



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 8, 2017
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 – January 25, 2017
9. PRESENTATIONS
10. CONSENT CALENDAR

CITY CLERK'S OFFICE

DATE 2/3/17 TIME 2:55 PM

SERVED BY Melissa Byers

RECEIVED BY _____

- a) Request for Approval of Cooperative Project Funding Agreement – Reconstruction of Guadalupe from Agua Fria to Paseo De Peralta; New Mexico Department of Transportation. (David Quintana)
 - 1) Request for Approval of Budget Amendment in the Amount of \$375,000.
- b) Request for Approval of Professional Services Agreement – Advertising, Sales, Design, Production, Installation, Maintenance and Removal from Santa Fe Trails Bus Exteriors, Shelters and Benches (RFP #17/11/P); Templeton Marketing Services, Inc. (Thomas Martinez)
- c) Request for Approval of Budget Amendment to Reduce Rental Income on Credit Available, Rent Payment Reduction and Eliminate Inter-Fund Transfers between College of Santa Fe Operating – Fund 5910 and College of Santa Fe Debt – Fund 5912. (Teresita Garcia)
- d) Request for Approval of Amendment No. 5 to Professional Services Agreement in the Amount of \$283,200 – Aggressive and Comprehensive ITT Systems Modernization for Finance, Land Use and Community Development; Mountain River Consulting. (Larry Worstell)



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- e) Request for Approval of Grant Award in the Amount of \$100,000 – 2017 Fire Protection Grant for Fire Department; New Mexico State Fire Marshal's Office. (Jan Snyder)
 - 1) Procurement Under State Price Agreement in the Amount of \$126,282.21 – SCBA Air Compressors and Filling Stations; Municipal Emergency Services.
 - f) CONSIDERATION OF RESOLUTION NO. 2017-___. (Finance Committee)
A Resolution Relating to a Request for Approval of Second Quarter Budget Amendments for Fiscal Year 2016/2017. (Andrew Hopkins)
 - g) Request for Approval of Findings of Fact and Conclusions of Law for Case #2016-137, Relating to the Dismissal of the Appeal of Eloy Lucero from the Planning Commission's October 6, 2016 Approval of the Alma Dura Preliminary Plat Subdivision. (Zachary Shandler)
 - h) Request to Publish Notice of Public Hearing on March 8, 2017:
 - 1) **Bill No. 2017-1:** An Ordinance Amending Section 24-2.6 SFCC 1987 to Add a Truck and Other Large Vehicles Traffic Restriction on Defouri Street. (Councilor Lindell) (John Romero)
 - 2) **Bill No. 2017-2:** An Ordinance Updating and Reforming the Permitted Locations and Regulations for the Sale and Consumption of Alcohol on City Property; and Revising the Provisions for Sale and Consumption of Alcohol on City Property. (Councilor Dominguez and Councilor Rivera) (Alfred Walker)
 - i) Request for Approval of Information Technology Agreement in the Amount of \$99,847 – Debt Management System and Implementation Services, Annual Maintenance and Hosting Fees (RFP #16/47/P); Emphasys Software. (Larry Worstell)
11. Request to Publish Notice of Public Hearing on March 8, 2017:
- Bill No. 2017-3:** An Ordinance Creating a New Section 18-20 SFCC 1987 To Establish a Sugar-Sweetened Beverages Tax for the Purpose of Supporting Early Childhood Education for City of Santa Fe Residents. (Mayor Gonzales and Councilor Ives) (Marcos Martinez)
- a) A Resolution Establishing Guidelines for the Santa Fe Early Childhood Initiative; Establishing Guidelines to Guide Early Childhood Education; Directing the Governing Body to Establish an Early Childhood Development Commission. (Chris Sanchez)



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CITY COUNCIL CHAMBERS

12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Arts Commission
 - Division of Senior Services Advisory Board of Directors
 - Parks and Recreation Commission
 - Mayor's Committee on Disability
 - Independent Salary Commission
- H. PUBLIC HEARINGS:
 - 1) Request from National Dance Institute of New Mexico (NDI) for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the NDI Dance Barns, 1140 Alto Street, Which is Within 300 Feet of Aspen Community Magnet School, 450 La Madera and La Comunidad de los Ninos, 1121 Alto Street. The Request is for the Following Events: (Yolanda Y. Vigil)
 - a) Benefit Reception and Performance of Dana Tai Soon Burgess Dance Company on Saturday, March 18, 2017, with Alcohol Service from 5:30 p.m. to 7:30 p.m.
 - b) NDI's Annual Gala to be Held on Saturday, May 13, 2017, with Alcohol Service from 4:30 p.m. to 11:00 p.m.



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THE GOVERNING BODY
FEBRUARY 8, 2017
CITY COUNCIL CHAMBERS

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

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, five (5) working days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
February 8, 2017**

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REQUEST FOR APPROVAL OF COOPERATIVE PROJECT FUNDING AGREEMENT – RECONSTRUCTION OF GUADALUPE FROM AGUA FRIA TO PASEO DE PERALTA; NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	4-5
REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$375,000	Approved	4-5

END OF CONSENT CALENDAR DISCUSSION		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 8, 2017:</u>		
BILL NO. 2017-3: AN ORDINANCE CREATING A NEW SECTION 18-20 SFCC 1987 TO ESTABLISH A SUGAR- SWEETENED BEVERAGES TAX FOR THE PURPOSE OF SUPPORTING EARLY CHILDHOOD EDUCATION FOR CITY OF SANTA FE RESIDENTS.	Approved	5-7
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>PUBLIC HEARINGS</u>		
REQUEST FROM NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE NDI DANCE BARN, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA AND LA COMUNIDAD DE LOS NINOS, 1121 ALTO STREET. THE REQUEST IS FOR THE FOLLOWING EVENTS:		
BENEFIT RECEPTION AND PERFORMANCE OF DANA TAI SOON BURGESS DANCE COMPANY ON SATURDAY, MARCH 18, 2017, WITH ALCOHOL SERVICE FROM 5:30 P.M. TO 7:30 P.M.	Approved	31-32
NDI'S ANNUAL GALA TO BE HELD ON SATURDAY, MAY 13, 2017, WITH ALCOHOL SERVICE FROM 4:30 P.M. TO 11:00 P.M.	Approved	31-32
	Approved	31-32

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 8, 2017**

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, February 8, 2017, 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

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

6. APPROVAL OF AGENDA

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to approve the agenda, 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 voting against.

7. APPROVAL OF CONSENT CALENDAR

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

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

For: 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) *[Removed for discussion by Councilor Trujillo]*
- b) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ADVERTISING, SALE, DESIGN, PRODUCTION, INSTALLATION, MAINTENANCE AND REMOVAL FROM SANTA FE TRAILS BUS EXTERIORS, SHELTERS AND BENCHES (RFP #17/11/P); TEMPLETON MARKETING SERVICES, INC. (THOMAS MARTINEZ)**
- c) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT TO REDUCE RENTAL INCOME ON CREDIT AVAILABLE, RENT PAYMENT REDUCTION AND ELIMINATE INTER-FUND TRANSFERS BETWEEN COLLEGE OF SANTA FE OPERATING – FUND 5910 AND COLLEGE OF SANTA FE DEBT – FUND 5912. (TERESITA GARCIA)**

- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$283,200 – AGGRESSIVE AND COMPREHENSIVE ITT SYSTEMS MODERNIZATION FOR FINANCE, LAND USE AND COMMUNITY DEVELOPMENT; MOUNTAIN RIVER CONSULTING. (LARRY WORSTELL)**
- e) **REQUEST FOR APPROVAL OF GRANT AWARD IN THE AMOUNT OF \$100,000 – 2017 FIRE PROTECTION GRANT FOR FIRE DEPARTMENT; NEW MEXICO STATE FIRE MARSHAL'S OFFICE. (JAN SNYDER)**
 - 1) **PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT OF \$126,282.21 – SCBA AIR COMPRESSORS AND FILLING STATIONS; MUNICIPAL EMERGENCY SERVICES.**
- f) **CONSIDERATION OF RESOLUTION NO. 2017-15 (FINANCE COMMITTEE). A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF SECOND QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2016/2017. (ANDREW HOPKINS)**
- g) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2016-137, RELATING TO THE DISMISSAL OF THE APPEAL OF ELOY LUCERO FROM THE PLANNING COMMISSION'S OCTOBER 6, 2016 APPROVAL OF THE ALMA DURA PRELIMINARY PLAT SUBDIVISION. (ZACHARY SHANDLER)**
- h) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 8, 2017:**
 - 1) **BILL NO. 2017-1: AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO ADD A TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION ON DEFOURI STREET (COUNCILOR LINDELL). (JOHN ROMERO)**
 - 2) **BILL NO. 2017-2: AN ORDINANCE UPDATING AND REFORMING THE PERMITTED LOCATIONS AND REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; AND REVISING THE PROVISIONS FOR SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). (ALFRED WALKER)**

- i) **REQUEST FOR APPROVAL OF INFORMATION TECHNOLOGY AGREEMENT IN THE AMOUNT OF \$99,847 – DEBT MANAGEMENT SYSTEM AND IMPLEMENTATION SERVICES, ANNUAL MAINTENANCE AND HOSTING FEES (RFP #16/47/P); EMPHASYS SOFTWARE. (LARRY WORSTELL)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 25, 2017

The following correction was made to the minutes:

Page 33 paragraph 5, line 1, correct as follows: "...~~shorter~~ longer hours.

Page 33, paragraph 5, line 4, correct as follows: "...~~but that was also to be cognizant...~~"

Page 33, paragraph 9, line 1, correct as follows: "...the ~~retro~~ the rail trail access."

Page 34, paragraph 1, line 1, correct as follows: "...behind ~~inaudible~~ one of the loft buildings..."

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the minutes of the meeting of January 25, 2017, 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 voting against.

9. PRESENTATIONS

There were no Presentations.

CONSENT CALENDAR DISCUSSION

- 10(a) **REQUEST FOR APPROVAL OF COOPERATIVE PROJECT FUNDING AGREEMENT – RECONSTRUCTION OF GUADALUPE FROM AGUA FRIA TO PASEO DE PERALTA; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID QUINTANA)**
- 1) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$375,000.**

Disclosure: Councilor Trujillo said, "As always, with anything to do with the New Mexico Department of Transportation, I do state that I do work for the New Mexico Department of Transportation, and I used to oversee these kinds of Agreements, but I now no longer oversee them, so there is no conflict of interest, so I would move for approval."

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

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.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 8, 2017:

BILL NO. 2017-3: AN ORDINANCE CREATING A NEW SECTION 18-20 SFCC 1987 TO ESTABLISH A SUGAR-SWEETENED BEVERAGES TAX FOR THE PURPOSE OF SUPPORTING EARLY CHILDHOOD EDUCATION FOR CITY OF SANTA FE RESIDENTS (MAYOR GONZALES AND COUNCILOR IVES). (MARCOS MARTINEZ)

- 1) A RESOLUTION ESTABLISHING GUIDELINES FOR THE SANTA FE EARLY CHILDHOOD INITIATIVE; ESTABLISHING GUIDELINES TO GUIDE EARLY CHILDHOOD EDUCATION; DIRECTING THE GOVERNING BODY TO ESTABLISH AN EARLY CHILDHOOD DEVELOPMENT COMMISSION. (CHRIS SANCHEZ)**

Mayor Gonzales said this is a request to publish Notice of a Public Hearing on March 8, 2017.

Councilor Maestas said he has a legal question. He said this request to publish makes no mention of a special election, and as he recalls when we took action on the 2¢ Gasoline Tax, we made sure to have the Ordinance and the Special Election Resolution as companion pieces of legislation. When we acted on those it was by design to act on the Special Election Resolution before the Ordinance. His concern is if we're putting the cart before the horse in acting on the Ordinance before we act on the Special Election Resolution.

Kelly Brennan, City Attorney, said, "I don't believe so. Because this is a bill that requires an advertisement on the different schedules in the Resolution, the Resolution can actually follow after that, and you can even enact the bill without a Resolution. The Resolution is what triggers the 60-day period within which you must hold an election. And it can't become a valid tax until it is approved by the electorate, so I don't that there is any conflict. You wouldn't expect it to sit on the books for 2 years without an election resolution. But it can proceed certainly to advertising, because it's operating on a different schedule. The assumption would be that the Resolution would catch up with it."

Councilor Maestas asked, "What happens, if hypothetically, the Special Election Resolution doesn't pass. So we took action on the Ordinance, and the Special Election Resolution does not pass."

Ms. Brennan said, "If the Ordinance passed and the Resolution didn't, it would be unusual, but the effect would be that the Ordinance would have no effect, because any tax established under the Ordinance would be required to be approved by the electorate. So it would just be ineffective, but I would consider that if the Ordinance passed, I would assume the Election Resolution would, but I could be wrong."

Councilor Maestas said this is his only fear, based on his expectations and on his recent experience with regard to how we handled the 2¢ Gasoline Tax. He asked Ms. Vigil what is published.

Yolanda Vigil, City Clerk, said "So we are actually going to introduce the Election Resolution at the next Council meeting, and it will be for March 8th. So what you do on March 8th is you'll consider the bill. If the bill is approved, then you adopt the Resolution which you are considering tonight, and then you will act on the Election Resolution. So it is being scheduled out."

Councilor Maestas asked, "So there's no way that if we just publish this caption, that the public could be misconstrued in thinking that we're actually going to act on and approve the Ordinance, instead of it being approved via a Special Election."

Ms. Brennan said, "Well the Ordinance is approved first and then it goes to an election, is the process. And you will be voting, as Yolanda said, the idea now is to.... because Resolutions don't go through the advertising at the preliminary stage like those do, they should be heard at the same Public Hearing."

Ms. Vigil said, "They will be. March 8th."

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the request to publish Item 11, Bill No. 2017-3, and 11(a) the Resolution.

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.

Mayor Gonzales thanked the Council for allowing this to move forward so the public can weigh-in on this. He said there are still Council committees the bill is required to go through. He said the point is that this is moving to a public hearing on March 8, 2017, for members of the public.

Councilor Ives said at the Public Works meeting on February 20, 2017, they will hold a public hearing on these items and everyone is invited. He said it is hoped to have representatives from all sides of the issues involved in these measures, commenting it promises to be a lively and good discussion and welcomes public participation.

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager

13. MATTERS FROM THE CITY ATTORNEY

Ms. Brennan said, "I want to ask for your authorization for me to explore further exploration.....I and the other attorneys in the City Attorneys' Office have been discussing ideas about how we can go about addressing the Executive Order affecting Sanctuary Cities. And I am looking for your approval to consult with a team of outside lawyers who have volunteered their services, develop a number of options and bring them to you in Executive Session. This would be to determine our rights and obligations under federal law and to pursue other possible legal remedies."

Mayor Gonzales said currently, the City of San Francisco is taking a pro-active approach – what they're asking the Courts to do. And then what Ms. Brennan is seeking from this Council in terms of some acknowledgment or support is to either participate in what San Francisco is doing or to seek a different legal path.

Ms. Brennan said, "We would be exploring a legal path where, if litigation was recommended and approved, we would presumably, be bringing a suit in federal court. And at some stage it might get consolidated in one Appeals Court, perhaps the Ninth, because San Francisco will have started the ball rolling, I believe, on this particular Order. And our claims, I think would probably be somewhat different. San Francisco has moved on Constitutional claims, invoking some interference with businesses and things like that. I think we might start by seeking a declaration from the Court that we are in compliance with law, and perhaps, question the Constitutionality of Section 13-73, which the Order invokes."

Mayor Gonzales said specifically what this would do is.... currently, the City receives federal funds on an array of programs. We have a current policy in place, it's a non-discrimination policy and sets forward the rules and procedures for how the City conducts business, in particular, with our immigrant community. So the issue would be, if the federal government followed-through on the President's desire to withhold federal funds because of policies like the City of Santa Fe's, you are suggesting they are looking for a way to preempt that, so that we don't get a notification from the Department of Homeland Security or Office of Management and Budget, that the City will not be receiving federal funds for an array of programs.

Ms. Brennan said, "That's correct, rather than wait, Mayor, this process as outlined in the Order suggests it could take a considerable amount of time and we would have basically a threat that was unrealizable and unknowable. It affects the budgeting process, conceivably. It may affect grants from the State that come to us through the State, that are federal funds and have federal rules attached. So rather than deal with that uncertainty for an extended period, 1-2 years, perhaps, I think we can, respectfully, seek the opinion of the Court that we are in compliance and question the validity of some of the items in the Order."

Mayor Gonzales said he supports these efforts, and "is hopeful that we acquiesce to it."

Councilor Maestas said he has a more fundamental concern, which in his reading of the Executive Order, is that it really doesn't objectively define what a sanctuary jurisdiction is. So how do we know that we are considered a sanctuary jurisdiction, who makes that determination, or is the administration going to come forward through some sort of rulemaking and provide additional details in terms of what jurisdiction constitutes a sanctuary jurisdiction. He said, "Let's start there with just the term being used in the Executive Order and whether or not the City would be considered that jurisdiction."

Ms. Brennan said, "As most of you have noted, the word sanctuary is just a word, it's ill defined to the extent it's defined at all. There is some language in the Order. What the Order is attempting to address is policy. I believe our policies adopted, starting with policy in Resolution No. 1999-6, is Constitutional, valid and compliant with federal law otherwise. I believe the policies, as

implemented, are also lawful, and I think.... I'm not thinking about seeking a determination as to whether we are or are not a sanctuary city, but simply a determination of whether our laws comply with applicable federal law, and perhaps questioning the Constitutionality of Section 13-73."

Councilor Maestas said his comment is that he wouldn't limit it to existing policies. He said, as you know we have some proposed policies that have been vetted, possibly by some of these organizations with which you could be collaborating, that feel collectively these proposed policies would put the City on a more defensible ground if litigation comes to be. He wants to make sure this effort doesn't disrupt what we're trying to do which is to basically propose additional policies to make our City even more defensible. He said, "What we're proposing at this point, has been vetted by national experts, including the ACLU. So if it's simply preempting any federal government action regarding our policies and justifying our current policies, I think the scope of your effort should include the policies that Councilor Villarreal and I are proposing in the Resolution that is going to be heard at Finance on Monday. So I don't want that process to be short circuited. We spent a lot of time on that. We've been consulting with pretty much a national team of legal experts and engaged City Councilors. I just want to make sure this effort doesn't short circuit that process, and if you could expand the scope of that effort to maybe go over the policies that we are proposing and include that in the existing policies with regard to whether or not we are in compliance with the Executive Order."

Ms. Brennan said, "Councilor, I would anticipate that the process I'm talking about exploring, is going to take some time. And I assume the Council will have an opportunity to consider and act on the proposal. I consider that our current policies and how they've been implemented are highly defensible. Obviously, as the Resolutions come forward, and I know there are more than one, that's subject to the question, comment and review of this Governing Body. And when you act on it, and it's adopted, that obviously falls within the purview of what we're talking about."

Councilor Maestas said, "Right, but I guess before I yield the floor, Mayor, I think I'm out of time for this issue, but I think a lot of it depends on you. I think you have had an opportunity to vet, at least the original Resolution, and some subsequent iterations. I know you still have some concerns over it, the latest draft, and I would like to step forward and bring some language, because I think that's part of this whole process, especially with regard to legislation that's brought forward that has legal implications. So it would be good to maybe close the loop with you on that, and get your comments, so we can make the appropriate amendments."

Ms. Brennan said, "Yes, Councilor. I'm sorry I haven't had the opportunity respond to it. I think I received it last Thursday, and I have started to mark-up the draft with those comments, and we should have them tomorrow."

Councilor Harris said as he understands it, Ms. Brennan is informing the Governing Body, and asking for permission to move forward in a more pro-active way in defending our position, our legal interest through the federal courts. He asked her, roughly, how long it will take to even initiate to get to the first stop, noting he isn't an attorney and doesn't know where that first stop would be.

Ms. Brennan said, "I think what I anticipate doing is, there are some legal niceties, that I think there is discussion among a group of lawyers. We are going to have to show that we have standing, and that the issue is justiciable and there are a number of standards that apply to those things. And those are somewhat problematic, but I think that we can meet those requirements. Drafting a lawsuit and filing it is easy and as soon as you do, it's in the system, and you can start filing motions. But it should be a long time, once we have the Council's approval for a course of action, whatever that would be."

Councilor Harris said he heard both Ms. Brennan and Councilor Maestas say that attorneys have been consulted and you are proposing to consult a range of legal experts. He said, just as Councilor Maestas said, whatever determination may come out of the Resolution, as you know, I am prepared to introduce a different Resolution tonight that deals with the City's policies of non-discrimination. He said, "It seems to me that the Governing Body can work through those two Resolutions to see what might come out of that process, probably well before, I would think, you were able to gather up the experts that you need to, and get to a position that you all understand and can move forward in the Federal Courts."

Ms. Brennan said, "Councilor Harris, that's what I would anticipate. That those would be whatever decision the Governing Body had made, would have been made already, and we would be discussing any action in the context of what had been adopted. I'm anticipating.... I'm not sure whether there is any overlap between the attorneys, Councilor Maestas and his been people have been consulting and the people who have volunteered to assist us. But I would want to sit down with the group that has volunteered their help to the City directly to me, and anyone else who wanted to participate, to talk through some of these things. And I would hope to set that... I am going on vacation, and I would hope to set that meeting, because it will involve a fairly large number of people, for when I return. So there's.... you have lots of time. I think the first meeting will be March 8, 2017, after I get back. So, it would be after that."

Councilor Harris said it seems to him, whether it's Councilor Maestas' concerns you may have or any other member of the Governing Body, it seems as if we should be able to work through all of that and be able to provide clear direction to you as you take on a fairly significant task, and wishes her luck. He said, "I think it's appropriate. I think what you're doing is the right thing to do, so I would be very much in favor of moving forward with this. Thank you. Thank you Mayor."

Councilor Trujillo said he is in support of this. He said Councilor Maestas said they have national attorneys they are consulting with, and asked if they have consulted with Ms. Brennan.

Ms. Brennan said, "I have not. I'm not aware of who they are."

Councilor Trujillo said this is of concern to him. We have all of these other people consulting, and then I hear we have all these national experts. He said, "Well I want to have a local expert. And that's your job to keep the City safe, and to make sure we follow the rules on this. That's the concern I have is, Kelley is technically, she's our defense when it comes to lawsuits and anything, yet she's not in the loop. Is she actually going to be put in that loop, of the Resolution. I would like to know."

Councilor Maestas said, "I guess I'll just respond. She has reviewed it several times, at least twice, so it's not like she's not in the loop."

Councilor Trujillo said, "I want to make sure she is in that loop. I do understand at the City we do get some federal money, but like you mentioned we get a lot of other federal money that is funded through other agencies. I want to make sure we are in compliance. Some people say we don't need it. And for some things, we do need it. I just want to make sure we are on the right foot. And Kelley, I guess I'm for what you're going to be doing, consulting with these other lawyers, because I want to make sure that we are doing right by everyone, and that we are in compliance with the law, and if we are entitled to that federal funding that we get it, no matter what. Thank you, I appreciate what you're doing."

Councilor Dominguez said there has to be lots of collaboration and coordination between attorneys. It would behoove us to reach out, commenting that he doesn't care who reaches first, as long as we have all the bases covered. He said when the bill comes before him, as a member of the Finance Committee, he will look at it based on its own merit, and rely on our City attorney to determine whether or not it is proper form, and then have the debate with them regarding its legality.

Councilor Dominguez continued, saying, "I guess the question I have for your Kelley, is when you talk about a group of lawyers, who are you talking about?"

Ms. Brennan said, "About 1½ week ago, the Mayor spoke at the First Judicial District Bar luncheon, and I accompanied him for the purpose of explaining any legal questions that came up, but also, to reach out to the attorneys there, and I did. And I received a lot of input and a desire to assist us. I have since received a number of emails and phone contacts. I intend to get in touch with all those attorneys and ask them to participate, set up a meeting and try to have a preliminary discussion. And then, perhaps to break up into groups that are taking on different tasks."

Councilor Dominguez asked, "Are these are civil rights attorneys, or what kind of attorneys are they, they're not land use attorneys, right."

Ms. Brennan said, "I'm a Land Use attorney, and I feel equipped to talk about this. As I always say, everyone is a Constitutional lawyer. You can't get out of law school..."

Councilor Dominguez asked, "Are they specializing in something that we need to know."

Ms. Brennan said, "I assume so. A lot of the offices help us *[inaudible]*. I spoke to the Executive Director of the ACLU some time ago. And so I think that we can count on enthusiastic support from people who operate in these areas of law, but also enthusiastic support from people who are willing to put some hard work in for the city they live in."

Mayor Gonzales said, "On that point, Councilor Dominguez, just who has offered, the folks in place. The ACLU has extended to me, personally and to Kelly, full participation in advising the City. But the second point is there are regular calls between Mayors from across the country, and immigration legal experts, talking through the issues of the 10th Amendment and the 4th Amendment, particularly how the cities have a very strong defense against the President's efforts to try and coerce us to change policy in exchange for monies. And the City Attorney's Office, through Marcos and through Kelley, participate with me on those calls, and the immigration lawyers that are available through that effort are also another resource. So for sure, Kelley isn't having to act alone. Out of the goodness of lawyers here in the City, from the ACLU to the national level, immigration lawyers, very strong in the law that have been very clear about the City being on solid grounds."

Ms. Brennan said, "And I expect that networking to be more frequent and for the arguments to develop more thoroughly, as well."

Councilor Dominguez said he imagines there might be lots of people who may want to offer support, some of them may or may not be attorneys. He said, "I guess one word of caution I would have, Mayor, is that we don't end up going down this path where all of a sudden our attorney is now the attorney for Silver City, or some other organization, or a larger effort that we are wanting to take a part of. I imagine you would make that determination along with the City Manager."

Ms. Brennan said, "And in consultation with the Governing Body. You are my ultimate client. You are the decision-makers for the City. And I represent that body first and foremost, and cannot be representing other people unless you agree to it, in joining actions, everyone would be represented by their own counsel. So I don't think that I would, but if I would, I don't think I could, under the rules of representation."

Councilor Dominguez said, "Just be careful not to take us on a path that we're not necessarily willing to go on. So, there you go Mayor, thank you."

Councilor Villarreal thanked Ms. Brennan for taking a pro-active approach. She said she thinks it is important to work with other attorneys that have the expertise in Constitutional law as well as immigration law. She appreciates that our attorneys have to be generalists in a sense, and know all issues related to law, commenting "it's the whole gamut and I appreciate that you are doing that."

Councilor Villarreal continued, "But I do share the concern with my colleague, Councilor Maestas, because I don't want this to undermine our process with something that we've worked hard with, as we said, attorneys. And I there is probably going to be a convergence and some of the attorneys who are part of this group you are saying that are the same people that have been working on the reaffirmation of the non-discrimination policy. But I want to make sure that everybody is communicating about that. And, you know, I would like you to also talk with some of the attorneys that we've been working with. And I think that was the ultimate goal anyway. I just think that the timing and whatnot hasn't happened, and if you're going on vacation, that worries me a little bit too that you won't be around, because there's really no backup for you. So I guess I just want to make sure that we keep moving forward and we get the expertise that we have... you know what I mean. We don't have enough attorneys to be able to cover everything that's happening at the City."

Ms. Brennan said, "I'm not going.... I've never been successful with getting through a vacation without an extended conversation at least."

Councilor Villarreal said, "But on the issue with Councilor Trujillo saying he wants to have a local expert, so do I. And I want to make sure that Kelley also is informed by people that are also experts that do this on a daily basis. Immigration law is very complex, and it's not something that you can just read the material, there's a lot more to it. And that's why we also have to look to our community members and local experts, too, that are attorneys that know this and they know this law well, as well as Constitutional law. So I trust that you will work with the rest of the.... you know I would like to put you in touch with the attorneys that also have been working with us, so there can be a conversation. But, I'm still wanting to move forward with this and I think it's important. We haven't seen the other Resolution yet, so we'll see. Collaboration is a good thing, but it doesn't always work perfectly. So thank you."

Councilor Ives said he would offer his perspective as an attorney, on the offer of help from attorneys within the City, that has been practicing in Santa Fe for 33 plus years, and has been a participant in complex Federal litigation, complex State litigation, and all of that with attorneys from here in Santa Fe, as well as from around the country. He said we are fairly fortunate to have some

extremely qualified attorneys on issues relating to some of the items you identified, such as standing and jurisdiction and all manners of issues relating to the Constitutions. He is very glad the attorneys within the community with the capacity and ability, experience and expertise to offer, are willing to come forward and do that. "And I think it's a great idea to be in consultation with them on these issues."

Councilor Ives continued, saying he doesn't see this as a halt to what is happening with the measure coming forward. He said if there are issues from either side they should be vetted and figured out, so he too, would be highly supportive of contact with the attorneys who have been providing input on the Resolution on any issues you have with that. He said, "In the end, you are our attorney, and I thank you for that service, and I thank you for always having the best interests of the City in mind and at hand. And if you were compromising on any of that, then you wouldn't be doing the job you were hired for, so keep doing it."

Councilor Rivera said, "Thank you Kelley for taking a pro-active approach. Again, I agree with Councilor Ives, that your main duty is to protect the City and keep us out of trouble really. So I'm glad you're taking this step, and look forward to what you have to say."

Mayor Gonzales said, "So, I think you got the direction you need. I would just echo what the Councilors have said tonight. I think the Resolutions coming forward don't counter any efforts to advance protection in the courts in any way. I do think it's important that all of us recognize how serious an action this is. It is almost unprecedented for a local government to have to take on a decision to challenge the federal government on policy that not only do we disagree with, but we believe is unlawful, in an effort to protect our citizens. What we have to recognize is today, Senator Sessions was appointed as Attorney General, or confirmed. He has a track record of being hostile to minorities and toward immigrants. And unless we are pro-active in seeking protection from the federal courts, I feel that we could see some real tragedies happening for many of our families here."

Mayor Gonzales continued, "I think Kelley is preparing and beginning to think through the process of proceeding with this Court is something that I think there has been clear direction on. I think we're on solid legal ground. The City has done nothing wrong. We're not out of bounds with the Constitution nor are we out of bounds with any federal or State law. And I think one of the things that we've all had to address with many of our constituents is this action is actually contrary to federal and State law. Well it's not. And this pro-active approach by the City Attorney is to reaffirm that by the Courts so that as we plan for the future and we are able to pursue our federal grants that we don't have to worry about them being lost or withheld because of this President's anti-immigrant actions. So I do appreciate your bringing this forward. I know this was done at your own behest and not a request of any of us. And I think that shows your interests are in alignment with this Governing Body, and I do appreciate it. Thank you."

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

15. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "*Bills and Resolutions scheduled for introduction by members of the Governing Body – Amended*," for the Council meeting of February 8, 2017, is incorporated herewith to these minutes as Exhibit "1."

Councilor Maestas

Councilor Maestas introduced a Resolution expressing desires for development of the Garrett's Desert Inn property use proposals submitted for consideration of the State Land Commissioner.

Councilor Maestas said, getting back to the legal review issue. On January 26, 2017, Ms. Brennan sent us an email transmitting the Executive Order regarding sanctuary cities and immigration enforcement. He said in that email she said, "*I believe that our policies and procedures are compliant with applicable law and that we would be on sound legal footing, if called upon to defend them.*" He asked Ms. Brennan if that is still her opinion, and if what she is proposing to do is to basically, to get some kind of clarification from the Courts that confirms what you believe in terms of what you communicated to us when you sent us the Executive Order.

Ms. Brennan said, "There are a number of questions in there Councilor. I'm going to say that my opinion has not changed. I will say that what I am proposing tonight, and I believe I have clear guidance from the Council to do, is to explore options and clarify some legal considerations and come back to this body with some options, which would include positive legal action. I've done enough analysis to feel like we can meet the tests to file a suit. So the nature of that suit, what we would be asking, how would we be approaching it, would all be part of the discussion that we would bring back to you."

Councilor Maestas said his last issue is a procedural issue. He said tonight we acted on the Request to Publish the legislation for the Sugar Tax on sweetened beverages. However, based on our Procedural Rules, it is his understanding that before any item can get on the Council Agenda, it has to pass at least one Council Committee. He said it was awkward to him, to not have any kind of debate on the merits of that and going straight to a Request to Publish. He asked, "In the case of our Procedural Rules, what uncommon circumstances or emergencies justified going with a Request to Publish right out of the chute."

Ms. Brennan said, "I'm not exactly sure. I know the matter was scheduled for a hearing before Public Works on Monday. I'm not exactly sure why it wasn't heard. I just found that out. I expected that if anyone had a problem with it, they would speak at the time the motion was made. The Procedural Rules, as I recall, allow it to be on the agenda by a vote of 5. So I would say, it's already been approved, but it was approved by a vote of at least 5."

Councilor Maestas said, "As I read the procedures though, we empower the City Manager to set the agenda, and it's up to the City Manager to consider the procedural rules before he allows any items on the agenda. I'm just wondering what of the procedures applied to that. Because I know that, in certain instances, I've seen us wait to act on a Request to Publish after it has passed at least one Council Committee which is consistent with our procedures."

Mayor Gonzales said, "I want to address that issue, Councilor Maestas. Because when we outlined the pathway for this, it was on schedule to go to Public Works. And Public Works had a pretty extensive agenda and Councilor Ives asked that we move this item to the next meeting. On the procedural issue, I at least was able to have a discussion with Kelley on this, this afternoon; that this is not unprecedented for the Council to do. There will be, prior to the public hearing, two full, major Council Committees that will get a chance to hear and act on this. If this were the case, where we were leading up to an actual public hearing and a vote by the Council, I can certainly understand your point. There was no intention to not make the Public Works Agenda or to not be in compliance with this issue, but I think that our Rules have allowed for some flexibility."

Mayor Gonzales continued, "At your request, we did add the Business & Quality of Life and Food Policy Committees. Even though CBQL is not a recognized Committee, there was a full public hearing today at CBQL and it did pass through that Committee forward. I do think the spirit and intent of making sure the Council had a chance to look at it was met. And in my discussions with Councilor Ives, he made a decision which he can speak to more directly, that in the interest of the public, in terms of that Public Works agenda that night, that the issue of addressing Canyon Water Preserve and the Nature Conservancy Preserve was something the public had been waiting to weigh-in on for a period of time, and that hearing extended two hours. So in the interest of allowing for full time and participation by the public on these events, this issue had arisen earlier, but again, this is not an unprecedented action and there is leniency, I believe, with the Council to determine this on a case-by-case basis."

Mayor Gonzales continued, "To the City Manager's point, this was scheduled when this was approved by the Manager on Friday to be released, and the decision was made by Councilor Ives, I believe on Monday, to ask if it could be postponed. So I was fully prepared to address that issue if it was brought up during the item here. But I do think there are at least 3 more committees this will have to go through prior to the public hearing. So the opportunities for Council review have already started and will continue to happen prior to any decision on March 8, 2017."

Councilor Maestas said, "To end this discussion, is I would like to see our procedures amended to clarify these circumstances. Because, going back to my original comment, if we were acting on a Special Election Resolution in conjunction with the Ordinance, there's the unusual circumstances that justifies starting with the request to publish and then going through the committee schedule. But there's no sense of that. There's certainly no apparent unforeseen or emergency circumstances that would justify us to start with the Request to Publish. So my only point is, we have these procedures and I think we, you know, we should stick to them. Because, I noticed some inconsistencies in the legislation. I know when this legislation was initially posted after introduction, it wasn't signed by our City Attorney."

Councilor Maestas continued, "And you're looking at a sponsor of a piece of legislation that was held back by the City Attorney because she hadn't looked at it, and wouldn't allow it to be posted as per our procedures the Friday after the date of the introduction. So I just want to make sure that we are being consistent in implementing our own procedures, and that we have at least adequate review by the City Attorney for all legislation, even before it's posted. And that wasn't done for this either. It just puts us into an uncomfortable position without having a single debate over the legislation, and right away we're asked to issue a Request to Publish. So if anyone can clarify that for me, that would be fantastic."

Brian Snyder, City Manager, said, "Mayor, if I can, in reading from my Governing Body Rules, *'No item shall be placed on the agenda unless it has gone through the Committee review process, has been recommended for approval by at least one City Committee, unless otherwise approved by a majority vote of the entire Governing Body, in accordance with Rule such and such.'* So when I set the agendas, the week of events, I set the agenda for Public Works Monday, and it was on the agenda. I set it for CBQL today, it was on the agenda. It got approved and I set it for Council today. So it made it through one committee, it doesn't say major, it doesn't specify major committee in here. And it was also scheduled to go through Public Works Committee, which I set the agenda for. And because of the reasons we heard tonight, it was removed. So I believe from my Office and the City Attorney's Office, we did our due diligence to bring it forward in a timely manner."

Councilor Maestas said, "For clarification, Mr. Snyder is reading from page 3, Item 2 of our Procedures, and it says, *'It has to be recommended for approval by at least one City Committee.'* But the interpretation I was given, ever since I've been on this Governing Body is that the City committee has to be a Council Committee. So, is it any City Committee, or is it a committee comprised of City Councilors."

Ms. Brennan said, "It is in fact a City Committee, which is a Committee composed of City Councilors. So there are 3 City Committees – Public Works, Public Utilities and Finance. And, as the Manager has said, it was on the Public Works Agenda. I would say, I just want to make a quick

clarification that my review for legal propriety takes place as a separate matter from being placed on an agenda to advertise. So, I have reviewed that, and I just want to say this. I reviewed that and had no problems with it, well before it was introduced. I feel like this is an issue of timing, more than anything, and I would say I understand there is some idea that the timing is driven by a date for a Special Election. In other words, it creates a window, but again, I would say the final clause of this provision is, *'Unless otherwise approved by a majority vote of the entire Governing Body,'* or in accordance with the two exceptions you've cited. So the exceptions, I don't think, are operative. I think the Governing Body approved it by a vote of 5."

Councilor Maestas asked at what point is that challengeable – prior to the approval of the agenda. Is this really what we should do if we want to...

Ms. Brennan said, "Typically Councilor, this would be on the Consent Agenda. Typically, what happens is, it would be removed from consent for exactly that discussion, if anyone had an issue with it. It's on discussion because it was supposed....as I understand it, it's on discussion because it was supposed to go to Public Works on Monday, and didn't. Therefore, it was moved to Discussion. And I believe there have been other instances where this has happened for exactly that same reason. I think there was a recent case where the Committee didn't meet because of lack of quorum, for instance. I'm going on memory there, but that's the most recent case I can recall."

Councilor Maestas said, "Okay. I guess it's just that, in both pieces of legislation in our packet, the Resolution and the Ordinance, there was no mention of any kind of special election or even a date. So it was just hard for me to gather any kind of urgency or come to a conclusion that these unforeseen circumstances, and that's a phrase used in our Procedures, would require us to act on this without any kind of action by any City Council Committee prior to Council action on the Request to Publish. So maybe we can revisit the Procedures and maybe look at making some amendments. That way, we're not just talking about precedents that have been made. Let's get those precedents and let's turn them into some amendments in our procedures. That way, we don't have this kind of confusion and wondering what is the justification, what are the unforeseen circumstances that justify that starting right off with a Request to Publish. That's all I had, Mayor. Thank you."

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Harris

Councilor Harris introduced the following:

1. An Ordinance amending Section 6-17, membership of the City Business and Quality of Life Advisory Committee to change the name to the Economic Development Advisory Committee; to remove one member of the Governing Body; removing the requirement for Governing Body review of the work of the Advisory Committee; and amending the membership of the Economic Development Review Subcommittee to add a member of the Governing Body, and remove one appointed member. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "2."
2. A Resolution reaffirming the policies adopted with Resolution No. 1999-6, regarding non-discrimination, diversity and immigrant friendly status of the City of Santa Fe, and reassuring residents and visitors of the City of Santa Fe's adherence and respect for the rule of law; directing the City Manager to develop a plan to provide community outreach and education regarding these policies; and requesting the City Attorney to explore reasonable legal means to determine rights and obligations under federal law. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Harris said the Finance Committee is scheduled to hear Councilors Villarreal and Maestas' Resolution on Monday. He asked what the schedule would be for the Resolution he introduced just now.

Ms. Brennan said the two Resolutions will go to the Council on the same day, noting it will go to Public Safety on February 21, 2017, on March 7, 2017 to Immigration and to the City Council on March 8, 2017.

Ms. Brennan continued, "I would only add that I think the two Resolutions will come to the Council on the same day as a result. No. It's scheduled for the 22nd. Right, March 8th. So, both will be on the 8th."

Councilor Lindell

Councilor Lindell introduced an Ordinance amending Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew Event. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4"

Mayor Gonzales

Mayor Gonzales asked the City Manager to ask Mark Duran to provide the Governing Body at its next meeting with a legislative update in writing, commenting it isn't necessary for him to attend the next meeting.

Mayor Gonzales invited everyone on Wednesday, February 15, 2017, for the State of City at 5:30 p.m., at the Community Convention Center.

Mayor Gonzales thanked C.G. Higgins for the chocolate calling cards.

Councilor Dominguez

Council Dominguez said the Finance Committee will be starting its unofficial budget hearings on Monday. He said they will be looking at things at a higher elevation – projected revenues, where we are. He said some of that information was presented at the last Finance Committee meeting. He is working with the Public Works Committee Chair to incorporate the CIP Budget Plan into the overall budget process. The idea is to take a recommendation from the Public Works Committee so we can have discussion at Finance Committee about it, without getting into the kinds of detail they get into at Public Works.

Councilor Dominguez asked Councilor Ives, "If, when you start to get there and have some of those detailed discussions, if you can just make sure to invite the entire Governing Body, because there are members on Finance who aren't on Public Works."

Mayor Gonzales thanked Councilor Dominguez for his leadership on the Finance Committee.

Councilor Villarreal

Councilor Villarreal, "So Kelley, can you clarify what you just said about what was being heard on March 8th at the same time."

Ms. Brennan said, "The schedule for Councilor Harris's proposed Resolution, shows a City Council hearing on March 8th, and I understood that yours and Councilor Maestas' Resolution was coming before the Council on March 8th."

Councilor Villarreal said, "That's not correct. It is scheduled for February 22nd."

Ms. Brennan said, "So I was wrong on that point."

Councilor Villarreal said she won't be able to attend the State of the City, because of a work commitment, that has been scheduled for months.

Councilor Ives

Councilor Ives said he would join Councilor Harris as a cosponsor of his Ordinance amending Section 6-17 Membership of the City Business & Quality of Life Advisory Committee, and would join as a cosponsor of Councilor Lindell's Ordinance amending Subsection 23-6.2.

Councilor Ives thanked everyone who attended Public Works on Monday, saying they were trying something a little new, in doing a public hearing. He said there will be a public hearing at the next Public Works Committee meeting on February 20, 2017, on the Soda Tax and the Early Childhood Education Initiative. He will work to make the processes better and better as we move forward. He strongly believes in providing the opportunity for people to express their opinion on issues before various committees and the Governing Body. He thinks the voices need to be heard. He said there were differences between people speaking regarding the operation of that portion of the Santa Fe River Watershed, and a strong sense it would be worked through in a collaborative fashion. He said the good intent behind the measure sponsored by Councilors Maestas and Villarreal, as well as the one introduced tonight by Councilor Harris, are based in our desire not to discriminate against anyone in the community that denies the dignity of the human person. He would hope the two measures could be brought together somehow into a single Resolution which makes sense for all of us, and will see how those discussions proceed because we respect the differences as well.

Councilor Rivera

Councilor Rivera introduced an Ordinance authorizing the execution and delivery of a Loan Agreement by and between the City of Santa Fe, New Mexico (the "Governmental Unit"), and the New Mexico Finance Authority, evidencing a special, limited obligation of the Governmental Unit to pay a principal amount of \$1,300,583 for the purpose of acquiring equipment for its Environmental Services Department and paying a loan processing fee; providing for the pledge and payment of the principal and interest due under the loan agreement solely from the net revenues of the City's Environmental Services Enterprise Fund; approving the form and terms of, and other details concerning the loan agreement; setting the interest rate on the loan; ratifying actions heretofore taken; repealing all action inconsistent with this Ordinance; and authorizing the taking of other actions in connection with the execution and delivery of the loan agreement. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Rivera asked the City Manager to meet with the Recreation Director, and provide an update on the lifeguard situation. He continues to hear issues about that, specifically with the therapy pool today, which is an important part of the Center which allows people to do exercise and avoid more costly medical expenses in the future.

END OF AFTERNOON AGENDA AT APPROXIMATELY 6:15 p.m.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:00 p.m. 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

A letter dated September 13, 2016, to Brian Snyder, City Manager, from Dave McQuarie, MCD Member, entered by Dave McQuarie, is incorporated herewith to these minutes as Exhibit "6."

Mayor Gonzales gave each person 1 minute to address the Governing Body

David McQuarie, 2997 Calle Cerrada, said he asked the City Engineer, Project Manager, the reason they won't fix the cross sections at the intersection of the Old Pecos Trail, and his response was that "You people cannot make a rational decision, therefore we decided to go to the light." He said he had occasion to review a current project in the City on Agua Fria, Sandoval, Paseo de Peralta and Palace Avenue, and except for 2 places it was reasonable. The two places were definitely set out where they showed discrimination and insensibility to the disabled. He said that is against federal regulations, and he plans on filing a complaint with DOJ if they're not addressed. He said they made *[inaudible]* and Montezuma a four-way stop, but they wouldn't put in

a walkway for the disabled. He said the able bodied people use the walkways now days, and a few others. He said something about having \$2,500 or better at the corner of Montezuma and Sandoval for pavement striping which is completely insensitive. He said people have to jaywalk. He said he gave him the attached letter [Exhibit "6"].

Nancy Howley, Secretary, Local 3999 Union, 2468 Agua Fria, said she is appearing on behalf of 700 members of white collar and transit employees. She thanked the Governing Body for its support of the City employees. She said they are proud of the City and the hard work they do to serve the City, especially over these years of cuts and austerity. They would ask the Governing Body, as part of its budget discussions, to find funds to be included in the FY 17/18 budget, to allow them to negotiate for an increase in compensation. Contraction negotiations for the 2018 FY will begin soon. She said if you have taken action to support the "peace officers" serving our community, please consider acting by resolution or other means to ensure that competitive and improvement in pay is being offered to other workers who are IT professionals like herself, who are Librarians, Transit Operators, Maintenance, Heavy Equipment Operators, Solid Waste Truck Drivers, Water Systems Specialists, Clerical Employees and much more. She thanked the Governing Body for its time this evening.

Mayor Gonzales said, "On behalf of all the City Council, to all the City employees here, thank you for the extraordinary service you provide every day to our City."

Ross Chaney, 132 Romero Street, Economic Development Specialist, saying he is speaking on behalf of AFSCME Local 3999. He is here to let you know their Union is committed to walking forward in partnership with you and management. He said their good faith efforts over the past 2 years to negotiate changes in our collective bargaining agreement, have not borne fruit. He said it's not all about a basic pay raise. Their union has expressed its willingness to strategically tackle budget constraints as they affect all City Services. They have been here to weigh the service priorities, and make tough, but informed decisions on filling staff that is urgently needed now, versus future service priorities. He said they have encountered no interest or willingness by management, to include their union in the deliberations. He said if those meetings are taking place, input from your experienced employees certainly is not being sought. Instead, the City's only strategy of severe austerity remains a dominant tactic for City policymaking and operational goals. He said whether called austerity or zero sum, this type of leadership is not strategic or empathetic to City employees' reality. The reality is by not hiring to save money, City employees covering multiple job duties daily is commonplace. Consequences of service barriers are being dealt with as they present themselves. He said as the Governing Body move into budget discussions, the union encourages City leaders to recognize that City services are being delivered, and project deadlines are being met. Not necessarily because of methodical planning amid severe budget cuts, but

primarily because front line City employees are sacrificing themselves by performing the duties of more than more than one employee and working overtime when necessary to get the job done. He said, "To conclude, we are here to ask you, please spend the time needed to carefully understand the impact of austerity on the people serving the City, and ask how austerity policies affect serves and consider the market forces and other needs to maintain collective pay of the dedicated City employees that choose to keep the fires burning for our City's many exhausting winters.

Jon Hendry, 1418 Cerrillos, said he is here in support of the hard working employees of the City. He is President of the New Mexico Federation of Labor. We are one of only 5 states that have increased its labor density this year. New Mexico is a pro-worker State and this is a pro-worker City. He said we need to start to look to see how we can compensate employees, and he is asking what can the unionized employees, and the film business do to make sure that those of us who enjoy life in Santa Fe can contribute to make sure the money goes to the people who run this City. He said kudos to the City and Tourism Santa Fe that funds \$500,000 on short term rentals. He said perhaps you should reclassify them as commercial. He said if you run a commercial business in a historic district you should pay commercial property taxes. He said he loves the Sugar Tax, and said everything we do after that should be dedicated to these hard working men and women who run this City, who only expect a fair paycheck. He thinks it's only fair that we look at their paycheck and try to give them an increase of whatever you can.

Robert Esquibel, a Transit Operator for 11, as a Chief Steward of #3999. He said Transit drivers wear many many hats, and invited the Governing Body to ride a bus and see what they do for a living. He said their hat is like a bartender – they listen to peoples' business, their problems and they try not to get involved, and to know when to cut them off like a bartender. Sometimes, when a person has had too much to drink, they have to call the PD to come and get them. They also are a school bus driver, driving busloads of people to their schools. They are also a safety officer, and responsible for the safety of everyone in the buses. He said they have to have a CDL, and a medical card required by Federal law. He said the Police Department has a resolution in hand. They know the minimum wage is \$10.91 go up to \$11.08 on March 1, 2017. He said they ask the Mayor and Council, respectfully, to consider them for a pay increase in FY 2018. He said the contract negotiation is going to go on with the next contract for the next 3 years. He said, "Our faith is that you all will make the best decision for us, and your faith in us is that we do the best we can in public service to this community."

Pat Barclay, Transit Operator, 1618 Palomino Court, said they are asking for a raise, noting many employees of Transit are barely earning minimum wage. She said it is difficult to live on this wage. She said someone on the Council said they need to take care of our citizens. She said, "Hello. You've got a room full of citizens back here. Take care of them. There's more departments than Fire or Police. You don't recognize that we all provide a service and would like to be appreciated for what we do. So please, take care of the people that work for the City of Santa Fe."

Mark Garcia, 1015 Siringo Rondo East, said he works for the BDD. He is here on behalf of the Union asking for a raise. They haven't had a raise in a few years, but they've seen raises for management, Fire, Police. He has a family and it is hard to support them and to live in the City with the wages they get and "nothing compensated with it."

Therese Martinez, 30 Little Island Road, a 10 year employee with Community Services, noted on the email they got recently about the living wage, which is increasing to \$11.09. She said they have seen the living wage increase every year since 2012, for a total increase of \$2.59 per hour in the last 5 years. City employees haven't had a raise in more than 4 years, not even \$2.59. The point made in the email was, *"The idea that no one who works full time in our community should ever live in poverty. As the cost of living rises, we should not let the workers we [inaudible] fall through the cracks, and the Living Wage helps ensure that is the case."* She said that is the Living Wage, that isn't the pay for other City employees. She said the poverty level for one person by the census is \$12,060 annually, before deductions. She said a lot of people at that level don't have deductions or benefits. When we take off those deductions, there are a lot of employees just above the poverty level in take home pay, in cash, after deductions. She knows a lot of people who are struggling that don't have the extra money to put in savings. She said even though, according to *The New Mexican*, the poverty level dropped in 2014, the poverty level in New Mexico increased. She said New Mexico is 2nd behind Mississippi in the highest poverty level in 2014. She said the Living Wage is "just a fraction, a grain of the big pie. It doesn't address that there are other levels of poverty that need to be addressed. A living wage will give those starting out a start, but what about the people that are already here."

Sarah Pierpont, 1336 Ferguson Lane, said she is here to petition the Governing Body to support the Soda Tax. She said it's not on the agenda tonight but will be next month. This is the opportunity for our younger students to help Santa Fe be a shining star. We all know that New Mexico has that very unglamorous ranking of being at the bottom of the list of the 40 states. New Mexico can lead by providing other childhood education by a simple soda tax. She is a coach and a mother and encourages the Governing Body to support this.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
February 8, 2017**

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: I'm Stefanie Beninato. I just wanted to thank you Mayor for giving me some time the other night to have a little bit of a conversation with you. I was, however, really surprised, actually outraged that you would ask me to have my clients call you to tell you that I was representing them. Again, no other lawyers are asked to do that. It represents a whole bunch of ethical problems, I believe. And I want you to think about that. And then I get harassed at the pool for doing something I've done for a long time without consequence, and now suddenly there has to be consequence. And when I mentioned this consequence that I had, the first reaction from somebody was, oh that's because you're complaining about things around here. So they got it that it would be as, you know, retaliatory way. And I believe that I have been retaliated against, and I would hope that...I don't know. I'm just one person. I tried to speak truth to power and I tried to be pro-active and tried to be constructive, and it seems hard to believe that I could be such a fearsome person that you would try to shut me down. 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.


Melessia Helberg, Council Stenographer

Francisco Cruz, 3050 Lopez Lane, Transportation Department, said he has been with the City for 3 years, full time, and he is making the same amount as people who have been working 8-10 years. He said if he stays with the City for 8-10 years, somebody may come around making the same amount. He doesn't think it's fair for the people who have been working here for so long that he is making the same amount. He said, "That's pretty much it. And I hope you will think about us."

Rebecca Baron-Rees, 6 Amigos Lane, said she is here tonight to voice her support for the Early Childhood Initiative. She is here on behalf of a friend a woman whom she works alongside named Beverly who "can't take more hours on her minimum wage job because does not have full day coverage for her child." She said, "She donates blood to try and raise money. She's living on the brink of poverty in a very very fragile life. She couldn't be here tonight, so I just wanted to share her perspective with you. This is a lynchpin that, for a lot of families can be the foundation for which, they can break a cycle of family poverty. I think, in our City, as many folks have said previously, we have an opportunity to really shine beyond what our State standards have shown us, and to demonstrate that we are able of really doing something community-wide. So thank you and have a good night."

Mayor Gonzales thanked everyone who spoke tonight, saying, "I know I speak for the entire Council to our City employees. Thank you for taking the time away from your families to be here tonight to state your requests, and I am for certain that it didn't fall on deaf ears up here. So, looking forward to this Budget session, and I know that Councilor Dominguez and the full Finance Committee, take what you've asked very seriously. So we're looking forward to that process concluding in a way that is supported by all of you."

G. APPOINTMENTS

Arts Commission

Mayor Gonzales made the following appointment to the Arts Commission:

Monique Anair – Reappointment - term ending 10/2018;
Ashlyn Perry – Reappointment - term ending 10/2018;
Bryan "Chip" Chippeaux – Reappointment – term ending 10/2017;
Kathlene Ritch – Reappointment – term ending 10/2017; and
Sara Eyestone – to fill unexpired term ending 10/2018.

MOTION: Councilor Trujillo moved, seconded by Councilor Harris, to approve these appointments.

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 voting against.

Division of Senior Services Advisory Board of Directors

Mayor Gonzales made the following appointment to the Division of Senior Services Advisory Board of Directors:

Dennis E. Gonzales – Reappointment - term ending 01/2019; and
Corrine Sanchez - Reappointment – term ending 01/2019.

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

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 voting against.

Parks and Recreation Commission

Mayor Gonzales made the following appointment to the Parks and Recreation Commission:

Thomas Dominguez - to fill unexpired term ending 01/2020; and
Patricia Cardona – to fill unexpired term ending 01/2018.

MOTION: Councilor Villarreal moved, seconded by Councilor Harris, to approve these appointments.

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 voting against.

Mayor's Committee on Disability

Mayor Gonzales made the following appointment to the Mayor's Committee on Disability:

Joe Kittel – to fill unexpired term ending 01/2019; and
Kathlyne Gish – term ending 01/2021.

MOTION: Councilor Trujillo moved, seconded by Councilor Villarreal, to approve these appointments.

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 voting against.

Mayor Gonzales said, "On this point the Mayor's Committee on Disability has gone out to the Legislature to visit regarding requests, and I think that the Legislators need to know that it's all right that they do it, because I think there's a view that the only thing that should be considered is what we've set as a priority of ours. But what the Mayor's Committee on Disability has gone forward to ask for is consideration of City projects that that didn't necessarily make it on the list, but would have a high impact on folks with disability. I just want to bring that to the attention of the Council, because I do think we should be able to support those efforts in a way that the *[inaudible]* of our delegation can at least see if they could be helpful. So if you could, Brian, talk to Mark Duran about how we can be supportive of our Committee and hopefully do so in a way that does not conflict with the Council priorities."

Independent Salary Commission

Mayor Gonzales made the following appointment to the Independent Salary Commission:

Paul F. Hultin - Attorney - Chairman – term ending 02/2021;
Linda Wilder Flatt – Neighborhood Association – term ending 02/2021;
Bill Smith - Community Organization – term ending 02/2021;
Shannon Moore Boniface – Human Resources Industry – term ending 02/2021;
Andy Wallerstein – Chief Executive Officer – term ending 02/2021;
Stephen Hochberg - At-Large – term ending 02/2021; and
Shannon Lopez - Santa Fe Chamber of Commerce – term ending 02/2021.

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

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 voting against.

H. PUBLIC HEARINGS

- 1) REQUEST FROM NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE NDI DANCE BARNS, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA AND LA COMUNIDAD DE LOS NINOS, 1121 ALTO STREET. THE REQUEST IS FOR THE FOLLOWING EVENTS:**
 - a) BENEFIT RECEPTION AND PERFORMANCE OF DANA TAI SOON BURGESS DANCE COMPANY ON SATURDAY, MARCH 18, 2017, WITH ALCOHOL SERVICE FROM 5:30 P.M. TO 7:30 P.M.**
 - b) NDI'S ANNUAL GALA TO BE HELD ON SATURDAY, MAY 13, 2017, WITH ALCOHOL SERVICE FROM 4:30 P.M. TO 11:00 P.M.**

A Memorandum dated February 2, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil notes in her Memorandum that letters are attached from Carl Gruenler, Santa Fe Public Schools stating they will refrain from issuing a decision regarding opposition or non-opposition to this request, and from Jo Lynne Catanach, PMS Childrens Service stating they have no opposition to this request.

Disclosure: Councilor Ives said, "I would like to indicate that my wife does legal work for NDI, but no decision I make here will have any effect on her or I that would represent a conflict in this instance, so I will be voting on this matter."

Public Hearing

Felicia Pongo, 4110 West Alameda, representing this non-profit, was sworn. She said NDI it is very deserving and to raise money, they need to do these events.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Harris, to grant the request for a waiver of the 300 foot location restriction, and approval to allow the dispensing/consumption of alcoholic beverages at the NDI Dance Barns, 1140 Alto Street, for a benefit reception and performance of the Dana Tai Soon Burgess Dance Company on Saturday, March 18, 2017, with alcohol service 5:30 p.m. to 7:30 p.m., and the NDI's Annual Gala, on Saturday May 13, 2017, with alcohol service 4:30 p.m. to 11:00 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 Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

END OF PUBLIC HEARINGS

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 7:45 p.m.

Approved by:



Mayor Javier M. Gonzales

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer



CITY COUNCIL MEETING OF
February 8, 2017
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
Lindell	<p style="text-align: center;">AN ORDINANCE</p> <p>AMENDING SECTION 6-17, MEMBERSHIP OF THE CITY BUSINESS AND QUALITY OF LIFE ADVISORY COMMITTEE TO CHANGE THE NAME TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE; TO REMOVE ONE MEMBER OF THE GOVERNING BODY; REMOVING THE REQUIREMENT FOR GOVERNING BODY REVIEW OF THE WORK OF THE ADVISORY COMMITTEE; AND AMENDING THE MEMBERSHIP OF THE ECONOMIC DEVELOPMENT REVIEW SUBCOMMITTEE TO ADD A MEMBER OF THE GOVERNING BODY, AND REMOVE ONE APPOINTED MEMBER.</p>	<p>EDRC - TBD PWC - 3/6/17 CBQL - 3/8/17 City Council (request to publish) - 3/8/17 Finance Committee - 3/20/17 City Council (public hearing) - 4/12/17</p>
	<p style="text-align: center;">A RESOLUTION</p> <p>REAFFIRMING THE POLICIES ADOPTED WITH RESOLUTION 1999-6 REGARDING NON-DISCRIMINATION, DIVERSITY, AND IMMIGRANT FRIENDLY STATUS OF THE CITY OF SANTA FE, AND REASSURING RESIDENTS AND VISITORS OF THE CITY OF SANTA FE'S ADHERENCE AND RESPECT FOR THE RULE OF LAW; DIRECTING THE CITY MANAGER TO DEVELOP A PLAN TO PROVIDE COMMUNITY OUTREACH AND EDUCATION REGARDING THESE POLICIES; AND REQUESTING THE CITY ATTORNEY TO EXPLORE REASONABLE LEGAL MEANS TO DETERMINE RIGHTS AND OBLIGATIONS UNDER FEDERAL LAW.</p>	<p>Public Safety Committee - 2/21/17 Finance Committee - 2/27/17 Immigration Committee - 3/7/17 City Council - 3/8/17</p>
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	<p align="center">AN ORDINANCE</p> <p>AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT.</p>	<p>Public Works Committee - 2/20/17</p> <p>City Council (request to publish) - 2/22/17</p> <p>City Business Quality of Life Committee - 3/8/17</p> <p>Finance Committee - 3/20/17</p> <p>City Council (public hearing) - 2 3/29/17</p>
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	<p align="center">A RESOLUTION</p> <p>EXPRESSING DESIRES FOR DEVELOPMENT OF THE GARRETT'S DESERT INN PROPERTY USE PROPOSALS SUBMITTED FOR CONSIDERATION BY THE STATE LAND COMMISSIONER.</p>	<p>Public Works Committee - 3/6/17</p> <p>City Business Quality of Life Committee - 3/8/17</p> <p>Finance Committee - 3/20/17</p> <p>City Council - 3/29/17</p>
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	<p align="center">AN ORDINANCE</p> <p>AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$1,300,582 FOR THE PURPOSE OF ACQUIRING EQUIPMENT FOR ITS ENVIRONMENTAL SERVICES DEPARTMENT AND PAYING A LOAN PROCESSING FEE; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE CITY'S ENVIRONMENTAL SERVICES ENTERPRISE FUND; APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; SETTING THE INTEREST RATE ON THE LOAN; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.</p>	<p>Finance Committee - 2/27/17</p> <p>City Council (request to publish) - 3/8/17</p> <p>City Council (public hearing) - 4/12/17</p>

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.

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017-__

3 INTRODUCED BY:

4
5 Councilor Mike Harris

6 Councilor Signe I. Lindell

7 Councilor Peter N. Ives

8
9
10 AN ORDINANCE

11 AMENDING SECTION 6-17, MEMBERSHIP OF THE CITY BUSINESS AND QUALITY
12 OF LIFE ADVISORY COMMITTEE TO CHANGE THE NAME TO THE ECONOMIC
13 DEVELOPMENT ADVISORY COMMITTEE; TO REMOVE ONE MEMBER OF THE
14 GOVERNING BODY; REMOVING THE REQUIREMENT FOR GOVERNING BODY
15 REVIEW OF THE WORK OF THE ADVISORY COMMITTEE; AND AMENDING THE
16 MEMBERSHIP OF THE ECONOMIC DEVELOPMENT REVIEW SUBCOMMITTEE
17 TO ADD A MEMBER OF THE GOVERNING BODY, AND REMOVE ONE
18 APPOINTED MEMBER.

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

21 Section 1. Section 6-17 SFCC 1987 (being Ord. #2005-5 (as amended)) is
22 amended to read:

23 6-17 CITY ~~[BUSINESS AND QUALITY OF LIFE]~~ ECONOMIC
24 DEVELOPMENT ADVISORY COMMITTEE.

25 Section 2. Section 6-17.3 SFCC 1987 (being Ord. #2005-5 (as amended)) is

1 amended to read:

2 **6-17.3 Membership; Terms.**

3 A. *Membership.* The city [~~business and quality of life~~] economic development
4 advisory committee shall be composed of [~~twelve (12)~~] ten (10) members residing in the city of
5 Santa Fe [~~county~~] and qualified by training, experience, and ability to exercise sound and
6 practical judgment regarding those [~~powers~~] responsibilities and duties of the committee. The
7 members shall be appointed by the mayor with the advice and consent of a majority vote of all the
8 members of the governing body. The members shall include [~~two (2) members~~] one (1) member
9 of the governing body; [~~the chairman or one (1) other member of the economic development~~
10 ~~review committee established in subsection 11-11.6 SFCC 1987;~~] and nine (9) other members
11 representing a broad range of business interests, including small and large businesses, within the
12 city including, but not limited to: arts and culture industries; development, design, and
13 construction; hospitality; technology; retail trade and services; [~~and a broad range of community~~
14 ~~interests, from organizations such as neighborhood associations or related groups; preservation~~
15 ~~organizations; environmental organizations; open space organizations; recreational organizations;~~
16 ~~and arts organizations~~] and healthcare. The member[s] of the governing body shall serve as
17 chairperson [~~and vice chairperson as appointed by the mayor~~]. The chairperson shall appoint a
18 vice chairperson. A quorum shall be at least [~~seven (7)~~] six (6) members. Members shall serve
19 without compensation.

20 B. *Terms.* Of the initial appointments, [~~six (6)~~] five (5) of the members shall be
21 appointed for one (1) year terms and [~~six (6)~~] five (5) shall be appointed for two (2) year terms.
22 Subsequent terms shall be for two (2) years to maintain staggering of terms. There shall be no
23 limitation to the number of consecutive terms a member may serve. Failing to attend three (3)
24 consecutive regular meetings or failing to attend thirty-three percent (33%) or more of the regular
25 meetings in any year shall constitute an automatic tender of resignation by such member, which

1 the governing body may accept or reject ~~in~~ at its discretion. Vacancies, other than by expiration
2 of terms, shall be filled for the unexpired term in the same manner as original appointments.

3 **Section 3. Section 6-17 SFCC 1987 (being Ord. #2005-5, § 6) is hereby**
4 **repealed:**

5 **6-17.5 [Review] Reserved.**

6 ~~[The governing body shall review the work of the committee one year after the~~
7 ~~appointment of the committee.]~~

8 **Section 4. Subsection 6-17.6 SFCC 1987 (being Ord. #2008-16, § 3) is hereby**
9 **repealed:**

10 **6-17.6 Economic Development Review Subcommittee.**

11 A. The economic development review subcommittee shall review and make
12 recommendations to the ~~[business and quality of life]~~ economic development advisory committee
13 on applications for the following:

14 (1) Assistance for economic development projects; and

15 (2) Industrial revenue bonds (IRB's) as set forth in Resolution No. 1995-83

16 as may be amended.

17 B. The economic development review subcommittee shall be composed of five (5)
18 members residing in the county and qualified by training, experience, and ability to exercise
19 sound and practical judgment. Two (2) members shall be members of the ~~[business and quality of~~
20 ~~life]~~ economic development advisory committee and ~~[three (3)]~~ two (2) members shall be from
21 the business community. The members shall be appointed by the mayor with the advice and
22 consent of a majority vote of all the members of the city council. The mayor shall designate a
23 member of the governing body to serve as chairperson. ~~[and]~~ The chairperson shall designate a
24 vice-chairperson from among the subcommittee members. All subcommittee members may be
25 removed from the subcommittee by the mayor with or without cause.

1 C. Of the members appointed initially to the subcommittee, two (2) shall have one
2 (1) year terms and all others shall have two (2) year terms. Each subsequent term of a member
3 shall be for two (2) years to maintain the original staggering of terms of membership. There shall
4 be no limitation of the number of consecutive terms a member may serve on the economic
5 development review subcommittee.

6 D. The subcommittee shall meet as needed and shall conduct all meetings in
7 accordance with adopted city policy and procedures. At least five (5) days prior to the meeting,
8 staff shall post the tentative meeting agenda in city hall as well as on the city's website. The
9 subcommittee shall keep minutes of its proceedings, showing the vote of each member on each
10 question, or indicating absence or failure to vote and shall keep records of its review and official
11 actions, all of which shall be filed in the city clerk's office.

12
13 APPROVED AS TO FORM:

14
15 _____
16 KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Mike Harris

6
7
8
9
10 **A RESOLUTION**

11 **REAFFIRMING THE POLICIES ADOPTED WITH RESOLUTION 1999-6**
12 **REGARDING NON-DISCRIMINATION, DIVERSITY, AND IMMIGRANT FRIENDLY**
13 **STATUS OF THE CITY OF SANTA FE, AND REASSURING RESIDENTS AND**
14 **VISITORS OF THE CITY OF SANTA FE'S ADHERENCE AND RESPECT FOR THE**
15 **RULE OF LAW; DIRECTING THE CITY MANAGER TO DEVELOP A PLAN TO**
16 **PROVIDE COMMUNITY OUTREACH AND EDUCATION REGARDING THESE**
17 **POLICIES; AND REQUESTING THE CITY ATTORNEY TO EXPLORE**
18 **REASONABLE LEGAL MEANS TO DETERMINE RIGHTS AND OBLIGATIONS**
19 **UNDER FEDERAL LAW.**

20
21 **WHEREAS,** Santa Fe is known as an historic destination positively impacted by
22 immigrants throughout the world who contribute to Santa Fe's cultural richness; and

23 **WHEREAS,** the city of Santa Fe is a multi-cultural community that celebrates the
24 diversity of its citizens, and stands strongly against discrimination in any form; and

25 **WHEREAS,** via Resolution 1999-6, the city of Santa Fe established a policy of non-

1 discrimination on the basis of a person's national origin, and declared that no municipal resources
2 would be used to identify or apprehend any non-citizen resident on the sole basis of immigration
3 status, unless otherwise lawfully required to do so; and

4 **WHEREAS**, the Santa Fe Police Department has established, in Policy 76.1(G), the
5 provisions of Resolution 1999-6 regarding a ban on using municipal resources for identifying or
6 apprehending a non-citizen resident on the sole basis of their immigration status; and

7 **WHEREAS**, the city of Santa Fe is regarded as a safe city with a low crime rate, seen in
8 many ways as partially a result of the non-discrimination policies enacted through Resolution
9 1999-6; and

10 **WHEREAS**, a 2015 report from the American Immigration Council determined that
11 immigrants are less likely to commit crimes than native-born residents; and

12 **WHEREAS**, between 1990 and 2013 the number of unauthorized immigrants more than
13 tripled from 3.5 million to 11.2 million, while FBI data from the same period indicates that
14 violent crime declined 48 percent and property crime declined 41 percent; and

15 **WHEREAS**, a report from January, 2017 found that, on average, there are 35.5 fewer
16 crimes committed per 10,000 people in "sanctuary counties" compared to others, median
17 household annual income is, on average \$4,353 higher, the poverty rate is 2.3 percent lower, and
18 unemployment is 1.1 percent lowerⁱⁱ; and

19 **WHEREAS**, there remains the need for the city of Santa Fe to provide comprehensive
20 community outreach and education regarding the city's policy of non-discrimination,
21 confidentiality, and the civil rights of immigrant and non-immigrant residents, employers and
22 business owners; and

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that the city of Santa Fe reaffirms its commitment to the successful
25 policies of non-discrimination, diversity, and the immigrant-friendly status of the city of Santa Fe

originally set forth in Resolution 1999-6 (attached hereto as Exhibit A), and reassuring residents and visitors of the city of Santa Fe's commitment to the established rule of law.

BE IT FURTHER RESOLVED, that the city manager is directed to develop and present to the Governing Body a plan to provide community outreach and education regarding the city's non-discrimination, confidentiality, and civil rights of immigrant and non-immigrant residents, employers and business owners, and report back to the Governing Body within 60 to 90 days.

BE IT FURTHER RESOLVED that the city attorney is requested to identify all reasonable legal means to determine cities' rights and obligations under existing federal law should the federal government attempt to restrict various funding sources as a result of the non-discrimination policies established in Resolution 1999-6.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

ATTEST:

JAVIER M. GONZALES, MAYOR

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/Reaffirming and Reassuring Non-Discrimination Policies

ⁱhttps://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf

ⁱⁱ <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-____

INTRODUCED BY:

Councilor Signe I. Lindell

Councilor Renee D. Villarreal

Councilor Peter N. Ives

AN ORDINANCE

**AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND
CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND
BREW EVENT.**

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

**Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20, as amended) is
amended to read:**

**23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on
City Property.**

The sale or consumption of alcoholic beverages is permitted at the following locations on
city property:

A. The Santa Fe community convention center and adjacent outdoor spaces under
the center's control;

B. That area of the Santa Fe municipal airport main terminal building and adjacent
areas operated as a restaurant; and

1 C. The Marty Sanchez links de Santa Fe (golf course).

2 D. The area of the Fort Marcy ballpark designated for concessions and seating shall
3 be used for the sale and consumption of only beer and only at professional baseball games.

4 (1) A special dispenser permit shall be used to dispense alcohol. The alcohol
5 dispenser shall comply with all state and local laws and regulations for dispensing
6 alcohol pursuant to the special dispenser permit.

7 (a) Persons desiring to consume beer shall be required to wear a
8 wristband that restricts consumption to a maximum of three (3) twelve (12)
9 ounce beers during the course of a professional baseball game.

10 (i) The wristband shall be nontransferable and shall be
11 issued to verify age and to indicate the number of alcoholic beverages
12 purchased.

13 (ii) The purchase of alcoholic beverages shall be limited to
14 one (1) purchase per person at one (1) time.

15 (iii) Twelve (12) ounce beverage containers shall be used for
16 beer.

17 (iv) Alcoholic beverage containers shall be distinguishable
18 from nonalcoholic beverage containers.

19 (b) The sale of beer shall terminate at the end of sixth inning of the
20 professional baseball game.

21 (c) In addition to alcoholic beverages, food and non-alcoholic
22 beverage drinks shall be sold. Water shall be provided at no cost.

23 (d) A manager of the alcohol vendor shall be present at all times in
24 the concession area. A photograph of the manager and his or her name shall be
25 posted at the point of sale of alcoholic beverages. At all times, the manager shall

1 wear a nametag that identifies him or her as the manager.

2 (e) Alcohol servers shall not drink alcohol during baseball games.

3 (f) The vendor shall place signs in the concession area and outside
4 the concession area that indicate the illegality of selling, serving and providing
5 alcohol to minors and intoxicated persons.

6 (2) Any professional baseball league games subject to this section, shall not
7 take precedence over the scheduling of local youth baseball leagues using Fort Marcy
8 Ballpark.

9 E. An area of Fort Marcy ballpark, designated as a beer, wine and margarita garden,
10 and permitted in accordance with all city and state requirements, may be used for the sale and
11 consumption of beer and wine during the fiesta council mariachi extravaganza concert, if a valid
12 permit is acquired from the city of Santa Fe. The event sponsor shall comply with the
13 requirements of subsection 23-6.3 SFCC 1987, except that alcohol content may exceed the
14 allowable limit to permit the sale of margaritas. Margaritas must contain no more than one and
15 one-half (1.5) ounces of alcohol per drink, and shall be served in six (6) ounce beverage cups.
16 Any alcoholic beverage served shall not be greater in size or alcohol content than the generally
17 accepted standard drink. Purchases of margaritas are limited to two (2) per person, and shall be
18 regulated by all conditions provided in subsection 23-6.3 SFCC 1987. Consumers shall either
19 consume only margaritas, or wine and beer, but shall not consume a combination of margaritas
20 and wine or beer. Alcohol providers shall follow best practices at all times. This section shall be
21 reviewed by the governing body within one (1) year from the date of adoption.

22 F. An area of ~~[Fort Marcy ballpark]~~ the Railyard park, designated as a beer garden
23 and permitted in accordance with all city and state requirements, may be used for the sale and
24 consumption of beer and wine, during the bike and brew festival if a valid permit is acquired from
25 the ~~[city of]~~ Santa Fe railyard community corporation. For this event, maximum alcohol content

1 for beer shall not exceed eight percent (7%). This section shall be reviewed by the governing
2 body within one (1) year from the date of adoption.

3 G. Buildings owned by another party located on land owned by the city.

4 H. On land or buildings owned by the city for which the city has entered into a lease
5 with another party for six (6) months or more except for the Railyard park, Plaza and Alameda (as
6 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is
7 prohibited, unless specifically permitted under subsection 23-6.2 SFCC 1987.

8 I. In or on railroad cars located on railroad tracks except as prohibited by state or
9 federal law.

10 All other applicable approvals required by state or city laws and regulations shall be
11 obtained prior to the sale or consumption of alcoholic beverages on the property described in this
12 subsection 23-6.2.

13
14 APPROVED AS TO FORM:

15
16 _____
17 KELLEY A. BRENNAN, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2017- ____

3 INTRODUCED BY:

4
5 Councilor Christopher M. Rivera
6
7
8
9

10 AN ORDINANCE

11 AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND
12 BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT")
13 AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED
14 OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF
15 \$1,300,582 FOR THE PURPOSE OF ACQUIRING EQUIPMENT FOR ITS
16 ENVIRONMENTAL SERVICES DEPARTMENT AND PAYING A LOAN PROCESSING
17 FEE; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND
18 INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET
19 REVENUES OF THE CITY'S ENVIRONMENTAL SERVICES ENTERPRISE FUND;
20 APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS CONCERNING THE
21 LOAN AGREEMENT; SETTING THE INTEREST RATE ON THE LOAN; RATIFYING
22 ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH
23 THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN
24 CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.
25

Exhibit "5"

Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the Governmental Unit is a legally and regularly created, established, organized and existing municipality under the general laws of the State; and

WHEREAS, the Governing Body has determined and hereby determines that the Project may be financed with amounts borrowed under the Loan Agreement and that it is in the best interest of the Governmental Unit and its residents that the Loan Agreement be executed and delivered and that the financing of the acquisition of the Project take place by executing and delivering the Loan Agreement; and

WHEREAS, the Governmental Unit may use the Pledged Revenues to finance the Project; and

WHEREAS, the Governing Body has determined that it may lawfully pledge the Pledged Revenues for the payment of amounts due under the Loan Agreement; and

WHEREAS, other than as described in the Term Sheet, the Pledged Revenues have not heretofore been pledged to secure the payment of any obligation, which is currently outstanding; and

WHEREAS, the Loan Agreement shall be a special, limited obligation of the Governmental Unit, payable solely from the Pledged Revenues, and shall not constitute a general obligation of the Governmental Unit, or a debt or pledge of the faith and credit of the Governmental Unit or the State; and

WHEREAS, no tax revenues collected by the Governmental Unit shall be pledged to the Loan Agreement; and

WHEREAS, the Loan Agreement shall be executed and delivered pursuant to Sections 3-31-1 through 3-31-12 NMSA 1978, and the Governmental Unit's charter with an irrevocable first lien, but not necessarily an exclusive first lien, on the Pledged Revenues; and

WHEREAS, there have been presented to the Governing Body and there presently are on file

1 with the City Clerk, this Ordinance and the form of the Loan Agreement, which are incorporated by
2 reference and considered to be a part hereof; and

3 **WHEREAS**, the Governing Body hereby determines that the Project to be financed by the
4 Loan is to be used for governmental purposes of the Governmental Unit and will not be used for
5 purposes which would cause the Loan Agreement to be deemed a “private activity bond” as defined
6 by the Internal Revenue Code of 1986, as amended; and

7 **WHEREAS**, the Governing Body intends by this Ordinance to authorize the execution and
8 delivery of the Loan Agreement in the amount and for the purposes set forth herein; and

9 **WHEREAS**, all required authorizations, consents and approvals in connection with (i) the
10 use and pledge of the Pledged Revenues to the Finance Authority (or its assigns) for the payment of
11 the amounts due under the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to
12 finance the Project, and (iii) the authorization, execution and delivery of the Loan Agreement which
13 are required to have been obtained by the date of this Ordinance, have been obtained or are
14 reasonably expected to be obtained.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE, NEW MEXICO:**

17 Section 1. Definitions. As used in this Ordinance, the following capitalized terms shall,
18 for all purposes, have the meanings herein specified, unless the context clearly requires otherwise
19 (such meanings to be equally applicable to both the singular and the plural forms of the terms
20 defined):

21 “Act” means the general laws of the State, including Sections 3-31-1 through 3-31-12 NMSA
22 1978, as amended, the Governmental Unit’s charter, and enactments of the Governing Body relating
23 to the Loan Agreement, including this Ordinance.

24 “Aggregate Annual Debt Service Requirement” means the total principal and interest
25 payments due and payable pursuant to the Loan Agreement and on all Parity Obligations secured by a

pledge of the Pledged Revenues for any one Fiscal Year.

“Authorized Officers” means the Mayor, City Manager, Finance Director and the City Clerk.

“Bonds” means public project revolving fund revenue bonds, if any, issued hereafter by the Finance Authority to fund or reimburse the Loan Agreement.

“Closing Date” means the date of execution, delivery and funding of the Loan Agreement.

“Code” means the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder.

“Completion Date” means the date of final payment of the cost of the Project.

“Expenses” means the cost of issuance of the Loan Agreement and the costs of issuance of the Bonds, if any, and the periodic and regular fees and expenses incurred by the Finance Authority in administering the Loan Agreement, including legal fees.

“Finance Authority” means the New Mexico Finance Authority.

“Finance Authority Debt Service Account” means the debt service account in the name of the Governmental Unit established under the Indenture and held by the Finance Authority to pay principal and interest, if any, on the Loan Agreement as the same become due.

“Fiscal Year” means the period commencing on July 1 in each calendar year and ending on the last day of June of the next succeeding calendar year, or any other twelve-month period which any appropriate authority may hereafter establish for the Governmental Unit as its fiscal year.

“Governing Body” means the City Council of the Governmental Unit, or any future successor governing body of the Governmental Unit.

“Governmental Unit” means the City of Santa Fe, New Mexico.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinabove” and “hereafter” refer to this entire Ordinance and not solely to the particular section or paragraph of this Ordinance in which such word is used.

“Indenture” means the General Indenture of Trust and Pledge dated as of June 1, 1995, as

1 amended and supplemented, by and between the Finance Authority and the Trustee, or the
2 Subordinated General Indenture of Trust dated as of March 1, 2005, as supplemented, by and between
3 the Finance Authority and the Trustee, as determined by the Finance Authority pursuant to a Pledge
4 Notification or Supplemental Indenture (as such terms are defined in the Indenture).

5 “Loan” means the funds to be loaned to the Governmental Unit by the Finance Authority
6 pursuant to the Loan Agreement.

7 “Loan Agreement” means the Loan Agreement dated the Closing Date between the Finance
8 Authority and the Governmental Unit which provides for the financing of the Project and requires
9 payments by or on behalf of the Governmental Unit to the Finance Authority, and any amendments or
10 supplements thereto, and including the exhibits attached to the Loan Agreement.

11 “Loan Agreement Payment” means, collectively the principal component and the interest
12 component to be paid by the Governmental Unit as payment of the Loan Agreement as shown on
13 Exhibit “B” thereto.

14 “Loan Agreement Principal Amount” means \$1,300,582, the original principal amount of the
15 loan as shown on the Term Sheet.

16 “NMSA” means the New Mexico Statutes Annotated, 1978 compilation, as amended and
17 supplemented.

18 “Ordinance” means this Ordinance, adopted by the Governing Body on March 29, 2017
19 approving the Loan Agreement and pledging the Pledged Revenues to the payment of the Loan
20 Agreement as shown on the Term Sheet, as supplemented and amended from time to time.

21 “Parity Obligations” means the Loan Agreement and any other obligations, now or hereafter
22 issued or incurred, payable from or secured by a lien or pledge of the Pledged Revenues and issued
23 with a lien on the Pledged Revenues on parity with the Loan Agreement, including those obligations
24 described on the Term Sheet.

25 “Pledged Revenues” means the net revenues of the City’s environmental services enterprise,

1 which is utilizing the Project and benefiting from the Loan Agreement.

2 "Processing Fee" means the processing fee to be paid on the Closing Date by the
3 Governmental Unit to the Finance Authority for the costs of originating and servicing the loan, as
4 shown on the Term Sheet.

5 "Program Account" means the account in the name of the Governmental Unit established
6 under the Indenture and held by the Trustee for deposit of the net proceeds of the Loan Agreement for
7 disbursal to the Governmental Unit for payment of the costs of the Project.

8 "Project" means the project described in the Term Sheet.

9 "State" means the State of New Mexico.

10 "Term Sheet" means Exhibit "A" to the Loan Agreement.

11 "Trustee" means BOKE, NA of or any successor trustee company, national or state banking
12 association or financial institution at the time appointed Trustee by the Finance Authority.

13 Section 2. Ratification. All actions heretofore taken (not inconsistent with the
14 provisions of this Ordinance) by the Governing Body and officers of the Governmental Unit directed
15 toward the acquisition of the Project and the execution and delivery of the Loan Agreement, be, and
16 the same hereby are, ratified, approved and confirmed.

17 Section 3. Authorization of the Project and the Loan Agreement. The acquisition of the
18 Project and the method of financing the Project through execution and delivery of the Loan
19 Agreement are hereby authorized and approved. The Project is for the benefit and use of the
20 Governmental Unit.

21 Section 4. Findings. The Governmental Unit hereby declares that it has considered all
22 relevant information and data and hereby makes the following findings:

23 A. The Project is needed to meet the needs of the Governmental Unit and its
24 residents and the issuance and delivery of the Loan Agreement is necessary and advisable.

25 B. Moneys available and on hand for the Project from all sources other than the

1 Loan are not sufficient to defray the cost of acquiring the Project.

2 C. The Pledged Revenues may lawfully be pledged to secure the payment of
3 amounts due under the Loan Agreement.

4 D. It is economically feasible to defray, in whole or in part, the costs of the
5 Project by the execution and delivery of the Loan Agreement.

6 E. The Project and the execution and delivery of the Loan Agreement pursuant
7 to the Act to provide funds for the financing of the Project are necessary and in the interest of the
8 public health, safety and welfare of the residents of the Governmental Unit.

9 F. The Governmental Unit will acquire the Project, in whole or in part, with the
10 net proceeds of the Loan.

11 G. Other than as described in the Term Sheet, the Governmental Unit does not
12 have any outstanding obligations payable from Pledged Revenues which it has incurred or will incur
13 prior to the initial execution and delivery of the Loan Agreement.

14 H. The net effective interest rate on the Loan does not exceed twelve percent
15 (12.0%) per annum, which is the maximum rate permitted by State law.

16 Section 5. Loan Agreement - Authorization and Detail.

17 A. Authorization. This Ordinance has been adopted by the affirmative vote of at
18 least three-fourths of all of the members of the Governing Body. For the purpose of protecting the
19 public health, conserving the property, protecting the general welfare and prosperity of the residents
20 of the Governmental Unit and acquiring the Project, it is hereby declared necessary that the
21 Governmental Unit, pursuant to the Act, pledge the Pledged Revenues and execute and deliver the
22 Loan Agreement evidencing a special, limited obligation of the Governmental Unit to pay the Loan
23 Agreement Principal Amount of \$1,300,582 and pledge of the Pledged Revenues and the execution
24 and delivery of the Loan Agreement are hereby authorized. The Governmental Unit shall use the
25 proceeds of the Loan to finance the Project, to pay the Processing Fee and related professional fees.

1 The Project will be owned by the Governmental Unit.

2 B. Detail. The Loan Agreement shall be in substantially the form of the Loan
3 Agreement presented at the meeting of the Governing Body at which this Ordinance was adopted.
4 The Loan shall be in an original aggregate principal amount of \$1,300,582, shall be payable in
5 installments of principal due on May 1 of the years designated in Exhibit "B" to the Loan Agreement
6 and bear interest payable on November 1 and May 1 of each year, beginning on November 1, 2017, at
7 the rates designated in Exhibit "B" to the Loan Agreement.

8 Section 6. Approval of Loan Agreement. The form of the Loan Agreement, as
9 presented at the meeting of the Governing Body at which this Ordinance was adopted, are hereby
10 approved. Authorized Officers are hereby individually authorized to execute, acknowledge and
11 deliver the Loan Agreement, with such changes, insertions and omissions that are consistent with this
12 Ordinance as may be approved by such individual Authorized Officers, and the City Clerk is hereby
13 authorized to affix the seal of the Governmental Unit on the Loan Agreement and attest the same.
14 The execution of the Loan Agreement by an Authorized Officer shall be conclusive evidence of such
15 approval.

16 Section 7. Special Limited Obligation. The Loan Agreement shall be secured by the
17 pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable solely from
18 the Pledged Revenues. The Loan Agreement, together with interest thereon and other obligations of
19 the Governmental Unit thereunder, shall be a special, limited obligation of the Governmental Unit,
20 payable solely from the Pledged Revenues as provided in this Ordinance and the Loan Agreement and
21 shall not constitute a general obligation of the Governmental Unit or the State, and the holders of the
22 Loan Agreement may not look to any general or other fund of the Governmental Unit for payment of
23 the obligations thereunder. Nothing contained in this Ordinance or in the Loan Agreement, or any
24 other instruments, shall be construed as obligating the Governmental Unit (except with respect to the
25 application of the Pledged Revenues), as incurring a pecuniary liability or a charge upon the general

1 credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement
2 contained in this Ordinance, the Loan Agreement, or any other instrument impose any pecuniary
3 liability upon the Governmental Unit or any charge upon its general credit or against its taxing power.
4 The Loan Agreement shall never constitute an indebtedness of the Governmental Unit within the
5 meaning of any State constitutional provision or statutory limitation and shall never constitute or give
6 rise to a pecuniary liability of the Governmental Unit or a charge against its general credit or taxing
7 power. Nothing herein shall prevent the Governmental Unit from applying other funds of the
8 Governmental Unit legally available therefore to payments required by the Loan Agreement, in its
9 sole and absolute discretion.

10 Section 8. Disposition of Proceeds: Completion of Acquisition of the Project.

11 A. Program Account and Finance Authority Debt Service Account. The
12 Governmental Unit hereby consents to creation of the Finance Authority Debt Service Account to be
13 held and maintained by the Finance Authority and to the Program Account, to be held and maintained
14 by the Trustee pursuant to the Indenture, each in connection with the Loan. The Governmental Unit
15 hereby approves (i) the deposit of a portion of the proceeds of the Loan Agreement in the Program
16 Account and the Finance Authority Debt Service Account, and (ii) the payment of the Processing Fee
17 directly to the Finance Authority, all as set forth in the Term Sheet.

18 The proceeds derived from the execution and delivery of the Loan Agreement shall
19 be deposited promptly upon the receipt thereof in the Finance Authority Debt Service Account and
20 the Program Account, and the Processing Fee shall be paid to the Finance Authority, all as provided
21 in the Loan Agreement and the Indenture.

22 Until the Completion Date, the money in the Program Account shall be used and paid
23 out solely for the purpose of acquiring the Project in compliance with applicable law and the
24 provisions of the Loan Agreement and the Indenture.

25 The Governmental Unit will acquire the Project with all due diligence.

1 B. Completion of the Project. Upon the Completion Date, the Governmental
2 Unit shall execute and send to the Finance Authority a certificate stating that acquisition of and
3 payment for the Project have been completed. As soon as practicable, and, in any event, not more
4 than sixty (60) days from the Completion Date, any balance remaining in the Program Account shall
5 be transferred and deposited into the Finance Authority Debt Service Account, as provided in the
6 Loan Agreement and the Indenture.

7 C. Finance Authority and Trustee Not Responsible. The Finance Authority and
8 the Trustee shall in no manner be responsible for the application or disposal by the Governmental
9 Unit or by its officers of the funds derived from the Loan Agreement or of any other funds herein
10 designated.

11 Section 9. Deposit of Pledged Revenues and Flow of Funds.

12 A. Deposit of Pledged Revenues. The City shall pay from the Pledged
13 Revenues to the Finance Authority for deposit in the Finance Authority Debt Service Account and
14 remittance to the Trustee an amount sufficient to pay the Loan Agreement Payments.

15 B. Termination on Deposits to Maturity. No payment shall be made into the
16 Finance Authority Debt Service Account if the amount in the Finance Authority Debt Service
17 Account totals a sum at least equal to the entire aggregate amount to become due as to principal,
18 interest, if any, and any other amounts due under, the Loan Agreement, in which case moneys in such
19 account in an amount at least equal to such principal and interest requirements shall be used solely to
20 pay such obligations as the same become due, and any moneys in excess thereof in such accounts
21 shall be transferred to the Governmental Unit and used as provided below.

22 C. Use of Surplus Revenues. After making all the payments hereinabove
23 required to be made by this Section, any moneys remaining in the Finance Authority Debt Service
24 Account shall be transferred to the Governmental Unit on a timely basis and shall be applied to any
25 other lawful purpose, including, but not limited to, the payment of any Parity Obligations or bonds or

1 obligations subordinate and junior to the Loan Agreement, or other purposes authorized by the
2 Governmental Unit, the Constitution and laws of the State, as the Governmental Unit may from time
3 to time determine.

4 Section 10. Lien on Pledged Revenues. Pursuant to the Loan Agreement, the Pledged
5 Revenues are hereby authorized to be pledged to, and are hereby pledged to, and the Governmental
6 Unit grants a security interest therein for, the payment of the principal, interest, and any other
7 amounts due under the Loan Agreement, subject to the uses hereof permitted by and the priorities set
8 forth in this Ordinance. The Loan Agreement constitutes an irrevocable and first lien, but not
9 necessarily an exclusive first lien, on the Pledged Revenues as set forth herein and in the Loan
10 Agreement. The Governmental Unit shall not create a lien on the Pledged Revenues superior to that
11 of the Loan Agreement.

12 Section 11. Authorized Officers. Authorized Officers are hereby individually authorized
13 and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other
14 documents and to do and cause to be done any and all acts and things necessary or proper for carrying
15 out this Ordinance, the Loan Agreement, and all other transactions contemplated hereby and thereby.
16 Authorized Officers are hereby individually authorized to do all acts and things required of them by
17 this Ordinance and the Loan Agreement for the full, punctual and complete performance of all the
18 terms, covenants and agreements contained in this Ordinance and the Loan Agreement, including but
19 not limited to, the execution and delivery of closing documents in connection with the execution and
20 delivery of the Loan Agreement and the publication of the summary of this Ordinance set out in
21 Section 17 of this Ordinance (with such changes, additions and deletions as may be necessary).

22 Section 12. Amendment of Ordinance. Prior to the date of the initial delivery of the
23 Loan Agreement to the Finance Authority, the provisions of this Ordinance may be supplemented or
24 amended by Ordinance of the Governing Body with respect to any changes which are not inconsistent
25 with the substantive provisions of this Ordinance. After the date of initial delivery of the Loan

1 Agreement to the Finance Authority, this Ordinance may be amended without receipt by the
2 Governmental Unit of any additional consideration, but only with the prior written consent of the
3 Finance Authority.

4 Section 13. Ordinance Irrepealable. After the Loan Agreement has been executed and
5 delivered, this Ordinance shall be and remain irrepealable until all obligations due under the Loan
6 Agreement shall be fully paid, canceled and discharged, as herein provided.

7 Section 14. Severability Clause. If any section, paragraph, clause or provision of this
8 Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or
9 unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining
10 provisions of this Ordinance.

11 Section 15. Repealer Clause. All bylaws, orders, resolutions, and ordinances, or parts
12 thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This
13 repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof,
14 heretofore repealed.

15 Section 16. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in
16 the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor
17 and City Clerk of the Governmental Unit, and the title and general summary of the subject matter
18 contained in this Ordinance (set out in Section 17 below) shall be published in a newspaper which
19 maintains an office and is of general circulation in the Governmental Unit, or posted in accordance
20 with law, and said Ordinance shall be in full force and effect thereafter, in accordance with law.

21 Section 17. General Summary for Publication. Pursuant to the general laws of the State,
22 the title and a general summary of the subject matter contained in this Ordinance shall be published in
23 substantially the following form:
24
25

(Form of Summary of Ordinance for Publication)

City of Santa Fe, New Mexico

Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. ____ duly adopted and approved by the Governing Body of the City of Santa Fe, New Mexico, on March 29, 2017. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 200 Lincoln Avenue, in Santa Fe, New Mexico.

The title of the Ordinance is:

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF \$1,300,582 FOR THE PURPOSE OF ACQUIRING EQUIPMENT FOR ITS ENVIRONMENTAL SERVICES DEPARTMENT AND PAYING A LOAN PROCESSING FEE; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE PRINCIPAL AND INTEREST DUE

1 UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES
2 OF THE CITY'S ENVIRONMENTAL SERVICES ENTERPRISE FUND;
3 APPROVING THE FORM AND TERMS OF, AND OTHER DETAILS
4 CONCERNING THE LOAN AGREEMENT; SETTING THE INTEREST
5 RATE ON THE LOAN; RATIFYING ACTIONS HERETOFORE TAKEN;
6 REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE;
7 AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN
8 CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN
9 AGREEMENT.

10 A general summary of the subject matter of the Ordinance is contained in its title. This notice
11 constitutes compliance with Section 6-14-6 NMSA 1978.

12
13 (End of Form of Summary for Publication)
14

15 PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF APRIL, 2017.

16
17 CITY OF SANTA FE, NEW MEXICO
18

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20 _____
JAVIER M. GONZALES, MAYOR

21 [SEAL]

22 ATTEST:
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24 _____
25

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 M/Legislation/Bills 2017/NMFA Environmental Services Loan

David McQuarie 2997 Calle Cerrada Santa Fe, New Mexico 87505-5393 Phone: (505)471-5785

September 13, 2016

Mr. Brian Snyder
City Manager
Santa Fe, NM 87504-9090

What is the status of the unresolved ADA complaint of December 3, 2014? There was a short reassignment to you on May 1, 2015. This action was due to Eric Martinez's resignation.

Recently, I informed Mr. John Romero, City Engineering Division Director that this curb ramp project needed to be resolved. He informed me that he did not have the inclination to do it and that I would have to do it. What authority does he have to assign work to a non-employee of the City?

You are hereby advised of the following: *FHWA has determined that based on 28 CFR 35.151(i), if there is sidewalk approaching the intersection (not necessarily touching the curb), the agency must install curb ramps to remove barriers between the street and the sidewalk when they alter either facility. If an agency believes it is unsafe to cross at a specific location, the crosswalk must be closed to all pedestrians and jaywalking enforced.*

Mr. J. Don Martinez, FHWA Administrator, please add the following intersections to the open ADA complaint in order that your office may be requested to verify that these intersections are improved according to the ADA guideline for compliance to the maximum extent feasible. The intersections are:

- East Zia Road / Old Pecos Trail
- Early Street / Topeka
- Early Street / Calle Grillo
- Early Street / Marquez
- Richards Avenue / James
- Richards Avenue / Louraine Street (3 different intersections)
- Eastbound Siringo Road / Valerie Circle
- Eastbound Siringo Road / East Valerie Circle
- Rodeo Road / East Paseo de los Pueblos
- Rodeo Road / Avenida de los Estrellas
- Rodeo Road / Zia Road (signalized intersection with ped-heads but no curb cut)

Please let me know of your inclusion of these intersections and your plan for their ADA compliance.

I do not have internet; therefore, please contact me by "snail mail."

Thank you


Dave McQuarie, MCD Member

Cc: Governing Body
MCD Members
J. Don Martinez, FHWA
Lisa Neie, FHWA

Exhibit "6"