LANE," PREPARED BY DEL RIO SURVEYS, INC., PHILIP B. WEIGEL, N.M.P.S. NO. 9758, DATED JUNE 1, 2016, LYING AND BEING SITUATE WITHIN THE SANTA FE GRANT, NE 1/4 OF SECTION 25, 717N, R9E. N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO. (MAYOR GONZALES). (MATTHEW O'REILLY)**

Disclosure by Councilor Maestas: Councilor Maestas said, "I pulled this, even though it is a request to publish. If you look at the Memo, the first paragraph under Background, Legal Counsel Bryan Biedscheid, that represents the BAHF Revocable Trust involved in this transaction, is the attorney for my father's estate. My father's estate is still active, so I will be recusing myself. And I know this went before previous committees and I don't recall this level of detail when we were asked for conceptual approval, but I would like to ask staff if you see kinds of any actions involving this particular attorney if you would alert me. And I'll keep you apprised of my father's estate. So anyway, I pulled it to recuse."

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

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

For: Councilor Dominguez, Councilor Harris, Mayor Pro-Tem Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Recused: Councilor Maestas.

Absent for the vote: Mayor Gonzales.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF APPLICATION FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FISCAL YEAR 2016; ELIGIBLE FOR \$19,631 FOR PURCHASE OF 30 BODY WORN CAMERAS FOR FIELD OFFICERS. (CHIEF GALLAGHER)

Chief Gallagher said he is requesting permission to accept a grant for \$19,631. It is a federal grant, the Edward Byrne Grant, through the Department of Justice. He said it is the intent to use these funds to purchase an additional 30 body worn cameras for the officers in the SFPD, to help with evidence collection and prosecution purposes. He said additionally, studies have shown that body worn cameras do reduce complaints in officers and the use of force by officers as well. He said they are very close to equipping the officers with body worn cameras. He said currently we have in our possession 122 body worn cameras, a sufficient number to equip all patrol officers and supervisors with the cameras.

Chief Gallagher continued, saying there were issues with the IT server, and IT was helpful in resolving those, and the server is now ready to go. He said the last thing holding this up is the policy they are writing to address body worn cameras. He said the Department of Justice just came out with a suggested body worn camera policy and they are modeling the SFPD policy after that one. He said it took a while going back and forth with Legal, we are looking at it this week with a couple more questions for legal. He said hopefully they can roll out that policy in the next two weeks, start the training for the officers and equip them with the cameras. He said the grant funds will allow everyone in the Department to be equipped with a camera.

Councilor Maestas said there was discussion several months ago about the status of the raw video feed, stuff that really isn't useful in terms of what is recorded by the officers. He said he assumes the proposed policy will address that, and what is and is not fit for public consumption.

Chief Gallagher said the rules for what the officers can and should record versus what they should not record are very clear, and there is room for redaction of certain things, and if specific to a case, it will be necessary to get the approval of the City Attorney's Office. He said it also covers things that are captured accidentally which can be redacted as well.

Councilor Maestas said in discussing a security contract, one of our current providers has servers in his office – Chavez Security. So Chavez houses video and apparently we use it only if there is any kind of criminal activity in prosecuting the crime. He asked if there should be a policy regarding that video if it is potentially going to be used for law enforcement if a crime is committed at one of the various locations where we do have cameras and are recording.

Chief Gallagher asked if he is referring to the footage captured by Chavez Security in the parks.

Councilor Maestas said yes, and the fact that it is housed on a City server located at Chavez Security. He wants to make sure that is covered in the policy if appropriate.

Chief Gallagher said the policy is specifically just for the body worn cameras. He said if we have on-line access to the server at Chavez Security and there is a crime reported at a certain location, we can tap-in and look at it, and we would take it, make a copy of it. Once that is done, it is bound by evidence procedures, and it wouldn't be destroyed or get rid of it. He said footage related to a criminal case it is bound by a separate procedure because it is now evidence.

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

DISCUSSION: Councilor Dominguez said he stands in support of this request, but he has questions. He wants to be sure the public knows what is happening with regard to the body cameras. He asked what are the numbers for the 80% coverage, noting the narrative indicates that about 80% of the field officers can utilize the equipment, and if that means a certain number are required to wear the cameras.

Chief Gallagher said currently, they have 122 cameras, so once the policy is signed-off on, all patrol officers and Sergeants will have them. He said the 80% reflects the entire department, and some of the upper ranking personnel wouldn't have them. He said the Detectives are a separate matter and are using a different camera system, but he wants to, eventually, equip them with the same camera system as the patrol is using. He said the vendor has told him there may be different types of cameras in which Detectives may be more interested and easier to use. He said Detectives have a different job from patrolling. So it might be a different camera but with the same vendor, same server in terms of compatibility.

Councilor Dominguez asked, in terms of who will wear the cameras, and what kinds of cameras, if that will be part of the policy that is coming forward.

Chief Gallagher said yes, and it is close to being completed.

Councilor Dominguez asked if there are any officers currently wearing the body cameras.

Chief Gallagher said 10-15 were given as a pilot project from Digital Ally. He said we also still have the audio belt recorders and the in-car dash camera recorders.

Councilor Dominguez asked if these are all used on patrol and Chief Gallagher said yes.

Councilor Dominguez said, in terms of the policy, what are the plans for the public to know what the policy says. He thinks the public needs to know what the City's policy is in terms of how the cameras are being used, who wears them, and the operation. He asked if the policy will come to the Governing Body for approval.

Chief Gallagher said it wasn't his intent to bring the policy for approval.

Councilor Dominguez said he isn't suggesting that be done, and since he isn't a police officer or in that realm, it would be difficult for him to determine the best policy. He still thinks, however, that the public needs to know the framework for the use of the body cameras, so the public is aware.

Chief Gallagher said they could do a press release to explain this to the public and put it on their Face Book page.

Councilor Dominguez said that's a good start, but thinks there will need to be more public outreach. He reiterated he thinks the public has the right to know exactly how the body cameras will be used so there are no surprises. He supports the initiative, which he thinks is good for transparency.

Chief Gallagher said the officers are anxious to get these going, and "are looking forward to it."

Councilor Rivera said he read an article recently about officers turning off the cameras once they were off the clock, while in take-home vehicles. He said they ran into issues in a take home vehicle where they were involved in police activities. He hopes that is addressed in the policy as well – if they are going to be engaging in police activities that the camera is then turned on.

Chief Gallagher said one of the good things in that situation is because they went with the same vendor, Digital-Ally, they do sync with the in-car camera system. So in that circumstance if the officer had activated the in-car emergency equipment, it would have turned on the body camera automatically as well. This is one of the reasons they went with that vendor.

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

For: Councilor Dominguez, Councilor Harris, Mayor Pro-Tem Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Mayor Gonzales.

12. MATTERS FROM THE CITY MANAGER

None.

13. MATTERS FROM THE CITY ATTORNEY.

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(2), (7) AND (8) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION THE EVALUATION PROCESS FOR THE CITY MANAGER; THREATENED AND PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, MEDIATION UNDER THE DISPUTE RESOLUTION PROVISION OF THE FACILITIES OPERATIONS AND PROCEDURES AGREEMENT BETWEEN THE CITY OF SANTA FE, SANTA FE COUNTY AND OTHERS (FOPA); AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, RELATING TO THE STATUS OF THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, that the Council go into Executive Session to discuss the matters listed on the Agenda in accordance with the recommendation of the City Attorney.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Dominguez, Councilor Harris, Mayor Pro-Tem Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Mayor Gonzales.

The Council went into Executive Session at approximately 5:35 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 7:10 p.m. Councilor Rivera moved, seconded by Councilor Maestas, that the City Council come out of Executive Session and stating for the record that the discussion in Executive Session was limited to the matters noted on the Agenda.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, that the City of Santa Fe join as an *amicus curiae* in the appeal filed by New Energy Economy, Inc., in the New Mexico Supreme Court in the matter captioned "*New Energy Economy, inc. v. New Mexico Public Regulation Commission and Public Service Company of New Mexico, et al.*," and that the Mayor and City Attorney be authorized to take such actions as are necessary to join in the matter.

VOTE: The motion was approved on the following roll call vote:

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

Against: Councilor Harris.

14. ACTION WITH RESPECT TO CERTAIN PROPOSED AMENDMENTS TO THE FOPA PURSUANT TO DISCUSSIONS IN MEDIATION. (Postponed at June 23, 2016 Special Meeting of the Governing Body)

MOTION: Councilor Rivera moved, seconded by Councilor Dominguez, to direct the City Manager and the City Attorney to take such actions with respect to the Buckman Direct Diversion as are necessary to amend the Facilities and Operating Procedures Agreement (FOPA) and the Joint Powers Agreement (JPA) to reflect the principles of agreement negotiated in mediation by staff in accordance with the discussion in executive session.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

15. ACTION RELATING TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT LEASE. (Postponed at June 23, 2016 Special Meeting of the Governing Body)

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to direct the City Manager to notify Lessee that Lessee's possession of the Buckman Road Recycling and Transfer Station is approved to continue on a month-to-month tenancy until September 30, 2016, in anticipation of the execution of a new Lease Agreement to be effective October 1, 2016, upon the terms and conditions proposed by the City.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

MOTION: Councilor Harris moved, seconded by Councilor Lindell, to waive the Attorney-Client privilege for the limited purpose of permitting the City Attorney to provide the background information to the dispute between the Nature Conservancy and the City; the waiver excludes the advice of Council and legal opinion regarding pending or threatened litigation.

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

Against: None.

Ms. Brennan said, "In Executive Session at the Special meeting on the twenty-third, I provided background to the members present in order to address follow-up to the Cease and Desist letter we had addressed to the Nature Conservancy on May 12, 2016. That background included a summary of the Living River Ordinance, the Santa Fe River Target Flow Ordinance, the Administrative Procedures, and a building permit, a certain plan included in a Building Permit that was approved on February 29, 2012. All of those were approved on February 29, 2012, after a significant amount of input and discussion."

Ms. Brennan continued, "We reviewed the provisions of the Administrative Procedures that were applicable to flows on the upper River during the low-flow season and also the seasonal flows that were directed further downstream, to downstream user. We reviewed an Agreement and Release ceding operational control of the Diversion Facility to the City. We reviewed the target hydrograph for the year and the pulses, and we reviewed some photographs that showed the flow at the diversion structure into the preserve on two specific dates, one of which showed the water flowing in over sandbags and another one a week showing the sandbags removed."

Ms. Brennan continued, "We discussed, generally, the needs of the downstream acequias and our duty to provide water to those acequias under court orders. We discussed the structure of the Diversion Facility and how the permit indicated it was intended to operate. And based on information the Council discussed a number of my options outlined, and gave direction."

Mayor Gonzales said, "And obviously today, we were notified publicly that the first initial direction was to engage in conversations with the Nature Conservancy."

Ms. Brennan said, "Correct, and that initial discussion took place."

Mayor Gonzales said, "I think if you can, to the degree possible, expand a little bit on the statement that was issued earlier in terms of next steps with the Nature Conservancy, I think it would be appropriate to offer some of that input for the record."

Ms. Brennan said, "We agreed to continue discussions. Our discussions were very cordial. We had agreement on... actually, I would say on all the points, and agreed to work on any agreements that we needed to make any lack of clarity clear. But I think that our readings of the Ordinance, the Administrative Procedures and the Division structure itself and how it should be constructed, we agreed on those things. And we agreed to meet again and begin to formalize the discussion in about a week or a week and a half."

Councilor Maestas said part of this issue was a matter of communication and he thinks we did discuss this. He asked the City Manager to come up with some guidelines, or at least reinforce the need for staff to be responsive to any kind of inquiry or telephone call from the public, if they are not able to answer an initial call. He said, "And if there is a level of urgency, that they do basically move it up above their pay grade, and even if it comes to voice-mail etiquette that any key staff in a key decision-making capacity indicate an alternate phone number to call if that person gets their voice mail. I think you follow if we can somehow reinforce the important of communication to avoid these issues from escalating."

Mr. Snyder said will do that to reinforce with staff, but not to place blame on anybody with the intent of the comment. He said, "I often find that most people from the public don't stop at the first person when they don't receive a call back within an hour, and I'm getting a call one of you is getting a call. Definitely, I stress with all employees that they are out of the office, I'll be out of the office next week, I'll put an out-of-the office message as well as on my voice mail. I understand from talking with Kelley, on getting a debrief of this meeting this afternoon, that this was discussed during the conversation, and moving forward, protocol is for communication with anything revolving around this diversion and the by-pass structure, that are laid out on the discussion in the agreements."

Ms. Brennan said, "That was an important element of our discussion today."

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

Item #17 was moved to the end of the Evening Agenda

END OF EVENING SESSION APPROXIMATELY 7:25 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Gonzales at approximately 7:25 p.m. There was the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Carmichael A. Dominguez
Councilor Mike Harris
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

Members Excused

Councilor Peter N. Ives

Others Attending

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

F. PETITIONS FROM THE FLOOR

Mayor Gonzales gave each person two minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrada, said he is here tonight as the representative of the Mayor's Committee on Disability, to ask for your assistance in acquiring a legal opinion from the City Attorney concerning the [inaudible]. He said members of the administration have told us that the Committee is not to review for ADA on any commercial property on the [inaudible]. He said the property belongs to the City. He said his question has always been why aren't we allowed to review upon request. He said currently we have made to request to review some of the commercial buildings – for example, the Farmer's Market, and he doesn't know if we are allowed to do that. He said there is a Resolution directing our Committee to review all public properties. He's now told that the Railyard commercial buildings are not on public property. He talked with the City about that, and he needs an answer from Legal: should we or should we not repeal.

G. APPOINTMENTS

Library Board

Mayor Gonzales made the following appointments to the Library Board:

Nina Callanan – to fill unexpired term ending 07/2018; and
David Wagner – Reappointment – term ending 07/2019.

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

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

City Business and Quality of Life Committee

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

Chandler Moore – to fill unexpired term ending 03/2017.

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

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

Santa Fe Water Conservation Committee

Mayor Gonzales made the following appointments to the Santa Fe Water Conservation Committee:

Doug Pushard (Water Quality & Harvesting/Water Reuse) - Reappointment - term ending 07/2017;
Tim Michael (Technical Expertise) – Reappointment – term ending 07/2017;
Stephen Wiman (Water Quality & Harvesting/Water Reuse) - Reappointment - term ending 07/2017;
Lisa Randall (Educational) – Reappointment – term ending 07/2017;
Bill Roth (Building Construction Practices) – Reappointment - term ending 07/2017;
Aaron T. Kauffman (Technical Expertise) – term ending 07/2018;
Justin Lyon (Building Construction Practices) – term ending 07/2018; and
Robert D. Coombe (Educational) term ending 07/2018.

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

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

Airport Advisory Board

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

Chris A. Ortega – Reappointment – term ending 02/2019

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

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

Children and Youth Commission

Mayor Gonzales made the following appointment to the Children and Youth Commission:

Daniel J. Slavin – to fill unexpired term ending 03/2019.

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to approve this appointment.

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

Santa Fe Film and Digital Media Commission

Mayor Gonzales made the following appointments to the Santa Fe Film and Digital Media Commission:

Lee David Zlotoff (Alternate) – term ending 03/2018;
Jacquez Paisner (Alternate) – term ending 03/2017;
Jilann Spitzmiller (Alternate) – term ending 03/2018;
Alton Walpole (Alternate) – term ending 03/2018; and
Michael Becker (Alternate) – term ending 03/2017.

MOTION: Councilor Lindell moved, seconded by Councilor Dominguez, to approve these appointments.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM PATRICIA SOLIS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR A 50TH WEDDING ANNIVERSARY RECEPTION ON JULY 2, 2016, WITH ALCOHOL SERVICE FROM 7:00 P.M. TO 12:00 A.M. (YOLANDA Y. VIGIL)**

A Memorandum dated June 23, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, regarding this request is in the Council packet.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of alcoholic beverages at El Museo Cultural, for a 50th Wedding Anniversary Reception on July 2, 2016, with alcohol service from 7:00 p.m. to 12:00 a.m., with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

2) **REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR THE FOLLOWING:**

- a) **PURSUANT TO §60-68-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF BEER AND WINE BY DUEL BREWING AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY6, 1361 RUFINA CIRCLE.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A SMALL BREWER OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION, TO BE LOCATED AT DUEL BREWING AT MEOW WOLF, 1352 RUFINA CIRCLE, SANTA FE.**

(YOLANDA Y. VIGIL)

A Memorandum dated June 23, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, regarding this matter is in the Council packet, noting staff is recommending it be noted that this business is required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

Councilor Dominguez asked the difference between the approval of H(2)(a) and (b) and H(3).

Ms. Vigil said H(2)(a) is the waiver that is required because they are within 300 feet of the Academy. So if the waiver is approved, then the motion in H(2)(b) is to approve the actual Small Brewer Off-Site License. She said H(3) is a list of the Special Dispenser permits for events that will take place in July, noting she is unsure when the State will issue the license. So if you approve the license tonight, we have to have a little period for the State to approve the license and for the City to issue it. Once that is done, she actually will withdraw all of the Special Dispenser Permits.

Councilor Dominguez said then in order to get H(3) done, we need to approve H(2)(a) and (b).

Ms. Vigil said no.

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to grant the request for a waiver of the 300 foot location restriction and allow the sale of beer and wine by Duel Brewing at Meow Wolf, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Harris understood that the actions associated with H(2)(a) and (b), essentially would... assuming it goes through and is approved, as well as at the Licensing at Alcohol & Gaming, then we wouldn't be dealing with the actions associated with H(3), once this action is final and the license is granted, asking if that is correct.

Ms. Vigil said that is correct – once the City has approved it and the State has issued the license.

Councilor Harris asked if liquor licenses are renewed annually – are there any circumstances where we would see this license again.

Ms. Vigil said no, they are renewed annually through the City Clerk's Office. She said, "The only way you would see it again is if they did an expansion of the premises or a relocation of the license or something like that, but this is a permanent license."

Councilor Harris said he thought there was a dimensional relationship, and asked if it is contingent upon Duel Brewing remaining at its current location.

Ms. Vigil said, "Yes. This is an Off Site License from the location on Rufina."

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to grant the request for a Small Brewer Off-Site License with on-premise consumption, to be located at Duel Brewing, at Meow Wolf, 1352 Rufina Circle, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

- 3) **REQUEST FROM MEOW WOLF FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOL AT MEOW WOLF, 1352 RUFINA CIRCLE, WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE. THE REQUEST IS FOR THE FOLLOWING EVENTS: JULY 8, 2016 - MESA LABEL DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 9, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 13, 2016 - GOLDEN DAWN ARKESTRA (7:00 P.M. TO 12:00 A.M.); JULY 15, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.); JULY 16 2016 - McQUEEN (7:00 P.M. TO 1:00 A.M.); JULY 22, 2016 - MEOW WOLF RESIDENTS DJ NIGHT (7:00 P.M. TO 1:00 A.M.); JULY 23, 2016 - HAUNTED WINDCHIMES AND DESLONDES (7:00 P.M. TO 1:00 A.M.); JULY 26, 2016 - WHITNEY (7:00 P.M. TO 12:00 A.M.); JULY 28, 2016 - ROBAG WRUHME (7:00 P.M. TO 1:00 A.M.); JULY 29, 2016 - BRIGHT LIGHT SOCIAL HOUR (7:00 P.M. TO 1:00 A.M.); AND JULY 30, 2016 - MEOW WOLF DANCE PARTY (7:00 P.M. TO 1:00 A.M.) (YOLANDA VIGIL)**

A Memorandum dated June 23, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet, noting there is a letter of no opposition in the packet from the Nicole Trujillo, Executive Director of La Petite Academy, and recommending it be noted that this business is required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Dominguez, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at Meow Wolf, 1352 Rufina Circle, for the following dates and events:

- July 8, 2016 - Mesa Label Dance Party (7:00 p.m. to 1:00 a.m.);
- July 9, 2016 - Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.);
- July 13, 2016 - Golden Dawn Arkestra (7:00 p.m. to 12:00 a.m.);
- July 15, 2016 - Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.);
- July 16 2016 - McQueen (7:00 p.m. to 1:00 a.m.);
- July 22, 2016 - Meow Wolf Residents DJ Night (7:00 p.m. to 1:00 a.m.);
- July 23, 2016 - Haunted Windchimes and Deslondes (7:00 p.m. to 1:00 a.m.);
- July 26, 2016 - Whitney (7:00 p.m. to 12:00 a.m.);
- July 28, 2016 - Robag Wruhme (7:00 p.m. to 1:00 a.m.);
- July 29, 2016 - Bright Light Social Hour (7:00 p.m. to 1:00 a.m.); and
- July 30, 2016 - Meow Wolf Dance Party (7:00 p.m. to 1:00 a.m.)

with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2016-27: ADOPTION OF ORDINANCE NO. 2016-27 (COUNCILOR VILLARREAL) AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE FARMERS' MARKET INSTITUTE FOR IMPROVEMENTS TO THE FARMERS' MARKET PAVILION, A LOCAL ECONOMIC DEVELOPMENT PROJECT. (DAVID CHAPMAN).**
- a) **REQUEST FOR APPROVAL OF LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE FARMERS' MARKET INSTITUTE FOR IMPROVEMENTS TO THE FARMERS' MARKET PAVILION, A LOCAL ECONOMIC DEVELOPMENT PROJECT.**

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

Councilor Villarreal said this has been a long time coming, noting the Farmers' Market Institute has been working on this for a while. She said, "I'm just happy that the money will be coming through and we will be the fiscal agent for this project. And if you want to know details, I can tell you all the amazing things that will be coming out of this money."

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to adopt Ordinance No. 2016-27, as presented.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2016-2619: ADOPTION OF ORDINANCE NO. 2016-___ (MAYOR GONZALES, COUNCILOR IVES AND COUNCILOR LINDELL). AN ORDINANCE AMENDING SUBSECTION 18-1.4 TO INCLUDE BUSINESSES SELLING GOODS REPRESENTED AS NATIVE AMERICAN WITHIN THE NATIVE AMERICAN ARTS OR CRAFTS DISTRICT; AND CREATING A NEW SUBSECTION 18-5.29 TO ESTABLISH THE NATIVE AMERICAN ARTS OR CRAFTS DISTRICT, AND ESTABLISHING REGULATIONS FOR SALE OF NATIVE AMERICAN ARTS OR CRAFTS WITHIN THE DISTRICT. (DEBRA GARCIA). (Postponed at June 23, 2016 meeting of the Governing Body). (Postponed to September 28, 2016)**

This item is postponed to September 28, 2016.

The Governing Body then returned to matters from the Afternoon Agenda

17. 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 June 29, 2016, is incorporated herewith to these minutes as Exhibit "1."

Councilor Maestas

Councilor Maestas introduced the following: A Resolution requesting that the Santa Fe Police Department implement a policy of destruction of all firearms in possession of the Police Department that are no longer necessary for use in obtaining a conviction, or are not needed for any other public purpose. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo

Councilor Trujillo expressed condolences to the family of Rebecca Alvarez, daughters Monica, Denise and Elaine, on the passing of their mother Rebecca.

Councilor Trujillo said they are doing new plantings St. Francis Drive and Cerrillos, which look very nice. However, there are weeds all along the entire stretch of Cerrillos Road, as well as in the parks. He said we have an Ordinance allowing for the use of certain herbicides which are legal, and if the Governing Body wants to change that, that is fine. However, until that time, we can use these herbicides. He said there are constituents complaining that "I have weeds bigger than my 6-year old on the side of the road." He understands we don't have the workers we did, and our existing workers are stretched, but he wants to see progress made on the weed problem. He said his District, District #3, has no Sidewalk Angels and neither do Districts #1 and #2.

Councilor Trujillo requested that the City Manager get the contractor working on Cerrillos Road to sweep the debris on Cerrillos where the construction is being done.

Councilor Harris

Councilor Harris said on a personal note, during the past month we had National Gun Violence Awareness Day, and a candlelight vigil for the Orlando incident. He said yesterday, the building where his 25-year old daughter works, was on lockdown in downtown Denver for most of the afternoon. There was a man outside with a gun who eventually was shot and killed by the police. He said this event was close to home, and he is very serious about having a discussion and action regarding gun violence. He supports Councilor Maestas' Resolution. He said he is new to the Council and new to the process, and doesn't know what a local public body such as the City of Santa Fe can accomplish, but he intends to work on this over the course of however long he serves on the Governing Body, and after.

Councilor Lindell

Councilor Lindell said she would be happy to join Councilor Harris on any of those efforts.

Councilor Lindell said she would bring to everyone's attention that last week we faced what could have been a catastrophic event in the City which was the fire in our watershed. She said, "I think how that was handled, and the end result with that, are all we could have wished for. It was absolutely handled so well, the communication was handled so well." She said we stub our toes on small things that happen sometimes and get focused on the minutiae compared to what a raging fire would have meant in the watershed. She said a lot of people need a pat on the back, she is proud of them, but more than that she is very very thankful.

Mr. Snyder said at the July 13th Council meeting, he has scheduled a joint presentation/briefing from the U.S. Forest Service and City staff to give a run-down on events. How the swift action of the Forest Service largely, and the support of our Atalaya Hand Crew kept the fire to 7½ acres. He said the rain helped tremendously, but a tremendous amount of effort and resources were put into that area. He had a debriefing with the U.S. Forest Service Representative Sandy Hurlocker earlier this week who will be speaking at the Council meeting. He said the message was because of our partnership with the Forest Service, and all the pro-active work we've done in the watershed and everything we do as a community, the Forest Service was able to access the fire, get it under control easily. He said we had the relationship and resources available from the Atalaya Hand Crew to help however necessary. It truly was a joint effort, and Mr. Hurlocker will speak more of the details at the Council meeting.

Councilor Lindell said, "See you all on the Plaza on July 4th for the Pancake Breakfast."

Mayor Gonzales

Mayor Gonzales said he won't be attending the Council meeting on July 13th, to hear from Mr. Hurlocker. He said the relationship and knowledge of the lack of forest health brought swift and vast resources together, which were unprecedented in terms of helicopters and hotshot crews fighting a 5 acre fire. He said because of the mobilization and good luck with the rain, they were able to buy time to protect

our watershed. He said if the fire had started 1-2 weeks ago when the winds were high, and it was hot and with no rain, it could have been a very very different result. He said the monies that would have come to us are being used to fight other fires in the west and none of it is making its way into prevention. He said he would like to see a community discussion, led by Public Safety Chair Rivera, of what we need in terms of resources to make a larger impact on the protecting the watershed.

Mayor Gonzales said, with regard to the issue of gun violence, we have to figure out what action we can take, because we are so limited by what is happening at the federal level. He said other cities are embarking on unconventional programs. He said, for example, the City of Anaheim, California, is promoting its new branding of being a "City of Kindness" and working to promote values that diffuse hate. He said we need to look at a lot of things to see how we can protect our community from gun violence, including gun locks, education and prevention programs.

Mayor Gonzales introduced the following:

1. A Resolution designating an Environmental Officer to conduct environmental reviews and public notification of Community Development Block Grant (CDBG) projects funded by the U.S. Department of Housing and Urban Development [HUD]. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
2. A Resolution urging the United States Senate to fulfill its constitutional duty to provide advice and consent on the nomination of Judge Merrick Garland to the Supreme Court of the United States. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Dominguez

Councilor Dominguez said there will be a Public Hearing on the Governing Body Procedural Rules at the Finance Committee meeting on July 18, 2016, and that item will return to the City Council for consideration at its meeting on July 27, 2016.

Councilor Dominguez asked Mr. Snyder to ask Matt Ross prepare a press release to this effect to notify the public, and post that on the website and asked that he friend him on Face Book so he can post it there as well, commenting perhaps the Mayor can share it on Twitter.

Councilor Dominguez said, with regard to the weeds on Paseo del Sol West, he wants to create a conversation with the City Manager via email on how to deal with that.

Councilor Dominguez said "Ditto on the Fire up at the watershed. Thank you for mentioning that." He recognized previous Governing Bodies for the work they did to make sure that, especially, the lower portion of the watershed is protected. He said the fire could have been a lot worse. He said there is still a lot of work that needs to be done.

Councilor Dominguez told Mr. Snyder, with regard to the Villa Consuelo Senior Center, it would behoove the City to make sure City staff and contractors are all on the same schedule and on same page as to how those projects need to get done.

Councilor Dominguez said he has seen no advertisement of the Triathlon. He said, generally speaking, we need to do a little more to advertise some of the recreational activities in the City.

Councilor Dominguez wished Councilor Renee Villarreal a Happy Birthday on July 4th. He said she is still the youngest Councilor.

Councilor Villarreal

Councilor Villarreal thanked Councilor Harris for sharing the personal story, because most of us see gun violence at a distance, but when it hits home it becomes real. She shares his concern and will be meeting the Mayor and some of the advocates about what we can do. However, she said we need to push our State Representatives to look at this in the coming session to set the parameters and be a role model for the local level.

Councilor Villarreal asked to cosponsor Councilor Maestas's Resolution.

Councilor Villarreal said the rooftop party tomorrow night has changed location because of the rain and will be moving to the Santa Fe Brewing Company.

Councilor Rivera

Councilor Rivera thanked everyone for covering for him for the past 3 weeks while he was in Boston. He said it was a great experience, and he would recommend it to everybody who can swing it and take 3 weeks off work. He said the tuition is expensive, and being away from home is hard, but it is a great experience. He recommended people do it if there is the opportunity, and offered to help other Councilors with the paperwork, noting the Mayor is attending in July.

Councilor Rivera wished his daughter Emily a Happy Birthday who will be 17 on July 5th.

13. MATTERS FROM THE CITY ATTORNEY.

EXECUTIVE SESSION

MOTION: Councilor Rivera moved seconded by Councilor Maestas, that the Governing Body go back into Executive Session to address the discussion regarding limited personnel matters as recommended by the City Attorney.

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

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

Against: None.

The Governing Body went into Executive Session at 8:05 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 9:45 p.m., Councilor Rivera moved, seconded by Councilor Maestas, that the City Council come out of Executive Session and stating for the record that the discussion in Executive Session was limited to the matters noted on the Agenda.

VOTE: The motion was approved on the following roll call vote:

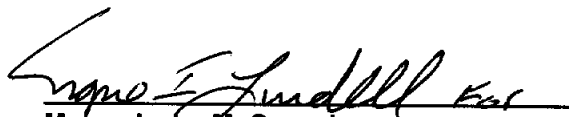
For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.


I. ADJOURN

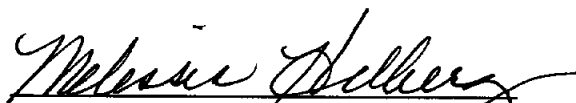
The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:45 p.m.

Approved by:


Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk
Respectfully submitted:


Melessia Helberg, Council Stenographer



CITY COUNCIL MEETING OF
June 29, 2016
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	A RESOLUTION DESIGNATING AN ENVIRONMENTAL OFFICER TO CONDUCT ENVIRONMENTAL REVIEWS AND PUBLIC NOTIFICATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).	Public Works Committee - 7/11/16 Finance Committee - 7/18/16 City Council - 7/27/16
	A RESOLUTION URGING THE UNITED STATES SENATE TO FULFILL ITS CONSTITUTIONAL DUTY TO PROVIDE ADVICE AND CONSENT ON THE NOMINATION OF JUDGE MERRICK GARLAND TO THE SUPREME COURT OF THE UNITED STATES.	City Council 7/13/16
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule

EXHIBIT "111"

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION REQUESTING THAT THE SANTA FE POLICE DEPARTMENT IMPLEMENT A POLICY OF DESTRUCTION OF ALL FIREARMS IN POSSESSION OF THE POLICE DEPARTMENT THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A CONVICTION, OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.	Public Safety Committee - 7/19/16 Finance Committee - 8/1/16 City Council - 8/10/16
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule

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

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-__

3 INTRODUCED BY:

4
5 Councilor Joseph M. Maestas
6
7
8
9

10 A RESOLUTION

11 REQUESTING THAT THE SANTA FE POLICE DEPARTMENT IMPLEMENT A
12 POLICY OF DESTRUCTION OF ALL FIREARMS IN POSSESSION OF THE POLICE
13 DEPARTMENT THAT ARE NO LONGER NECESSARY FOR USE IN OBTAINING A
14 CONVICTION, OR ARE NOT NEEDED FOR ANY OTHER PUBLIC PURPOSE.
15

16 WHEREAS, the City of Santa Fe collected 174 firearms in 2015; and

17 WHEREAS, current Santa Fe Police Department policy allows for the "destruction or
18 disposal of...firearms in accordance with applicable laws"; and

19 WHEREAS, Chapter 29-1-14(H) NMSA 1978 states that "[o]nce it is determined by the
20 law enforcement agency that any property enumerated in this subsection is no longer necessary
21 for use in obtaining a conviction or is not needed for any other public purpose, the law
22 enforcement agency may apply to the district court...for an order authorizing destruction or other
23 disposition of the property..."; and

24 WHEREAS, it is the current policy of the Santa Fe Police Department to destroy all
25 unclaimed and seized weapons in the possession of the Police Department; and

Exhibit "2"

1 **WHEREAS**, the Santa Fe Police Department sponsored a gun buyback program in 2013
2 that brought in over 400 firearms, all of which were subsequently destroyed, taking many
3 weapons off of our streets; and

4 **WHEREAS**, it is the desire of the Governing Body to ensure that the Santa Fe Police
5 Department destroys all firearms in its possession, when legally permissible, to ensure they do not
6 return to our streets.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the Santa Fe Police Department is requested to implement a policy
9 that all firearms in the possession of the Santa Fe Police Department which are no longer
10 necessary for use in obtaining a conviction, or are not needed for any other public purpose, shall
11 be destroyed as permitted by state law.

12 **BE IT FURTHER RESOLVED** that this request shall in no way conflict or contradict
13 the provisions of the Second Amendment to the United States Constitution regarding the right to
14 bear arms, or any other national, state or local law regulating that right.

15 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2016.

16
17 _____
18 **JAVIER M. GONZALES, MAYOR**

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20 **ATTEST:**

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22 _____
23 **YOLANDA Y. VIGIL, CITY CLERK**
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APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2016-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Renee D. Villarreal

7
8
9
10 **A RESOLUTION**

11 **DESIGNATING AN ENVIRONMENTAL OFFICER TO CONDUCT**
12 **ENVIRONMENTAL REVIEWS AND PUBLIC NOTIFICATION OF COMMUNITY**
13 **DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS FUNDED BY THE U.S.**
14 **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).**

15
16 **WHEREAS**, the City, as a "Responsible Entity" and Grantee Entitlement Community,
17 receives annual CDBG funds from HUD for the purpose of carrying out housing and community
18 development activities benefitting low to moderate-income households; and

19 **WHEREAS**, the City has an annual obligation to conduct environmental reviews to
20 ensure that those activities carried out with CDBG funding are compliant with the National
21 Environmental Policy Act (NEPA); and

22 **WHEREAS**, the Mayor of the City of Santa Fe acts as the Certifying Officer, and signs
23 Environmental Review Records and Requests for Release of Funds on an annual basis; and

24 **WHEREAS**, the Mayor, as Certifying Officer, must designate by resolution an
25 Environmental Officer who conducts the review of CDBG funded activities for environmental

1 compliance, prepares Environmental Review Records for signature, furnishes the required public
2 notice for various activities, and ensures that all activities funded by CDBG are in compliance
3 with 24 CFR Part 58 of the Code of Federal Regulations.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that the Mayor of the City of Santa Fe, in their capacity as the Certifying
6 Official, designates the City of Santa Fe CDBG Administrator as Environmental Officer as
7 required by 24 CFR Part 58 of the Code of Federal Regulations.

8
9 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

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11 _____
12 JAVIER M. GONZALES, MAYOR

13 ATTEST:

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15 _____
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

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19 _____
20 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2016/Designating Environmental Officer*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016-__

3 INTRODUCED BY;

4
5 Mayor Javier M. Gonzales
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10 A RESOLUTION

11 URGING THE UNITED STATES SENATE TO FULFILL ITS CONSTITUTIONAL DUTY
12 TO PROVIDE ADVICE AND CONSENT ON THE NOMINATION OF JUDGE MERRICK
13 GARLAND TO THE SUPREME COURT OF THE UNITED STATES.
14

15 WHEREAS, the Constitution of the United States provides that the Senate shall provide
16 advice and consent for appointments to the Supreme Court of the United States; and

17 WHEREAS, the Senate's constitutional duty to advise and consent on judicial nominees is
18 one of its most important and solemn responsibilities; and

19 WHEREAS, the Senate has confirmed more than a dozen Supreme Court justices in
20 presidential election years, including five in the last 100 years; and

21 WHEREAS, the Senate has confirmed justices in presidential election years in which the
22 executive and legislative branches of government were divided between two political parties,
23 including Justice Anthony Kennedy's confirmation in 1988; and

24 WHEREAS, the Senate Judiciary Committee has never denied a Supreme Court nominee a
25 hearing since it began holding public confirmation hearings; and

1 **WHEREAS**, if the Senate refuses to consider a Supreme Court nominee until after the next
2 President is sworn into office, it will result in the longest Supreme Court vacancy caused by Senate
3 inaction since the Civil War; and

4 **WHEREAS**, the Supreme Court serves an essential function resolving critical questions of
5 law that affect our community, its economy, and its citizens; and

6 **WHEREAS**, the President has nominated Merrick Garland, Chief Judge of the U.S. Court of
7 Appeals for the District of Columbia Circuit, who "has earned a track record of building consensus as
8 a thoughtful, fair-minded judge who follows the law;" and

9 **WHEREAS**, Judge Garland is well qualified and has more judicial experience than any
10 Supreme Court nominee in history; and

11 **WHEREAS**, forcing the Supreme Court to function with only eight justices risks creating
12 numerous instances in which the Court is evenly divided on the outcome of a case, preventing the
13 Court from resolving conflicting interpretations of the Constitution among different regions of the
14 Nation, thereby undermining the Supreme Court's role as the final arbiter of the law; and

15 **WHEREAS**, every Supreme Court nominee who was not withdrawn by the President has
16 received an up-or-down vote within 125 days of President's nomination announcement; and

17 **WHEREAS**, the Supreme Court vacancy caused by the death of Justice Antonin Scalia
18 occurred on February 13, 2016, 269 days before the 2016 presidential election, and since 1975, the
19 average number of days from nomination to confirmation vote for a Supreme Court nominee has been
20 70 days.

21 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** urges the United States Senate to fulfill its constitutional duty to provide
23 advice and consent on the nomination of Judge Merrick Garland to the Supreme Court of the United
24 States.

25 **BE IT FURTHER RESOLVED** that the Governing Body urges the Senate to:

- 1 (1) Promptly schedule a hearing in the Senate Judiciary Committee for Judge Merrick
2 Garland, so that his nomination can be considered on his own merits in an open and
3 transparant manner; and
4 (2) Hold a confirmation vote on the Senate floor, with opportunity for debate on Judge
5 Merrick Garland's nomination; and
6 (3) Work on behalf of the people of the United States to ensure that the vacancy on the
7 Supreme Court is filled without undue and unnecessary delay so that the Supreme Court
8 can effectively serve its essential constitutional function as the final arbiter of the law.

9 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
10 resolution to the members of the United States Senate Judiciary Committee, Senate Majority Leader,
11 Senate Minority Leader and the New Mexico Senate delegation.

12 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

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14 _____
15 JAVIER M. GONZALES, MAYOR

16 ATTEST:

17
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21
22 _____
23 KELLEY A. BRENNAN, CITY ATTORNEY

24
25 *M/Legislation/Resolutions 2016/Nomination of Judge Garland to USSC*