



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 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: Reg. City Council Meeting – July 27, 2016
9. PRESENTATIONS
 - a) New Mexico State Police Investigations Bureau/Special Investigations Unit. (Sergeant Angel Torres/Agent Saul Canizales)
10. CONSENT CALENDAR
 - a) Request for Approval of Bid No. 16/40/B and Agreement Between Owner and Contractor in the Amount of \$277,566.48 – Santa Fe River Channel Improvements (Phase 3a) Boulder Grade Control Reconstruction; RainCatcher, Inc. (Melissa McDonald)
 - b) Request for Approval of Agreement in the Amount of \$153,934 – FY 2016/17 Nutrition Service Incentive Program for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
 - 1) Request for Approval of Budget Adjustment in the Amount of \$2,252.
 - c) Request for Approval of Two (2) Grant Agreements, Awards and Budget Increases in the Total Amount of \$397,500 – Mary Esther Gonzales Senior Center and Luisa Senior Center; State of New Mexico Aging and Long Term Services Department. (Ron Vialpando)
 - 1) Request for Approval of Budget Adjustment in the Amount of \$200,000.
 - 2) Request for Approval of Budget Adjustment in the Amount of \$197,500.

CITY CLERK'S OFFICE

DATE 8/5/16 TIME 3:25 PM

SERVED BY Melissa McDonald

RECEIVED BY [Signature]



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 2016
CITY COUNCIL CHAMBERS

- d) Request for Approval of a Lease Agreement for Parking and Landscaping on a Portion of the Harkle Road Right-of-Way Containing Approximately 10,938 Square Feet Adjoining the Southerly Boundary of 683 Harkle Road by Jensen Family Investments, LLC. (Matthew O'Reilly)
- e) Request for Approval of a New Lease Agreement for Outdoor Seating and Wood Fence Enclosure on a Portion of the Washington Avenue Right-of-Way Containing Approximately 271 Square Feet Adjoining the Western Boundary of 113 Washington Avenue by Anasazi Hotel, LLC. (Matthew O'Reilly)
- f) Request for Approval of Grant Agreement in the Amount of \$34,000 – Shelter Plus Care Program for Office of Affordable Housing for FY 2016/2017; St. Elizabeth Shelter. (Alexandra Ladd)
- g) Request for Approval of Grant Award and Arts Services Contract in the Amount of \$7,216.00– Arts Services in the Community Gallery at Santa Fe Community Convention Center; New Mexico Department of Cultural Affairs, New Mexico Arts Division. (Robert Lambert)
 - 1) Request for Approval of Budget Increase in the Amount of \$893.00.
- h) Request for Approval of Professional Services Agreements in the Amount of \$115,105 – Provide Services Under Lodgers' Tax for the Arts Ordinance in FY 2016/17 (RFP #16/44/P); Nine (9) Vendors. (Debra Garcia y Griego)
- i) Request for Approval of Memorandum of Agreement in the Amount of \$150,000 – Management and Oversight of the Santa Fe Film Office; Santa Fe County. (Randy Randall)
- j) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Maestas and Councilor Villarreal)
A Resolution Requesting 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. (Chief Gallagher)
- k) CONSIDERATION OF RESOLUTION NO. 2016-___: (Mayor Gonzales)
A Resolution in Support of Federal Executive Action and Federal Legislation to Keep Unleased Federal Fossil Fuels in the Ground. (John Alejandro)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 2016
CITY COUNCIL CHAMBERS

- l) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Dominguez, Mayor Gonzales, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal)
A Resolution Supporting the Fifth Annual 2016 Neighbor to Neighbor Food Drive. (Noah Berke)
- m) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Maestas)
A Resolution Declaring the Eligibility and Intent of the City of Santa Fe to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Year 2018 Section 5310 Program Funds for Enhanced Mobility of Seniors and Individuals With Disabilities Program. (Keith Wilson)

Fiscal Impact – Yes - Expenditures = \$360,000 (capital outlay); Revenue = \$360,000 (\$288,000 DOT Grant and \$72,000 ¼ Cent GRT)
- n) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Dominguez)
A Resolution Authorizing and Approving Submission of an Application for Project Approval to the New Mexico State Board of Finance for Allocation of Qualified Energy Conservation Bonds to be Used in the Expansion of an Energy Efficiency Loan Program Administered by Homewise. (John Alejandro)
- o) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$50,000 – Economic Development Portfolio Project in Business/Entrepreneurial Development for FY 2016/17; SCORE Business Education Program. (Fabian Trujillo)
- p) Request for Approval of 2018-2022 Infrastructure Capital Improvements Plan (ICIP). (Isaac Pino)
- 1) CONSIDERATION OF RESOLUTION NO. 2016-___: (Councilor Ives)
A Resolution Adopting the 2018-2022 Infrastructure Capital Improvements Plan (ICIP).
- q) Update on Cerrillos Road Construction Project. (David Quintana)
(Informational Only)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 2016
CITY COUNCIL CHAMBERS

11. CONSIDERATION OF RESOLUTION NO. 2016-____. (Councilor Rivera, Councilor Ives and Councilor Trujillo)
A Resolution Proclaiming Severe or Extreme Drought Conditions May Exist in the City of Santa Fe; Imposing Fire Restrictions; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Reynaldo Gonzales)
 12. Request to Publish Notice of Public Hearing on September 14, 2016:
BILL NO. 2016-35. An Ordinance Amending Subsection 9-3.4 SFCC 1987 to Modify Annual Deposits Into the Public Campaign Finance Fund. (Councilor Dominguez) (Yolanda Y. Vigil and Adam Johnson)
 13. CONSIDERATION OF RESOLUTION NO. 2016-____: (Councilor Dominguez)
A Resolution Amending the *Governing Body Procedural Rules* to Ensure a More Fair, Judicious and Efficient Public Process. (Kelley Brennan and Jesse Guillen)
(Postponed at the July 27, 2016 Meeting of the Governing Body)
 14. CONSIDERATION OF RESOLUTION NO. 2016-____. (Mayor Gonzales and Councilor Rivera)
A Resolution Directing Staff to Work with the Santa Fe County DWI Program to Develop and Sponsor a Parking Voucher Program to Allow Overnight Parking. (Noel Correia) (Postponed at the July 27, 2016 Meeting of the Governing Body)
(Postponed to the August 31, 2016 Meeting of the Governing Body)
- Fiscal Impact – Potential Annual Loss of Parking Meter Revenue is Approximately \$11,020.00 for Option A and \$17,558.00 for Option B. Option A Proposes Overnight Parking at Downtown Meters only on Friday and Saturday Nights. However, Option B Proposes Overnight Parking at Downtown Meters Seven (7) Days per Week.
15. MATTERS FROM THE CITY MANAGER
 16. MATTERS FROM THE CITY ATTORNEY

Executive Session:

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe is a Participant, Including, without Limitation, Discussion Relating to Century Bank and The Artyard Master Condominium Association, Inc. v. City of Santa Fe, Aberg Property Company, and Santa Fe Community Railyard Corporation; 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 Buckman Road Recycling and Transfer Station (BuRRT) Lease; and to Lease for Property Located at 1730 Llano Street. (Kelley Brennan and Matthew O'Reilly)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 2016
CITY COUNCIL CHAMBERS

17. Possible Action with Respect to Century Bank and The Artyard Master Condominium Association, Inc. v. City of Santa Fe, Aberg Property Company, and Santa Fe Community Railyard Corporation. (Kelley Brennan)
18. Possible Action with Respect to the Buckman Road Recycling and Transfer Station (BuRRT) Lease. (Kelley Brennan)
19. MATTERS FROM THE CITY CLERK
20. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - City Business and Quality of Life Committee
- H. PUBLIC HEARINGS:
 - 1) Request from Falcon Ventures, Inc. for the Following (Yolanda Y. Vigil):
 - a) Winegrower License with On-Premise Consumption and Package Sales to be Located at Falcon Meadery, 1572 Center Drive, Unit E.
 - b) Wine Wholesaler License to be Located at Falcon Meadery, 1572 Center Drive, Unit E.
 - c) Winegrower Off-Site License with On-Premise Consumption and Package Sales to be Located at The Hive Market, 101 W. Marcy Street, Suite 5.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 10, 2016
CITY COUNCIL CHAMBERS

- 2) Request from Ujas Havasu, LLC for a Transfer of Ownership of Liquor License #2588 from Karson Beverage Service, LLC to Ujas Havasu, LLC. This License Will Remain at the Doubletree by Hilton-Santa Fe, 4048 Cerrillos Road, Santa Fe. (Yolanda Y. Vigil)
- 3) Request from Ellsworth Gallery 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 "Creative Nation" Exhibition Which Will be Held on August 19, 2016, with Alcohol Service from 5:00 p.m. to 7:30 p.m. (Yolanda Y. Vigil)
- 4) CONSIDERATION OF BILL NO. 2016-34: ADOPTION OF ORDINANCE NO. 2016-____. (Councilor Maestas)
An Ordinance Creating the Health and Human Services Fund to Provide Dedicated Funding of Two Percent (2%) of the City's Share of State Gross Receipts Tax for Support Services for the Residents of the City of Santa Fe. (Chris Sanchez)
 - a) CONSIDERATION OF RESOLUTION NO. 2016-____: (Councilor Maestas)
A Resolution Repealing Resolution No. 1992-88 Relating to Designation of State Shared Gross Receipts Tax Revenues to Provide Needed Health and Human Services for the Citizens of Santa Fe for the Purpose of Creating a Health and Human Services Fund Ordinance. (Chris Sanchez)

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, August 10, 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 [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR MEETING – JULY 27, 2016	Approved	4
<u>PRESENTATIONS</u>		
NEW MEXICO STATE POLICE INVESTIGATIONS BUREAU/SPECIAL INVESTIGATIONS UNIT	Information/discussion	4-7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT IN THE AMOUNT OF \$150,000 – MANAGEMENT AND OVERSIGHT OF THE SANTA FE FILM OFFICE; SANTA FE COUNTY	Approved w/direction to staff	7-10
CONSIDERATION OF RESOLUTION NO. 2016-59. A RESOLUTION REQUESTING 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	Approved	10-13
CONSIDERATION OF RESOLUTION NO. 2016-60. A RESOLUTION IN SUPPORT OF FEDERAL EXECUTIVE ACTION AND FEDERAL LEGISLATION TO KEEP UNLEASED FEDERAL FOSSIL FUELS IN THE GROUND	Approved	13-14

CONSIDERATION OF RESOLUTION NO. 2016-61. A
RESOLUTION SUPPORTING THE FIFTH ANNUAL
2016 NEIGHBOR TO NEIGHBOR FOOD DRIVE

Approved a/amended

14-15

CONSIDERATION OF RESOLUTION NO. 2016-62. A
RESOLUTION AUTHORIZING AND APPROVING
SUBMISSION OF AN APPLICATION FOR PROJECT
APPROVAL TO THE NEW MEXICO STATE BOARD
OF FINANCE FOR ALLOCATION OF QUALIFIED
ENERGY CONSERVATION BONDS TO BE USED IN
THE EXPANSION OF AN ENERGY EFFICIENCY LOAN
PROGRAM ADMINISTERED BY HOMEWISE

Approved [amended] w/direction

15-24

REQUEST FOR APPROVAL OF 2018-2011
INFRASTRUCTURE CAPITAL IMPROVEMENTS
PLAN (ICIP)

CONSIDERATION OF RESOLUTION NO. 2016-63. A
RESOLUTION ADOPTING THE 2018-2011
INFRASTRUCTURE CAPITAL IMPROVEMENTS
PLAN (ICIP)

Approved a/amended

24-27

END OF CONSENT CALENDAR DISCUSSION

CONSIDERATION OF RESOLUTION NO. 2016- ____ . A
RESOLUTION PROCLAIMING SEVERE OR EXTREME
DROUGHT CONDITIONS MAY EXIST IN THE CITY OF
SANTA FE; IMPOSING FIRE RESTRICTIONS;
RESTRICTING THE SALE OR USE OF FIREWORKS
WITHIN THE CITY OF SANTA FE AND PROHIBITING
OTHER FIRE HAZARD ACTIVITIES

Postponed to 08/31/16

28

REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING
ON SEPTEMBER 14, 2016: BILL NO. 2016-35. AN
ORDINANCE AMENDING SUBSECTION 9-3.4 SFCC 1987,
TO MODIFY ANNUAL DEPOSITS INTO THE PUBLIC
CAMPAIGN FINANCE FUND

Approved

28-31

CONSIDERATION OF RESOLUTION NO. 2016-64. A
RESOLUTION AMENDING THE *GOVERNING BODY*
PROCEDURAL RULES TO ENSURE A MORE FAIR,
JUDICIOUS AND EFFICIENT PUBLIC PROCESS

Approved [amended]

31-34

CONSIDERATION OF RESOLUTION NO. 2016- ____ . A
RESOLUTION DIRECTING STAFF TO WORK WITH THE
SANTA FE COUNTY DWI PROGRAM TO DEVELOP AND
SPONSOR A PARKING VOUCHER PROGRAM TO ALLOW
OVERNIGHT PARKING

Postponed to 08/31/16

34

EVENING SESSION

CALL TO ORDER AND ROLL CALL	Quorum	36
PETITIONS FROM THE FLOOR		36-38

APPOINTMENTS

City Business and Quality of Life Committee	Approved	38
--	-----------------	-----------

PUBLIC HEARINGS

REQUEST FROM MOUNTAIN TRAILS GALLERY FOR THE FOLLOWING:

WINEGROWERS LICENSE WITH ON-PREMISE CONSUMPTION AND PACKAGE SALES TO BE LOCATED AT FALCON MEADERY, 1572 CENTER DRIVE, UNIT E	Approved	39-40
WINE WHOLESALE LICENSE TO BE LOCATED AT FALCON MEADERY, 1572 CENTER DRIVE, UNIT E	Approved	39-40
WINEGROWER OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION AND PACKAGE SALES TO BE LOCATED AT THE HIVE MARKET, 101 WEST MARCY STREET, SUITE 5	Approved	39-40
REQUEST FROM UJAS HAVASU, LLC, FOR A TRANSFER OF OWNERSHIP OF LIQUOR LICENSE #2588 FROM KARSON BEVERAGE SERVICE, LLC TO UJAS HAVASU, LLC. THIS LICENSE WILL REMAIN AT THE DOUBLETREE BY HILTON – SANTA FE, 4048 CERRILLOS ROAD, SANTA FE	Approved	40-41
REQUEST FROM ELLSWORTH GALLERY 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 “CREATIVE NATION” EXHIBITION WHICH WILL BE HELD ON AUGUST 19, 2016, WITH ALCOHOL SERVICE FROM 5:00 P.M. TO 7:30 P.M.	Approved	41

**CONSIDERATION OF BILL NO. 2016-34: ADOPTION
OF ORDINANCE NO. 2016-35. AN ORDINANCE
CREATING THE HEALTH AND HUMAN SERVICES
FUND TO PROVIDE DEDICATED FUNDING OF TWO
PERCENT (2%) OF THE CITY'S SHARE OF STATE
GROSS RECEIPTS TAX FOR SUPPORT SERVICES
FOR THE RESIDENTS OF THE CITY OF SANTA FE**

Approved [amended]

42-45

**CONSIDERATION OF RESOLUTION
NO. 2016-65. A RESOLUTION REPEALING
RESOLUTION NO. 1992-88 RELATING TO
DESIGNATION OF STATE SHARED GROSS
RECEIPTS TAX REVENUES TO PROVIDE
NEEDED HEALTH AND HUMAN SERVICES
FOR THE CITIZENS OF SANTA FE FOR THE
PURPOSE OF CREATING A HEALTH AND
HUMAN SERVICES FUND ORDINANCE**

Approved

42-45

The Governing Body then returned to matters from the Afternoon Agenda

MATTERS FROM THE CITY CLERK

None

45

COMMUNICATIONS FROM THE GOVERNING BODY

Information/discussion

45-49

MATTERS FROM THE CITY MANAGER

None

49

MATTERS FROM THE CITY ATTORNEY

MOTION TO GO INTO EXECUTIVE SESSION

Approved

49

MOTION TO COME OUT OF EXECUTIVE SESSION

Approved

50

**POSSIBLE ACTION WITH RESPECT TO
CENTURY BANK AND THE ARTYARD MASTER
CONDOMINIUM ASSOCIATION, INC. V. CITY OF
SANTA FE, ABERG PROPERTY COMPANY, AND
SANTA FE COMMUNITY RAILYARD CORPORATION**

No action

50

**POSSIBLE ACTION WITH RESPECT TO THE
BUCKMAN ROAD RECYCLING AND TRANSFER
STATION (BuRRT) LEASE**

No action

50

ADJOURN

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 10, 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, August 10, 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 Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee D. Villarreal

Others Attending

Fire Chief Erik Litzenberg, Acting City Manager
Kelley Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Mayor Gonzales thanked Mayor Pro-Tem Lindell for an extraordinary job over the last month helping to lead the City and serving in a variety of roles during his absence. He thanked the members of the City Council for allowing him to continue his education and spend some much needed time with his family. He thanked the staff for their excellent work during his absence.

Chief Litzenberg asked to postpone Item #11 to the next meeting of the Governing Body.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the agenda, as amended .

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Ives asked to be added as a cosponsor of Items 10(j), 10(k), 10(m) and 10(n).

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

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

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

Against: None.

10. **CONSENT CALENDAR**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 8, 2016, 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, August 8, 2016, Item #10(m), is incorporated herewith to these minutes as Exhibit "2."

- a) **REQUEST FOR APPROVAL OF BID NO. 16/40/B AND AGREEMENT BETWEEN OWNER AND CONTRACTOR IN THE AMOUNT OF \$277,566.48 – SANTA FE RIVER CHANNEL IMPROVEMENTS (PHASE 3a) BOULDER GRADE CONTROL RECONSTRUCTION; RAINCATCHER, INC. (MELISSA McDONALD**
- b) **REQUEST FOR APPROVAL OF AGREEMENT IN THE AMOUNT OF \$153,934 – FY 2016/17 NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,252.**

- c) **REQUEST FOR APPROVAL OF TWO (2) GRANT AGREEMENTS, AWARDS AND BUDGET INCREASES IN THE TOTAL AMOUNT OF \$397,500 – MARY ESTHER GONZALES SENIOR CENTER AND LUISA SENIOR CENTER; STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$200,000.**
 - 2) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$197,500.**
- d) **REQUEST FOR APPROVAL OF A LEASE AGREEMENT FOR PARKING AND LANDSCAPING ON A PORTION OF THE HARKLE ROAD RIGHT-OF-WAY CONTAINING APPROXIMATELY 10,938 SQUARE FEET ADJOINING THE SOUTHERLY BOUNDARY OF 683 HARKLE ROAD BY JENSEN FAMILY INVESTMENTS, LLC. (MATTHEW O'REILLY)**
- e) **REQUEST FOR APPROVAL OF A NEW LEASE AGREEMENT FOR OUTDOOR SEATING AND WOOD FENCE ENCLOSURE ON A PORTION OF THE WASHINGTON AVENUE RIGHT-OF-WAY CONTAINING APPROXIMATELY 271 SQUARE FEET ADJOINING THE WESTERN BOUNDARY OF 113 WASHINGTON AVENUE BY ANASAZI HOTEL, LLC. (MATTHEW O'REILLY)**
- f) **REQUEST FOR APPROVAL OF GRANT AGREEMENT IN THE AMOUNT OF \$34,000 – SHELTER PLUS CARE PROGRAM FOR OFFICE OF AFFORDABLE HOUSING FOR FY 2016/2017; ST. ELIZABETH SHELTER. (ALEXANDRA LADD)**
- g) **REQUEST FOR APPROVAL OF GRANT AWARD AND ARTS SERVICES CONTRACT IN THE AMOUNT OF \$7,326 – ARTS SERVICES IN THE COMMUNITY GALLERY AT SANTA FE COMMUNITY CONVENTION CENTER; NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, NEW MEXICO ARTS DIVISION. (ROBERT LAMBERT)**
- h) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$115,105 – PROVIDE SERVICES UNDER LODGERS' TAX FOR THE ARTS ORDINANCE IN FY 2016/17 (RFP #16/44/P); NINE (9) VENDORS. (DEBRA GARCIA Y GRIEGO)**
- i) ***[Removed for discussion by Councilor Ives]***
- j) ***[Removed for discussion by Councilor Harris]***
- k) ***[Removed for discussion by Councilor Harris]***
- l) ***[Removed for discussion by Councilor Villarreal]***

- m) **CONSIDERATION OF RESOLUTION NO. 2016-58 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2018 SECTION 5210 PROGRAM FUNDS FOR ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM. (KEITH WILSON) Fiscal Impact - Yes. Expenditures - \$360,000 (capital outlay); Revenue - \$360,000 (\$288,000 DO Grant and \$72,000 1/4 cent GRT)**
- n) ***[Removed for discussion by Councilor Villarreal]***
- o) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000 – ECONOMIC DEVELOPMENT PORTFOLIO PROJECT IN BUSINESS/ENTREPRENEURIAL DEVELOPMENT FOR FY 2016/17; SCORE BUSINESS EDUCATION PROGRAM. (FABIAN TRUJILLO)**
- p) ***[Removed for discussion by Councilor Ives]***
- q) **UPDATE ON CERRILLOS ROAD CONSTRUCTION PROJECT. (DAVID QUINTANA) (Informational Only)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR MEETING – JULY 27, 2016

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the minutes of the Regular Meeting of July 27, 2016, as presented.

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

9. PRESENTATIONS

- a) **NEW MEXICO STATE POLICE INVESTIGATIONS BUREAU/SPECIAL INVESTIGATIONS UNIT. (SERGEANT ANGEL TORRES/AGENT SAUL CANIZALES)**

Responding to a question from the Mayor, Yolanda Vigil, City Clerk, said this presentation was requested by Councilor Maestas.

Councilor Maestas said the Governing Body has had considerable discussion in the past about actions we've taken to approve liquor license transfers. He said the Santa Fe Prevention Alliance has been very concerned and it has been difficult to correlate the data brought forward by the Alliance with any particular liquor outlet. He said he thought it would be good for the Governing Body to hear from the primary law enforcement arm enforcing the Liquor Control Act to provide insight in how they conduct enforcement action. He said they decided to invite representations from the Special Investigations Bureau of the New Mexico State Police. He introduced Sergeant Angel Torres who will give a brief overview and then open for questions from the Governing Body.

Mayor Gonzales welcomed Sgt. Torres and expressed thanks and appreciation to all those who work to protect our State.

Sgt. Angel Torres, New Mexico State Police, Special Investigations Unit, said the Unit is assigned to monitor the sales of alcohol and tobacco outlets throughout the State – all the licensees holding liquor licenses. They do this by visiting each licensee and doing a "Premises Inspection," to be sure they are following all rules and regulations set forth by the Alcohol & Gaming Division and the New Mexico State Statutes. They visit the outlets to make sure all servers are certified, hold a valid license to sell alcohol as servers, retailers and license holders. They also do "Minor Complaints Operations and Shoulder Taps," by sending minors into an alcohol establishment to attempt to purchase alcohol, to see if the bartenders and sales clerks are checking ID's and not selling alcohol to minors. He said, "Our goal, at the end of the night is to have no enforcement violations. This tells us that everyone is following the law as they are supposed to." They check bartenders in bars as well as package liquors.

Sgt. Torres continued, saying they also check the public by having minors outside licensed establishments to solicit the general public to see if they will purchase alcohol for minors. The mission is two-pronged, one to test the public to be sure they aren't providing alcohol to minors and two, that the establishment isn't providing alcohol to minors.

Sgt. Torres continued, saying they also visit establishments at night during peak hours to make sure they aren't over-serving individuals or serving minors.

Sgt. Torres continued, "That's pretty much in a nutshell what we do at Special Investigations. So with that, if there any questions, I'm ready to move forward.

Councilor Maestas asked Sgt. Torres to introduce those people with him.

Sgt. Torres introduced Captain Suzanne Skasik, head of the Unit, and Sgt. Annabelle Gasca, assigned as the Northern Sgt. for New Mexico. Sgt. Torres said he is assigned to Albuquerque.

Councilor Ives said with every transfer of liquor license into the City or request for a new liquor license that comes before the Governing Body, there are members of the community who are concerned about the abundance of alcohol outlets and the potential impacts on our community. They gather various kinds of information and present those to the Governing Body. He said it his understanding of the law that we have limited capacity to deny any or refuse to approve any of these matters. He said for a recent

license at Santa Fe Place the information provided by the Prevention Alliance, was that there were 2,000 calls related to the entire area in the past several years. He spoke with them after the meeting, and there was a sense of frustration that the information gathered most often by the Santa Fe Police doesn't have specificity sufficient for the Governing Body to make a determination based on what he would call clear and convincing evidence that a particular facility should or should not receive the license. He said that has happened only once since he has been on the Governing Body, which refused to approve a license for the Walmart.

Councilor Ives continued, saying he intends to bring forward a measure about the information we need to understand if there are grounds to act unfavorably and favorably on a measure. He hopes we can reach out to the State Police to talk about what information needs to be captured to help us in making these kinds of decisions.

Sgt. Torres said they are "perfectly willing to help in any way, shape or form we can."

Councilor Dominguez thanked Sgt. Torres for the presentation. He said he is interested in learning what kinds of data is gathered by the State Police, what is done with the data and how the data is coordinated with the Department of Health, Department of Transportation and the local Governing Body. He said the State doesn't give the City a lot of leeway, and are not specific in a lot of things that we need. We don't know the disposition of violations, and asked how we can get that coordination of information so the City can make policy decisions and help with the issue locally.

Councilor Maestas thanked Sgt. Torres for coming to the meeting. He said at the State Police website there is an option for voluntary education for merchants. He asked Sgt. Torres to shed light on the difference between the alcohol server education and the merchant education.

Sgt. Torres explained the difference between the licensee server program and the merchant education program. The Server Program is for a person who is a bartender or clerk at a retailer and certifies them to sell alcohol. The Merchant Education Program is designed and presented to a licensee, for example a bar – what we do, the reason behind it, and allows them to ask questions of actual law enforcement officers. He said when they run compliance or shoulder tap operations the goal is to ensure the public is doing its job and not providing alcohol to minors and the retailers are not providing alcohol to minors. He said when they finish and there are no violations, they look it as a success and everyone is doing their job. He said they have very good results from running minor compliance operations with the establishments and the general public following a loss.

Councilor Maestas said it always goes back to correlating the data to some of the decisions made by the Governing Body regarding liquor licenses.

Sgt. Torres said Alcohol and Gaming will have exact citations and outcomes, resolutions, dismissals. He said, "We are the enforcement arm, we usually do enforcement, submit the report, and there will be hearings, a lot of times they will ask us to be present, and sometimes they don't, because they have resolved it on their own. So, for data with specific citations and outcomes, I would probably refer you to the Alcohol and Gaming Division for exact numbers."

Councilor Maestas asked if he is familiar with the recent history of violations in Santa Fe.

Sgt. Torres said he has a general outlook, but not specific data.

Councilor Maestas asked, said for example where there are a concentration of violations where there are a cluster of liquor outlets, if that translates into more violations of the Liquor Control Act.

Sgt. Torres said it is difficult to give a specific answer, because it is not always the alcohol establishment that is committing the violations. Somebody can be sober and buy a case of beer, but go home and drink it and then get behind the wheel. That wasn't necessarily the retailers fault.

Councilor Maestas suggested there could be a more robust discussion at the Public Safety Committee about the law enforcement program and how we can better work together, and if we can work with Alcohol and Gaming and start getting a lot of this data, and overlay it with alcohol-related accidents in the City, and with other problem areas in the City, including allowing an additional concentration of liquor outlets in an existing problem area.

Sgt. Torres said they are always ready to help.

Councilor Maestas thanked Sgt. Torres and colleagues for attending the meeting, commenting this is just the beginning of our dialogue.

Mayor Gonzales thanked them as well. He suggested that any future dialogue in this regard be at the Public Safety Committee.

CONSENT CALENDAR DISCUSSION

10(i) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT IN THE AMOUNT OF \$150,000 – MANAGEMENT AND OVERSIGHT OF THE SANTA FE FILM OFFICE; SANTA FE COUNTY. (RANDY RANDALL)

Councilor Rivera said he looked at the draft budget on page 2, and the \$170,00 plus employee benefits which total \$247,064, and asked how many employees we are discussing.

Randy Randall, Director, Tourism Santa Fe Department, said 2 employees.

Councilor Rivera said his concern is that we're not leaving much of a budget to do the job we're asking them to do, noting 80% goes to salaries, which leaves 20% for other things that need to be done. He asked who will be the agent.

Mr. Randall said it is an agency of the County.

Councilor Rivera said assuming they need more office space or other things, it still doesn't leave much of a budget for them to do their jobs, unless they go out and collect the additional funding as is planned. He asked how much of the \$59,236 would be used to try to get more funding from private agencies.

Mr. Randall said the concept is to raise an additional \$50,000 from the private sector. They have talked with Santa Fe Studios and some of the hotels benefitting from productions, so part of the job of the office will be to raise the \$50,000.

Councilor Rivera asked how confident we are that they will be able to do that.

Mr. Randall said, "I'm quite confident that there is sufficient community support to go along with this. There has been a tremendous support for creation of this office, so I think it will translate into that level of funding."

Councilor Rivera said he is still concerned we're starting with a pretty low budget for a pretty important effort, but we'll keep an eye on it and hopes he is right and they can gather more than they anticipate.

Mr. Randall said some of it may be in-kind which would replace some of the local spending that might have to occur. He noted this is pretty close to Albuquerque's budget for the last 2 years. So while it appears to be small, he thinks it should be adequate.

Councilor Rivera asked if there was thought to having only one person to start. What is the reason for going with two people "right off the bat."

Mr. Randall said only one person has been hired, and a recruiting process is done through the County. The need for 2 person is for the on-ground support required for these productions. He said we have been allowing them to operate on their own for the past 2 years. It will require almost a full time person to adequately support their needs once they are here. So there is a recruitment program and an on-ground support.

Councilor Rivera asked if these are both management positions.

Mr. Randall said one is for is the Executive Director of the Santa Fe Film Office. He is unsure if the other title has been resolved.

Councilor Maestas said our share of \$150,000 is already budgeted, but he doesn't recall seeing \$150,000 in the budget for a cost share for a joint City-County Film Office.

Mr. Randall said \$100,000 was budgeted in the Tourism Santa Fe budget, which was earmarked for the Film Office. The other \$50,000 is in Economic Development, which was made available to the Film Commission, but has been redirected to this office. He said support for the Film Commission will flow through "this office."

Councilor Maestas said anytime Economic Development funds are used, there are certain metrics, such as the City should recoup its investment within 10 years. He asked if an internal analysis is done to see the benefits from this investment, as required by the Economic Development Ordinance.

Mr. Randall said that hasn't been done at this point, but metrics are being set up for the Film Office to evaluate its ongoing success, and believes "that can be incorporated into that." He said he met with the Film Commission last week and solicited support from the Film Commission to help us develop good strong metrics based on their knowledge of the industry.

Councilor Maestas thinks this is a great joint effort, but feels a formal budget adjustment should have been done in conjunction with the adoption of the MOU. He said, given our track record with the County, he thinks it is a bright spot in our relations. Any time we can share expenses for the good of the regional economy, it is good. He reiterated he would have liked a detailed discussion the formal budget amendment, because we didn't foresee this when we developed the budget, so this unfolded after the fact. He thinks we should have had a formal amendment and then approved the MOU. However, looking at the end product, he said, "I think it's good."

Councilor Villarreal asked if the funding from Tourism Santa Fe is specifically from the Lodgers' Tax.

Mr. Randall said, "Yes. All of my funding is Lodgers' Tax."

Councilor Villarreal asked if this funding request is just for this year, and then next year we would have another request for \$100,000.

Mr. Randall said this is a one-year agreement, but it is his intention that the \$100,000 support for this office would continue annually in the Tourism budget.

Councilor Villarreal said, "So there may be possibilities or other funding support so we wouldn't necessarily have commit to \$100,000 as well, if there are some other funding sources that you come across. I know \$50,000 was kind of the goal, but do you think there may be more out there."

Mr. Randall said, "Certainly if we found other sources it could be done. But again, to Councilor Rivera's point, it's not an overly funded budget at this point."

Councilor Villarreal said, "Thanks for the clarification."

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to approve this request, with direction to staff to come back in 6 months with the metrics that have been developed and an update on the budget.

DISCUSSION: Mayor Gonzales said there is a memo that Erik [Witt] drafted shortly after he was named, and it didn't go into the metrics, but did show the scope of work the Office was going to do. He said if Erik could take that Memo and add specific target goals and return it, he thinks that could happen sooner than

6 months. And because 6 months will be ½ year, he thinks 6 months should be on the outward side and he would like to see it in this quarter so we have a good baseline of what we're tracking to achieve.

Mr. Randall said then they will target to come back to the Governing Body in 60 days.

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

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

Against: None.

10(j) CONSIDERATION OF RESOLUTION NO. 2016-59 (COUNCILOR MAESTAS AND, COUNCILOR VILLARREAL AND COUNCILOR IVES). A RESOLUTION REQUESTING 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. (CHIEF GALLAGHER)

Councilor Harris said he wants make sure there is an understanding as to why the Finance Committee moved to approve the Resolution as proposed. He asked Chief Gallagher to explain the proposed language talking about State law.

Chief Gallagher said as discussed at Finance, the feeling was that by moving it without the amendment it was more in compliance with State law. He said when they dispose of firearms, State law requires them to get District Court approval, as well as to allow State museums to examine the firearms prior to disposal or destruction. He said they felt by leaving it in the original form, it was more in line.

Councilor Maestas said he was happy with the original version, but a proponent of reducing gun violence, Miranda Viscoli, wanted it to be more explicit and state that the guns will be destroyed and not allowed on the street. He said, "So this was a recommendation from a stakeholder involved in this issue, but I'm perfectly fine with the original language."

Chief Gallagher said, "One of the things I can do, is to put in the policy, which I intend to do, a statement referring specifically to this Resolution, essentially prohibiting the sale of the firearms, which is what I believe is the intent of the Resolution. Correct."

Councilor Maestas said, "That's right."

Councilor Villarreal said, "If you look on page 2, line 4, it says, '*...it is the desire of the Governing Body to ensure that the Santa Fe Police Department destroys all firearms in its possession, when legally permissible, to ensure they do not return to our streets.*' So I actually thought that captured what the amendment had said. I'm okay with either language, I just don't want it to be repetitive, unless there is a need to change that section. So I would leave it to the sponsor to decide."

Councilor Maestas said, "I'm fine with it as originally drafted."

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to adopt Resolution No. 2016-59, as drafted.

Mayor Gonzales said, "In speaking with Miranda [Viscoli], they have been able to get the Santa Fe Sheriff's Office to act as recipient, although I think their preference would be that the Santa Fe Police Department act as the recipients, because they need what they feel is a safe location. And Ms. Viscoli's concern is that the Sheriff's Office is so far out, that it would be difficult and lack convenience for people to go there. So the request came in if we could use the Santa Fe Police Department as the actual headquarters to be the physical location and to utilize the computer systems to be able to log and ensure there is an intake process that takes place. Do you see problems in that."

Chief Gallagher asked if he referring to the gun buyback she plans to do in turning weapons into garden tools.

Mayor Gonzales said this correct.

Chief Gallagher said that is unrelated to this Resolution. He said, "Miranda and I did discuss it, and when I told her that we did need the District Court Order before we could legally destroy them, she disagreed and felt she could do it otherwise. Unfortunately, I've had some experience with this in New Mexico, as Chief of Police in T or C. We disposed of some firearms without the District Court Order, and we were reminded that was not proper by the Attorney General. So because of that, I feel strongly that we do need to get this District Court approval."

Mayor Gonzales said, "Right, but as long as there are whatever kinds of approvals that are required."

Chief Gallagher said, "Miranda wanted to destroy them on site, and I told her we couldn't do that without the District Court approval."

Responding to the Mayor, Chief Gallagher said they can intake them. He said, "She said she could fund it, because again, budgetarily, we can't support this."

Councilor Maestas asked if, under State Statute, a city police department can resell guns that had been confiscated and involved in a crime.

Chief Gallagher said yes.

Councilor Maestas asked Chief Gallagher if he knows how many municipal police departments do that.

Chief Gallagher said no.

Councilor Maestas said, "I think that's the reason I brought this legislation forward, is I think our Chief and the prior Chief of their own volition took the option of destroying guns, but State Statute allows for the sale of guns. I don't think we should leave it to an administrative procedure and maybe a chief to make that decision. I think for something as important as preventing guns involved in violent crimes from being resold and back on out streets, I felt this was a policy issue and we had to make an unequivocal policy statement. That's the reason for it. It may seem redundant because we already have an administrative procedure, but if we leave it as an administrative procedure, then it is at the discretion of the Police Chief. For something as important as this, the Governing Body needs to make a statement."

Mayor Gonzales said, "Under the policy, the current firearms in possession of the Santa Fe Police Department would be addressed by this. But, if New Mexicans Against Gun Violence, sponsored an event where they have made a pool of money available to purchase guns or to do a buy-back, and they did it at the Santa Fe Police Department, then this policy would basically address what you do with the firearms. Correct."

Chief Gallagher said, "Yes, whatever firearms we would take into our possession that are no longer needed for Court proceedings to be returned to owner, for instance, we would destroy."

Mayor Gonzales asked, "Do you need a Court Order for her to be able to arrange to be able to purchase, to do a buy-back, and turn the guns over to you to basically accept them."

Chief Gallagher said, "I'm not sure of the legality of her doing a buy-back."

Mayor Gonzales said, "Well, if they raise the money and they turned it over to the Police Department and said here's a pool of money to do a buyback, you could do that."

Chief Gallagher said, "We could, and we discussed it, and in 2013 when it was done, I believe it was \$83,000 just to buy back the guns, and there were additional cost for overtime, the whole thing cost about \$100,000."

Mayor Gonzales said, "I just wanted to make sure."

CLARIFICATION OF THE MOTION: Yolanda Vigil said, for clarification, this motion will not approve the amendment in the packet.

A member of the Governing Body indicated it will not approve the amendment in the packet.

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

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

Against: None.

10(k) CONSIDERATION OF RESOLUTION NO. 2016-60 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION IN SUPPORT OF FEDERAL EXECUTIVE ACTION AND FEDERAL LEGISLATION TO KEEP UNLEASED FEDERAL FOSSIL FUELS IN THE GROUND. (JOHN ALEJANDRO)

An Amendment Sheet regarding this Resolution, submitted by Councilor Harris, is incorporated herewith to these minutes as Exhibit "3."

Councilor Harris said he spoke with Mr. Guillen this morning, and he has a series of proposed amendments to the Resolution. He said, "My proposed amendments deal with the removal of '*Federal Executive Action in order to keep the unleased federal fossil fuels in the ground.*' I thought this is a legislative matter. I thought that given our national politics, that quite frankly with the uncertainty and with everything else that is going on, I thought that a Legislative solution is more appropriate. And you know we have a national conversation regarding the perhaps impropriety of continued executive actions. I know we have legislative gridlock at a lot of different levels, but I just felt like this should be a matter that the Legislature or Congress should deal with. And that's what I was proposing. Other than that, I would support the Resolution."

Mayor Gonzales said he didn't have a lot of confidence in the Congress to be able to act on this type of policy, and we are starting to see a little more Resolutions coming forward at the request of interest groups and others in our community that have federal implications. He understands the concerns at times by members of the Governing Body on legislation before us that we don't have any regulatory jurisdiction. However, some of these federal policies will impact our City and State, and this is one of those. He said by removing the executive action, and he understands the concern about the Presidency being in a state of flux because the election hasn't happened, and this basically turns it over to a Congress that hasn't passed a single piece of pro-environmental legislation since they took control of Congress. He said this is just a Resolution basically advocating that the Executive Branch of government adopt policy that keeps some of the fossil fuels in the ground, and encourages them to use their executive powers to do so.

Mayor Gonzales continued, saying this isn't an issue that he thinks we need to go back and forth on, so he has no problem if the Council wants to remove "Executive Action," and go to Legislative. However, he wanted to make sure you understand his point that it basically makes it null and void as opposed to trying to get them to do something. He reiterated this is just a Resolution, a statement of our values of where we stand. This sends a strong message to our own Congressional Delegation of where we stand.

Councilor Harris said today's dynamic may change in the near future, or in the next two years. He said he thinks, as a matter of course, if we're going to deal with something like this, about which he has reservations, this is a Legislative rather than Executive matter.

Councilor Ives said he thinks we have seen and experienced where the inability of Congress to act together to pass legislation has resulted in the stagnation of any number of issues. He said, personally, he thinks the President's efforts to take action available to the Executive on these kinds of things ultimately does make sense. The types of actions here, regarding leasing federal fossil fuels is a significant issue and one the administration has an opportunity to demonstrate leadership on. He said he is not in favor of the amendment, because he tends to agree that this probably is the only way we will see any action on this front until sometime around January 20-21, 2017, when the results of our national elections are in considered. He is in favor of the Resolution as stated and would prefer to see Federal Executive Action kept in the Resolution as opposed to being removed for these reasons.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-60, as presented

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

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

Against: Councilor Trujillo and Councilor Harris.

10(I) CONSIDERATION OF RESOLUTION NO. 2016-61 (COUNCILOR DOMINGUEZ, MAYOR GONZALES, COUNCILOR HARRIS, COUNCILOR IVES, COUNCILOR LINDELL, COUNCILOR MAESTAS, COUNCILOR RIVERA, COUNCILOR TRUJILLO AND COUNCILOR VILLARREAL). A RESOLUTION SUPPORTING THE FIFTH ANNUAL 2016 NEIGHBOR TO NEIGHBOR FOOD DRIVE. NOAH BERKE.

An Amendment Sheet regarding this item, submitted by Councilor Villarreal, is incorporated herewith to these minutes as Exhibit "4."

A copy of an Amended FIR No. 2846 for this item, dated August 10, 2016, is incorporated herewith to these minutes as Exhibit "5."

Councilor Villarreal said, "I pulled this item because I had requested language last week from staff, but you're just receiving it now. In looking at it right now, the intention was to have language that would specifically state the reasons why we are having a Food Drive, and supporting this effort, and that it is locally relevant, so we have statistics around hunger, food and security for our City, not just for the State, which I think is also important. So, I wanted a local perspective. And I think *[inaudible]* captured here, I appreciate that. I know there are some other statistics that we could probably have used, but I'm okay with what's presented and would be open to any suggestions, if there is something else, or you want to edit.

But this is essentially saying that we're really looking at Santa Fe County which we are a part of. I think it helps to clarify why we are supporting this. I know it may sound something very simplistic to add this, but I think if we're doing Resolutions that have to do with the City they should be in the context of the City, just like some of these national resolutions as well."

MOTION: Councilor Villarreal moved, seconded by Councilor Ives, to adopt Resolution No. 2016-16, with the suggested amendments to the Resolution [Exhibit "4"].

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

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

Against: None.

Councilor Villarreal said, "One thing, Mr. Mayor, I wanted to add is that I know we all are committed to supporting this, but I would really like the City to support this as soon as possible on our website and make sure that the City Face Book represents the information so people can go to the contact person to get more information. I think we should utilize our City radio and TV program, and also next door. So, these are all things that I think would be pro-active, and then we can do our own kind of social media push in our respective communities.

Mayor Gonzales asked Chief Litzenberg to be sure that Brian Snyder and Matt Ross know that Councilor Villarreal has requested a communications plan, and it would be great if he could provide that to her and the Council just generally for input.

10(n) CONSIDERATION OF RESOLUTION NO. 2016-62 (COUNCILOR DOMINGUEZ AND COUNCILOR IVES). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN APPLICATION FOR PROJECT APPROVAL TO THE NEW MEXICO STATE BOARD OF FINANCE FOR ALLOCATION OF QUALIFIED ENERGY CONSERVATION BONDS TO BE USED IN THE EXPANSION OF AN ENERGY EFFICIENCY LOAN PROGRAM ADMINISTERED BY HOMEWISE. (JOHN ALEJANDRO)

Councilor Villarreal said she removed this for discussion, because in discussion at the Finance Committee, "I had made inquiries about if this particular funding source, that would be administered by Homewise, that we could look at the numbers of how it was going to support low income populations, and I wasn't asking specifically from John Alejandro if the federal funding allowed for the use of funds for low income homes. And that wasn't the question I really needed answered. I was really wanting to know if we could require Homewise to track how many people from low income households are benefitting from this Energy Efficient Loan funded by the QECBs, and the reason why I bring this up. And I talked about it in Finance, we want to know and make sure that across the City that we have more energy efficiency. But as we all know the most low income households have a higher propensity to live in energy inefficient homes, and they pay more for utilities than any other household in other income brackets. So I wanted to see if my

fellow Councilors would also support this, because I think it's important to track the moneys that are being used just to see where it's going in our community, especially for energy efficiency."

Mayor Gonzales said he thinks this is good direction to give as part of this. He said, "I don't know if, under the Be It Resolved, that we can add some language that says that the Council is expressing as a matter of priority that the first efforts are done for individuals in the low income categories, or that they show us a plan or demonstrate a plan to show that will be a priority. That way, there can be some accountability in addressing the point that you would like, and I think it's a great idea. And I think under the Be It Further Resolved might be an appropriate location. Nick, would you agree, or do you have any comments on addressing Councilor Villarreal's comments."

Nick Schiavo, Director, Public Utilities Department, said, "If I heard Councilor Villarreal, what I heard is that she would like the percentage of low income individuals who are being helped to be tracked. Is that what you were saying."

Councilor Villarreal said that was one of them, and she likes the idea of making it a priority, although with federal funding she is unsure if that is a possibility. She said, "The thing that I was asking is... Homewise, I know, tracks these numbers. And it would be nice to know with this funding source, how many people of low income are benefitting from this. We just need to see how it plays out in the City."

Mayor Gonzales said, on that point, he thinks it would be good if we can express a strong desire that in their plan for utilizing these Energy Conservation Bonds, that they are able to demonstrate an attempt to prioritize efforts for low income individuals. He said there may be situations where that isn't the case, and we want to make sure that Homewise is expanded beyond low income housing and they are into the full spectrum of housing. He said, "To you point, we certainly don't want to see the low hanging fruit just move out to people who can pay. We would like to see efforts in those that have some of their programs."

Mr. Schiavo said his understanding is there is roughly \$5 million worth of qualified Energy Conservation Bond funds available, and they have approximately 18 months to spend the money. He said the programs he administered with Homewise 3-4 years ago, always had a challenge spending money. He said, "I think, as a staff person, obviously if that's what the Governing Body wants we can ask them to prioritize. But if I had to bet money, there won't be an issue with them being able to serve anyone and everyone who actually qualifies, has a credit rating and the ability to pay the money back. I don't think there will be an issue with having enough money for all individuals who want to apply."

Mr. Schiavo continued, "Again, I can work with Jesse to add that language. One final point is that the requirement for *[inaudible]* piece, we actually have to provide what work was done, what the income level was, address, all the pertinent information. So it won't be an issue at all to track that information."

Councilor Villarreal said, "Thanks for clarifying that, because in the language, it was just tracking the name and address of the person and it doesn't talk about their income. I'm just really wanting us to make sure the money we use gets tracked in a way that we know who's benefitting. I'm not saying other people of other incomes shouldn't get funding sources like this, but I think, as I said before, the people who are most in need of these retrofits really are people that have energy inefficient homes and they usually are people of limited income. So thank you for clarifying."

MOTION: Councilor Villarreal moved, seconded by Councilor Ives, to adopt Resolution No. 2016-62, with language added "to prioritize households of limited income for this funding."

DISCUSSION: Councilor Maestas said on packet page 6, line 17, the Resolution says, '*Homewise would use the services of Modrall Sperling to initiate the bond.*' He said we have a procurement process and we typically don't do a sole source for bond counsel. He asked if Modrall Sperling already is the existing bond counsel for Homewise we're acknowledging that, or are we making a conscious decision to select Modrall Sperling as bond counsel.

Mr. Schiavo said he is unsure and he can check, but his understanding is that Modrall is the City's bond counsel, and since we have to be involved with the correct fee, the only way Homewise can get the funds is if they have a sponsor, as the City of Santa Fe. He can check with Legal and Finance on who they would want to see used, but his guess is they want to use Modrall.

Councilor Maestas said Modrall is our bond counsel not that of Homewise. He asked how this works legally.

Mr. Schiavo reiterated that the only way Homewise can get access to the funds is if they are sponsored by the City. They have to have the enabling legislation come through this Governing Body. And it is his understanding that Finance probably would want Modrall to do be in charge of writing up that enabling legislation.

Councilor Maestas asked if the Governing Body will see some of the fees associated with the bond counsel, commenting he has seen certain bonds where those fees can be quite high. He said these bonds are really meant to assist low income families, which are the general population served by Homewise. He asked if the bond counsel fees vary, depending on the transaction. He wants to make sure that they don't get a significant cut from the funds, and asked Ms. Brennan to comment.

Kelley Brennan, City Attorney, said, "Typically when there is a bonding action, work that bond counsel has done from the time of the last bond to this bond is charged against that bond. So sometimes they seem high because we've used their advice over the years. I assume in this case, it will be costs associated with this bond."

Councilor Harris said he understands the reason for gathering information to see where the money goes. He said he believes pretty strongly, that this particular program, under the initial act, the American Recovery and Reinvestment Act [ARRA] of 2009, the Resolution tracks more appropriately on packet page 5, line 16, which provides, "*...Homewise operates an Energy Efficiency Loan program to help families in*

Santa Fe County conserve energy and protect the value of their homes." He said he thinks this is the intent of the act. On line 18, it goes on to say, *"...Homewise will expand the Energy Efficient Loan program and offer low interest rates to help reach families at all income ranges, including low and moderate income who would benefit the most from lower energy costs."*

Councilor Harris continued, saying the issue here is energy consumption and what we can do in the whole construct of our Sustainable Santa Fe Plan. It cuts across all income levels and he thinks even Homewise, as an organization, has realized it needs to grow to serve the greatest number of people, and they have expanded well beyond Homewise's initial mission into the marketplace. He thinks the marketplace, through Homewise, will respond positively. He said he would be curious to know how the numbers break down. He said, "I really think that we don't need to prioritize this particular program. If we find ourselves considering that language, I would certainly want to see that we qualify it with language such as, "to the extent allowed by federal law." He said personally, he thinks the intent of the Act is recovery, and certainly it is consistent for the goals we have for the Sustainable Santa Fe Commission. He said, "I don't see why moderate income folks should be in the second tier. It's that simple. Thank you Mayor."

Councilor Dominguez said, "As the sponsor of the bill, there is a lot of intent going around that nobody is asking me about." He said Homewise has built a reputation for being an organization that services the affordable home buyer. That is how they have marketed themselves and what they have done for many many years. He said, "It is true, Councilor Harris, they have expanded and have gotten beyond just that any more. And this isn't a debate about whether they should or shouldn't, or the pros and cons. Certainly my intent was to be able to utilize their ability to get to the affordable market and use this money for the affordable market, because what we're really talking about, Councilor Harris, respectfully, is that whole issue of equity. Certainly energy is something that exists and is a dilemma, if you even want to call it that, that members of our community at all incomes have to deal with. And it is the right thing to do to conserve and utilize energy wisely. However, it is true that there are people in this community and in others as well that don't have the luxury of making that choice. They will not pay the light bill, not because they want to conserve, but they just can't afford it. There are people who don't utilize energy because they are in the conservation mode, it is because they can't necessarily afford it."

Councilor Dominguez continued, "Quite frankly, my intent in bringing this forward, although we don't have to get down into the weeds too much in the language, the intent was to make sure this money was distributed among those affordable homeowners, first and foremost. Now I understand there is some... if I remember correctly Nick, that the way, how the monies flow through, is that we can't necessarily make that priority. Is that true, because it is federal monies and the way the grant is funded."

Mr. Schiavo said he doesn't know the answer, but he can check into it.

Councilor Dominguez said, "That is something we definitely talked about at the Finance Committee meeting. And I certainly think it is important for us to gather the data. If it is folks who aren't at that

affordable level that aren't getting some of this money, then we're really not doing much to help improve their quality of life. They have less means to be able to do that than those who do have the means. Now, I want to just say this isn't intended to be an 'us versus them' income disparity kind of thing. But it's really to try to do what we can to help, if we can, boost those folks who do not have the means to be able to take advantage of this money. Thank you, Mr. Mayor."

Councilor Harris said, "As much as anything, I've heard similar points of view expressed, and I certainly respect your point of view, Councilor Dominguez, at this level on the Finance Committee. But I have to say that we read the headlines about the pressures and the shrinking middle class and those types of things, so I really want to be an advocate for the people who are caught in the middle. I think that they have as much right, if they're going to submit the application, it really is a matter of qualifications. And I think that the moderate income people, call it middle class if you will, really should not be put in a second tier. I see no reason to do that for these bonds. And I've repeated myself, but I feel pretty strongly about this. Thank you."

Councilor Ives said hearing the discussion, and in an effort to try to move this forward, he would propose an amendment, adding the following language in an appropriate spot he hasn't identified, stating, *"In the event that there is significantly more demand than funding available, then the applications of lower income persons shall be prioritized to the extent allowed under the law."*

Councilor Ives said we've heard that if we do secure this funding, it certainly his estimation that none are likely to be turned away, so it's only in the predicate circumstance where that demand so far exceeds the available funding, that we would be called upon or trying to suggest any type of prioritization. He said he is happy to prioritize the needs of lower income persons in the community because he thinks their opportunity to take advantage of these types of programs of renovation, weatherization is significantly reduced by virtue of their capacity. He doesn't mind prioritizing that, but reiterating it should be only in the event that the demand far exceeds or significantly exceeds the available funding.

Councilor Rivera asked Mr. Schiavo if Homewise will reach out to those most in need to help them fill out an application.

Mr. Schiavo said, "I would imagine yes. They do a really nice job marketing, and they're going to want to get this out to everyone who is on their mailing list."

Councilor Rivera asked if that would include persons to whom English is not a first language.

Mr. Schiavo said yes.

Councilor Rivera said so then they have a means to do that and they would reach out to as many people as possible first, and help them fill out applications, and Mr. Schiavo said yes.

Councilor Maestas said he thought he read somewhere that this source of revenue was a product of the American Recovery Act [ARRA].

Mr. Schiavo said that is correct.

Councilor Maestas said as he recalls, one of the other programs that was a part of the ARRA umbrella was expanding the eligibility for weatherization assistance. He recalls a lot of people were eligible and the demand far exceeded the services available. He said his point is if Homewise can coordinate with the contractor for the weatherization program, which is a State-wide contractor, which has an existing data base of eligible households that have received weatherization assistance. That could be a good start if there is a sense of urgency to obligate these funds and identify people who eligible. He said if they were eligible for weatherization they would be low income and eligible for this as well. He doesn't recall the name of the contractor. He said, "I highly suggest that could be a good way to kickstart this program and target it to the population we want it to benefit."

Councilor Dominguez said, "Certainly, Councilor Harris, this isn't intended to create a second tier. The reality is it speaks to what Councilor Rivera spoke about, and whether or not it is going to be available bilingually. The reality is there are some people who do not have access to this kind of program as others do. And to use an old School Board term, the idea is not to lower the ceiling and create the second tier for middle income folks, but to raise the floor for those folks who have some of that difficult. I respect what you're saying. I believe everyone should be able to take advantage of this sort of thing, but as a representative of a sector of the community that is the poorest part of our community, I want to make sure they have access to this, whether through the literature and it being bilingual or aggressive advertising from Homewise, whatever the case may be, we need to make sure the word gets out and that people have access to it."

Councilor Harris said he wanted to remind people, "As the Councilor from District 4, I think, just as Councilor Dominguez spoke to, my constituents I believe represent Santa Fe's middle class. I don't see any reason to... and I do believe it is second tier, even if the amendment that's proposed. And I feel strongly that we should just approve the Resolution, as written. Thank you very much."

Councilor Villarreal said she would like to propose an amendment on page 3, line 18, so that it reads, *Homewise shall create and submit semi-annual reports which will contain at a minimum: applicant, loan amount, project type, location, and term and income.*"

Mayor Gonzales asked Councilor Ives if his language would take care of this.

Councilor Ives said the language he proposed would be an additional "Be it Resolved that in the event, etc."

Mayor Gonzales said then that is a Friendly Amendment that has been accepted as stated there.

Councilor Lindell said, "I just have one question on this. Throughout the Resolution it talks about low and moderate income homeowners, but nowhere in the Resolution that she sees, does it specifically talk about the definition, or where that is in the ami. So I don't really know what we're talking about when we're saying that this group gets prioritized over the other group. It's not defined, and I wouldn't really know what I was voting for."

Mayor Gonzales asked Councilor Dominguez to address that issue quickly.

Councilor Dominguez said staff helped with a lot of the language.

Councilor Villarreal said, "Being that you worked for Homewise, wouldn't you know some of those ranges."

Councilor Lindell said, "Councilor, not at this point in time. And also... the whole document talks about moderate income and low income. And I don't know what that definition is at this point, and for us to move this ahead and try to split that at this point in time, I don't know what we're asking."

Councilor Dominguez said as he recalls, it is what has been defined by the Board of Finance.

Mayor Gonzales said he doesn't know about the Board of Finance, but he assumes, regarding low income requirements, that Santa Fe County has the median incomes that are adjusted by the Census Bureau and other entities annually, and that will drive, "I think to Councilor Lindell's point.... when I think of low income, I'm thinking of data that is released by the Government annually on what they consider to be low income. I think it implies that low income would be earnings you would have to have, or annual income you would have to have to be able to qualify for many of the low income subsidies or opportunities, whether to get access to rental housing or get into a home that Homewise has provided, there are income requirements in our system as well. He doesn't know we want to set numbers here, but if we reference low income, he thinks it is implied that low income would map to the City and County income levels."

Councilor Dominguez said he thinks the Board of Finance has guidelines to be able to qualify for those bonds, "is I think what I remember John telling me." He said it's already been pre-defined, and asked Mr. Schiavo if this is true.

Mr. Schiavo said he believes that is true, noting the Board of Finance makes the final decision on whether the City or Homewise through the City would be eligible for any of the money. He said it is his understanding that low income is defined as 1.1 or 1.2 times the area median income. He said if we use that same definition used to qualify individuals for affordable housing, we could certainly include the definition of low income, and it would up to this Governing Body if we wanted to do something that was 1.5 times, 2 times the area median income to hit a moderate range. He said this is just a suggestion.

Councilor Dominguez said we would be in worse shape if we didn't have the definition of low income – whatever definitions we need.

Mayor Gonzales said, "To the issue of adding language that states low income as determined by HUD Guidelines, may be appropriate."

Councilor Harris said the unanswered questions are starting to build up. He said, "I think, given the unanswered questions, that we really should postpone [this item] and have Homewise here to explain the program, and explain the constraints of the program, whether it is income levels, or federal constraints, to participation. I really think Homewise should be here. And I was wondering really about the program, how they operate the program themselves. Homewise has gotten to the point where I could see a situation

where not only the product they're delivering in Oshara Village in the County, that's probably the lower income level as opposed to Tessler. They had product in the Hacienda Home Show. I think quite frankly, they have enough going on these days, and perhaps all of their product could soak up these bonds. I'm not saying that. All I'm saying is that there's a lot of questions, and I can't see any real reason, and I haven't heard any reason that we act on it tonight. Why don't we get Homewise present before us to answer these questions. Thank you Mayor."

MOTION TO POSTPONE: Councilor Harris moved, seconded by Councilor Lindell, to postpone this item to the next meeting of the Governing Body on August 31, 2016.

DISCUSSION: Councilor Dominguez said, "The Motion is to postpone and I don't support the motion because I think we have enough here to be able to work with this." He said staff is being directed to work with Homewise, and not the other way around. He thinks we have the expertise. He said this wasn't intended to make it harder than it seemed to be. If there's money out there for us to get, we should go get it, not quibble over too many things. He said, "I don't stand in support of the motion. People are waiting and need this access sooner, rather than later."

Mayor Gonzales said, "I agree."

Councilor Villarreal said, "I was going to ask Nick. I think there's a time sensitive piece to this, because they said they have a certain amount of time to utilize it. Is there a deadline to actually apply for the bond money."

Mr. Schiavo said there is no deadline to apply, but by postponing we are cutting into the time to actually spend the money. It is his understanding, from talking with Finance, he understands this still could be moved forward, but we have to come back with the enabling legislation – what the proposed bond is – to still go before the Board of Finance. He said, "I could make it so that we come back before we approach the Board of Finance and actually have Homewise in tow so they can answer some of these questions."

VOTE ON MOTION TO POSTPONE: The motion failed to pass on the following Roll Call vote:

For: Councilor Harris, Councilor Lindell, and Councilor Trujillo.

Against: Councilor Villarreal, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Mayor Gonzales.

FRIENDLY AMENDMENT: Councilor Ives proposed a friendly amendment, to add the following language be added, *"Be It Further Resolved, that in the event that there is significantly more demand than funding available, then the applications of low income persons, as determined under applicable federal, State or local law or regulation, shall prioritized to the extent allowed under the law."* **THE AMENDMENT WAS FRIENDLY TO THE MAKER WITH NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Lindell said, "I appreciate the spirit of the amendment, but in a program like this, how long... it's not like when you say, okay we've got this program ready and you open the doors and there are 80 people lined up to come in. These programs have some longevity to them. And how long do we wait for low income clientele to come in and make their application before we take any middle income clientele. I think it would make it a very hard thing to administer this program."

Councilor Ives said, "I only think you get into a prioritization question if both are before the body making that determination. So, I think this saying, let's wait a year and see who applies. Indeed, it sounds like there are time constraints that are very real and again, I guess I would point to what Nick has indicated, that if we secure this funding, the opportunity for folks not to be considered, given those time frames is very small to begin with. So for those reasons, I am happy to move it forward, and I think a reasonable assessment of prioritization at the time the question arises would need to be made."

Councilor Maestas said, "I just want to make a quick observation, I mean. I think if this was grant money, I think that would really be compelling, but this is a loan program and low income people, they likely don't have the money up front to make these improvements. Right. And they probably don't even have the capacity to take on that kind of debt for a loan. I'm sure they're low interest. So, this isn't grant money, this is a loan program. So I think just by virtue of it being a loan program, I think you will see probably more middle income people in a position to be able to handle those debt payments. I would agree with you if this was a grant program that we can't draw these distinctions and make it exclusive. But it is a loan program and there's a qualification process, I'm sure. There are other, more objective criteria that is going to be involved, so I feel comfortable supporting it because it is a loan program, but if it was a grant program, I would feel differently about it."

Mayor Gonzales said, "From my point of view, we can't have as part of values equity and not utilize and prioritize what we need to do to address the issues of equity in our community. I do think though, by making this statement, I'm hopeful Councilor Maestas, that Homewise who has built a very good foundation and reputation for helping people who could not afford down-payments, who could not manage debt payment for homes, being able to find grant funds, whether through the City's own Affordable Housing Program or other CYFD programs, potentially, hopefully they can find that, so they can help in getting an individual homeowner, who hasn't been able to qualify for getting solar panels, there is a chance to do it."

Mayor Gonzales continued, "So I respect everything that's been said tonight. I do think in this case, it doesn't mean it is exclusive to just low income people. I think Homewise has built a very good model for how they make sure they're able to apply and help a broad sector of our community, and I have no doubt that they will be able to do it here. I think this sends a very strong nod by this Governing Body, if it is approved, that we do think about those that are most underserved and farthest disconnected from the opportunity to be able to truly participate in being able to receive alternative energies. Thank you all for the debate."

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

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

Against: None.

Abstain: Councilor Harris and Councilor Lindell.

10(p) REQUEST FOR APPROVAL OF 2018-2011 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)

1) CONSIDERATION OF RESOLUTION NO. 2016-63 (COUNCILOR IVES). A RESOLUTION ADOPTING THE 2018-2011 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

Councilor Ives said we have worked very cooperatively through the various committees that this measure has come before, and he is not proposing to change any of the top priorities. He said he had identified an additional infrastructure project which was part of the MPO process that wasn't on the list. He said there are members of the community that are interested in approaching the Legislature for purposes of seeking funding for it. So, this is really more an effort to preserve the capacity for people to do that. He said, "It would be basically Hyde Park Road improvements. Part of the proposal is to add biking, pedestrian and other types of improvements along those lines to that roadway. And so I was interested, and I, I would invite your thoughts and comments on this, in simply adding it probably as an Item #70, whatever number that would work out to be, but 270870, probably looking for \$100,000 for the planning and feasibility in the 2018 year. I understand the anticipation would be then to try and coordinate approximately \$1 million in 2019, with ultimately looking for about \$1.5 million to complete construction in 2020. I think that something that sounds reasonable. You've been our guide primarily through this process, and I know we've tried to incorporate the City's Capital Improvement budget, but we do have a segment there for unfunded priorities. So I would like to simply try and honor the fact that I believe the MPO has considered his, members in our community are interested in seeking such funding and approaching the Legislature. So if you could comment please."

Mr. Pino asked if all of this is in the City limits.

Councilor Ives said he believes portions of that roadway are in the City limits, commenting if he is incorrect, then this would not be appropriate.

Mr. Pino said he supposes we could add it if you guys want to vote for that.

Councilor Ives said it is obviously a critical road to recreational facilities and activities that greatly benefit the City, which would be limited by the extent to which it is located within City limits.

Mayor Gonzales said he understands this is a request from Councilor Lindell to add the road into the CIP list.

Mr. Pino said yes.

Mayor Gonzales said it wouldn't move into the top 5 that Public Works has dealt with.

Mr. Pino indicated that it wouldn't.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-63, with an amendment to add Hyde Park Road as Item #70.

DISCUSSION: Councilor Harris said he is unfamiliar with the whole process, but a lot of people have worked on and developed this list, vetted it. He said we already have a total unfunded of \$128 million. He said, "I really don't see any reason that at the last minute that we add yet another project that is not really defined. I would oppose the amendment."

Mayor Gonzales said the motion to approve includes the amendment. He asked if Councilor Harris would like to propose an amendment to remove the amendment.

MOTION TO AMEND: Councilor Harris moved, seconded by Councilor Villarreal for purposes of discussion, to adopt Resolution No. 2016-63, as written.

DISCUSSION: Councilor Dominguez said he thought we already had a motion on the table, but "I guess not."

Mayor Gonzales said the motion was to approve the Resolution, including adding Hyde Park Road as Item #70, that was seconded. He said Councilor Harris wanted to amend the motion to go back to the original CIP Plan presented that did not have Hyde Park Road. So that's the second motion for discussion.

Ms. Brennan said, "I think probably the most efficient way to address this is to vote on the first motion. If it fails, vote on the program as submitted."

Mayor Gonzales said there already is a motion on the table. He asked, "Would it hurt us if we just vote on this, because then I have to take it off and then go back on. Will it hurt us procedurally, just to vote on this."

[Ms. Brennan's response was inaudible because people were talking at the same time she was]

Mayor Gonzales said then let's get Councilor Harris' Amendment.

Councilor Villarreal asked what we are voting on.

Mayor Gonzales said the Motion, in essence, takes removes the proposal to put Hyde Park on the list.

Councilor Villarreal said, "So this is adding to our overall list that we have been vetting and looking at consistently, it's not affecting out top 5 that we selected, it's just adding it like all the other ones we keep adding to the list."

Mayor Gonzales said that's what Councilor Ives' motion is, and Councilor Harris' motion would remove it.

CLARIFICATION: Yolanda Vigil, City Clerk, said Councilor Harris' motion would be to approve just as submitted.

Councilor Ives said, as he understands, there are members in the community who desire to approach the Legislature to try and secure funding for this, and if it's not on our ICIP list, that cannot be done.

VOTE ON COUNCILOR HARRIS' MOTION: The motion failed to pass on the following Roll Call vote:

For: Councilor Harris.

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

Explaining his vote: Councilor Harris said, "My motion... I'll vote yes for the Motion to approve the Resolution as written. **Mayor Gonzales** said this is on the amendment to remove Hyde Park from it. **Councilor Harris** said, "That's why I'm confused." **Mayor Gonzales** said, "So your vote is still yes, and that's what you wanted to do." **Councilor Harris** said, "Yes." **Mayor Gonzales** said, "All right."

CONTINUATION OF DISCUSSION ON THE MAIN MOTION [COUNCILOR IVES' MOTION]: Councilor Rivera said when we did the Airport Road tour, we talked about Calle Po Ae Pi, which was on the ICIP list at one point and then removed, and he doesn't see it on the list now.

Mr. Pino said it's because it's not in the Capital budget.

Councilor Rivera asked if it was on the ICIP list at one point.

Mr. Pino said it was, but this is the list we generated from the Capital budget.

Councilor Rivera asked if we are working on this project.

Mr. Pino said, "No. That's short of the directives that we obtained from you a couple of weeks ago on that tour, just to look further into rights-of-way, cost estimates and things of that nature."

Councilor Rivera said, "Okay, so I know this is something the School Board had wanted to put on the list, and something we had been looking at for years. I didn't see that it had been pulled off. It's a road that connects Thomas Ramirez with Airport Road, and it really affects a lot of the kids getting to school every day. It's actually in Councilor Harris' District, but I think it's an important project the School Board would like to see, and that I thought we had on our list as well. Again, I don't think it hurts to add items to the list. It allows groups to approach the Legislature separately from the City, but I does need to be on our list in order for those groups to try to seek funding, so if it's okay, I would like to add a Friendly Amendment."

FRIENDLY AMENDMENT: Councilor Rivera asked to amend the motion to add Calle Po Ae Pi to the ICIP list as well. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Maestas asked when this is due to the Department of Finance and Administration.

Mr. Pino said, "As soon as we make the changes."

Councilor Maestas asked if we are early in coming to some agreement on the ICIP prior to submittal, based on the past.

Mr. Pino said, "You guys will have an opportunity to do it again, with the full Council present."

Councilor Maestas said, "What I was getting at, I was trying to commend you for getting us to focus on this early, because I know in the past it was like high political brinkmanship, and everyone was posturing to try and get their projects in the top 5, and I think we came to an early consensus thanks to you. So thank you for "herding us cats," in getting this done."

VOTE ON THE MAIN MOTION AS AMENDED [COUNCILOR IVES' MOTION]: The motion, as amended, was approved on the following Roll Call vote:

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

Against: None.

Abstain: Councilor Harris

Explaining his vote: Mayor Gonzales said, "Yes, and I really want to commend the Public Works Committee for the top 5 priorities. Investment in areas that will help grow the City's economy is very key, so thank you for the work."

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2016- ____ (COUNCILOR RIVERA, COUNCILOR IVES AND COUNCILOR TRUJILLO). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS MAY EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS; RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (REYNALDO GONZALES)**

This item is postponed to the Governing Body meeting of August 31, 2016.

12. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 14, 2016: BILL NO. 2016-35. AN ORDINANCE AMENDING SUBSECTION 9-3.4 SFCC 1987, TO MODIFY ANNUAL DEPOSITS INTO THE PUBLIC CAMPAIGN FINANCE FUND (COUNCILOR DOMINGUEZ). (YOLANDA Y. VIGIL AND ADAM JOHNSON)**

Councilor Dominguez said this is just a request to publish. He said the intent of the Ordinance is to align the Legislation with the budget, and it is not to obligate future monies. He said he didn't understand or realize that action was being considered by the ECRB, but we don't know what the result of that is going to be.

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

DISCUSSION: Councilor Dominguez said he will work with his colleagues between now and the public hearing, first to consider what, if anything, comes out of the ECRB, and then to clarify the intent that we really are just trying to align this year's budget with the legislation which already has been approved regarding campaign finance.

Councilor Ives said he is in opposition to the Ordinance and wants to explain the reason. He said, "One, as he looks at the language, it is not designed merely to align next year's budget, but eliminates entirely the obligation of the City to deposit that sum into the fund going forward. It basically leaves it ultimately to the discretion, annually, of the budgetary process for whether or not the deposit will be made. I think that is the wrong direction to be going in, in connection with our Public Campaign Financing. I think we have established a wonderful system here in the City that is, in significant portion, designed to take money out of politics, which is such an important issue across our country, and one which has captured so much of the attention of the populace since the decisions in *Citizens United* and *The Arizona Free Enterprise* cases were ruled on in a 5-4 decision by the U.S. Supreme Court. So I stand in favor of the City's obligation to continue to make those depositions. And I know I spoke to this during our budgeting process as well. For me, it's simply taking a big step in the wrong direction. It's not merely modifying this year's budget, but an entire process was put in and voted on previously that established our Public Campaign Finance system. So I am in opposition to it."

Councilor Harris said he hears Councilor Ives, but "I just don't find that language that says it becomes discretionary. If you could perhaps elaborate a little bit. I just don't see it."

Councilor Ives said, "Certainly by eliminating Section B, which said, '*Beginning with the with the City budget for fiscal year 2009-2010 and in each fiscal year thereafter the sum of one hundred fifty thousand dollars (\$150,000) shall be budget for and deposited in the fund.*' So, we've eliminated that obligation to continue to make that deposit in each instance. And then it says, '*...The Governing Body shall appropriate and deposit in the fund such additional sums, if any, as may be necessary to ensure.*' that. So it does eliminate that obligation. Granted we still have other obligations thank goodness under this provision, but again I'm simply in support of continuing to make that funding available to ensure that there is adequate funding in that fund on an annual and going forward basis."

Councilor Harris said, "The language that starts in Section B, I think covers it, '*...shall appropriate and deposit in the fund such additional sums.*..' [which tells me there's already money in the account] '*...if any, as may be necessary to insure.*' I understand the language you're reading, but I believe the statement here is sufficient, and I think it requires the Governing Body to 'appropriate and deposit'."

Councilor Maestas said he wants to echo what Councilor Harris, and "I think it does not change in any way the minimum balances required for certain election cycles." He said this action places a higher burden on the next budget to capitalize that and meet the minimum balances. He said, "I think this is fine, but I think the greater is I think the optics and symbolism of even considering reducing the Public Finance Fund was not very good, especially in light of the fact that we are pursuing adding and expanding public financing through matching funds. It's unfortunate. It happened through the budget. It was a one time thing, but I think if this were to be recurring then I definitely would take issue. And if any future actions would inhibit our ability to expand public financing, for example to add matching funds, then I definitely would oppose any such action. But I believe we're fine. The minimum balances were not affected in this legislation."

Councilor Harris said he sent 2 questions to Adam Johnson, with two simple questions. He said, "I'm just asking how much money was expended in the last election cycle, and what is the balance in this account right now."

Adam Johnson, Budget Officer, said, "The current balance in this account which is what was the original object of proposing this change through the budget process, the current balance is \$663,000, which exceeds the balance that is in Section B(1) of the Resolution. So the only point was to capture that we have made that the intent of the legislation, and to continue to add to the fund, especially during a difficult budget cycle, didn't make sense. And what we need is more flexible language to say if \$600,000 is the balance, then we'll make sure that balance is there as we approach every budget cycle. That weighs no regard on whether or not that number is \$600,000, \$1 million or \$10 million, as far as what that has to be. So it still gives that flexibility to meet that through every cycle. To add context also to the concern with the continual \$150,000 in perpetuity annually, the last budget cycle, we spent \$75,000. In the prior election cycle, we spent \$281,000. So we currently have a balance in there that staff believes is sufficient for the next election cycle, should it dip below the language that it is proper to add to get back to \$600,000."

Councilor Villarreal said, "I think we need to work on some language. I'm willing to let this get published, but I really would like us to not prevent us some opportunities to look at matching funds, if they are for review. But deciding that you were going to run for Mayor, then you probably would want some money in there, wouldn't you, for public financing. So I'm just letting you know, that we need to make sure we have

enough money, especially for the mayoral race. And so, I'm willing to move this forward with the current language, but I would like to make sure the language makes sense as we move it through committees. And I wanted to ask if it is going to get assigned to the ECRB. Is that correct. As a recommending body."

Councilor Dominguez said we can send it to the ECRB.

Councilor Villarreal said, "I would like to recommend that it go to the ECRB first and then Finance Committee, and any other committees after."

Ms. Brennan said, "Adam has explained sort of the monetary side. In fact, this in part addressed the conflict in the Ordinance. But I would also say, with respect to Councilor Villarreal's idea, that to the extent we're advertising and giving notice of a certain Ordinance enactment, to the extent it embraced another subject entirely, as you suggest, we would have to readvertise."

Councilor Dominguez said, "Kelley, help me think about, or maybe Yolanda, think of the timing a little bit. I understand there is something at ECRB that could impact this. Is that true. No."

Ms. Brennan said, "Councilor, I don't know."

Councilor Maestas said, "We got into trouble last year when we adopted a budget and we counted heavily on a transfer from the Water Fund. And if it weren't for the media surrounding that, the State wouldn't have been aware that we passed a budget without that policy action allowing for the Water Fund transfer to balance the budget. This is a similar situation where we submitted a budget, and we did it without the necessary policy decisions to authorize, for example, taking this money from the Public finance Fund. So I think there is some urgency to get this done, because right now, up until now, our budget really is not legally balanced, because we have not enacted the necessary policy to allow for that transfer from the Public Finance Fund. So I say we act tonight."

Councilor Maestas continued, "And I also want to urge us to avoid doing this, passing a budget, and then dealing with the policy after that facilitates a lot of the budget changes, and avoid having the State come down and say, we can't accept your budget because you need some policy decisions to fully authorize the changes you made and the budget you submitted to us. So I think there is a sense of urgency. This is a bad practice, we ought not to do it any more, but I think we should act tonight."

Ms. Vigil said, "If I could, that is why were just sending this directly to Council for a public hearing, because this was a part of the budget. So it was not going to go to any of the committees, because it was approved as part of the budget."

Councilor Ives said, "Unfortunately, I believe that is inaccurate. I think the way the budget was presented, it was a one-time elimination of the \$150,000. I remember specifically, at least language that I thought said, this was a one-time not providing this funding into the City's budget. So when I look at this language, I actually do see it as very different than what we voted on in the budget process."

CLARIFICATION OF THE MOTION: Councilor Dominguez said really we're just approving a request to publish. He will be working with staff to make sure this gets clarified, along with "my colleagues, and the ECRB to make sure we get alignment." He said he keeps getting mixed messages about whether there is something on the table to consider by the ECRB. He hears this from Councilor Ives as well, but nonetheless he hopefully will get it squared away by the time we have the public hearing.

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: Councilor Ives.

13. **CONSIDERATION OF RESOLUTION NO. 2016-64 (COUNCILOR DOMINGUEZ). A RESOLUTION AMENDING THE GOVERNING BODY PROCEDURAL RULES TO ENSURE A MORE FAIR, JUDICIOUS AND EFFICIENT PUBLIC PROCESS. (KELLEY BRENNAN AND JESSE GUILLEN). (Postponed at the July 27, 2016 Meeting of the Governing Body)**

An Amendment Sheet for this item, submitted by the Finance Committee, is incorporated herewith to these minutes as Exhibit "6."

An Amendment Sheet for this item, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez said this Resolution has been to Committees, noting there was a public hearing at the Finance Committee. He said he will accept the amendments from the Finance Committee, and the amendments proposed by Councilor Maestas. He said, "And I would like to add one more, and if I could just read that for the record, and it will be a part of my motion. It says, 'V(A)(14)(e), *However, this in no way should prevent any member of the Governing Body from raising public objections about a specific Executive Session, if he or she thinks that the conditions of the Open Meetings Act have been violated in that session.*' That has to do with Executive Session Rules. I will say that, although I would make a motion with that language in there, that on some level, I believe that members of the Governing Body should already know that is the case and that they have that option. But nonetheless, that will be my motion Mayor. Thank you."

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to adopt Resolution No. 2016-64, with the Amendment proposed by the Finance Committee and amendment proposed by Councilor Maestas, with the following amendment to page 8 of the Substitute Rules as follows: V(A)(14)(e), *"However, this in no way should prevent any member of the Governing Body from raising public objections about a specific Executive Session, if he or she thinks that the conditions of the Open Meetings Act have been violated in that session."*

DISCUSSION: Councilor Maestas said this created quite a stir in Santa Fe, particularly with our open government stakeholders. He said it created consternation from his standpoint, because he would have preferred that proposed action be circulated to all the Committees because it affects each and every one of us. He said we have a constituency to represent, and they rely on us to speak for them. He said issues can arise during the meeting and that may be the consequences of an amendment to legislation which has been presented. He said democracy is messy, but when we take on something dealing with our overall public involvement process, the ability of the Governing Body to express points and debate actions he believes is sacrosanct. He said Santa Fe prides itself on being a hotbed for democracy. He was glad to see the sponsor "walk back" a lot of the original language in there which wasn't very good for democracy.

Councilor Maestas continued, "Councilor Dominguez you might think that some of us talk too long, and there's a need to maybe muzzle us or limit us and we're pontificators. Democracy is what it is, and if we need to debate an issue, let's debate it. And if we need to speak more than once to fully debate an issue, well then let's do it. I'm very pleased with the amendments and to see the changes from the original language which I thought was very detrimental. In the future, for issues like this, we need to engage members of the Governing Body as well as our stakeholder groups. We should be proactive and seeking their input and fully explaining the nature of the issues that we're trying to address in this legislation."

Councilor Maestas continued, saying he said he wasn't a part of the process, but he is on the Governing Body and he apologized to the people out there that really reacted to the initial language to which he reacted in the same way. He thinks the public helped us and were integral in the language before us. He thanked them for their involvement "and holding your government accountable, and keeping the City different that democratic hotbed of the Southwest."

Councilor Ives asked if the amendment submitted by Councilor Maestas is acceptable to the maker, and the maker nodded that it is. He said, in that case, he has a question on the practical impact of the amendment. It specifies, *'Any member of the Governing Body who has received a communication outside a quasi-judicial proceeding concerning the merits or substance of the matter being heard in that proceeding, shall disclose the substance of the communication on the record at the commencement of the proceeding, and the member shall recuse himself or herself if he or she cannot be fair and impartial in the matter.'* He understands the good intent, but thinks it is likely that on certain matters where we operate in a quasi-judicial proceeding, we probably receive 1-200 emails personally, as well as a number of telephone calls. He said if we are to disclose each such communication on the record at the commencement of the proceeding, we will be here for 8 hours before we ever start to consider the matter. He interested in how you see this being implemented. If we go by the letter of what is written, we'll be here a long time, commenting he understands the intent and thinks it's good.

Councilor Maestas said we've had instances where that has occurred. He said his original intent and original language, and Ms. Brennan drafted the language, was to narrow it to the parties involved in the actual action before us – developers, primary involved parties in the action. He said that was what he requested initially. He said, "I think more fundamentally, I would think, Kelley, that if we have to disclose the communication we would only do so if we intended to stay and participate in the vote, whereas, if we didn't disclose and simply recused, there is no need to disclose. So can you maybe clarify that first, and then we can get to trying to narrow this down."

Ms. Brennan said, "This language tracks the language in the Appeals Ordinance, that regulates *ex parte* communications. I don't think there is any intention that when you receive a blizzard of emails, generally, the same email, that anything more is needed than to say, I received 200 emails against this on these grounds and 10 emails in favor of. I think the point of this is that in *ex parte* communications, you should not be making a decision based on information that is not available to the other members. So to the extent that information is relevant, speaks to merits or substance of the matter, it should be disclosed. And to the extent it is, then all members have the same information and can act on the same information."

Councilor Ives said, "If I may on that point, I certainly agree with you on *ex parte* communications. It's not limited to the parties, so clearly it would be anybody communicating. But this specifically says "*a*" communication, and shall disclose the substance of "*the*" communication."

Councilor Ives suggested amending Councilor Maestas' proposed amendment so it says 'who has received communications,' and 'shall disclose the substance of the communications on the record.' He said this may be a more eloquent way not to have to go communication by communication.

Councilor Maestas asked Ms. Brennan her thoughts on the proposed amendment.

Ms. Brennan said, "Councilor, I think that's fine. It's your amendment."

Councilor Maestas asked Councilor Ives what specific language he wants to propose.

FRIENDLY AMENDMENT: Councilor Ives proposed an amendment as follows: "In the first line between "received" and "communication," eliminate "a" and add an "s" to "communication", making it communications, and in the fourth line of the amendment, it states "communication," and should be plural as well. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said he was reading the amendment the way Councilor Maestas said it, and that is often we disclose that we have received a number of emails regarding any particular issue, so that kind of disclosure already happens anyway. He is happy with Councilor Ives' proposed language.

Councilor Dominguez thanked the public and the members of the Governing Body for their work on this, commenting this went to the Governing Body on March 30, 2016, so this isn't the first time this has come before us. He said this in no way was ever intended to quiet the voice of the public or violate anyone's First Amendment rights. He said, "It was really an attempt though to get us to police ourselves so we can have discussions of substance and that we are not necessarily discussing at length, I guess, maybe our own priorities and attentions. So I appreciate everyone's work on this, and I vote yes."

CLARIFICATION BY CITY CLERK: Ms. Vigil asked Councilor Dominguez if his motion includes Councilors Lindell and Villarreal's amendment that is in the packet. Councilor Dominguez said yes, because that came out of Finance.

Councilor Dominguez thanked Councilors Lindell and Villarreal for their amendments.

Councilor Villarreal said, "The only thing I'd like to mention is what would have simplified this process for all of us to understand the changes is to know what already is existing in Robert's Rules of Order, because some of this was just me just stressing what was already in Robert's Rules and some was giving more flexibility than what was in Robert's Rules and it was extremely confusing to try to edit this when most of the language is already in Robert's Rules. I think if we start off with changes like that, we should show what is existing and then show why we're changing it and explain it. It would just be a lot easier for everybody, and that really a lot of it was to make sure it was consistent with our Charter. I say that, because we spent a lot of time at Finance to try to edit this, and it would have been easier to know what was in Robert's Rules in the first place. Thank you."

Mayor Gonzales thanked Councilor Dominguez for his leadership on this bill, commenting this "obviously is a tough area to navigate, and you took the time and you certainly spent the time. I appreciate you holding off so I could be back and participate in the vote, but thank you for your leadership in this."

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

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

Against: None.

Explaining her vote: Councilor Lindell said, "I vote yes, and there's part of it that it does pain me to vote yes on it, which I've talked about before. But I do want to publicly thank Councilor Dominguez. This was an undertaking. He worked with us, he was open to everyone's suggestion. And I think that you did an absolutely wonderful job on this and it wasn't an easy task."

- 14. CONSIDERATION OF RESOLUTION NO. 2016- ____ (MAYOR GONZALES AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE COUNTY DWI PROGRAM TO DEVELOP AND SPONSOR A PARKING VOUCHER PROGRAM TO ALLOW OVERNIGHT PARKING. (NOEL CORREIA) (Postponed at the July 27, 2016 meeting of the Governing Body). (Postponed to the August 31, 2016 Meeting of the Governing Body. Fiscal Impact: Potential annual loss of parking meter revenue is approximately \$11,020 for Option A and \$17,558 for Option B. Option A proposes overnight parking at downtown meters only on Friday and Saturday nights. However, Option B proposes overnight parking at downtown meters seven (7) days per week.**

This item is postponed to the Governing Body meeting of August 10, 2016.

END OF THE EVENING SESSION AT APPROXIMATELY 7:30 P.M.

***Mayor Gonzales with the consent of the Councilors
moved into the evening session,
postponing Items 15 through 20 to the end of the evening session.***

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 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 Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

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

Each person was given 2 minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrada, asked why has the City discontinued publishing the Council Agenda in the local paper. He asked, regarding his previous petition to Councilor Ives, if Councilor Ives has been able to find out why City Staff is restricting mobility devices from access to the District Courthouse on Montezuma. He said, "I'm just asking these two questions."

Linda Wilder Flatt, 950 Vuelta del Sur in Las Acequias, said she is disappointed she didn't get to witness the Governing Body adopt the Resolution on the Fifth Annual Neighbor to Neighbor Food Drive, and thanked the Governing Body for adopting the Resolution. She said, "Sherry Hooper, the Executive Director, and I appreciate you recognizing the importance of it. And I am so pleased that all of you voted for it and you will be actively encouraging neighborhoods throughout the area to participate on September 17, 2016, for the Neighbor to Neighbor Annual Food Drive, and thank you very much."

Mayor Gonzales thanked Ms. Flatt for her leadership in this area.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
August 10, 2016**

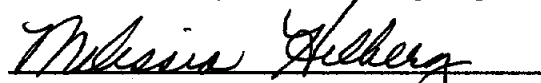
Each person was given 2 minutes to petition the Governing Body.

Stefanie Beninato thanked Councilor Dominguez. Disappointed no public hearing at Council. JUST GET FROM THE TAPE. And discouraging them from coming forward. With regard to impact fees. \$2,700 dedicate hers to the intersection. Burger Group that needs to happen. On Galisteo standing water for days on end, two weeks.

STEFANIE BENINATO: Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico. I want to thank Councilor Maestas for speaking up for public participation at City Council meetings. For myself, I was extremely disappointed that this did not have a public hearing at City Council level. It went to one Committee, that's it. It came to you first. There was such an outcry that you didn't have notice on it, it got sent to Committee and that was one Committee, and many people can't attend a late Monday afternoon or early evening meeting, so there was limited public participation. And again, it feels like you really don't want public participation and people... you know, if you want to encourage public participation and democracy, you want people to participate, then you shouldn't be discouraging them from coming forward. The other thing I would like to make you aware of is impact fees. I just got a permit. It was the changes I had to undergo to go from an accessory dwelling unit to a... excuse me, an accessory unit to an accessory dwelling unit. It cost about \$900, but the impact fee was \$2,200. That's over \$7 per square foot. That's a lot for an impact fee. I also have a permit for an addition. That was about 370 some-odd square feet. It was about \$500, a little over \$1 per square foot. When there's no rhyme or reason behind these things, I mean I was told that some get done by square footage, some get done by category. There doesn't see to be much rhyme or reason. And again, I can now understand why people are going forward and doing a lot of work with permits, and then you don't have pay those kind of excess impact fee. But since I have paid about \$2,700 in impact fees, I would like to have my impact fees dedicated to the improvement of the intersection at West Santa Fe Avenue and Galisteo Street that has been used for over 40 years. I need another about 30 seconds. You have a report by the BBER Group that has recommended doing some things. I think that really needs to happen. We now have not only West Nile Virus, I think I'll bet we have Zika Virus on this road, and definitely on Galisteo Street as being part of this whole flood system there is standing water for days. We have showers every day, it will be two weeks or more before that puddling goes away. So I think if we can dedicate money to parks and have individuals doing that, and dominating that. But I think if individuals have to pay impact fees, then they should be able to say this is where I want my impact fee money. Thank you.

MAYOR GONZALES: Thank you.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, August 10, 2016


Melessia Helberg, Council Stenographer

Nicoletta Munroe, 701 Dunlap, said, "I agree with the comments that were just given regarding the proposed Rules for Procedure, or Procedural Rules that were discussed at Finance Committee on July eighteenth. I think that generally, the Council did a very good job of amending those rules, and also providing amendments which were used for [inaudible]. If you look at the website where tonight's agenda for that item is listed, you have referenced the older document of the proposed rules that were originally proposed by Councilor Dominguez. So I think that perhaps this process was rushed. And while some of the changes are very useful, Rule II(A), which is the rule that censures members of the public who speak in a slanderous or offensive manner, is on its face not lawful, because of free speech. And there is case law about this subject. It's really well known. There are New Mexico cases and there are national cases. One case from 1976 is called *Madison School District vs. Wisconsin*, where a public meeting was brought into a case because members of the public were censured from speaking, and their testimony was included in a provision that was drafted by a School Board. And it went to Appellate Court because people are angry about public comments being included into a provision that is part of the School District. The outcome of that case is that free speech was protected. And the discussion about free speech in public meetings was brought forward, and in this case, we're not recognizing that case law. Please allow me a few more minutes to continue."

Mayor Gonzales said, "I'm sorry ma'am, we've got to move forward."

Ms. Munroe said, "Well thank you for your attempts at providing some type of lawful set of rules. However, Rule II(A), on its face, is unlawful."

G. APPOINTMENTS

City Business and Quality of Life Committee

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

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM MOUNTAIN TRAILS GALLERY FOR THE FOLLOWING:**
 - a) **WINEGROWERS LICENSE WITH ON-PREMISE CONSUMPTION AND PACKAGE SALES TO BE LOCATED AT FALCON MEADERY, 1572 CENTER DRIVE, UNIT E.**
 - b) **WINE WHOLESALE LICENSE TO BE LOCATED AT FALCON MEADERY, 1572 CENTER DRIVE, UNIT E.**
 - c) **WINEGROWER OFF-SITE LICENSE WITH ON-PREMISE CONSUMPTION AND PACKAGE SALES TO BE LOCATED AT THE HIVE MARKET, 101 WEST MARCY STREET, SUITE 5.**
- (YOLANDA Y. VIGIL)**

A Memorandum dated August 3, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Governing Body packet.

Public Hearing

Stefanie Beninato was sworn. Ms. Beninato said, "Again, I just point out how many items on this agenda are having to do with alcohol matters that you waste your time on, when you could have public hearings on things like procedure, or you could allow somebody a few more seconds to finish their comment. And there is actually case law that says really you can have time limits, but only if you don't prevent people from actually giving their point of view. And that happens here repeatedly. Thank you."

The Public Hearing was closed

Ms. Vigil said there needs to be 3 separate votes, one for each license.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the request from Mountain Trails Gallery for a Winegrowers License with on-premise consumption and package sales to be located at Falcon Meadery, 1572 Center Drive, Unit E, 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the request from Mountain Trails Gallery for a Wine Wholesaler license to be located at Falcon Meadery, 1572 Center Drive, Unit E, 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve the request from Mountain Trails Gallery for a Winegrower Off-Site License with on-premise consumption and package sales to be located at the Hive Market, 101 West Marcy Street, Suite 5, 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

- 2) **REQUEST FROM UJAS HAVASU, LLC, FOR A TRANSFER OF OWNERSHIP OF LIQUOR LICENSE #2588 FROM KARSON BEVERAGE SERVICE, LLC TO UJAS HAVASU, LLC. THIS LICENSE WILL REMAIN AT THE DOUBLETREE BY HILTON – SANTA FE, 4048 CERRILLOS ROAD, SANTA FE. (YOLANDA Y. VIGIL)**

A Memorandum dated August 3, 2016, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Governing Body packet.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

Councilor Villarreal asked if this Applicant currently has a restaurant that serves alcohol.

Linda Akin, Attorney for Applicant, was sworn. Ms. Akin said, "Yes, there is a restaurant there. It is a change of ownership only."

Councilor Villarreal said, "Okay. The restaurant is there, they serve alcohol. It's just a change of the license. Okay. Thank you."

Ms. Vigil said, "I just wanted to add a condition of approval. The Applicant is considering using an outside portion for a seating area, so if they do use this portion, we would recommend that it be enclosed."

Mayor Gonzales asked Ms. Akin, "Are you in agreement with that."

Ms. Akin said, "Mr. Mayor, that is a requirement of State law. If we were to add that particular area outdoors, we would have to file an application for expansion of the floor plan and the State would require us to put some sort of barriers up around it, so that's fine."

MOTION: Councilor Lindell moved, seconded by Councilor Dominguez, to approve the request for a transfer of ownership of Liquor License #2588 from Karson Beverage service, LLC, to Ujas Havasu, LLC, with the license to remain at the Doubletree by Hilton-Santa Fe, 4048 Cerrillos Road, Santa Fe, 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

- 3) **REQUEST FROM ELLSWORTH GALLERY 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 "CREATIVE NATION" EXHIBITION WHICH WILL BE HELD ON AUGUST 19, 2016, WITH ALCOHOL SERVICE FROM 5:00 P.M. TO 7:30 P.M. (YOLANDA Y. VIGIL)**

A Memorandum dated August 3, 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 Reverend Adam Lee Ortega y Ortiz of The Cathedral Basilica of Saint Francis of Assisi.

Public Hearing

Mayor Gonzales asked if the Applicant is in attendance, and Ms. Vigil said no.

Stefanie Beninato was sworn. Ms. Beninato said a suggestion for saving some time for Council is perhaps you set up a system where liquor is sold with 300 feet of a church or school, and that church or school is waiving.

Mayor Gonzales asked Ms. Beninato to speak to the application.

Ms. Beninato said, "I'm trying to, because I think this gallery will come in more than once during the year to ask for this, and this would help expedite programs."

Mayor Gonzales asked what are her remarks on this application.

Ms. Beninato said, "You are going to approve it, I know that, but again, what I'm saying is that you have people like this gallery that come in, say 5 times in a year, they don't have to come to Council, it's an automatic waiver as long as they have the letter from the church or school on file, you issue the waiver. That's it. We don't have to spend time here at the meeting. Thank you very much."

The Public Hearing was closed

Mayor Gonzales asked Ms. Vigil if she advises the Applicant they should be in attendance in the event there are questions.

Ms. Vigil said yes they do.

Mayor Gonzales noted the timing is such that if there was a delay in this request, it would have a big impact on the business. He asked that the record show that the Applicant wasn't in attendance to see the approval.

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to grant the waiver of the 300 foot location restriction and approve the request to allow the dispensing/consumption of wine at Ellsworth Gallery, 215 E. Palace Avenue, for the Creative Nation Exhibition on August 19, 2016, with alcohol service from 5:00 p.m. to 7:30 p.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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Councilor Harris

- 4) **CONSIDERATION OF BILL NO. 2016-34: ADOPTION OF ORDINANCE NO. 2016-35 (MAYOR GONZALES). AN ORDINANCE CREATING THE HEALTH AND HUMAN SERVICES FUND TO PROVIDE DEDICATED FUNDING OF TWO PERCENT (2%) OF THE CITY'S SHARE OF STATE GROSS RECEIPTS TAX FOR SUPPORT SERVICES FOR THE RESIDENTS OF THE CITY OF SANTA FE. (CHRIS SANCHEZ)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2016-65 (COUNCILOR MAESTAS). A RESOLUTION REPEALING RESOLUTION NO. 1992-88 RELATING TO DESIGNATION OF STATE SHARED GROSS RECEIPTS TAX REVENUES TO PROVIDE NEEDED HEALTH AND HUMAN SERVICES FOR THE CITIZENS OF SANTA FE FOR THE PURPOSE OF CREATING A HEALTH AND HUMAN SERVICES FUND ORDINANCE. (CHRIS SANCHEZ)**

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

Councilor Lindell said it was her understanding on this, that we were going from the form of Resolution to the form of Ordinance.

Chris Sanchez, Director, Youth and Family Services Division, Community Services Department, said that is correct.

Councilor Lindell said she doesn't understand why there is an increase in the budget, if we're just changing a format from going from a Resolution to an Ordinance.

Mr. Sanchez said over the last few meetings we've had, we've talked about this. So we've taken \$28,000 and allocated that for the purpose of being able to staff the grant process and all that encompasses the grant process for Human Services, noting there are 14-16 different granting agencies that require maintenance of files, preparing the grants, etc.

Councilor Lindell said, "I've made comments on this before. I don't really think this is a good idea. We've had this Resolution since the early 1990's, and now we're codifying this. I understand the intent of it, but I also understand clearly what we went through this year in the budget process in having funds dedicated and not being able to change the amounts of dedication. And in some very hard budget times, it puts an added amount of pressure on different areas. So those are my comments on this."

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to adopt Ordinance No. 2016-35, as presented.

FRIENDLY AMENDMENT: Councilor Villarreal would like to amend the Ordinance to change "citizens" to residents, including the caption of the Ordinance. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Maestas said this is cleanup legislation. He said, "In researching funding sources for the Verde Fund, I felt like the Human Services Fund would be an adequate, well aligned funding source for that intent, but I discovered that we had very outdated legislation going all the way back to 1992, and Ms. Brennan advised him that the DFA would rather we dedicated State shared gross receipts tax by law, by ordinance. We had been operating off an old Resolution that basically leaves it to the budget process to fund Human Services. So now, as Councilor Lindell stated, it's codified, it's legitimate, and essentially there is no changed language, but it guarantees the City's commitment to the Human Services projects and all the non-profits that we support to provide services to our community."

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

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

Against: None.

Abstain: Councilor Lindell.

Explaining his vote: Councilor Ives said, "Yes, but I would like to make a statement at the end of the vote.

Explaining his vote: Mayor Gonzales said, "Yes. I will say though, and I think based on the budget session and the approvals of the Human Services and the Youth Commission grants, Councilor Lindell brought up... and I think the Council acquiesced this need to refine the grant process. And I know this doesn't address the issue, Councilor Maestas, because I do support codification and making sure these funds go in. But I do think there is more work that is going to come back to this Council, particularly inside this issue, that will allow all of you to be able to have some up front weigh-in on how the funds are to be allocated by the commissions that are in place. So this codifies this now and we can begin to develop the rules for how the money will be spent."

MOTION: Councilor Maestas moved, seconded by Councilor Harris, to adopt Resolution No. 2016-65, as presented.

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

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

Against: Councilor Lindell.

Explaining his vote: Councilor Ives said, "Yes, and I'll make that statement at the end of this vote.

Councilor Ives said, "I do believe it is appropriate for us to ensure funding for various types of programmatic efforts across the City and I see this as accomplishing that purpose. I know we are talking about having the Human Services Committee be, apparently, the arbiter of what priority outcomes are and the measure does go on to state that, '*...the priority outcomes will be maintained, updated and/or revised during the annual strategic planning session in accordance with local, state and national best practice standards and data driven outcomes.*' So of course, I see this as putting a tremendous burden on you to be cognizant of federal, state and national best practice standards and data driven outcomes. And that is

presuming that they actually are all aligned with each other, and making sure that these priorities set by the Human Services Committee are the right ones, if you. And clearly, we engage those folks to help us in those determinations. I just see this as creating, again as I said, a significant burden on you in terms of services to the Human Services Committee. I can only say, I hope you are up to it and up for it."

The Governing Body then returned to matters from the Afternoon Agenda

19. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

20. 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 August 10, 2016 is incorporated herewith to these minutes as Exhibit "8."

Councilor Rivera

Councilor Rivera wished his daughter, Rebecca, a Happy Birthday on August 21, 2016. He said his daughter will be a Freshman this year, and his daughter, Emily, will be a senior this year, and he wished them both good luck. He wished all the kids in Santa Fe a safe start to the school year.

Councilor Rivera said the school crossing zone driving east on Jaguar, right before Cesar Chavez, is pretty much covered by trees, so he would like to get that visible before the first day of school.

Councilor Rivera thanked staff involved in the Airport Road tour initiated by Councilor Dominguez. He said it was a great tour, and the City Manager will know which members of the City were involved in that, and asked that he pass his thanks to them on his behalf.

Councilor Ives

Councilor Ives introduced the following:

1. A Resolution directing the City Manager to propose a plan to identify locations for, and a plan to fund, the construction of public restrooms in the historic core of Santa Fe; identify other areas that would benefit from public restrooms; and report back to the Governing Body within six months of adoption of this Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

2. An Ordinance relating to the City of Santa Fe telecommunications facilities in the public rights-of-way Ordinance; amending Subsection 27-2.1 SFCC 1987, to establish legislative findings; amending Subsection 27-2.3 SFCC 1987 to repeal the definition of "gross revenue," and establish a new definition for "gross charge;" amending Subsection 27-2.5 to repeal the fee structure and establish an Infrastructure Maintenance Franchise Fee; and making such other changes as are necessary to carry out the intent of this Ordinance.

Councilor Ives said he attended the kick-off for the Making Strides walk for breast cancer with Councilor Dominguez. He said this year's walk will be on October 8, 2016, at the Villa Linda Park at Santa Fe Place. He said he has been moved by Councilor Dominguez's passion for this cause across the City, and he will be more active in that participation. He thanked Councilor Dominguez for his leadership on this issue over the years, and looks forward to working with him to make this the best one ever for the organization.

Councilor Villarreal

Councilor Villarreal said she would like to be added as a cosponsor of Councilor Ives Resolution on public restrooms.

Councilor Dominguez

Councilor Dominguez said he would echo what Councilor Rivera has said, and asked parents to be very careful, it is the start of school. He asked Chief Litzenberg to get the message to the Police Department and all City staff.

Councilor Dominguez said, "Yes, Councilor Ives, along with you, I believe you are committed to participating in the Real Men Wear Pink campaign in October, so the men in this Governing Body are welcome to join that as well." He said you commit to wearing pink every day in the month of October for Breast Cancer Awareness Month, and you can raise money if you would like.

Councilor Dominguez said to the constituent who contacted him about the blackout, "No, the City of Santa Fe is not responsible for the blackout that happened on Sunday."

Mayor Gonzales

Mayor Gonzales said he distributed copies of a Memorandum from Debra Garcia-Griego and Alexandra Ladd. He said a request was made by the Mayor of Charleston to him and other Mayors in capital cities to participate in this project. He said Mr. Snyder wanted to make sure that before we proceeded forward that there was a communication awareness that was brought to the Council and to the Historic Design Review Board, because the cut-out figure used to participate in this program would be here at City Hall in the Historic District. It seems like a great opportunity to bring awareness to City Hall. He

said if Councilors have concerns, before this goes out, please make sure that you notify us so that we can hold back on this. He said Debra and Alexandra are available for any questions anyone might have individually.

Mayor Gonzales asked to sign on as a cosponsor of Councilor Ives' Resolution regarding bathrooms.

Councilor Lindell

Councilor Lindell would like to sign on as a cosponsor of Councilor Ives' Resolution.

Councilor Lindell introduced 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 La Cieneguita between Camino Carlos Rey and Agua Fria 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 "10."

Councilor Lindell wished Mayor Gonzales a very Happy Half Century.

Councilor Harris

Councilor Harris said he received an email from Jeff Gebhardt, Director Communications, Santa Fe Public Schools, asking if he wanted to be on social media, if he wanted a newsletter. He responded and said he has a long-standing relationship with the District, including with Superintendent Garcia, and he would like to meet with her at her convenience to discuss the relationship between the District and the City. He said Mr. Gebhardt responded that he needed to get in touch with him during the week of August 22nd, after school started.

Councilor Harris said a specific point that was raised today at the City BQL Committee meeting. There was a discussion of the next phase for broadband. He said there was a new member, Dr. Abeyta. He said Sean Moody talked about the effort and where the broadband is going. He said Dr. Abeyta said this should be a coordinated effort with the Schools, because the School District is in the process of running fiber between Santa Fe High School and Chaparral Elementary. He said Mr. Moody responded by saying he had reached out to the Schools on a number of occasions, but did not get a response from them. He said that will be something on his list to discuss with Dr. Garcia to find out who is the contact. He said his colleagues can join him for that meeting, if scheduled, as long as there is no quorum.

Councilor Trujillo

Councilor Trujillo asked Chief Litzenberg to advise staff on Camino Consuelo between Calle Carrera and Siringo on the south, there is an arroyo that need to be cleaned. He said a lot of children use

the arroyo to get from that section of Bellamah to Kearney, and the arroyo is overgrown with weeds, trees, and debris from the flooding from all the rain.

Councilor Trujillo said he and his wife will be taking their son, Hunter, to NMSU to start his Freshman year. He said his daughter, Chrystianna, started high school at the School for the Arts this past week. He is very proud about this.

Councilor Trujillo wished "the Councilor good luck as he participates in the Triathlon."

Councilor Trujillo said he and Councilor Ives attended a meeting this week dealing with the weeds throughout the City. He said during discussion, it was brought to his attention that the organization had spoken spoke with the Mayor, and he heard the word "Moratorium." He said he wants clarification about that. He said he found out that we were spraying, but in this meeting it was said that "we are going to hold back and stop spraying for a specific time." He said the weeds are really bad, and there's no way to get rid of them now, noting staff has been digging out the weeds. He said it is a concern because he gets constituent calls about he weeds all the time. He is concerned that someone can get hurt because the weeds have gotten so tall. He wants to have more clarification on what was said at the meeting, commenting he was invited, but he was at a funeral.

Mayor Gonzales said there has been a lot of misinformation around the IPM Ordinance. He said there was a request for a moratorium, but they didn't support putting a moratorium in place. He said Victor Romero, the new IPM Manager, really has done a lot to address concerns, but it hasn't held back his efforts to make sure he is addressing the issues that are needed, "so I definitely want to assure you of that." He said the issue brought up today, which he needs to keep in mind as he goes forward on the Parks Program, is the management of the IPM Ordinance, like in the Adopt a Median, making sure people who adopted were following the IPM Ordinance. He said if we get to the point where we can get people to adopt a park, the IPM Ordinance needs to be followed there as well.

Mayor Gonzales continued, saying there was a request that we go to no pesticides by a couple of people, and we said no, if they have that request, they need to come to the Council. He said, "I can assure you there was no directive given, and Kelley was part of those meetings as was Rob Carter, Richard and Victor, and so they definitely know."

Councilor Trujillo said, lastly, in view of what happened with Mr. Hicks this weekend, he would urge the public to please slow down and if there is a power outage, when you come to an intersection it automatically becomes a four-way stop. So jut be aware of that.

Councilor Maestas

Councilor Maestas introduced a Resolution calling for the update of the Community Economic Development Plan and relevant sections of City Code in order to establish program priorities, goals and metrics. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Maestas thanked staff for its work to settle an easement dispute on Gregory Lane, and commended Zack Shandler and other members of the Planning Department for seeing this all the way to a satisfactory resolution. The other was a drainage problem on Camino Mirraceros, a neighbor dispute, and John Griego, Building Inspector, was instrumental in getting the problem resolved. He asked that the City Manager offer his commendation to him.

Councilor Maestas said his son is transferring to Texas University at San Marcos, Texas, and he will be driving him down there next week.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

16. MATTERS FROM THE CITY ATTORNEY.

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(7) AND (8) NMSA 1978, DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION RELATING TO CENTURY BANK AND THE ARTYARD MASTER CONDOMINIUM ASSOCIATION, INC. V. CITY OF SANTA FE, ABERG PROPERTY COMPANY, AND SANTA FE COMMUNITY RAILYARD CORPORATION; 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 BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE; AND TO LEASE FOR PROPERTY LOCATED AT 1730 LLANO STREET. (KELLEY BRENNAN AND MATTHEW O'REILLY)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Governing Body 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: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

The Council went into Executive Session at 8:10 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 9:15 p.m. Councilor Rivera moved, seconded by Councilor Ives, that the City Council come out of Executive Session and stated 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 Ives, Councilor Lindell, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Absent for the vote: Councilor Maestas

Ms. Brennan said, "There were two possible actions listed on the agenda. We are not taking either of those actions tonight."

17. **POSSIBLE ACTION WITH RESPECT TO CENTURY BANK AND THE ARTYARD MASTER CONDOMINIUM ASSOCIATION, INC. V. CITY OF SANTA FE, ABERG PROPERTY COMPANY, AND SANTA FE COMMUNITY RAILYARD CORPORATION. (KELLEY BRENNAN)**

No action was taken on this item.

18. **POSSIBLE ACTION WITH RESPECT TO THE BUCKMAN ROAD RECYCLING AND TRANSFER STATION (BuRRT) LEASE. (KELLEY BRENNAN)**

No action was taken on this item.

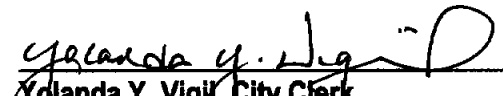
I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:20 p.m.


Approved by:


Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

ITEM #10-a

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, AUGUST 8, 2016**

ITEM 11

CIP #500-B – SANTA FE RIVER CHANNEL IMPROVEMENTS (PHASE 3A) – BOULDER GRADE CONTROL RECONSTRUCTION
REQUEST FOR APPROVAL OF AWARD OF RFB #16/40/B AND CONSTRUCTION AGREEMENT WITH RAINCATCHER INC. IN THE AMOUNT OF \$277,566.48 INCLUSIVE OF NMGR (MELISSA MCDONALD)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE: 426010.572970

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE**FOR****AGAINST****ABSTAIN****CHAIRPERSON IVES****X****COUNCILOR MAESTAS****X****COUNCILOR RIVERA****X****COUNCILOR TRUJILLO****X****COUNCILOR VILLARREAL****X**

Exhibit "1"

ITEM #10-m

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, AUGUST 8, 2016**

ITEM 16

REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE ELIGIBILITY AND INTENT OF THE CITY OF SANTA FE TO SUBMIT AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR FEDERAL FISCAL YEAR 2018 SECTION 5310 PROGRAM FUNDS FOR ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM (COUNCILOR MAESTAS) (KEITH WILSON)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON IVES	X		
COUNCILOR MAESTAS	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		
COUNCILOR VILLARREAL	X		

Exhibit "2"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Keep it in the Ground

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2016-__:

1. On page 1, line 11 ***delete*** "FEDERAL EXECUTIVE ACTION AND"
2. On page 2, ***delete*** line 25 and on page 3, ***delete*** lines 1-3
3. On page 3, line 10 ***delete*** "executive action and"
4. On page 3, ***delete*** line 15 in its entirety

Respectfully submitted,

Mike Harris, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "3"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Neighbor to Neighbor Food Drive

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2016-__:

1. On page 1, after line 14 *insert*:
 "WHEREAS, over 26,000 people live in poverty in Santa Fe County, with over 7,800 children in poverty; and:
2. On page 1, after line 15 *insert*:
 "WHEREAS, research has demonstrated children who go without adequate, healthy food cannot thrive; and
 WHEREAS, public and private partnerships can both feed children and improve the local agricultural economy; and"
3. On page 1, after line 24 *insert*:
 "WHEREAS, the Food Depot provides food for more than 6 million meals throughout 9 counties in Northern New Mexico every year, 48% of those meals to people in need in Santa Fe County; and"
4. On page 1, after line 16 *insert*.
 "WHEREAS, within the City of Santa Fe, nearly 10% of low income families live a mile or more from the nearest grocery store; and

Respectfully submitted,

Renee D. Villarreal, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "4"

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: _____ Resolution: X
(A single FIR may be used for related bills and/or resolutions)

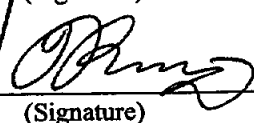
Short Title(s): A RESOLUTION SUPPORTING THE FIFTH ANNUAL 2016 NEIGHBOR TO NEIGHBOR FOOD DRIVE.

Sponsor(s): Councilor Dominguez, Mayor Gonzales, Councilors Harris, Ives, Lindell, Maestas, Rivera, Trujillo and Villarreal

Reviewing Department(s): Land Use

Persons Completing FIR: Noah Berke Date: 7/22/16 Phone: 955-6647

Reviewed by City Attorney:  Date: 8/10/16
(Signature)

Reviewed by Finance Director:  Date: 8-10-2016
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The proposed resolution supports the fifth annual 2016 Neighbor to Neighbor Food Drive.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: 

Exhibit "5"

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 16/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel* \$1350 A NR \$ _____

Fringe** \$ _____ _____ \$ _____

Capital Outlay \$ _____ _____ \$ _____

Land/ Building \$ _____ _____ \$ _____

Professional Services \$ _____ _____ \$ _____

All Other Operating Costs \$ _____ _____ \$ _____

Total: \$1350 _____ \$ 0

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____ \$ _____ \$ _____

_____ \$ _____ \$ _____

_____ \$ _____ \$ _____

Total: \$ 0 _____ \$ 0

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

\$1350 in absorbed overtime costs for staff required to pick up food donations from around the city.

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The city will not provide logistical support for this event.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This resolution supports the efforts the neighbors in Santa Fe to work with the Food Depot and to collect food for the less fortunate. This food will provide meals for people who might not be able to afford it.

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Governing Body Procedural Rules**

Mayor and Members of the City Council:

We propose the following amendment(s) to Resolution No. 2016-__:

1. In Exhibit A, on page 2 Section II (A) *delete* "If that person continues to act improperly after sufficient warning, the Chair may direct their removal from the meeting." and *insert* in lieu thereof "The Chair may prohibit any person who is acting improperly from continuing to speak."
2. In Exhibit A, on page 5 *delete* Subsection IV(E)(8) in its entirety.
3. In Exhibit A, on page 10 Subsection VI[F](E) shall revert to the original language and all new language shall be removed.
4. In Exhibit A, on page 10 *delete* Subsection VI[F](G) in its entirety.

Respectfully submitted,

Finance Committee

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "6"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Governing Body Procedural Rules

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2016-__:

1. In Exhibit A, on page 12 after subsection "C" *insert* the following new subsection:

"D. Special Rules for Quasi-Judicial Proceedings

Any member of the Governing Body who has received a communication outside a quasi-judicial proceeding concerning the merits or substance of the matter being heard in that proceeding, shall disclose the substance of the communication on the record at the commencement of the proceeding, and the member shall recuse himself or herself if he or she cannot be fair and impartial in hearing the matter."

Respectfully submitted,

Joseph M. Maestas, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "7"



CITY COUNCIL MEETING OF
August 10, 2016
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
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
	<p style="text-align: center;">A RESOLUTION</p> <p>DIRECTING THE CITY MANAGER TO PROPOSE A PLAN TO IDENTIFY LOCATIONS FOR, AND A PLAN TO FUND, THE CONSTRUCTION OF PUBLIC RESTROOMS IN THE HISTORIC CORE OF SANTA FE; IDENTIFY OTHER AREAS THAT WOULD BENEFIT FROM PUBLIC RESTROOMS; AND REPORT BACK TO THE GOVERNING BODY WITHIN SIX MONTHS OF ADOPTION OF THIS RESOLUTION.</p>	<p>Public Works Committee - 9/12/16</p> <p>City Business Quality of Life Committee - 9/14/16</p> <p>Finance Committee - 9/19/16</p> <p>City Council - 9/28/16</p>
	<p style="text-align: center;">AN ORDINANCE</p> <p>RELATING TO THE CITY OF SANTA FE TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.1 SFCC 1987 TO ESTABLISH LEGISLATIVE FINDINGS; AMENDING SUBSECTION 27-2.3 SFCC 1987 TO REPEAL THE DEFINITION OF "GROSS REVENUE" AND ESTABLISH A NEW DEFINITION FOR "GROSS CHARGE"; AMENDING SUBSECTION 27-2.5 TO REPEAL THE FEE STRUCTURE AND ESTABLISH AN INFRASTRUCTURE MAINTENANCE FRANCHISE FEE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.</p>	<p>Public Utilities Committee - 9/7/16</p> <p>Public Works Committee - 9/12/16</p> <p>City Council (request to publish) - 9/14/16</p> <p>Finance Committee - 9/19/16</p> <p>City Council (public hearing) - 10/13/16</p>

Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	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 LA CIENEGUITA BETWEEN CAMINO CARLOS REY AND AGUA FRIA STREET; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE.	Public Works Committee - 9/29/16 Finance Committee - 9/16/16 City Council - 9/14/16
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION CALLING FOR THE UPDATE OF THE COMMUNITY ECONOMIC DEVELOPMENT PLAN AND RELEVANT SECTIONS OF CITY CODE IN ORDER TO ESTABLISH PROGRAM PRIORITIES, GOALS AND METRICS.	Economic Development Review Subcommittee - TBD Public Works Committee -9/12/16 City Business Quality of Life Committee - 9/14/16 Finance Committee - 9/19/16 City Council - 9/28/16
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, jbguillen@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

INTRODUCED BY:

Councilor Peter N. Ives

Mayor Javier M. Gonzales

Councilor Renee D. Villarreal

Councilor Signe I. Lindell

A RESOLUTION

DIRECTING THE CITY MANAGER TO PROPOSE A PLAN TO IDENTIFY LOCATIONS FOR, AND A PLAN TO FUND, THE CONSTRUCTION OF PUBLIC RESTROOMS IN THE HISTORIC CORE OF SANTA FE; IDENTIFY OTHER AREAS THAT WOULD BENEFIT FROM PUBLIC RESTROOMS; AND REPORT BACK TO THE GOVERNING BODY WITHIN SIX MONTHS OF ADOPTION OF THIS RESOLUTION.

WHEREAS, the historic downtown area of the City of Santa Fe does not have public restrooms available for tourists or residents; and

WHEREAS, the lack of public bathrooms has been a regular complaint from visitors and residents who support the Santa Fe economy through hotel stays, dining and shopping throughout the City; and

WHEREAS, the downtown area would be a much more welcoming area for visitors and residents if public restrooms were available for use, allowing residents and visitors to spend more time in the area, providing a boost to our tax base; and

1 **WHEREAS**, by Resolution 2014-49 the Governing Body expressed its desire to bring
2 more people to the downtown plaza to increase a sense of community, and provide economic
3 benefits to downtown area merchants and vendors; and

4 **WHEREAS**, the lack of bathrooms in the downtown area has required local businesses
5 to provide bathrooms, incurring increased costs for utilities and maintenance, all due to a lack of
6 public restrooms in the area; and

7 **WHEREAS**, attempts in the past to make restrooms available to the public have
8 ultimately proved unsuccessful; and

9 **WHEREAS**, the City can benefit from looking to other cities in how they have dealt with
10 the issue of public restrooms in the heavily trafficked areas of their cities.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE** that the City Manager is directed to propose a plan to identify locations
13 for, and a plan to fund, construction of public restrooms in the historic core of Santa Fe.

14 **BE IT FURTHER RESOLVED** that the City Manager shall identify other such area
15 that would benefit from the presence of public restrooms.

16 **BE IT FURTHER RESOLVED** that the City Manager shall report back to the
17 Governing Body within six months of adoption of this resolution regarding the location and
18 funding of public restrooms.

19 PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

20
21 _____
22 JAVIER M. GONZALES, MAYOR
23
24
25

1 ATTEST:

2

3

4 _____
YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7

8 _____
KELLEY A. BRENNAN, CITY ATTORNEY

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 *M/Legislation/Resolutions 2016/Public Restrooms*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016 - _____

INTRODUCED BY:

Councilor Signe I. Lindell

Councilor Renee D. Villarreal

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 LA CIENEGUITA BETWEEN CAMINO
CARLOS REY AND AGUA FRIA STREET; DIRECTING STAFF TO CAUSE SUCH
COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF
SANTA FE.**

WHEREAS, in recent years, La Cieneguita has experienced a rapid premature pavement surface deterioration along with drainage issues affecting some properties, with subsequent pavement substructure failures caused by oxidation, moisture, recent harsh winters, and increases in traffic volumes; and

WHEREAS, the City of Santa Fe plans to make roadway improvements to various segments of La Cieneguita between Camino Carlos Rey and Agua Fria Street as part of its annual resurfacing program (2016/2017 season); and

WHEREAS, such improvements shall include roadway pavement rehabilitation, drainage

1 and pedestrian improvements to include reconstruction of some deteriorated curb and gutter, and
2 manhole adjustments; and

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

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

8 **WHEREAS**, funding from the NMDOT to aid construction shall consist of \$50,205.00
9 through the LGRF cooperative agreement; and

10 **WHEREAS**, the City, as part of the LGRF Cooperative Agreement shall match up to
11 \$103,796.51 to the NMDOT funds; and

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

14 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that staff is directed to cause a Cooperative Agreement between the City and
16 the NMDOT to be executed on behalf of the City to share in the funding for improvements on La
17 Cieneguita between Camino Carlos Rey and Agua Fria Street.

18 PASSED, APPROVED and ADOPTED this ____ day of _____, 2016.

19
20 _____
21 JAVIER M. GONZALES, MAYOR

22 ATTEST:

23
24 _____
25 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

2
3 _____
4 KELLY A. BRENNAN, CITY ATTORNEY
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 *M/Legislation/Resolutions 2016/NMDOT LGRF Grant*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

INTRODUCED BY:

Councilor Joseph M. Maestas

A RESOLUTION

**CALLING FOR THE UPDATE OF THE COMMUNITY ECONOMIC DEVELOPMENT
PLAN AND RELEVANT SECTIONS OF CITY CODE IN ORDER TO ESTABLISH
PROGRAM PRIORITIES, GOALS AND METRICS.**

WHEREAS, Santa Fe has an economy which is substantially driven by
government and tourism, and;

WHEREAS, Resolution 1998-49 created an Economic Development (ED) Fund and
directed that all revenues from City land sales be deposited in the ED Fund and directed that a
Municipal Infrastructure Gross Receipts Tax increment allowable for ED purposes also be
transferred to the ED Fund; and

WHEREAS, Chapter 11, Section 14.5 of the City Code requires a general fund amount
equal to a minimum of 0.25% of the city's share of State gross receipts tax revenues shall be
annually allocated to the ED Fund beginning in fiscal year (FY) 2001 and shall be increased by
0.25% each subsequent year until an allocation of 1% is attained in FY 2004 and annually

1 maintained thereafter “contingent upon sufficient appropriations and authorization by the
2 governing body.”; and

3 **WHEREAS**, no enabling legislation exists that properly allows for the dedication, per
4 city code, of a portion of the city’s share of State gross receipts tax revenues to the ED Fund; and

5 **WHEREAS**, Community Economic Development Plan (CEDP) was adopted by
6 Resolution 2004-42 in 2004 after an extensive community process led by Angelou
7 Economics and that plan, known as the Angelou Plan, continues to be the official CEDP
8 of Santa Fe, and;

9 **WHEREAS**, the Angelou Plan focused on the need to diversify Santa Fe’s economy and
10 the need to attract and retain talent in the face of aging demographics; and

11 **WHEREAS**, in 2008, a Strategy for Implementation was adopted by Resolution 2008-67
12 to update and focus the Angelou Plan, and;

13 **WHEREAS**, the Governing Body recognizes the importance of timely updates to the
14 City of Santa Fe’s Community Economic Development Plan and the need to wisely manage the
15 ED Fund by fully complying with Chapter 11, Sections 11 and 14 of the city code in a transparent
16 manner, and;

17 **WHEREAS**, since 2008 the economy has experienced the Great Recession and shifts in
18 federal and state government spending, and:

19 **WHEREAS**, the City needs targeted and prioritized economic development initiatives to
20 ensure the best use of public monies and the greatest impact in creating a sustainable, diversified
21 economy, and;

22 **WHEREAS**, best practices in economic development have evolved substantially over the
23 years and the focus on industrial recruitment has waned, and;

24 **WHEREAS**, economic development must engage the larger community and build
25 support and collaboration on more contemporary initiatives in order to be most effective, and;

1 **WHEREAS**, an update of the CEDP shall engage the community and the Governing
2 Body to build strong partnerships, establish community priorities including clear goals and
3 metrics and focus city economic development efforts and resources on initiatives which with the
4 greatest leverage and greatest impact for Santa Fe's economy.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the city manager shall coordinate:

- 7 1. An interim update of the CEPD by staff and be brought forward within ninety
8 (90) days of the adoption of this resolution for Governing Body action.
- 9 2. A comprehensive review by staff of Chapter 11, Sections 11 and 12; and any
10 other city code that pertains to economic development with recommendations
11 presented to the Governing Body for action within 90 days of the adoption of this
12 resolution.
- 13 3. The development of a plan, community engagement process, and budget for a
14 comprehensive update of the CEPD that would essentially replace the Angelou
15 Plan. This plan, process, and budget shall be presented to the Governing Body
16 for approval prior to the development of the city manager's proposed FY 2018
17 budget.

18 **BE IT FURTHER RESOLVED**; that the comprehensive update shall include wide-
19 community input across all demographics including age ethnicity, income and geographic
20 location and community engagement shall include idea gathering and feedback from the
21 community on the initial update;

22 **BE IT FURTHER RESOLVED**; that the Governing Body shall review the
23 comprehensive economic development plan update and, if adopted, staff shall prepare a
24 corresponding update by ordinance to the Economic Development Plan and Fund sections of the
25 city code (SFCC 11-11 & 14).

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

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY