



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 22, 2017
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2/17/17 TIME 2:15 PM

SERVED BY Melissa Byers

RECEIVED BY Yolanda Y. Vigil

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 – February 8, 2017
9. PRESENTATIONS
10. CONSENT CALENDAR
 - a) Request for Approval of Bid No. 17/14/B in the Amount of \$336,559.35 – Procurement of Pressure Reducing Valve (PRV #12) Replacement; Sub Surface Contracting, Inc. (Bill Huey)
 - b) Request for Approval of Budget Amendment Increase in the Amount of \$165,807 from Cash Balance for Repair and Maintenance of Equipment; Environmental Services Division. (Lawrence Garcia)
 - c) Request for Approval to Determine Uncollectable Utility Accounts and Remove from Accounts Receivable in the Amount of \$2,695,881.82. (Caryn Fiorina)
 - d) Request for Approval of Professional Services Agreement in the Amount of \$567,317.63 – Printing and Mailing Services for Utility Billing (RFP # 17/07/P); Valli Information Systems, Inc. dba Postal Pros Southwest. (Caryn Fiorina)
 - 1) Request for Approval of Budget Amendment in the Amount of \$144,583.00.



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- e) Request for Approval of Amendment No. 2 to the Professional Services Agreement in the Amount of \$486,592.06 – Security Services at Municipal Facilities; G4S Secure Solutions (USA) Inc. (Noel Correia)
- f) Request for Approval of Bid No. 17/18/B and Professional Services Agreement Not to Exceed \$50,000 per Year for Four Years – On Call Miscellaneous Overhead Doors, Gates and Hoist for Multiple City of Santa Fe Facilities. (LeAnn Valdez)
 - 1) Overhead Door Company; and
 - 2) M & M Garage Doors and Gates
- g) Request for Approval of Defeasance and Redemption of 2008 General Obligation Bonds, 2004 Railyard Phase I Loan, 2006 Railyard Phase II Loan in the Estimated Amount of \$15,202,550. The Total Amount to be Paid from One-Time Fund Balances of \$6,000,000 and the Remainder from an Inter-fund Loan in the Amount of \$9,220,956 from Various Utility Fund Balances, with a Term of 4 Years. (Adam Johnson and Bradley Fluetsch) (**Postponed on January 11, 2017**)
 - 1) **CONSIDERATION OF RESOLUTION NO. 2017-____.** (Councilor Dominguez)
A Resolution Authorizing the Defeasance and Redemption of the Outstanding City of Santa Fe, New Mexico General Obligation Bonds, Series 2008 (The "Bonds"); Authorizing the Publication of a Notice of Defeasance and Redemption of the Bonds; Authorizing the Execution and Delivery of an Escrow Agreement By and Between the City and BOKF, NA, as Escrow Agent; Repealing Action Previously Taken to the Extent Inconsistent with the Provisions Hereof. (Adam Johnson)
 - 2) **CONSIDERATION OF RESOLUTION NO. 2017-____.** (Councilor Lindell and Councilor Ives)
A Resolution Directing the City Manager to Analyze the City of Santa Fe's Debt Portfolio on a Semi-Annual Basis, and Advise the Governing Body on All Issued Municipal Debt for the Purpose of Defeasing, Restructuring, or Future Issuance; and Defeasing and Paying Off the 2008 General Obligation Bond, the 2004 Railyard Phase I and 2006 Railyard Phase II NMFA Loans. (Bradley Fleutsch)

Fiscal Impact – Yes



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- h) Request for Approval of Professional Services Agreement in the Amount of \$78,000.00 – Project Manager and Provide Related Services (Project No. A2508); National Dance Institute (NDI). (David Chapman)
- i) Request for Approval of Procurement Under State Price Agreement and Budget Amendment in the Amount of \$189,775 – Forty Six (46) Replacement In-Car Computers for Police Department; Grants & Technology Veterans, LLC. (Chief Gallagher)
- j) Request for Approval of Procurement Under State Price Agreement – Two (Mobile Video System Trailers for Police Department; SCI, Inc. (Chief Gallagher)
 - 1) Request for Approval of Budget Amendment in the Amount of \$104,606.
- k) Request for Approval of Revised Statewide Ambulance Tariff 2017; New Mexico Public Regulation Commission. (Greg Cliburn)
- l) Request for Approval of Sole Source Procurement and Professional Services Agreement in the Amount of \$99,901.99 – Defouri Bridge Replacement Project; Louis Berger Group, Inc. (David Quintana)
- m) Request for Approval of Amendment No. 1 to Software Agreement in the Amount of \$46,992 – OpenGov Budget Builder Module; OpenGov, Inc. (Adam Johnson)
- n) CONSIDERATION OF RESOLUTION NO. 2017-____. (Councilor Ives and Councilor Maestas)
A Resolution Directing the City Manager to Solicit a Request for Proposal to Conduct a Comprehensive Compensation and Classification Study within the Human Resources Department. (Lynette Trujillo)
Fiscal Impact – Yes; FY 17/18 = (\$30,000 for Personnel and \$250,000 for Professional Services for Total of \$280,000)
- o) Request for Approval of Results Based Accountability (RBA) Common Language, Population Indicators and Quality of Life Ambitions. (Adam Johnson)
- p) Request for Approval of Quarterly Financial Performance Report. (Adam Johnson and Andy Hopkins)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 22, 2017
CITY COUNCIL CHAMBERS

- q) Request for Approval of Certificate of Correction for Typographical Error in Ordinance No. 2016-39 Regarding the LINC Overlay District. (Mayor Gonzales) (Jesse Guillen)
- r) Request for Approval of Award of Bid No. 17/15/B in the Amount of \$3,844,503.45 – Buckman Parallel Pipeline Project; RMCI, Inc. (Kristin Johansen)
- s) Request for Approval of Amendment No. 2 for On-Call Engineering Services Contract in the Amount of \$381,165.77 – Task Order No.'s 9, 9A, 13 and 14 for Water Division; CDM Smith (Kristin Johansen)
 - 1) Request for Approval of Budget Amendment in the Amount of \$373,414.
- t) Request for Approval of Professional Services Agreement in an Amount to Exceed \$50,000.00 in FYE 2016-2017 – Digital E-Book Downloads on Kindle Devices; Overdrive Inc. (Patricia Hodapp)
- 11. **PUBLIC HEARING:**
CONSIDERATION OF RESOLUTION NO. 2017-____. (Councilor Maestas, Councilor Villarreal and Councilor Ives)
A Resolution Reaffirming the Long Standing Status of the City of Santa Fe as a Welcoming Community for Immigrants and Refugees and Making Policy Changes to Safeguard Residents' Sensitive Personal Information and Preserve Residents' Human and Civil Rights. (Chris Sanchez)
- 12. Request to Publish Notice of Public Hearing on March 29, 2017:
Bill No. 2017-4: 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. (Councilor Lindell, Councilor Villarreal and Councilor Ives) (Alfred Walker)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
Executive Session
In Accordance With the New Mexico Open Meetings Act NMSA 1978, Section 10-15-1(H)(8), Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including without Limitation, Leases at 1121 Alto Street. (Marcos Martinez)
- 15. Action with Respect to Leases at 1121 Alto Street. (Marcos Martinez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 22, 2017
CITY COUNCIL CHAMBERS

16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Parks and Recreation Advisory Commission
- H. PUBLIC HEARINGS:
 - 1) Request from Sazon, LLC for the Following (Yolanda Y. Vigil):
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Sazon, 221 Shelby Street, Which is Within 300 Feet of the Loretto Chapel, 207 Old Santa Fe Trail.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Sazon, LLC for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2594, with On Premises Consumption Only and Patio Service, from OCC Holdings, LLC to Sazon, LLC. This License is Currently Located (Leased) at Sazon, 221 Shelby Street.
 - 2) Request from Los Alamos National Bank for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Los Alamos National Bank, 301 Griffin Street, Which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for the Santa Fe Chamber of Commerce After Hours Event with Alcohol Service Between 5:30 p.m. and 7:30 p.m. (Yolanda Y. Vigil)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 22, 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.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
February 22, 2017**

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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 8, 2017	Approved	4
PRESENTATIONS	None	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$486,592.06 – SECURITY SERVICES AT MUNICIPAL FACILITIES; G4S SECURE SOLUTIONS (USA) INC.	Approved	4-6

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REQUEST FOR APPROVAL OF DEFEASANCE AND REDEMPTION OF 2008 GENERAL OBLIGATION BONDS, 2004 RAILYARD PHASE I LOAN, 2006 RAILYARD PHASE II LOAN IN THE ESTIMATED AMOUNT OF \$15,202,550. THE TOTAL AMOUNT TO BE PAID FROM ONE-TIME FUND BALANCES OF \$6,000,000 AND THE REMAINDER FROM AN INTER-FUND LOAN IN THE AMOUNT OF \$9,220,956 FROM VARIOUS UTILITY FUND BALANCES, WITH A TERM OF 4 YEARS.

Approved

7-11

CONSIDERATION OF RESOLUTION NO. 2017-16. A RESOLUTION AUTHORIZING THE DEFEASANCE AND REDEMPTION OF THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008 (THE "BONDS"); AUTHORIZING THE PUBLICATION OF A NOTICE OF DEFEASANCE AND REDEMPTION OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY AND BOKF, NA, AS ESCROW AGENT; REPEALING ACTION PREVIOUSLY TAKEN TO THE EXTENT INCONSISTENT WITH THE PROVISIONS HEREOF

Approved

7-11

CONSIDERATION OF RESOLUTION NO. 2017-17 A RESOLUTION DIRECTING THE CITY MANAGER TO ANALYZE THE CITY OF SANTA FE'S DEBT PORTFOLIO ON A SEMI-ANNUAL BASIS, AND ADVISE THE GOVERNING BODY ON ALL ISSUED MUNICIPAL DEBT FOR THE PURPOSE OF DEFEASING, RESTRUCTURING OR FUTURE ISSUANCE; AND DEFEASING AND PAYING OFF THE 2008 GENERAL OBLIGATION BOND, THE 2004 RAILYARD PHASE I AND 2006 RAILYARD PHASE II NMFA LOANS

Approved

7-11

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**CONSIDERATION OF RESOLUTION NO. 2017-18. A
RESOLUTION DIRECTING THE CITY MANAGER TO
SOLICIT A REQUEST FOR PROPOSAL TO CONDUCT
A COMPREHENSIVE COMPENSATION AND
CLASSIFICATION STUDY WITHIN THE HUMAN
RESOURCES DEPARTMENT**

Approved

12-14

END OF CONSENT CALENDAR DISCUSSION

**CONSIDERATION OF RESOLUTION NO. 2017-19. A
RESOLUTION REAFFIRMING THE LONG STANDING
STATUS OF THE CITY OF SANTA FE AS A
WELCOMING COMMUNITY FOR IMMIGRANTS AND
REFUGEES AND MAKING POLICY CHANGES TO
SAFEGUARD RESIDENTS' SENSITIVE PERSONAL
INFORMATION AND PRESERVE RESIDENTS'
HUMAN AND CIVIL RIGHTS**

Approved

14-34

**REQUEST TO PUBLISH NOTICE OF PUBLIC
HEARING ON MARCH 29, 2017: BILL NO. 2017-4:
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**

Approved

34-35

EVENING SESSION

CALL TO ORDER AND ROLL CALL

Quorum

36

PETITIONS FROM THE FLOOR

36

APPOINTMENTS

Parks and Recreation Advisory Commission

Approved

37

ITEM

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PUBLIC HEARINGS

REQUEST FROM SAZON, LLC, FOR THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT SAZON 221 SHELBY STREET, WHICH IS WITHIN 300 FEET OF THE LORETTO CHAPEL, 207 OLD SANTA FE TRAIL

Approved

37-38

IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM SAZON, LLC, FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2594, WITH ON-PREMISES CONSUMPTION ONLY AND PATIO SERVICE, FROM OCC HOLDINGS, LLC, TO SAZON LLC. THIS LICENSE IS CURRENTLY LOCATED (LEASED) AT SAZON, 221 SHELBY STREET

Approved

37-38

REQUEST FROM LOS ALAMOS NATIONAL BANK FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT LOS ALAMOS NATIONAL BANK, 301 GRIFFIN STREET, WHICH IS WITHIN 300 FEET OF CARLOS GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE REQUEST IS FOR THE SANTA FE CHAMBER OF COMMERCE AFTER HOURS EVENT WITH ALCOHOL SERVICE BETWEEN 5:30 P.M. AND 7:30 P.M.

Approved

38-39

END OF PUBLIC HEARINGS

THE GOVERNING BODY THEN RETURNED TO THE AFTERNOON AGENDA

MATTERS FROM THE CITY MANAGER

None

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MATTERS FROM THE CITY CLERK

None

39

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<u>MATTERS FROM THE CITY ATTORNEY</u>		
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 22, 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 22, 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 Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee D. Villarreal

Members Excused

Councilor Peter N. Ives

Others Attending

Brian K. Snyder, City Manager
Marcos Martinez, Assistant City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the agenda, as presented.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

- a) REQUEST FOR APPROVAL OF BID NO. 17/14/B IN THE AMOUNT OF \$336,559.35 – PROCUREMENT OF PRESSURE REDUCING VALVE (PRV #12) REPLACEMENT; SUB SURFACE CONTRACTING, INC. (BILL HUEY)
- b) REQUEST FOR APPROVAL OF BUDGET AMENDMENT INCREASE IN THE AMOUNT OF \$165,807, FROM CASH BALANCE FOR REPAIR AND MAINTENANCE OF EQUIPMENT; ENVIRONMENTAL SERVICES DIVISION. (LAWRENCE GARCIA)
- c) REQUEST FOR APPROVAL TO DETERMINE UNCOLLECTABLE UTILITY ACCOUNTS AND REMOVE FROM ACCOUNTS RECEIVABLE IN THE AMOUNT OF \$2,695,881.82. (CARYN FIORINA)
- d) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$567,317.63 – PRINTING AND MAILING SERVICES FOR UTILITY BILLING (RFP #17/07/P); VALLI INFORMATION SYSTEMS, INC., D/B/A POSTAL PROS SOUTHWEST. (CARYN FIORINA)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$144,583.00.
- e) *[Removed for discussion by Councilor Rivera and Councilor Villarreal]*

- f) REQUEST FOR APPROVAL OF BID NO. 17/18/B AND PROFESSIONAL SERVICES AGREEMENT NOT TO EXCEED \$50,000 PER YEAR FOR FOUR YEARS – ON CALL MISCELLANEOUS OVERHEAD DOORS, GATES AND HOIST FOR MULTIPLE CITY OF SANTA FE FACILITIES. (LeANN VALDEZ)
 - 1) OVERHEAD DOOR COMPANY; AND
 - 2) M & M GARAGE DOORS AND GATES.
- g) *[Removed for discussion by Councilor Maestas]*
- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$78,000 – PROJECT MANAGER AND PROVIDE RELATED SERVICES (PROJECT NO. A2508); NATIONAL DANCE INSTITUTE (NDI). (DAVID CHAPMAN)
- i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND BUDGET AMENDMENT IN THE AMOUNT OF \$189,775 – FORTY-SIX (46) REPLACEMENT IN-CAR COMPUTERS FOR POLICE DEPARTMENT; GRANTS & TECHNOLOGY VETERANS, LLC. (CHIEF GALLAGHER)
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO MOBILE VIDEO SYSTEM TRAILERS FOR POLICE DEPARTMENT; SCI, INC. (CHIEF GALLAGHER)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$104,606.
- k) REQUEST FOR APPROVAL OF REVISED STATEWIDE AMBULANCE TARIFF 2017; NEW MEXICO PUBLIC REGULATION COMMISSION. (GREG CLIBURN)
- l) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$99,901.99 – DEFOURI BRIDGE REPLACEMENT PROJECT; LOUIS BERGER GROUP, INC. (DAVID QUINTANA)
- m) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO SOFTWARE AGREEMENT IN THE AMOUNT OF \$46,992 – OPENGOV BUDGET BUILDER MODULE; OPENGOV, INC. (ADAM JOHNSON)
- n) *[Removed for discussion by Councilor Rivera]*
- o) REQUEST FOR APPROVAL OF RESULTS BASED ACCOUNTABILITY (RBA) COMMON LANGUAGE, POPULATION INDICATORS AND QUALITY OF LIFE AMBITIONS. (ADAM JOHNSON)
- p) REQUEST FOR APPROVAL OF QUARTERLY FINANCIAL PERFORMANCE REPORT. (ADAM JOHNSON AND ANDY HOPKINS)

- q) REQUEST FOR APPROVAL OF CERTIFICATE OF CORRECTION FOR TYPOGRAPHICAL ERROR IN ORDINANCE NO. 2016-39 REGARDING THE LINC OVERLAY DISTRICT (MAYOR GONZALES). (JESSE GUILLEN)
- r) REQUEST FOR APPROVAL OF AWARD OF BID NO. 17/15/B IN THE AMOUNT OF \$3,844,503.45 – BUCKMAN PARALLEL PIPELINE PROJECT; RMCI, INC. (KRISTIN JOHANSEN)
- s) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 FOR ON-CALL ENGINEERING SERVICES CONTRACT IN THE AMOUNT OF \$381,165.77 – TASK ORDER NO's 9, 9A, 13 AND 14 FOR WATER DIVISION; CDM SMITH. (KRISTIN JOHANSEN)
 - 1) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$373,414.
- t) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT TO EXCEED \$50,000 IN FY 2016-2017 – DIGITAL E-BOOK DOWNLOADS ON KINDLE DEVICES; OVERDRIVE, INC. (PATRICIA HODAPP)

END OF CONSENT CALENDAR

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

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to approve the minutes of the Regular Meeting of February 8, 2017, as presented.

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

9. PRESENTATIONS

There were no Presentations.

CONSENT CALENDAR DISCUSSION

- 10(e) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$486,592.06 – SECURITY SERVICES AT MUNICIPAL FACILITIES; G4S SECURE SOLUTIONS (USA) INC. (NOEL CORREIA)

Councilor Rivera said at one of the Committee meetings, we talked about this, and there were

concerns. He wants to make sure it is clear that the City will go out to bid next year to look for additional services, or open it up, so everyone can come to the table and bid for these services.

Noel Correia, Director, Parking Division, said the Parking Division just oversees the contract, but does not go through the procurement. It is the procurement officer that is assigned these tasks.

Mr. Snyder said if that is the Council's wish, we can issue a new RFP. He understands we went out for RFP last year, and this is the second renewal of a 4 year contract, with renewal terms each year. The Council could either redo it for two additional years, or go out for new proposals.

Councilor Rivera said Councilor Villarreal will talk about her concerns, but at Committee it was specific that we would go out to bid again in the next year, and I just want to make that is clear with all staff.

Mr. Snyder said we can proceed in that direction.

Councilor Villarreal said, "I pulled this again just to communicate with my colleagues and staff about the reasons I have concerns about G4S as a company. I will repeat some of the things that I think are a concern, and so bear with me because you've heard this for the third time. I had asked staff to look into the ethical aspects of G4S company. In my research of this company the last few months, it's a domestic and global corporation and there has been evidence in participation of human and civil rights abuses that have been subject to scrutiny about other municipal governments. Please know this is not any personal attack on the people that work locally for the company, and it is not directed toward the hard working women and men that are committed to protecting our safety and well being here. However, based on our principles and the values of the City, as policy makers, to make sure that we carefully examine all companies with whom we contract and also know their track record as it relates to labor practices, human and civil rights, unfortunately G4S is not a good model to represent those values and our values."

Councilor Villarreal continued, "Just a few examples, G4S has been complicit in the unjust prison system for its role in California private prisons, as well as in Israeli prisons and in interrogation facilities that incarcerate and torture Palestinian prisoners, including children. They have also been involved in various violations, operating private prisons in the U.S., as well as security contracts targeting immigrants. Various G4S employees in other states have been the focus of scrutiny as well. One employee who worked at a youth academy in Florida was arrested for sexually assaulting two minor boys. *The Journal North* pointed out that the shooting in a Miami nightclub last year worked for the G4S Security Company, and G4S also provided security last year for Dakota Access, LLC, the drilling company for the Dakota Access Pipeline. Last year, the City of Denver decided not to renew G4S's \$2.5 million municipal contract. And as far back as 2007, Miami/Dade County fired G4S when it discovered, through an audit, that the corporation has been overcharging taxpayers millions of dollars for work that was never done."

Councilor Villarreal continued, "And there are other instances. The company has profited off immigrants. They have a promotional brochure that brands its service as 'The bus no one wants to catch. The end of the road for illegal immigrants.' Their literature states they have a team of 600 customs protection officers that operate more than 100 buses and vans to carry huge numbers of apprehended

individuals, the majority of them being Mexican and sending them to processing centers. So these are just a few examples. I'm sure there's some more out there that people could research and find. But, I think it's necessary that we look at other options for security contracts for the City. And I won't be supporting the renewing of their contract this year. And I would like for staff, as they've committed, to start an earlier RFP process so we can vet more closely potential security companies that are local and make sure they have ethical, human and civil rights practices that we can feel good about. Thank you."

Mayor Gonzales said, "I think Robert, one of the issues that we do clearly...I think there is a strong signal from the Council or so many of us that, in the procurement models, there has to be a scoring sheet, however it's structured, that reflects on some of the values that the Council has passed when looking for vendors that are doing business with the City. I'm speaking more directly now toward as we prepare for the RFP on the fiscal managers for the City, and we're able to get through many times what these low cost bids that because companies are so big and multinational, they lock out local groups. I know there's a preference, but even with the preference, it becomes difficult to do that."

Mayor Gonzales continued, "So I think part of what we have to look at Councilor Villarreal is..... I understand the point about going on record. But it's very late in the game. The idea would be that we need to get in front of it before the RFP goes so that there are, as part of the RFP, scoring and evaluation processes, and some of the concerns you brought up can make their way through in that. Because if we don't, what will happen is lowest cost models are going to come forward, and will be coming from multinational companies where we are limited in terms of saying yes or no without having that set up in that process."

Mayor Gonzales continued, "I think we need to, Robert, see how, whether for this or other contracts – make sure there is a scoring that goes beyond just the preference, but does address some of the values that the Council has brought forward, and if you need more indication or clarification about how that should be represented in an RFP, I think all of could weigh-in through a Resolution that would provide some of those values when doing some of the scoring. Okay."

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

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

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

Against: Mayor Gonzales, Councilor Rivera and Councilor Villarreal.

- 10(g) REQUEST FOR APPROVAL OF DEFEASANCE AND REDEMPTION OF 2008 GENERAL OBLIGATION BONDS, 2004 RAILYARD PHASE I LOAN, 2006 RAILYARD PHASE II LOAN IN THE ESTIMATED AMOUNT OF \$15,202,550. THE TOTAL AMOUNT TO BE PAID FROM ONE-TIME FUND BALANCES OF \$6,000,000 AND THE REMAINDER FROM AN INTER-FUND LOAN IN THE AMOUNT OF \$9,220,956 FROM VARIOUS UTILITY FUND BALANCES, WITH A TERM OF 4 YEARS. (ADAM JOHNSON AND BRADLEY FLUETSCH.) (Postponed on January 11, 2017)
- 1) CONSIDERATION OF RESOLUTION NO. 2017-16 (COUNCILOR DOMINGUEZ). A RESOLUTION AUTHORIZING THE DEFEASANCE AND REDEMPTION OF THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008 (THE "BONDS"); AUTHORIZING THE PUBLICATION OF A NOTICE OF DEFEASANCE AND REDEMPTION OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY AND BOKF, NA, AS ESCROW AGENT; REPEALING ACTION PREVIOUSLY TAKEN TO THE EXTENT INCONSISTENT WITH THE PROVISIONS HEREOF (COUNCILOR DOMINGUEZ AND COUNCILOR MAESTAS). (ADAM JOHNSON)
- 2) CONSIDERATION OF RESOLUTION NO. 2017-17 (COUNCILOR LINDELL, AND COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR VILLARREAL). A RESOLUTION DIRECTING THE CITY MANAGER TO ANALYZE THE CITY OF SANTA FE'S DEBT PORTFOLIO ON A SEMI-ANNUAL BASIS, AND ADVISE THE GOVERNING BODY ON ALL ISSUED MUNICIPAL DEBT FOR THE PURPOSE OF DEFEASING, RESTRUCTURING OR FUTURE ISSUANCE; AND DEFEASING AND PAYING OFF THE 2008 GENERAL OBLIGATION BOND, THE 2004 RAILYARD PHASE I AND 2006 RAILYARD PHASE II NMFA LOANS (BRADLEY FLUETSCH).

Fiscal Impact – Yes.

An Action sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 20, 2017, regarding Item 10(g)(1), is incorporated herewith to these minutes as Exhibit "1."

An Action sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 20, 2017, regarding Item 10(g)(2), is incorporated herewith to these minutes as Exhibit "2."

Councilor Maestas said, "I want to commend our Finance Staff and the Finance Committee for searching for ways to save the City money. I guess in the case of this particular proposal, it is a defeasance of some 2008 General Obligation Bonds. So I think the intent is.... and the fantastic Adam, you've done a great job. However, I think it's the means in which your proposal is put together, I think runs contrary to I think a lot of our financial management principles. I made more detailed comments at a previous Committee meeting, so I'm not going to go into a lot of great detail. But what I think I can say for

the record is that we're using one-time funds, and part of those one-time funds are funds that normally would go to capital improvements. And in my opinion, as a civil engineer, I really feel the City has had a long standing reputation of deferring maintenance on our existing infrastructure. And at some point, we have to realize that we need to take care of what we have and stop paying more down the line from this successive kicking the can down the road and deferring maintenance on aging infrastructure. And at some point we have to realize that we need to take care of what we have and stop paying more down the line from this successive kicking the can down the road and deferring maintenance on aging infrastructure. So I disagree with the use of CIP funds. And that's the lion's share of the one-time transfer to retire these bonds."

Councilor Maestas continued, "The other issue I have is borrowing GRTs. It calls for borrowing \$2 million in GRTs over the next 3-4 years, at least through 2020. The problem I have is taking the liquidity away from our available cash, should anything happen, should we experience a dip in our economy. So for us to roll the dice and think we can count on those future gross receipts taxes to be there I think is a bit risky, I think, given the fact that it's been a very long and slow recovery from the recession. So I oppose the use of, basically, revenues that we have not realized yet that we can't count on."

Councilor Maestas continued, "And I think the last thing on the GRT is, as you know Adam, our own policy requires that we maintain a reserve in our General Fund, above and beyond what is required by the State. The State requires about 8.3% of our General Fund expenditures. And we made a conscious decision to have our own Council mandated reserve, above and beyond what the State requires, which is 10% of General Fund expenditures. So I still remain unconvinced that if we dedicate this \$2 million in GRTs in the form of a loan for the next 3 years, I am unconvinced that we meet that 10% General Fund reserve."

Councilor Maestas continued, "And just the last thing is that we are also using interest income from our portfolio of utility funds. We've had a long history of using utility funds for General Fund deficit reduction. I thought we learned our lesson, I truly did. And I feel like, in response to a lot of the public outcry about us using enterprise fund for General Fund purposes, we created these financial management principles to demonstrate to the community and ourselves that we're really going to follow much better financial management practices. And I just see us kind of, maybe, it's not a total lapse or relapse, but AI just thinks that's another practice I'd rather not do. And just in speaking what's already in our Financial Management Principles, we don't call for any kind of interfund loans. I don't think we allow for the borrowing of interest income in our investment policy."

Councilor Maestas continued, "I know the intent is great, the prospect of permanently freeing up some property tax capacity, about \$1.3 or \$1.4 million, I think that's great. Saving on the debt service is great. I just think this has gone through so many iterations, and I feel the means in which to get this done, runs counter to so many of our financial management principles and does nothing to restore the public's confidence in us, in terms of managing utility funds. So I can't support this, Mr. Mayor and Members of the Governing Body."

Councilor Dominguez asked Mr. Johnson to address the issues raised by Councilor Maestas, noting those issues were discussed at the Finance Committee, commenting this is a good commentary by Councilor Maestas.

Adam Johnson, Director, Finance Department, said, "Thanks for all the points well taken. If I could just go through some of them. It is a complex analysis in terms of action, that takes quite a bit of eyes to look at as far iterations go. Certainly we look to get as many folks to look at things as we go through the process, so we can dot all 'i's' and cross all of our 'T's.' so I certainly look at it as a collaborative process that takes time. We started this process back in the beginning of January. To touch on the point of the nature of the CIP funds being used for the one-time money, the majority of the one-time money, that funding was actual General Fund money from the end of last year's close. Those funds are allowed, legally, to be used by any governmental purpose that is approved by this Governing Body. In fact, the intention of those funds, while moved from the General Fund to the CIP Reallocation Fund, that Fund was only chosen in name. And at the time we made that proposal, assurances were also given that it actually was not being necessarily locked into CIP but also a potential source for large payments to pay off debt service. And I made that comment that the time, and certainly the recommendation staff is making at this time, given the significant inter savings from the payoff."

Mr. Johnson continued, "With regards to the comments about the gross receipts tax. Just a point of clarification. We're not actually borrowing GRTs. What the proposal entails is that we're confident in the growth in our GRTs that we will be able to bring in that incremental GRTs to make the \$2 million payment over 3 years and just about a month. And that also goes for the additional investment income which is not investment income from the utilities, it is actually incremental improvements in our investment income due to the improvements in our investment policy that was passed by the Governing Body just about a couple of months ago, as well aligning much of our excess cash that had been idle for quite a number of months and years in savings and checking accounts – actually putting it into our investment trust and putting it into the appropriate vehicles as allowed by the State and the City of Santa Fe."

Mr. Johnson continued, "With regard to the reserve in the General Fund, we certainly recognize that the presentation and the Quarterly Financial Report is a little bit vague in how it displays the balance in the General Fund. We do intend to always keep the 8.3% reserve of expenditures less transfers, as required by the State. And our own financial policies call for an additional 1.7% for a total of 10%. As displayed, the current reserve is less than 10%. However, if you add the projected ending balance of an additional \$8.1 million, we're really looking at having a reserve that is nearly double of what is required. I would be happy to make that clarification in the future Financial Report so it is more clear. But again, it's 10% of total expenditures, less transfers, would be about \$7.4 million and it's not exactly clear in that presentation, but we have just slightly below that 10% reserve in our budget as we speak."

Mr. Johnson continued, "The last piece. I spoke on the repayment stream. Again, we're not borrowing for the repayment stream, we are actually using projected growth in our portfolio as well as in the GRT to make the repayment stream. With all of that analysis and the risks we looked at, we feel comfortable with the very short term of this loan and the opportunities to save in both debt service and free-up sustainable recurring revenue for future use by the Governing Body."

Councilor Dominguez said as you can see, a lot of work has put into this, and "quite frankly, it's not really different from what we did in the past and some of the things that I think every member of the Governing Body has supported." The thing it does for sure is it provides us the flexibility we need and want as we move into the budget cycle, and start getting that operating budget taken care of. So, for sure, a lot

of work has been done. He thanked Mr. Johnson and staff, the Finance Committee and the other members of the Governing Body that have kind of become creative in many ways to give us the tools we need to demand that our constituency has.

Councilor Harris said we've looked at this twice at the Finance Committee. He continues to believe that it is smart to do what is being proposed, as well as being prudent. He said new information is the implication for the IRS examination. He said since we first discussed it, there has been a third request, noting City Staff has responded to the first two in regard to the 2008 and 2010 General Obligation Bonds. He said, basically, they want to keep the money moving. Another benefit of the potential action is to satisfy the IRS and there's no need to talk to them any more about the 2008 general Obligation Bonds, as he understands.

Councilor Harris said he believes the reasons he cited previously are still valid -- \$3.1 million in debt service savings, pays high cost debt with lower yielding fixed common investments, expands the City's borrowing capacity, we look better to the rating agencies in terms of using our financial resources efficiently, and frees \$1.5 in annual property tax and \$137,000 in GRTs for other purposes, whatever those may be.

MOTION: Councilor Harris moved, seconded by Councilor Dominguez, to approve Item 10(g).

DISCUSSION: Councilor Maestas said in Mr. Johnson's Memo, under potential risks he says if utilities needs its fund balance earlier than expected, which is a scenario. He also says there are other funds that could take over the loan if need be. He asked why not use those other funds and not touch any utility funds, if they are a viable option.

Mr. Johnson said when you look at our overall investment portfolio and apply the lense of fund accounting, there are many many funds with different legally allowable purposes. The very simple answer is the constraints on these funds are much less than, and there are much more of them, than if you were to try to find it across special revenue funds and other variety of funds. For example, the fund balances that exist for Lodgers' Tax cannot be used for this purpose per our own ordinances as well by the State, so for example, is the reason we looked to this area of the investment portfolio to make the transaction happen. And in addition, it has no impact on the ability for them, on an annual basis, to execute a \$12-\$15 million CIP. Because of the rate at which it adds to the fund balance is faster than the rate they spend, even considering the reduction of this loan."

Councilor Maestas said, "Thank you. It comes down to the minute the City of Santa Fe realizes any increase in income, albeit GRTs or investment income, we snatch it away and obligate it for the next 3 years. And so I don't think that's prudent, so that's all I had Mayor. Thank you."

Councilor Dominguez said one thing this is does is it potentially reduces people's property tax, and "I don't know who in this room isn't going to want to support something like that. So I stand in full support of it. I think it gives us the flexibility we need, it keeps us prudent, it keeps us solvent, and I think it's a good move. I think again, as we move into budget discussions, we're going to have a better microscopic look at some of this stuff."

Mayor Gonzales applauded the Finance Committee for bringing this forward, and said he stands in full support of it. He said if we hit the pause button, continue to kick this down the road, we still send money to Wall Street. He said this money, \$3.1 million, needs to stay in our community. What you brought forward will stop these funds from going to Wall Street bondholders, stay in Santa Fe and will be used to support community projects. He said, "Well done, Finance Committee."

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

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

Against: Councilor Maestas.

MOTION: Councilor Harris moved, seconded by Councilor Dominguez, to approve Item 10(g)(1), Resolution No. 2017-16, as presented.

DISCUSSION: Councilor Maestas asked to be a sponsor on Resolution No. 2017-16.

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

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

Against: None

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas to approve Item 10(g)(1), Resolution No. 2017-17, as presented, and to add him as a cosponsor.

DISCUSSION: Councilor Villarreal asked to be added as a sponsor.

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

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

Against: None.

10(n) **CONSIDERATION OF RESOLUTION NO. 2017-18 (COUNCILOR IVES, AND COUNCILOR MAESTAS AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING THE CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSAL TO CONDUCT A COMPREHENSIVE COMPENSATION AND CLASSIFICATION STUDY WITHIN THE HUMAN RESOURCES DEPARTMENT. (LYNETTE TRUJILLO)**

Fiscal Impact – Yes. FY 17/18 = \$30,000 for Personnel and \$250,000 for professional services for total of \$280,000.

Councilor Rivera said he pulled this item to vote against it. He said he has been with the City since 1987, and he has seen many comprehensive, compensation and classification pay studies. And they typically show that we're double digits below where other cities are and then it's something we can't afford to catch people up. He would rather use the \$280,000 to give to the employees in some other way, or to help fund raises or to do something different. However, to do a study that we may not be able to fund to its fullest is, to him, a waste of funding, so he will be voting against this request.

Councilor Villarreal asked when the last time a comprehensive study was done.

Lynette Trujillo, Director, Human Resources Department, said it was in 2010.

Councilor Villarreal asked Ms. Trujillo if she remembers any of the salient points we got from that study.

[Ms. Trujillo's response is inaudible because her microphone was turned off] She said something to the effect that she thought there was a salary increase.

MOTION: Councilor Maestas moved, seconded by Councilor Dominguez, to adopt Resolution No. 2017-18, as presented.

DISCUSSION: Councilor Maestas said he thinks this study is needed. He realizes all of the employees want a salary increase, but certain employees and job classifications want to know how they're doing in terms of market salary – the salary in their trade. He said this compensation study would do that and help us to address some of the inequities in City government, instead of maintaining disparities and giving everyone across the board salary increases.

Councilor Maestas continued, saying he sits on the SWMA Board, which requires a compensation study every 3 years, and it is migrating toward merit pay only, while right now it is a cost-of-living adjustment and merit pay. He said the experts have advised SWMA Board that the industry trend is toward merit pay. He thinks the salary and classification study would help us identify those areas and trades and particular positions to decide if we need to make additional adjustments to establish market parity of those positions. He sees this as a very worthwhile document, commenting it probably will establish pay bands, depending on the benchmark governments. He stands in support as a worthy effort and something that is needed.

Councilor Trujillo said these are valid comments. He has worked for the State twenty plus years, and sees these studies come constantly, with a promise that the State will do something better. He asked if we did a study in 2010, if we did anything and if there was any follow-up.

Mr. Snyder said he is unsure of the exact results of the 2010 Study, because he wasn't the City Manager, although he was working for the City. He said he doesn't believe any broad-reaching increases were made. He said the goal of this Study is to understand how we compare with the market. He said he isn't afraid personally, as City Manager, to know how far behind the market we are, or if in some places we are on target with the market. He thinks this is a measuring stick in moving forward. He said at least we know how much we are short and can come up with a game plan to attack that, and believes that is valuable. He said we run into problems all the time. He said in some places, the City used to be the place to work from a salary standpoint.

Mr Snyder continued, saying, for example, we're trying to hire a Traffic Engineer, noting it has been advertised 5 times. He said we are unable to hire a Traffic Engineer because the State pays more than the City. He said in this once example, we would know how far behind we are. He said we need skilled work force in a number of different ranges with college backgrounds, degrees, licenses as well as CDL's and those kinds of things. We need to know how we stand in the market so we can deliver the best service to the City. So he is looking at it from understanding better how we fit in the market place, whatever that number is, assuming there is a gap, and then come back and work with Finance and H.R. to come up with a game plan on how we propose, from staff's perspective, to address that, and bring it to the Council for its direction.

Councilor Trujillo said this is his concern. We will do a study and will find out we are behind. He said he doesn't want the study to be "lip service," but we need to come up with funding to meet the difference. He understands where Councilor Rivera is coming from and wants to spend the money a different way. However, if it comes up with results that we are behind, then something has to be done.

Councilor Dominguez said he was somewhat concerned about this in the beginning. He said he certainly understands Councilor Rivera's remarks. He said, like Councilor Trujillo said, as a State employee he also has these studies come and go. He said they have put many things in place to move us toward a merit based pay. He said, with regard to the RBA we're doing, we've heard from the public loud and clear, that they feel there is a disproportionate number of employees for a certain function. He thinks this Study will help to bring things together. He said we have set the framework and groundwork to make that happen. He stands in support of this, commenting "we shouldn't throw the baby out with the bathwater, in that what we spend now, may in the future provide us better latter careers and other employees a better opportunity to get there." He said he certainly and absolutely understand the comments made by Councilor Trujillo and Councilor Rivera. He said it is up to the Governing Body to make sure management utilizes that information for all the right reasons, and that we don't just let a study sit on the shelf. He said he would be using it as a baseline as something that helps establish a foundation as we move into the new territory of results based accountability and potentially a merit based pay structure – whatever the case may be.

Councilor Villarreal asked for the funding source to pay this professional services contract.

Ms. Trujillo said it will be coming from the General Fund.

Mayor Gonzales thanked Councilor Rivera for raising his concerns, so as we go forward that there is a commitment to act. He said there will be a priority and focus, even while the study is being done, to increase the wages of our employees and that this not be used as a mechanism or to put on hold any kind of wage increases until yet another study is completed.

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

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

Against: Councilor Villarreal, Councilor Lindell and Councilor Rivera.

Explaining his vote: Councilor Trujillo said, "A very cautious yes."

Explaining his vote: Councilor Maestas said, "For sure. Yes."

END OF CONSENT CALENDAR DISCUSSION

- 11. CONSIDERATION OF RESOLUTION NO. 2017- 19 (COUNCILOR MAESTAS, COUNCILOR VILLARREAL AND COUNCILOR IVES). A RESOLUTION REAFFIRMING THE LONG STANDING STATUS OF THE CITY OF SANTA FE AS A WELCOMING COMMUNITY FOR IMMIGRANTS AND REFUGEES AND MAKING POLICY CHANGES TO SAFEGUARD RESIDENTS' SENSITIVE PERSONAL INFORMATION AND PRESERVE RESIDENTS' HUMAN AND CIVIL RIGHTS. (CHRIS SANCHEZ)**

A copy of an Action Sheet from the Public Safety Committee meeting of February 21, 2017, regarding Item 11, is incorporated herewith to these minutes as Exhibit "3."

A copy of a proposed amendment sheet to Item 11, submitted by Councilor Harris and Councilor Ives, is incorporated herewith to these minutes as Exhibit "4."

A Memorandum from Cam Duncan, dated February 21, 2017, regarding *NNMCLC Resolution for Sanctuary Everywhere in Santa Fe (December 2016)*, submitted for the record by the Northern New Mexico Central Labor Council, is incorporated herewith to these minutes as Exhibit "5."

A copy of *Supporters of Resolution to Reaffirm Santa Fe's Status as a Welcoming Community for Immigrants and Refugees, and Preserve Residents' Human and Civil Rights*, dated February 10, 2017, submitted for the record by Carlos Campos, is incorporated herewith to these minutes as Exhibit "6."

Public Hearing

Mayor Gonzales gave each person one minute to speak to the issue, and asked people to please stay within the one minute, explaining that technical experts giving testimony will have more time.

Mayor Gonzales said the Fire Marshal is limiting the numbers in the Chamber and asked those who have spoken to go in the hall so someone else can come in and speak

Mike Archuleta, Northern New Mexico Central Labor Council, said in December 2016, they adopted a Resolution regarding *Sanctuary Everywhere in Santa Fe*. He read first and last paragraph of the NNMCLC Resolution. Please see Exhibit "5" for the complete text of the Resolution.

Amber Fayerberg, lawyer, said she is with the firm of Freedman, Boyd, Hollander, Goldberg, Urias & Ward, P.A. Ms. Fayerberg said her firm, along with the ACLU of New Mexico, and the Mexican American Legal Defense Fund [MALDEF] have been asked to provide a legal opinion as to the strengths and validity of this Resolution. She said, "My firm, the ACLU and MALDEF strongly support the Resolution and believe that it places the City on the strongest possible legal footing in the current political climate, specifically with regard to the Trump Administration's recent Executive Order targeting so-called sanctuary cities. This Resolution includes a broad confidentiality provision that protects the residents of Santa Fe and their sensitive personal information. And that information goes far beyond immigration status, to also include social security numbers, their personal identifiers, sexual orientation, whether they have been accused of a crime and so forth. That broad confidentiality provision takes into account the most recent case law on this issue of compliance with Federal Immigration law, and makes it so that the City of Santa Fe is not willfully refusing to comply with Federal Immigration Statutes as is written in the Trump Executive Order. For that reason, we strongly support it. We support the City's attempts to reaffirm its status as immigrant friendly and to protect all of its residents. If the Trump Administration were to move forward with enforcing its Executive Order, the City likely would find itself in a place of litigation. And this Resolution, whether it's in offensive or defensive position, puts the City in the strongest possible position it can be, while also continuing to promote and protect the people of Santa Fe and the values of Santa Fe."

Damian Lara, President, New Mexico Hispanic Bar Association, said he is here on behalf of the Association, a state-wide organization promoting education, professional development and equitable justice within the Hispanic community, noting the membership is composed of approximately 300 attorneys and law students from diverse backgrounds and areas of practice. The membership contains prosecutors, including First Judicial District Attorney Marco Serna, public defenders, including former Chief Public Defender Jorge Alvarado, sole practitioners, civil rights plaintiffs, attorneys, large firm attorneys, civil defense attorneys and trial lawyers. The members are as diverse as is their areas of practice. He said all share common belief in the mission and vision of the NMHBA, and share the belief that we, as an organization, and as a profession and as a nation, draw our strength from our diversity, not in spite of it. The national motto is *e pluribus unum*, out of many one, epitomizes this belief. He said our greatest

symbol of liberty in this country is engraved with the phrase, *Give me your tired, your poor, your huddled masses yearning to breathe free*. He said New Mexico has a strong history of upholding equality, justice for all, and local governance and control, with laws that prohibit educational institutions from discriminating on the basis of immigration status, and prevent profiling practices by law enforcement officers. He said during these uncertain time, we look to our local city councilors and mayors to reaffirm the policies that have long worked in our cities to protect our families, friends, business members, schools and our professional members. Policies that reject discrimination and embrace our rich culture and diversity. He said, "We ask you to be a shining beacon and an example for the rest of our state and our nation. Thank you."

Mayor Gonzales asked everyone to hold their applause to the end of the Public Hearing and we'll have a huge round of applause

Fabian Trujillo, President, Las Acequias Neighborhood Association [LANA], said the Association in the heart of the south side where there are more 600 homes and more than 4,000 people that they represent. He has a letter which he will be sending to the Governing Body, and read a few of the paragraphs as follows: *The Las Acequias Neighborhood Associations Board of Directors met on February 16, 2017. During this Board meeting the LANA Board members discussed the Resolution reporting Santa Fe as a welcoming community for immigrants and refugees, commonly known as a Sanctuary City Resolution. The LANA Board voted to support this Resolution and the amendments proposed. Let me elaborate. The LANA Board feels that the Sanctuary City Resolution is a defining moment in reaffirming our values. We agree with the Resolution that human and civil rights are inviolate and shall not be diminished or otherwise infringed. We appreciate that Councilors Maestas, Villarreal and Ives have brought this Resolution forward and we support it. Therefore we request that the Santa Fe City Council adopt the Revised Sanctuary City Resolution with the amendments proposed. Thank you.*"

Alegra Love, Director and Founder, Santa Fe Dreamer's Project, said it is a Project which is a legal services organization for immigrants and their families. The goal of the Project is to support their economic, educational and civic participation and achievement. We support them to get work authorization and *[inaudible]* have had really amazing results. She is here on behalf of her organization, family and most of her clients are here tonight. She said don't forget the contribution these folks are making to our City, to our culture and the safety of families – everything that makes this a wonderful place to be and a place she is proud to call home. She spends her entire day talking with families and children and they've been really really scared. She said this can go a long way to make them feel safer and more love in a country has turned against them. She asked for the Governing Body's support.

Ron Conejo, coordinator, Communities in Schools, said some years ago he was an undocumented immigrant from Mexico, but he is proud to say he is now a U.S.A. citizen and active voter. He is speaking on behalf of 80% of his students who are afraid to come to school, not knowing it's probably one of the safest place to be. His students do not come to school every day because they see no point, or their parents are not here and they don't see the point of staying here and continuing their education. He said, "I ask you to please consider it, and to please keep Santa Fe a safe place for families. And more than anything to add to the future of our city."

Elizabeth Dunham said she will be 80 in 2 months, and has lived in Santa Fe for 35 years. She has lived in District #1 for the past 14 years, and in District #2 the first 17 years. She has experienced more community in Santa Fe than in any of the many of cities she experienced in the 40 plus years before moving here. She said thanks to Mayor Coss when you voted to support and protect from ICE undocumented citizens, some call immigrants, but we are all immigrants. She said a vote for Santa Fe as a sanctuary City is a vote that supports the beautiful energy of our City Different, a difference that honors our diversity. This teaches us that we are all one.

Sheila Lewis, Santa Fe Safe, said her organization tries to represents the interests of people who struggle with domestic violence in sexual. She knows you will do the right thing, and is grateful for you doing this, and for the work you put into it and the cooperation and the genuine good heart that I have seen here in Santa Fe. So thank you very much for that.

Jess Clark, Prevention Manager, Solace Crisis Treatment Center, and is proud to be partner in the collaboration that went into this Resolution to strengthen policies in the face of adversarial systems that can lead to a significant decrease in undocumented community members, seeking help before it becomes violent. He said Solace has been a part of many many years of work with immigrant community members and law enforcement and the City to facilitate a safer system for reporting violence that should treat a criminal act as that, and not an act committed by a citizen who is undocumented and it should lead to equal application of the law. He said Solace believes this is not just a symbolic gesture, and the Resolution contains better language created by the people in that community who will be affected the most. He said everything shows that our values as a City can withstand scrutiny, and this is especially important for the people of our community.

Rev. Talitha Arnold, Senior Minister of the United Church of Santa Fe, a United Church of Christ. She encourages the Governing Body to vote positively on this Resolution. She said as a pastor and Christian she believes in cities of refuge which is found in the Bible. She believes in cities of welcome which is found in the Bible, where there are references to welcoming the strange and the foreigner, than there are to welcoming the neighbor. She believes in the Bible and the stories of Jesus Christ who was a refuge and reached for the family across lines of divisions of race, color, creed and nationality. She thanked the Council for considering all of this over the past weeks. It makes her proud to be a part of Santa Fe.

Maria Jose de Rios-[inaudible], Director, Solace Crisis Center, said she came to Santa Fe 25 years ago and she is dedicated to Santa Fe. She couldn't have done what she has done in life if it wasn't for the way she was treated from the beginning. She has witnessed the courage of survivors of sexual assault and other violent crimes. She said that courage is more infinite when it comes to a person who is one of the population that we have in our immigrant community. She said this is never about funding, but it is because it is the right thing to do. One of her privileges in work is to witness the work of the teams and in the alliance with a police officer is invaluable and puts us all in a safer place in the future.

Steve Allen, Policy Director, ACLU New Mexico, said he won't repeat what was said about the legal analysis of this Resolution. He said we are living in dark times, and these kinds of resolutions shine a light into the darkness. The City of Santa Fe has been a leader on this incredibly important issue. These are our neighbors, friends and family that are under attack. He said they appreciate the City's leadership, and very much support the Resolution.

Ruby Lopez, Earth Care, said she is an elementary school teacher. She said she is here on behalf of Earth Care, a community organization where we train and support children, youth and young professionals as they take action on the issues impacting their lives in pursuit of a socially just and sustainable world. She said the Resolution is important because it will help to fortify the most building blocks of the hope of democracy, the right to feel safe and welcome and where you live. Living your life without fear of persecution, sharing the gifts of the community and being free to express your needs, strengths and beliefs, to help inform the community's development. We need the children in our classrooms to know they are important, and we are doing everything in our power to protect their families who are also valued members of our community. We need our young people to feel encouraged and supported in pursuing their education, regardless of their immigration status. We need all members of our community to feel that they bring richness to Santa Fe and that their presence here makes us stronger. And that is why our status as a sanctuary city is so important.

Deacon Anthony Trujillo, said he has been assigned for 6 years to San Isidro Parish in Santa Fe, and for 17 years before that to two of the larger Catholic Parishes in Santa Fe. He is involved with large majority numbers of immigrants. He is not here in an official capacity for the Catholic Church but he can reflect the sentiments of Pope Francis and our own Archbishop John Wester who had supported their support for immigrants throughout the world as well as in the United States. He said, because he has worked with large number of immigrants, one of the things that confuses him by this rattled type of talk throughout the country is this sense of fear. He said he has, not once, ever been alone with an immigrant or a group of immigrants where he felt any kind of fear. He has always felt welcomed and loved by them because he loves them, so he would ask that you also support this Resolution and continue what Santa Fe stands for.

Antonio Menendez said he is from Guatemala, coming to Santa Fe when he was 19 years old, and he is now 40. The reason he came to the U.S. and Santa Fe is because they were very poor, as well as there was a war in his country when he turned 18. He then went to Mexico, then to the U.S. when he was 19. He said lately he has seen videos on the TV of Immigration going to houses and taking people. It brings memories to him of his childhood. It hard for the kids to see these kinds of things when their parents are taken from their house or neighbors taken from their house. He said this is something we won't forget, and he has seen that in his country and a lot of people never came back. The army was taking them away. He graduated from the Santa Fe Community College with high honors and he continues to study on the internet to become a better technician. He contributes his time at the San Isidro Church. He and his wife are in charge of a group that meets on Fridays at 7:00 p.m. He said 60-80 families attend, and work with kids with the kids, the papas and mamas. He said, "I'm asking you to support this. Thank you."

Claudia Lopez said she is an immigrant from Mexico City. She has 3 children, 1 of which is a U.S. citizen, and the other have been approved by DACA. She said she feels very fortunate to have the opportunity to raise her children here. She said she is asking for Governing Body support for the Resolution, because it helps her as a mother, to support and look to the future of her children. She said she is a woman of faith and she again, feels very fortunate to raise her children. Her eldest son is *[inaudible]* and he is going to go to college next semester, and she wants you to help invest in future, because he is going to come back to Santa Fe and continue improving Santa Fe as a city. Her son wants to be a doctor and wants to help support the future of Santa Fe. She is here to ask for your support of the Resolution. *[Ms. Lopez spoke in Spanish which was translated into English by Gabriella Ibanez].*

Veronica Velazquez said she has lived in Santa Fe for 11 years, and is very very proud to live in a City like Santa Fe where the New Mexican community has given her such strong support. She said she just wanted to give thanks to all of the organizations, local groups and City Councilors who have always given us such strong support. She said as a mother of a child in elementary school, it is important to her for the Council to approve this Resolution. She wants to continue living in a city where she feels safe and free to go anywhere she wants to, which includes going to her son's school to pick him, to the hospital if she needs to go there, and all other places her family needs her to go. I ask you to support this Resolution, so our children don't have to worry one-day to the next that their parents will be taken away. *[Ms. Velazquez spoke in Spanish which was translated into English by Gabriella Ibanez].*

Peggy Medina Giltrow, resident of District #2, said she is proud to live in Santa Fe, and proud it has been a sanctuary city since 1999. She thanked everyone for working together to get this Resolution where it is now. She thanked everyone for cooperating and understanding the needs of people to be safe and for the City to be safe. This Resolution has passed 2 committees unanimously. She urged this Council to pass it again, to make it a part of what happens in Santa Fe, to strengthen what we already have. She is also here as a member of the Religious Society of Friends, or Quakers. She said at their January business meeting they approved the following: *The Santa Fe monthly meeting of the Society of Friends supports the City of Santa Fe in continuing as a sanctuary city for immigrants, and strengthening the policies that will reinforce this status.*

David Henkle, District #1, said he has lived most of his life here, but was not born here. When he moved here he didn't need papers. Instead, he was welcomed by people whose families have been here for hundreds of years, and taught him to be here. He also is a member of the Religious Society of Friends, and the key testimonies is that of equality – they believe all people are equal before the spirit. He also is a Clerk of the American Friends Service Committee Program of New Mexico, which has been here for more than 40 years, working with communities. They believe immigration policy should be human and treat everybody equally, regardless of papers of origin, height, weight, gender, sexual orientation. They believe in equality completely and encourage the Governing Body to support this Resolution which supports the equality that is witnessed in the people of Santa Fe.

Nelson Lopez said he has lived in Santa Fe for 14 years. He said it is a honor to speak to the Governing Body, commenting "you who have the power to change our lives." He said he has two children born in Santa Fe, and he will tell his kids some day that this is the best city to be born in. He said they can be someone in Santa Fe that can change the life of someone else. He said, "Let's send a message to other cities and the government to our President, that we can be a model for change for other cities. These people who live here, remember, we all are immigrants from elsewhere else. It doesn't make us different from anybody else. So let's come together and make this stronger than it was before. I'm here to ask you guys for your support. Again, you guys are the ones who can change our life, and our form of life."

Carol Oppenheimer, District 2, said she sees a crowd of people outside in the hallway, as well as a completely packed room. She is very proud of Santa Fe. She urged everyone to support the Resolution. She said she is the mother of two adult children, now in their 40's, and she doesn't want anybody in this City to have to live in the shadows. And the sanctuary Resolution will make sure that won't happen, at least in Santa Fe.

Lee Sullivan said she has been a professional volunteer in Santa Fe since shortly after moving here 27 years ago. There have been times when she has been proud of the City, but never more than now. The corroboration that went into this Resolution has been stunning to her, and she thinks it truly represents the will of our community. She thinks our City needs this resolution reaffirming our values.

Pamela Canyonrivers said she is a 3rd generation daughter of Jewish immigrants from many years ago. When she reads the newspaper, and goes to the Legislature to fight for a progressive agenda, all the tactics of the Executive Order are gestapo-like, frighten her and make her ill. She can imagine what they are doing for the other people living in the area who are undocumented. She said many are outside, and some are inside. Her heart goes out to them at this difficult time for all of us. She supports that you came up with this Resolution, and we will have sanctuary, but we will have a fight no matter what. She does not want to see the gestapo tactics on the streets of Santa Fe or surrounding village. She hopes it doesn't come to pass, but thinks it will, so what we're doing is a good thing. She thanked the Governing Body for the efforts you have put into this. She said she has hired many immigrants to work for her over the years for small and big jobs. She said right now her cleaning lady has disappeared. She said, "I can say that not only do I miss her, I recognize that many people have gone underground." She thinks we need to stand above ground and stand up for human rights and everyone should be able to address these issues without feeling they have no due process and can be carted off when they are suspect of criminal behavior. This is abhorrent to her.

Noehmi Bojorquez-Flores, a member of Chainbreakers Collective, District 4 said, like thousands of Santa Feans she and her family will be affected by the Trump Administration attacks on her community. She grew up in an immigrant family and in constant fear of being separated, but that didn't stop her family from doing what was right. We went to work, paid the taxes in the City of Santa Fe's economy. She said they do what is right in the face of fear. This is the time for us to continue the tradition

and continue supporting Santa Fe's values at strengthening Santa Fe's sanctuary policy. The policy needs to be strong so it can stand against any legal challenge. And our conviction need to be even stronger to withstand hate speech. She said, "I urge you to pass this and support it and to strengthen our current policy to include stronger confidentiality protection that protects everyone's immigration status."

Jessica Montoya, District #4, said she would like to remind the Councilors from District 4 that they are elected officials, chosen and elected by us, the constituents. She said she here to speak on behalf of Chainbreakers and its 600 members, and she is also a global coordinator for [inaudible] with more than 2,000 constituents. She also is Operations Manager for [inaudible]. She said Chainbreakers are unafraid to speak out against the Presidential administration threats to cut funding. They have organized around the loss of 90% of federal funding for our buses. Now we need you to be unafraid. Our work is to find new ways of funding our City which are less aggressive, politically and economically. This is not new and it will be necessary no matter what comes in the next 4 years. She encourages you to pass this Resolution that protects everyone. She said, "We were once immigrants in the White Shell Water Place now known as La Villa Real de Santa Fe de San Francisco de Assis, and we were welcomed with arms wide open by indigenous Native American people. I ask you to do the same."

Dadum Khalsa, a business owner in Santa Fe, serving many of you at his bakery and restaurant, with food made primarily by immigrants who have been hard working employees for decades some of whom are here tonight outside. This is a defining moment. He is so proud that this has come up and when it comes time for the roll call and each of your votes go on record, the echo is going out into the United States, into Mexico and around the world. He also is a minister and believes there is a moral reason, far beyond the legality, here. We understand that, because our City is called Santa Fe. He does a lot of interfaith work where we all come together and go past the State. He knows you will do the right thing on the Resolution. He is proud to be a Santa Fean and say this City welcomes you. What a beautiful statement. It's one of backbone, strength.

Shirley Clark, said she has been a resident of Santa Fe resident for more than 30 years. She was welcomed when she moved here. She was born in Little Rock, Arkansas, and those her age or older know that they have a dubious history in Little Rock and didn't always do the right thing. She is proud to live in Santa Fe, to be welcomed here, just as she was proud of New Mexico in the national election. She knows they are going to pass this Resolution, because that's the kind of people that we are here in Santa Fe. We settle our differences, work together and learn from one another. As a member of the United Church of Santa Fe, she has had the opportunity to make visits and talk to the people who are made federal criminals simply because they are seeking a better way of life. She said that is wrong and in America we don't stand for those kinds of values.

Giselle Piburn said she has lived in Santa Fe for 24 years. She is the Director of the Mentorship Program at Monte del Sol Charter School, and there are students who are afraid and in tears. She applauds the Governing Body for your efforts to take care of every single Santa Fe resident. She thanked them for their efforts and its support for the Resolution.

Tracy Neal said he is a 30 year resident, and has worked with immigrants the whole time he has been a business owner. He said when a group is trying to establish a totalitarian government, first they go after the press, the judicial system and then immigrants. He said Trump and his friends have tried to blackmail cities by threatening to withhold federal funds if they declare themselves as sanctuary cities. And even worse, they are trying to make every immigrant in this country afraid to go to work, to show their faces, to keep their kids in school. He said, "The word for that is terrorism. Let's show them we will not be terrorized."

Lynn Canning said she has spoken to each of you individually and at previous hearings, indicating her strong support for this Resolution. She is here on behalf of the Neighborhood Law Center to say the attorneys unanimously supports this Resolution. The Resolution strengthens existing policy, and builds on Santa Fe's long-standing non-discrimination history and will put us on a much more solid footing if a man and administration that seems to know no limits attempts to coerce and commandeer local governments into doing its will. So for humanitarian reasons, because all of our community needs to be protected, this Resolution protects the immigration community as well as the entire City. She said she is proud of you all, and grateful for the hard, collaborative efforts that you put into bringing the Resolution to where it is this evening. She said "We really appreciate all of your support."

Former Councilor Patti J. Bushee thanked this Governing Body for amplifying and strengthening the work they did in 1999. She said Maria Christina reminded her that it was 18 years ago that we passed the immigrant friendly resolution. She reminded her that it was passed unanimously then and she hopes it will be this evening. She said she would like to give a shout out to Socorro Rios, Ms. Rios' sister and a small group of people who became Somos un Pueblo Unido. She thanked them for their work over the years. She hopes this is unanimously approved this evening although we are missing one Councilor. She said this is Santa Fe, we are one, and we're not in the business of building walls in the City of Holy Faith. She said, "Please make sure it is unanimous from the City." She read the platform statement from the Santa Fe City Charter on Human and Civil Rights. Please see page 6 of the Santa Fe Municipal Charter for the text of Section 2.02 Human and Civil Rights. She thanked the Governing Body for its work this evening and for all they do.

Former Mayor Coss said Councilor Bushee started this effort, and was the sponsor of the first Resolution in 1999, long before he was on the City Council. He said he wanted to come tonight because it is another night of history in Santa Fe, and Santa Fe has had a lot of them. He remembers when the Sisters of Loretto were trying to teach him how to eat red chile at St. Francis, and his parents assured him we had come to the best place in the world and he believes that. He said he is "so proud of you guys." He

said he had forgotten all the time all of you spent on this Resolution with him and others calling them, and he thanked them for all their work and what you give to Santa Fe. He thinks the vote tonight will be unanimous because of all the work that all of you put into it. Secondly, he thanked Somos un Pueblo Unido which is an organization which has been fighting private immigrant prisons for more than 20 years. He is proud to be working with them. He thanked the public, especially immigrant families, which have been put under such pressure, first by the government trying to take their drivers licenses away for 6 years and using them as a political wedge for politics. And they stood up to that and beat that back. He said with our help and their help, Santa Fe is going to beat it back. He has a lot of thankfulness – to his parents for bringing him here, to the nuns for teaching him how to eat red chile, and to all of you for the time you put in on this and for the time you give to Santa Fe.

Carlos Campos, member, Somos un Pueblo Unido, said he is here asking for your support for the Resolution. He said he has lived and worked in Santa Fe for 10 years, and he has always been very at ease here. But now, with the new administration he is starting to feel intimidated by all of this anti-immigrant policies. He said he is hard working and always very concerned about his different responsibilities and paying his bills on time. He is asking for your support, and just wanted to say that we are all together, and we are all one. He presented, for the record, a list of more than 50 religious, legal and community based organizations that support this Resolution [Exhibit "6"]. *[Mr. Campos spoke in Spanish which was translated into English by Gabriella Ibanez].*

Anna [no last name given] said she has lived in this beautiful City for 15 years and wants this to stay the city of her children. Because before the new administration came in, she has always considered it the best city to live in, the safest, nicest, friendliest place where people work hard. She supports the Resolution so we can keep feeling safe for our parents and their children who right now feel very insecure. She said she doesn't have any children right now, but she has many friends and family members who do. It pains her very much to see how parents are suffering with the concerns about what is going to happen with them and their children. It pains her to see the children so worried about what is going to happen to their parents. She has see how they suffer and how they cry. So for that reason she asks you to keep our City a safe place for everyone. *[Anna spoke in Spanish which was translated into English by Gabriella Ibanez].*

Javier Rios said his tia, aunt, one of the founding members of Somos, is here tonight. He was born and raised in Santa Fe, where his mother represents District, and he also is the Vice-Chair of the Immigration Committee of the City. He is born of Irish and Mexican background. He also is a member of the LGBTQ community. He said his family is mixed status. His grandfather came to the United States in the early 1900's from Durango, Mexico. He has primos that are Mexicans, some are U.S. citizens, some have dual citizenship. He said he considers immigrants and refugees "to be my family, to be my community, to be me." He doesn't think tearing families apart is an answer to a broken national policy for immigrant, and would ask you to please support this Resolution, using you votes to set an example to the nation, and keeping the City of Santa Fe safe for families, communities and for generations of Santa Feans to come.

Morty Simon, District #2, said his father was the son of an immigrant who came a long way to escape bigotry, poverty and more. His father never thought that one day he would come home and his father would be taken away. He said when he was growing up, his father told him about other countries where people were taken away from their homes, from the streets and other places. Mr. Simon said, "And he always said that was because other people didn't stand up. They are coming for the immigrants and that's why I'm here."

Sasha Anderson, District #1 resident, said she is here asking you to support this Resolution, wearing a few hats, the first as a mother. She can't sit with her daughter, or raise her children, knowing there are people who have come to this country in order to help their families who may have their families torn apart. She believes this Resolution will help to strengthen things, and she believes strongly that federal immigrant policies rip families apart from their core. She is also here as a member of the Universalist Unitarian Church of Santa Fe which has 20 members here tonight. As a Christian, she believes her faith compels her to offer that hospitality regardless of national borders. She is also here today as an indigenous American, as a member of the Choctaw Nation of Oklahoma. Her family has been moved from their ancestral lands forcibly in the 19th Century to Oklahoma. This was dubiously legal, but it absolutely was not moral or ethical. She wants you to please keep that mind as you vote on this Resolution – that what is legal is not always ethical.

Mario Vega, Guadalupe Credit Union, said he is a proud Santa Fean born of immigrants who lives in District #3. He said last week and this week many of their members have been asking about the validity of their accounts as well as access to their money if they are deported. He said, as he mentioned last week, they have \$2 million in loans with members with ITIN numbers that are given from the IRS for a safe account for those with no social security number or ITIN number. He said they have assured them that they will be able to access their funds and continue to be Guadalupe Credit Union members, regardless of where they live. He said we ask you to please consider the severe financial impact this Resolution will have on the community. He said the business will be affected as well as families will be splintered. He said, "But I know today that Santa Fe will make us all proud and I know you will do the right thing by making the decision that will keep our community strong and growing. Our members and our community needs to be assured that Santa Fe is City for everyone to live in and prosper, no matter where they come from."

Heidi Schulman, 24 year resident of Santa Fe, said she didn't intend to say anything. However, she woke up this morning from a terrible dream. She said, "I dreamed that I heard people knocking on doors and they were taking all my neighbors, and my friends, and the people I work with and love. And I looked around the City and it was quiet and empty, and I thought, 'Where am I.' So I came tonight to speak about the fear that is in our country and the fear of immigrants that they take and don't give, which is ridiculous." She said people come here from many places, and do so at great risk, great cost. They leave their families, their country, they give up their lineage. In her experience, they are the greatest contributors to this country and "I thank you for honoring and respecting them." She said it probably is also in her DNA, she's Jewish. Her grandfather came from Russia. He walked to Germany during a time when Jews were

murdered, his brother came with him. She thanked the Governing Body for honoring our immigrant community and their immense vitality in their contributions to us.

Hodias Lopez said he came to the United States in 2009, and in 2010 he attended the Santa Fe Community College. In January 2011, he was a victim of criminal assault in Santa Fe. He was arrested by ICE police in the same month, and was in detention for 6 months fighting his case. He finally got his U-visa and is now a resident of this country and this beautiful City. He said since 2012, he has been running his own successful business called Landscape Design by Calderon, LLC. He said please keep supporting us because he needs his *[inaudible]* and needs to be safe in Santa Fe.

Nancy Fay, District #1, said she has a personal interest in what we are talking about tonight. Her grandparents were immigrants from County Clare, Ireland, fleeing poverty and family. When her aunt Lilly was very ill and a doctor was sent for, the doctor said, "I don't come for the Irish, let the Pope cure her." She was 16. She died. So she thinks many people and families have stories like this and know the tears and the fear. She said there is a long, sad, ugly history of racial hatred and fear in this country. She said the suffering should instruct us, not to continue, but to change and to learn that hatred and fear are the result of ignorance. And we can learn. She said we lose so much when families anywhere are torn apart, frightened and told that they aren't valuable. We can learn from history, and stand with our neighbors and confirm that we offer a welcome. She said, "Please make us proud tonight. Respectfully, I ask you to support this Resolution."

Lia Rosen, resident of Santa Fe County, said she lives near to Pecos Trail Elementary where she tutors her neighbors in English so are anxious and enthusiastic to become a part of the fabric of our community. She said the whole country is looking to us. She said *U.S. News and World Report*, knows about our meeting today, and many of the press are looking to us to lead the way. There are immigrants here, and as we welcome the stranger, we are the real America, strong and welcoming. She said, as a Jewish woman, we are called on to shelter the refugee, the stranger here. We've given witness to shelter the refugee and all who come from somewhere it was not safe to live. Her ancestors also came from Russia and are now, as she is, part of the fabric of American life here in Santa Fe. She said in the Torah it says, "You shall not oppress the stranger, for you know the soul of the stranger, having been a strangers in the land of Egypt." She said Egypt means "the narrow place," because the Nile is narrow. She said, "We call on all of us here to support you in bringing forth the Resolution that make Santa Fe and America and the world a wide and welcoming model for all."

Destiny said, "I'm in Salazar Elementary and my parents are *[inaudible]*, and I'm afraid and terrified, I guess from them. I'm just scared as well as my family here."

Flora Chavez said she is 15 years old and was born and raised here in Santa Fe. She has immigrant parents, grandparents and friends. She has friends who are afraid to go to school, because they feel they will get in a lot of trouble. She said her friends and grandparents are now living in fear to even go out of the house, because they feel that immigration will get them and they will get deported and be separated from the family. She feels that "we belong here," and believes that "you guys will do the right thing to keep us all together."

Susan Heer, member, City Immigration Committee, and the Local Community Subcommittee. She spends her days working as a school counselor at El Camino Real, and as a therapist for the Sky Center, which provides no-cost family therapy, including monolingual Spanish speaking families and provide interpreters for them. She said the foundation of work is based in confidentiality, and it is connected to the work you are doing. She said she works with children, including Destiny, and a big piece of confidentiality is holding sacred their stories. And where there are limits she asks them what confidentiality means to them, but they don't have a sense of what that means. She asks them what it reminds them of, and they say the word "confidence." She comes to the Governing Body with every confidence after having the privilege of watching you work together over the last time period. She has every confidence that "you all will make history tonight, and thank you have put into that."

Roberto Sanchez, Board member, Somos un Pueblo Unido and Chainbreakers. He said more than half of the schools were empty because they were immigrants. He said we need to find a solution because the people in Santa Fe are afraid to go to work, because they know ICE can catch them. He said, "I'm afraid, because of what would happen before I get to work, or the police stopping us. [inaudible]. This is happening to all the workers because they are afraid to go to work. He asked that you support this Resolution so we can go to work."

Judy Crawford, Co-Chair, Mission for Social Justice Committee, First Presbyterian Church, said the governing body of her Church has approved this Resolution, and supports it wholeheartedly. She said having immigrants live in fear with doors closed and blinds closed does not encourage a neighborhood watch atmosphere where crime can be deterred when people are watching, looking and reporting. She said the City's public safety depends on all of its citizens, working with the police, and not being afraid to show their faces in the community. She hopes you will support the Resolution.

Mayor Gonzales said it is nearing the 7:00 p.m. Evening Session, and asked that those wanting to address the Council on an item, other than an item on the agenda, to hold off until the Governing Body moves into the Evening Session, so we can conclude this public hearing.

Miguel Acosta, Family & Community Engagement, Santa Fe Public Schools, said he is here officially to speak on their behalf, noting the Superintendent and others have been here to speak in support of this Resolution. He said, "I thank you ahead of time for your vote and all the work you put into this, as well as all of the folks from the community, including the immigrant folks that have been doing the work."

His said his father was a refugee in California in the 1950's. He put up with horrendous conditions and treatment. He said currently, even with all the threats and uncertainty, our immigrant population still keeps the town humming. And we're going to keep humming and make it an even better community than it is already. He invited the Governing Body, on behalf of the School District, to visit the schools, once this vote is taken, along with the appropriate School Board member and let the children and families know directly from you that this town welcomes them and embraces them. He said you have seen the quality of the population we have if you're looking for members for boards and commissions and to help you, "We've got them." He said he left New Mexico for California, but he keeps coming back to Santa Fe. He knows there is concern about taking this vote. He said everybody watching will hear about this, but so will millions of others, and will convince them this is the kind of town they need to visit where we pay the living wage, where we embrace everybody and we have a Council that takes a principle position, even on contracts. He originally is from Chicago, but he tells everybody that this is his kind of place.

Walter Friedenberg, Member, Universalist Unitarian Church of Santa Fe, said he is a first generation American. He said his parents, on both sides, were Germans born in the Ukraine, and were driven out by ethnic persecution. He said immigrants come to America for 3 reasons: work, safety and freedom, the constellation of liberties that are uniquely American. He said immigrants come as strangers, but they become our neighbors, our fellow workers, our friends. He asked how they now can be the hunted, the unwanted, the despised. He said the Governing Body has strengthened Santa Fe's status as an immigrant sanctuary city, as well as strengthened the City and for this "I thank you." He said, "This is a 'we the people' moment in America, and you have made Santa Fe a part of that, in fact on the front row."

Ken Baumann, District #1, thanked the Governing Body in advance, because he believes you will do the right thing tonight and unanimously support this Resolution. He said a few hours ago, one of the American journalists, Ruth Hawkins, who is at Standing Rock, tweeted this: *Natives are being arrested for trespassing on their own treaty lands next to ancestral burial sites so Trump can have his dirty pipeline.* He said he wants the Governing Body to take the ethical and moral momentum that you are granting yourselves and our neighbors, family members and friends here tonight, to do the inconvenient and difficult work to divest from Wells Fargo and increasingly resist what is proving to be a fascist government. He thanked them for supporting this Resolution.

David Mason thanked Councilor Maestas and Councilor Villarreal for sponsoring the Resolution. He said he guesses he's a White Anglo Saxton Protestant straight man, and as one of his African American friends said, "Well I guess you are at the top of the food chain and I guess I am." He said he wants to talk about primarily, that his brother spent 20 years of his life here in Santa Fe as a thorn to the Mayor and anyone who wouldn't support this town being a sanctuary city. He said 14 months ago, his brother passed away, so he can't see this day. He said hopefully you will pass this Resolution unanimously. He has lived in Santa Fe most of his life, noting his brother, Bill, was a classmate of George Gonzales. His son and daughter were classmates of Renee and Aimee. He also is a retired Navy Captain, after 27 years in the service, as well as an airline captain where he earned the right to say how ashamed he is of the national administration in this country. He proud of this Council for bringing forward this Resolution, and he hope it passes unanimously.

Virginia Miller said she has been a resident of Santa Fe for 25 years, and she loves the City and the people, and the things you do here, and it is exciting to be a part of this. She comes from the North and the East. She thinks one of the things this Resolution can do, which is so important, is to help ease all of the fear she keeps hearing about. She comes from Boston. She said we have to do more in supporting each other, but we can do it. She hopes you will support it and pass it unanimously. She said for those of you who are worried about the funding aspect, supporting the process you have in place going step by step in creating a public bank here in Santa Fe can really help and make the City less dependent on federal or State funding, and allow us to do what we want to do – do the right thing.

David McQuarie said his great grandmother was an immigrant to Cherokee Territory. He asked the Governing Body to please pass this Resolution.

Nancy Hayden, Research, Sandia National Laboratory, said she is an immigrant to New Mexico from Texas, coming to New Mexico 38 years ago, and has worked in Albuquerque most of her life as a New Mexican. She moved to Santa Fe only 9 months ago, and she is so proud to be here. She spent the last 10 years doing research for her Doctorate in International Security, studying the conflicts in East Africa, spending a lot of time in Burundi, Rwanda, Somalia, Ethiopia, Kenya and other places in the world where you would not want to live because there is no rule you can count on. And citizens live in fear every day, because they have no recourse for protecting their safety and security. She was so glad to come back to America to try to figure out how to use those results that create peace which always happen at the local level. She said she finds that we are doing it here in Santa Fe, and this Resolution is the kind of thing that will bring peace over long periods of time. It takes a law to break through the conflict, but it's the cornerstone of peace and security for the nation, so please do support that.

Elizabeth Lara said she has lived in Santa Fe for 16 years. She works as a caregiver and all of her coworkers are immigrants like herself. She cares for grandparents and retirees. She has 4 children, 2 of whom are at New Mexico State University. She is concerned when they come home from Las Cruces that there might be problems with the new administration. She said she is concerned they might be profiled by federal agents in Southern New Mexico. So, she is asking that you support this Resolution so Santa Fe can continue being a sanctuary. She said she just wanted to mention that Santa Fe's economy is so dependent on immigrant workers that there will be nobody to take care of all of the grandparents. *[Ms. Lara spoke in Spanish which was translated into English by Gabriella Ibanez].*

Gabriel Pablo said he is an immigrant, and carries a Spanish passport, a Mexican passport and visits this country. He said for the first time in his life he feels scared, because something has changed – on November 8th and in January. He said we're not playing this kind of game. He urges the Governing Body to "circle the wagons" to help the people. He said until you fear someone is coming for you out of the night, you can't know what he is feeling. He urges you to pass this Resolution, because it is frightening. He said he is frightened for this community and their rights, and that they start taking this one and that one. And soon, like they say, there is nobody to help him if he doesn't speak up.

Ernesto Ramirez said he has lived in Santa Fe for 17 years, and is in support of this Resolution. He said people who are undocumented right now, unfortunately will not become documented people. He said people with brown skin and black hair will continue to take the back seat. He said the reason he wants you to pass this Resolution, is that it will be a small gesture of friendship for these people who are undocumented and are afraid to just go to work. Passing this Resolution will mean a lot, so "please pass the Resolution."

Ralph Nava said he has heard a lot of people talk tonight, a lot of people have been here for a long time, but hasn't heard a lot of natives come up here tonight. He said he is as native as they come. He was born here, raised here, educated here, and "God willing, I'm going to die here." He said one of the things that has happened is that people don't know our history and the area. He said a perfect example, is that this area here was Mexico not that long ago. He said they took his grandmother to Mexico to visit and were bringing her back, and the border, they told her she had to say she is a U.S. citizen. And she said, "No, soy Mexicana. No, I'm a Spanish lady." He said that is our culture here. And the people that they're running away from here are our brothers and sisters. That's our family. He said, "You can step up and you guys can stop a lot of the hatred, a lot of the stupid stuff that's happening. You guys have the ability to stop that, and I ask you, please please do that, unanimously."

The Public Hearing was Closed

Mayor Gonzales said following remarks by Councilor Maestas and Councilor Villarreal, the sponsors of the Resolution, he will read a statement from Councilor Ives a cosponsor.

Councilor Maestas, cosponsor of the Resolution, thanked everyone for coming. He doesn't think he has ever heard such profound and moving testimony from a committee, and he's proud to be a part of this community, and he is proud to be a part of the community. He read a statement into the record, as follows: "Mayor, members of the Governing Body, this Resolution I sponsored, along with cosponsors Villarreal and Ives is a culmination of a grass roots effort of many months that seeks to reaffirm our non-discrimination policies. And among other things, creates a broad confidentiality policy, protects sensitive personal information of all of our residents. Similar confidentiality policies have been in place in New York City and the City of Santa Ana. Our status as an inclusive, welcoming community that protects human and civil rights is firmly rooted in our City's history, Charter and policies. As an example, in 1999, this Governing Body declared that no municipal resources would be used to identify or apprehend any non-citizen on the sole basis of immigration status. We also recognize the contribution that immigrants make to the unique fabric of our community and to our economy. Most importantly, our City's policy of not enforcing federal civil immigration laws has truly made our community safer and allows for a more trusting relationship to be developed between the City and immigrant community. It helped establish our City's Immigration Committee. In fact, we are one of only a few cities in the nation monitoring the human rights status of immigrants."

Councilor Maestas continued, "While our U.S. Constitution's 10th Amendment prevents the federal government from compelling or coercing States and local governments into enforcing federal laws, including immigration laws, there may be legal threats to our policies and federal funding. The new policies called for in this Resolution, would build on Resolution No. 1999-6, and it's consistent with federal

law and provides greater local protection and will strengthen our position as a City in defending ourselves against such threats. It will also help us more fully integrate immigrant families into our community."

Councilor Maestas continued, "You all heard, first hand, moving testimony from parents, teachers, clergy, victim rights advocates, legal experts, business owners and others regarding this Resolution. The heightened sense of concern regarding the Presidential administration's rhetoric, and unfolding policies regarding immigration, are affecting us here at home and we must act through these proposed policies to maintain our community status as a community that welcomes and protects everyone. No one in our community deserves to live in fear of deportation and experience their families being torn about. Until comprehensive immigration is passed by Congress, we must continue on our path to self-determination, consistent with our City Charter and protect our community's rights and our way of life."

Councilor Maestas continued, "This Resolution has been supported by national and New Mexico legal based organizations and many local faith, labor, business and community groups. Let's set an example of firm leadership in this area by unanimously approving this Resolution. Today's Council vote will be remembered as a landmark decision that further solidifies our community's reputation as a welcoming community for everyone and a beacon of light under darkening skies. Thank you Mayor."

Councilor Villarreal said, "Thank you Mr. Mayor. And thank you, Councilor for those beautiful words. I'm honored and so thankful for all of you to be here tonight. It's so exciting to be here and listen to all of your words. And I know people on the radio are listening and people are watching on TV, so thank you all."

Councilor Villarreal continued, "I'm honored, of course you know, to be the primary cosponsor of strengthening our non-discrimination policy for Santa Fe. As a native Santa Fean, and Santa Fesena, I'm very proud to be on the right side of history, to take a stand and a legally defensible position for the rights of our immigrant and refugee community. This process of formulating this policy comes directly from the hard work of community members. Many of those most affected and have the most to lose from the harmful, divisive and misleading anti-immigrant rhetoric that is occurring in our country, and in our own town, unfortunately."

Councilor Villarreal continued, "As we know, Santa Fe has been a leader in the sanctuary movement. It dates back to the 80's as we know, but if you look further back in history, we have many instances of where New Mexico and Santa Fe have provided sanctuary for those that are the most in need or that are seeking shelter or facing persecution. So given the current *[inaudible]* of our country, Santa Fe I think is very well placed to continue to protect the privacy rights of all Santa Feans through this broader confidentiality policy, while also reaffirming our commitment to human civil rights, the established rule of law and also continuing it to be a welcoming community. We have the opportunity to live our values and uphold the human dignity of all the people of our City."

Councilor Villarreal continued, "Santa Fe will again be a leader in this effort, nationally, to have policies in place that put us on a stronger legal footing. And it's the right thing to do. So I feel very honored that we have a city that really looks at how we think all people deserve the right to feel safe, to live work and play here. And the City needs to provide that level of transparency and accountability to accomplish this."

Councilor Villarreal continued, "We have heard that this Resolution has been watered-down. This is not the case at all. It has been only getting stronger, or has gotten stronger because of the input of community advocates and organizations, heavy vetting from our City Attorneys, from local and national immigrant and Constitutional law attorneys and input and language tweaks from my colleagues here that I sit with. This was very much a community driven process. It has gone through many iterations to get us here today. And it's very true when you say it takes a village to raise all individuals, this is definitely the case."

Councilor Villarreal continued, "I also want to express my deep gratitude to Somos un Pueblo Unido who is one of the hardest working grassroots organizations in our State, and has been siding for decades for the rights of immigrant and working families. So I would like to also thank the other organizations that have been part of this process. It's been victim rights advocates, the faith based organizations and all the immigrant-serving organizations and concerned community members. So thank you so much."

Councilor Villarreal continued, closing her remarks in Spanish.

Mayor Gonzales said Councilor Ives, the other cosponsor of the Resolution, is in Washington, D.C., representing our City in critical meetings regarding environmental cleanup funds. He said Councilor Ives wanted to be here, and would if he could. Mayor Gonzales read Councilor Ives' statement into the record as follows:

I'm sorry I can't be with you tonight for both the public hearing and the vote on our welcoming community resolution. It is was my pleasure to become a cosponsor of this measure. These words, welcoming community, affect both my own values as well as those of the people of Santa Fe, as set forth in our Charter. There are few stronger affirmations of these words than in our Charter. For me, it is a reflection of our belief in the fundamental dignity of every human being. It rejects classifying people for the purpose of hate, the petty differences over shared values, of empowering discrimination.

This measure strengthens our position under the law to defend our City against potential retributive threats from our federal government. On the one hand, immigration is an area that is so occupied by federal law, that we as a city have little, if any, ability to change that law. That said, when we cannot change federal law, we do have choices to make. And by approving this Resolution, we [inaudible] as a community, are choosing to participate in this debate that is on the minds and the consciences of people across America.

In this Resolution, we affirm the rights of all the members of our community to confidentiality of personal information. In this Resolution, we affirm that we will not expend previous local City resources performing for the federal government it's objectives. In this Resolution, we affirm the nature and character of the society that we want for everyone living in Santa Fe, one in which we respect each others as individuals, one in which we welcome all who wish to live in civil society peacefully and productively. One in which we share common goals of making our community strong. One in which we do not reject people on the basis of their differences. One in which we affirm our belief in the dignity of every human being. That is a community in which I want to live and in which I do live, and why I support and am cosponsor of this Resolution.

*Councilor Peter Ives
District #2*

MOTION: Councilor Maestas moved, seconded by Councilor Villarreal, to adopt Resolution No. 2017-19, with the proposed amendments from Councilors Ives and Harris.

DISCUSSION: Councilor Harris reviewed the amendments proposed by Councilor Ives and himself, in detail, so everyone will understand the amendments. He said all of the proposed amendments have been discussed between himself, Councilor Maestas, Councilor Villarreal and Councilor Ives, noting Councilor Lindell review the amendments, and Councilor Rivera saw the proposed amendments at the Public Safety Committee. See Exhibit "4" for specifics of this presentation.

Councilor Harris said he and others have felt that we should be pro-active in this matter. He said two weeks ago at the Governing Body meeting, Kelley Brennan, City Attorney, asked the following, noting he is reading from the minutes that were approved earlier this evening: *I want to ask for authorization for me to explore further exploration, and I and other attorneys in the City Attorney's Office have been discussing ideas about how we can go about addressing the Executive Order affecting sanctuary cities. And I'm 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."*

Councilor Harris said, so there was quite a bit of discussion two weeks ago, clarifying this was not a formal action, but a matter from the City Attorney. He said all members of the Governing Body agreed this would be appropriate, so he proposes to add an additional Be It Resolved as follows: *BE IT RESOLVED that the City Manager and the City Attorney are directed to assess and report to the Governing Body, the City's rights and responsibilities under applicable law, and identify all reasonable legal means to defend the City's policies and procedures.*

Responding to Councilor Harris, Councilor Maestas said his motion included the proposed amendments.

Mayor Gonzales said, "I just wanted to thank the sponsors for bringing this forward. I will tell you, growing up, I used to hear my father say [Mayor Gonzales spoke in Spanish], and as a kid I didn't really understand what he meant. And since I've become Mayor and tonight, his words echo loudly in my soul. Because we know that tonight, by reaffirming where the City has been, even prior to 1999 when it was about welcoming people, about bringing forward respect and dignity when we look at one another and valuing each other contributions. Today, when we help our brothers and sisters, we know that by doing so, tomorrow we become stronger as a community. And it reaffirms my belief that Santa Fe is family. We look out for one another. We are our neighbor's keeper, our brother's keeper, our sister's keeper. And so much of our identity is about how we conferred with offering that sense of love."

Mayor Gonzales continued, "And so tonight, Santa Fe you showed your heart tonight and it pounds very very loud. And it beats for justice and it beats strongly for acceptance and recognition that all people in this community that call Santa Fe home, are part of our family. And so with tonight's reaffirmation, let us go forward proud and know that our fight is not complete and it's not over. I assure you, as your Mayor, I will use my voice to defend and advocate for the values of this City on any stage or any place that threatens it. And I thank you for the privilege of being your Mayor. And I thank you for being *pudo* Santa Fe."

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

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

Against: None.

Explaining her vote: Councilor Villarreal said, "Absolutely yes."

Explaining his vote: Councilor Dominguez said, "Just a real quick statement, Mayor, on this. I also want to thank everyone who has worked on this from the Governing Body to staff, all the organizations. I want to thank everyone for showing up, not only for this public hearing, but the one we had at Finance. It takes a lot of courage to come and speak in front of the Governing Body, much less to be an immigrant sometimes and speak in front of the Governing Body, so they should all be congratulated as well. I think, when you look at this crowd, and the diversity that exists, it really speaks to the values this community has. The diversity we have in this crowd tonight reflects the diversity we have in our community. And that's a good thing. Quite frankly, it's really beautiful. This is not an imposition this Governing Body has taken. I think the history has been articulated by speakers and members of the Governing Body, so we're going to be on the right side of history again tonight, I believe. And for me, really on a personal level, it comes down to the fact that this is about humanity, kindness and compassion. And I think that that is something we should all kind of embrace in our world today. And, with that, a very resounding Yes."

Explaining his vote: Councilor Harris said, "A simple yes."

Explaining her vote: Councilor Lindell said, "I would like to thank everybody that worked on this. It's a lot of lot of hands touched this. And my wish with my vote tonight is parents will convey a message to their children that they don't have to be afraid here. That would be a terrific thing, a terrific outcome, and some children went to sleep with less fear. Yes."

Explaining his vote: Councilor Maestas said, "Somos Santa Fe, Somos unidos. Yes."

Explaining his vote: Councilor Trujillo said, "Everything I've heard here tonight, I applaud all of you for being here. I'm born and raised here. I love this City, and all of the people that live in this City. And I want to tell Councilor Maestas, Councilor Villarreal, you did good, really good. You did your homework. The priority is to defend and protect on the strongest possible local footing, and Santa Fe can deliver a challenge on a fair footing. So I think you definitely accomplished that with this Resolution, and I do stand in support of it. And I vote yes."

Explaining his vote: Mayor Gonzales said, Si. Yes.

There was a break 7:45 to 8:05 p.m.

Mayor Gonzales said the City Clerk has suggested a very well thought out path to finish the Afternoon and Evening Sessions. She has suggested that the Governing Body consider Item #12 next, and then to move directly into the Evening Agenda, and to postpone Items #13 through #17 from the Afternoon Session to the end of the Evening Agenda.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to reconsider the previous approval of the agenda, to consider Item #12 next on the Agenda, to move directly into the Evening Agenda, to postpone Items #13 through 17 to the end of the Evening Agenda, and to approve the Agenda as amended.

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

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12. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 29, 2017: BILL NO. 2017-4: 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 (COUNCILOR LINDELL, COUNCILOR VILLARREAL, AND COUNCILOR IVES AND COUNCILOR TRUJILLO). (ALFRED WALKER)**

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

DISCUSSION: Councilor Trujillo asked to be added as a cosponsor of this bill.

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

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

Against: None.

END OF AFTERNOON AGENDA AT APPROXIMATELY 7:45 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 8:05 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

Mayor Gonzales gave each person one minute to petition the Governing Body

Sheila Cameron, Co-Chair, Multi-Sensitivities Task Force, said this is a statewide Task Force that has been in operation for about 20 years, commenting there are groups like this one all over the country. She said we have had a lot of problems getting the word out, because there is a lot of opposition from the chemical companies, but they have made more progress in New Mexico than people have in most states. She said she knows that is because we have such an "aware population here, so I thank you for that.

Ms. Cameron continued, "And the thing I wanted to bring up is that we do have an Integrated Pest Control Ordinance here, and we're very grateful for that. But lately, some people have been feeling that it's not being followed in the original spirit, which is going toward no pesticides and using pesticides only very rarely, chemical pesticides. We would like to ask that the Council reconvene or whatever.... originally, the Ordinance had an advisory committee attached to it, and that was done away with. And we feel that that is needed, so we would like to ask.... and there are so many knowledgeable people in this City, there is such a wealth of knowledge.... so we would really like to get an advisory back on board again."

G. APPOINTMENTS

Parks and Recreation Advisory Commission

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

Terence G. Foreback

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM SAZON, LLC, FOR THE FOLLOWING:

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT SAZON 221 SHELBY STREET, WHICH IS WITHIN 300 FEET OF THE LORETTO CHAPEL, 207 OLD SANTA FE TRAIL.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM SAZON, LLC, FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2594, WITH ON-PREMISES CONSUMPTION ONLY AND PATIO SERVICE, FROM OCC HOLDINGS, LLC, TO SAZON LLC. THIS LICENSE IS CURRENTLY LOCATED (LEASED) AT SAZON, 221 SHELBY STREET.**
(YOLANDA Y. VIGIL)

A Memorandum dated February 16, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted in the Council packets there is a letter of support from Bishop Douglas Walker, Pastor, The Church of Antioch of Santa Fe. She said staff recommends as a condition of approval, this business be required to comply with all of the City's ordinance as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to grant the request for a waiver of the 300 foot location restriction and to allow the sale of alcohol at Sazon, 221 Shelby Street, which is within 300 feet of the Loretto Chapel, 207 Old Santa Fe Trail.

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

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

Against: None.

MOTION: Councilor Trujillo moved, seconded by Councilor Lindell, to approve the request for transfer of ownership of Inter-Local Dispenser Liquor License No. 2594, with on premises consumption only and patio service, from OCC Holdings, LLC, to Sazon, LLC, 221 Shelby Street.

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

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

Against: None.

After the public hearing and the vote, Fernando [inaudible] thanked the Governing Body for its hard work. He thanked the Governing Body for passing the sanctuary resolution. He said thank you for your work.

- 2) **REQUEST FROM LOS ALAMOS NATIONAL BANK FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT LOS ALAMOS NATIONAL BANK, 301 GRIFFIN STREET, WHICH IS WITHIN 300 FEET OF CARLOS GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE REQUEST IS FOR THE SANTA FE CHAMBER OF COMMERCE AFTER HOURS EVENT WITH ALCOHOL SERVICE BETWEEN 5:30 P.M. AND 7:30 P.M. (YOLANDA Y. VIGIL)**

A Memorandum dated February 16, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil said in the Council packet, there is a letter from Carl Gruenier, Santa Fe Public Schools, stating that they will refrain from issuing a decision regarding opposition or non-opposition to this request.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to grant the request for a waiver of the 300 foot location restriction and to allow the sale of alcohol at Los Alamos National Bank, 301 Griffin Street for the Santa Fe Chamber of Commerce After-Hours event, with alcohol service from 5:30 p.m. to 7:30 p.m.

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

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

Against: None.

END OF PUBLIC HEARINGS

THE GOVERNING BODY THEN RETURNED TO THE AFTERNOON AGENDA

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. 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 22, 2017, is incorporated herewith to these minutes as Exhibit "7."

Councilor Maestas

Councilor Maestas said there have been a lot of break-ins in the Placita de Vida Street area. They held the largest attended Neighborhood Watch meeting ever. He asked Mr. Snyder to pass his compliments to the staff who were extremely helpful in trying to allay the concerns of some very nervous residents who had seen a crime spree in their neighborhood. He commended Captain Lewandowski and Officer Gomez of the Santa Fe Police Department for their assistance in this regard.

He said today was Municipal Day at the Legislature. He said there are several issues, but there are a few which are of great concern which would impact cities, specifically Santa Fe. One was the Local Election Act that would consolidate all elections, which is moving through the Legislature. He thinks it is time for us to consult with Senator Wirth and talk about this bill, HB174, to try to get his support. He said there are many negatives in the bill, but what was discussed at the meeting and at the Municipal League Board meeting is it would cause a lot of confusion to consolidate all elections to a single November election. It could disenfranchise a lot of people through the consolidation of Precincts. He said the NMML is tracking that bill. He asked the Mayor to call Senator Wirth and have a discussion about that.

Councilor Maestas continued, saying there is a local option gas tax, calling for the increase of the Local Option Gas Tax from 2¢ to 5¢. He said there were other bills and he will communicate through Mark Duran, the Mayor and Mr. Snyder. He said it is now crunch time, past the mid-point of the session. So now, we're dealing with all the bills that have been introduced, noting the deadline for new introductions has passed. He said the cities are not getting the best of things in a lot of the legislation which will impact municipalities.

Councilor Maestas continued, saying some of the tax reform bills that have been proposed are so complex and so lengthy, that the only thing cities can do at this point, is identify the principles of those tax reform bills with which we agree. However, there is no tax reform bill that the Municipal League can support. He said things are moving very quickly.

Councilor Maestas introduced the following:

1. A Resolution calling for a Special Election to be held in the City of Santa Fe on March 6, 2018, for the purpose of submitting a question to the qualified electors of the City of Santa Fe to vote for or against the establishment of a sugar-sweetened beverage tax, in the amount of two cents (\$.02) per fluid ounce for the purpose of supporting Early Childhood education, pursuant to Article 10, §6(D) of the New Mexico Constitution and §3-18-2(D) NMSA 1978.
2. A Resolution adding the Water History Park and Museum Phase III Project, as a priority, to the fiscal year 2017/18 Capital Improvement Plan (CIP) and budget; and adding the project to the Infrastructure Capital Improvement Plan (ICIP), as a Legislative Capital Outlay priority for the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
3. A Resolution directing the City Manager to explore the creation of legislation establishing and funding local arts and culture districts. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Trujillo

Councilor Trujillo said just sent an email to Mr. Snyder. He got a call from someone in Las Chamisas, noting there is a very sharp curve on that street, and he is hoping we could put a stripe down the middle just to keep traffic on both sides.

Councilor Trujillo said it is getting warmer, and there are more people at the parks, especially Franklin Miles, and there still is a huge pocket gopher problem there. He said he wants the City Manager to be aware of that, commenting he doesn't want to see anybody get hurt.

Councilor Harris

Councilor Harris said all of us received a question last week from John Dressman, a long time Plaza businessman, responding to an article and the conviction of individuals dealing with fraudulent sales of Native American Art. He asked Mr. Snyder what is happening with the enforcement of our own Ordinance, and asked for a report in two weeks or so.

Councilor Harris introduced an Ordinance amending Chapter 7-1 SFCC 1987, regarding building and related cases; adopting the 2015 International Building Code, the 2015 International Residential Building Code, the 2015 International Existing Building Code and other related codes as amended by the State of New Mexico and the City of Santa Fe. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "10."

Councilor Lindell

Councilor Lindell introduced the following:

1. An Ordinance amending subsection 23-6.2 SFCC 1987, to permit the sale and consumption of alcohol at Fort Marcy Park for the Wine and Chile Fiesta. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution authorizing the sale and consumption of alcohol at Fort Marcy Park for the Santa Fe Wine and Chile Fiesta on an annual basis. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
3. A Resolution authorizing the sale and consumption of alcohol for the outside Bike and Brew Festival at the Railyard Park on an annual basis. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."
4. A Resolution directing the City Manager to restart the Santa Fe Traffic Operations Program (STOP) permitted by Section 24-4 SFCC 1987. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Mayor Gonzales

Mayor Gonzales commended the City Council for the action we took earlier regarding the welcoming City Ordinance, particularly to the sponsors, and to Councilor Harris for helping to make a stronger Resolution at the end of the day.

Mayor Gonzales said, "Having said all that, I'm incredibly disappointed, Councilor Maestas, with the introduction. with the Resolution you brought forward tonight along with Councilor Trujillo, toward the end of a very long process in our community. This introduces something that can be not only confusing, but disingenuous when it comes to the issues of whether there is support or no support for early childhood. And since the earliest days since this was announced in November, with Councilor Ives, Councilor Lindell, Councilor Rivera and others, we have worked tirelessly with early childhood advocates and business leaders. We spent time with Councilor Villarreal, Councilor Dominguez, Councilor Harris, and those who wanted to improve this Ordinance to a level where it actually could be considered, and then voted upon in a special election. And that participation has actually brought forward a much stronger bill. And I think what you and Councilor Trujillo have introduced tonight is going to be confusing. And I think a lot of people are not going to understand its point, given that we have tried to get this before the City Council with an effort to move toward a special election in short order."

Mayor Gonzales continued, "So it is disappointing that as I introduced this Resolution calling for a special election to be held in the City on May 2, 2017, for the purpose of submitting a question to the qualified electors of Santa Fe to vote for or against the establishment of a Sugar Sweeten Beverage Tax in the amount of 2¢ per fluid oz. for the purpose of supporting Early Childhood Education for City of Santa Fe residents. This would be introduced on the same night. And it's something that is unfortunate in that it has countered any efforts that we as a Council have tried to do, even when we've had disagreement, to try and bring forward some constructive resolution to a point where we would either vote yes or no. And your issues with this Pre-K initiative could be dealt with by a simple "no." And if it is no, and it ends up being no by a majority of this Council, you could come back, if you really believed in it, and offer a date certain in the future that would fall in line with a regular election. But that's not the case here."

Mayor Gonzales continued, "So, one, I want to state for the record that I'm disappointed in that, but we will nevertheless continue to move forward."

Mayor Gonzales continued, "And the second is, Councilor Trujillo with all due respect, on this particular issue, evoking and bringing in my family members, who have nothing to do with our dispute in this, was entirely inappropriate and unfair. And when you think about our differences in opinion, to this date, we've been able to get through it without the introduction of trying to bring family member in, if there has been some participation one way or another."

Mayor Gonzales continued, "And I want to state that the reason that I'm bringing it up tonight, is because you, at the Public Works meeting, made it a point to call out a family member on this issue and speak to her directly and then take to social media and try and call out the issue of whatever you believed my intentions were in offering an amendment. And I want to say that it's sad that this effort cannot stay on a fair and respectful field where we can have honest differences, and not worry about trying to end run a process, confuse the voters or bring in family members to pursue some other initiative."

Mayor Gonzales continued, "So I hope, as we go forward in this, however we do, and the two of you have my commitment through this process that I will keep it clean and keep it fair. And I'm asking you to do the same thing so that our Council can make a decision on whether to proceed forward with this to the public, or not."

Mayor Gonzales introduced the following:

1. A Resolution calling for a Special Election to be held in the City of Santa Fe on May 2, 2018, for the purpose of submitting a question to the qualified electors of the City of Santa Fe to vote for or against the establishment of a sugar-sweetened beverage tax, in the amount of two cents (\$.02) per fluid ounce for the purpose of supporting Early Childhood education for City of Santa Fe residents, pursuant to Article 10, §6(D) of the New Mexico Constitution and §3-18-2(D) NMSA 1978.
2. a Resolution sponsoring the next generation water summit and waiving all space rental fees for use of the Santa Fe Community Convention Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Dominguez

Councilor Dominguez said, "Just on that issue, just to be clear, there is still a lot of work that needs to be done on what has been proposed and is on the table. It is easy to vote against something. It's a lot harder to work to make sure that something may or may not work. And so I appreciate what you said."

Councilor Dominguez said the other thing is, regarding pesticides, we had public comment about that last night, and he has been inundated with voice mail and emails and perhaps even snail mail, commenting he hasn't checked his PO box. He doesn't know if something is being proposed, but he would really encourage and ask Mr. Snyder to get a handle on that sooner, rather than later, whether through the P.R. Office. He said if you have get on the radio yourself to make sure that things are clear, commenting he doesn't need to respond tonight. He just wants to make the comment, because he doesn't know what is happening other than he's getting a lot of emails and there seems to be a lot of confusion. He said he can talk with him about that off-line about what is happening.

Councilor Dominguez said, "On the Soda Tax, one of the things the Finance Committee did ask for was a legal opinion from the City Attorney's office on the authority. We ask for that on other taxing initiatives, so he anticipates that will be available at the Finance Committee on Monday.

Councilor Dominguez introduced a Resolution authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority to refund, refinance and defease the City's outstanding subordinate lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Dominguez said, "I want to congratulate my two nephews, Jose and Javier Tapia. Javier Tapia is a two-time State Champion and a Sophomore in High School, and his brother Jose, is a five-time State Champion in wrestling. He's the first one in Santa Fe Public School history to win 5 State Championships in wrestling, and he comes from Capital High School. He said this speaks to the grit that these folks on the southside have. Congratulations to them. And as they say, if wrestling was any easier, it would be called basketball."

Councilor Villarreal

Councilor Villarreal said she asked staff today via email about the pesticide issue and allegations that our staff isn't following the IPM Ordinance. She said she would like to dispel any myths that may be going out there. She said, "One of them is right in front of me with a petition saying that our current IPM Coordinator and the Parks Division Director have breached our existing IPM Ordinance. And I don't think that's true, but I want to reassure people that we take this seriously, that IPM is important to us. And if there are instances where people aren't following the Ordinance, we need specific examples of where it is happening, so we can address it."

Councilor Rivera

Councilor Rivera asked to cosponsor the Mayor's Special Election Resolution for a special election on May 2, 1017, and to cosponsor Councilor Ives' Resolution in support of SB 360.

Councilor Rivera wished his niece Sophia Varela a Happy Birthday.

Councilor Ives

Mayor Gonzales introduced the following on behalf of Councilor Ives:

1. A Resolution in support of Senate Bill 360 regarding competitive resource procurement for electric utilities in the State of New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."
2. A Resolution directing the Sustainable Santa Fe Commission to research and assess the creation of a joint City, Santa Fe County and State of New Mexico Sustainability Authority for the purpose of developing, implementing and financing sustainability-related programs

in Santa Fe County that counter the effects of climate change, achieve carbon neutrality and present an aggressive plan for overall sustainability by 2040. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

General Discussion

Councilor Trujillo said, "I just wanted you to know Mayor that, yes, I did perceive something and that's because I've seen it happen time and time again. And I did convey to your cousin one of the reasons why...you know we're on two sides of this, we all know this. And what I just wanted to convey is that these are real people, these are familia, that are being affected. That's all I wanted to convey and I did convey to your cousin the reason. I did get a response back. But going forward Mayor, I don't want anything to happen between me and you, we go too far back, Javier. And like I said, we may not agree on issues, but that's what makes democracy great. We have our different stands on this. I know exactly what you want to do. And like I told you, I'm not against Pre-K. There are just ways you do this. I want you to know right now I admit that I did post that. It wasn't anything derogatory or mean. It's just the way I was feeling at the time, because I did perceive something. I just want you to know, we are going to be at odds with this. But like you said, I'm not going to go after you and say things like that. I just want you to be aware of that."

Councilor Maestas said, "Mayor, I would like to respond. I didn't expect your comments to be so pointed, but we're just introducing legislation. But look, my reason for introducing the Resolution, was because one didn't exist. And when we rolled out all the necessary legislation and public feedback on the gas tax, and I made that point when we acted on the Request to Publish for the Soda Tax. And I said this Ordinance requires an election. People may think, may misconstrue that it can be passed by the sole virtue of a Council vote. And so I felt like it wasn't transparent enough, and I was just going by the most recent history. It was the way we... if you look at the Request to Publish and I spoke to Yolanda after. And it was very clear when we did the Request to Publish, we published the caption of the Ordinance and mentioned the companion election."

Councilor Maestas continued, "And so, I feel like we have to have some debates on all these components. And you know how I feel. I support Pre-K, but what I'm disappointed in is your process in getting us all at the same level of understanding. When you were fielding questions in Committee earlier this week, I mean, like wow, I think I should have that same level of understanding of how this is going to work. So I'm kind of disappointed. For things like this that have such community-wide implications, we should all of us work together. I don't like counter bills, I don't like them, I don't. But I really feel like I'm having to force, at least a separate debate on the urgency piece of this."

Councilor Maestas continued, "I've reviewed the Ordinance, I put forth amendments, I support it, I will support it, depending on how my amendments go. But I feel like we still don't have a legal opinion on our taxing authority, we don't have the regulatory framework. You gave us kind of a discussion framework. We don't have an Ordinance creating the Commission, and we certainly didn't have the Election Resolution, but I felt like, even from a legal standpoint, and certainly from a transparency standpoint, that we should have rolled this out at least with the Election Resolution right off the bat. And I don't think we

have that problem right now. Let's work together, just engage me equally with the people that really really support you. I support you too, Mayor. When you win, we all win."

Councilor Maestas continued, "So it's not my intent to complicate things, but we need to have that debate. We can't have a consolidated debate about the Ordinance, about the tax collection, about how we're going to do something brand new and enforce it, how the Commission will operate. There are a lot of significant issues that need to be vetted, and I think by virtue of our involvement, we represent the community. And we need to at least get this to the point where our voters can make the most informed decision, and I don't feel like we're there yet. So that was the reason for it Mayor. And I want to work with you on this. I think a lot of the proponents are mutual friends, and many, many, many mutual friends. And I certainly don't want this to come between our mutual friends and certainly, I don't want it to divide our community. But we just need to start working together, like have a frequent dialogue. You and I met one time Mayor, you asked me to support it. I hadn't seen a thing. I think I mentioned that earlier this week. I had to ask through third and fourth parties to get the studies."

Councilor Maestas continued, "I got the legislation a week ago, I hadn't really even seen it, and it's changed since then, since you sent it out to us ahead of introductions. So I am willing to work with you and the entire Governing Body, that's my message right now in response to your statements. And look, we all get emotional, but at the end of the day we have to work together. Today we had a significant victory that all of us shared in. So in that vein, Mayor, let's carry that momentum forward."

Mayor Gonzales thanked Councilor Maestas and Councilor Trujillo.

Councilor Dominguez said he may be amending the Finance Committee Agenda, given Councilor Maestas' comments about not liking to have competitive bills, or counter bill.

Councilor Maestas said he would like to cosponsor Councilor Ives' bill endorsing SB 360, and Councilor Lindell's first 3, the sales of alcohol for those events.

Mayor Gonzales thanked Councilor Maestas for his offer to stay working on this.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION . IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT NMSA 1978, SECTION 10-15-1(H)(8), DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING WITHOUT LIMITATION, LEASES AT 1121 ALTO STREET. (MARCOS MARTINEZ)

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

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

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

Against: None.

The Council went into Executive Session at 8:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 9:05 p.m. Councilor Rivera moved, seconded by Councilor Villarreal, that the City Council come out of Executive Session, stating for the record that the discussion in Executive Session was limited to the matters noted on the agenda.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

15. ACTION WITH RESPECT TO LEASES AT 1121 ALTO STREET. (MARCOS MARTINEZ)

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, with respect to the two Leases at 1121 Alto Street, to approve the Lease consistent with the Governing Body's direction given in Executive Session.

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

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

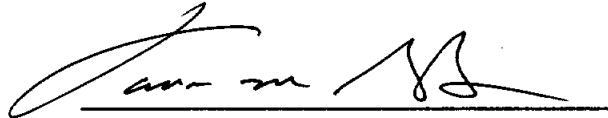
Against: None.

Absent for the vote: Mayor Gonzales

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:10 p.m.

Approved by:



Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

ITEM 10(g)(1)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 20, 2017**

ITEM 11 A

REQUEST FOR APPROVAL OF DEFEASANCE AND REDEMPTION OF 2008 GENERAL OBLIGATION BONDS, 2004 RAILYARD PHASE I LOAN, 2006 RAILYARD PHASE II LOAN IN THE ESTIMATED AMOUNT OF \$15,202,505. THE TOTAL AMOUNT TO BE PAID FROM ONE-TIME FUND BALANCES OF \$6,000,000 AND THE REMAINDER FROM AN INTER-FUND LOAN IN THE AMOUNT OF \$9,220,956 FROM VARIOUS UTILITY FUND BALANCES, WITH A TERM OF 4 YEARS (ADAM JOHNSON AND BRADLEY FLUETSCH)

- a. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE DEFEASANCE AND REDEMPTION OF THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION BONDS, SERIES 2008 (THE "BONDS"); AUTHORIZING THE PUBLICATION OF A NOTICE OF DEFEASANCE AND REDEMPTION OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVER OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY AND BOKF, NA, AS ESCROW AGENT; REPEALING ACTION PREVIOUSLY TAKEN TO THE EXTENT INCONSISTENT WITH THE PROVISIONS HEREOF (COUNCILOR DOMINGUEZ) (ADAM JOHNSON)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "1"

ITEM 10(g)(2)

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 20, 2017**

ITEM 11 B

REQUEST FOR APPROVAL OF DEFEASANCE AND REDEMPTION OF 2008 GENERAL OBLIGATION BONDS, 2004 RAILYARD PHASE I LOAN, 2006 RAILYARD PHASE II LOAN IN THE ESTIMATED AMOUNT OF \$15,202,505. THE TOTAL AMOUNT TO BE PAID FROM ONE-TIME FUND BALANCES OF \$6,000,000 AND THE REMAINDER FROM AN INTER-FUND LOAN IN THE AMOUNT OF \$9,220,956 FROM VARIOUS UTILITY FUND BALANCES, WITH A TERM OF 4 YEARS (ADAM JOHNSON AND BRADLEY FLUETSCH)

- b. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO ANALYZE THE CITY OF SANTA FE'S DEBT PORTFOLIO ON A SEMI-ANNUAL BASIS, AND ADVISE THE GOVERNING BODY ON ALL ISSUED MUNICIPAL DEBT FOR THE PURPOSE OF DEFEASING, RESTRUCTURING, OR FUTURE ISSUANCE; AND DEFEASING AND PAYING OFF THE 2008 GENERAL OBLIGATION BOND, THE 2004 RAILYARD PHASE I AND 2006 RAILYARD PHASE II NMFA LOANS (COUNCILORS LINDELL AND IVES) (BRADLEY FLUETSCH)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP: Add Councilor Maestas as co-sponsor

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

Exhibit "2"

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 02/21/17

ISSUE: A RESOLUTION REAFFIRMING THE LONG STANDING STATUS OF THE CITY OF SANTA FE AS A WELCOMING COMMUNITY FOR IMMIGRANTS AND REFUGEES AND MAKING POLICY CHANGES TO SAFEGUARD RESIDENTS' SENSITIVE PERSONAL INFORMATION AND PRESERVE RESIDENTS' HUMAN AND CIVIL RIGHTS.

PUBLIC SAFETY COMMITTEE ACTION: *Approved*

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON COUNCILOR RIVERA	✓		
VICE-CHAIRPERSON HARRIS	✓		
MEMBER DR. MIKE MIER <i>absent</i>			
MEMBER DR. NANCY OWEN-LEWIS	✓		
MEMBER PETER MIZRAHI	✓		
MEMBER MIKE BOWEN <i>absent</i>			
MEMBER ERIC JOHNSON <i>absent</i>			
MEMBER JOE ARELLANO	✓		
MEMBER			

DISK fc1/fcissue

Exhibit "3"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2017-__
Reaffirming Non-Discrimination Status (Revised Substitute)

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2017-__:

1. On page 1, *delete* lines 11-14 in their entirety, and insert in lieu thereof:
"MAKING POLICY CHANGES TO SAFEGUARD RESIDENTS' SENSITIVE PERSONAL INFORMATION, REAFFIRMING THE CITY OF SANTA FE'S COMMITMENT TO HUMAN AND CIVIL RIGHTS, THE ESTABLISHED RULE OF LAW, AND ITS STATUS AS A WELCOMING COMMUNITY FOR IMMIGRANTS AND REFUGEES; AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO ASSESS THE CITY'S LEGAL RIGHTS AND RESPONSIBILITIES UNDER APPLICABLE LAW."
2. On page 3, after line 24 *insert* the following new paragraphs:
"WHEREAS, Santa Fe is regarded as a safe city with a low crime rate, seen in many ways as related to the non-discrimination policies adopted through Resolution 1999-6; and
WHEREAS, between 1990 and 2013 the number of unauthorized immigrants in the United States more than tripled from 3.5 million to 11.2 million, while FBI data from the same period indicates that violent crime declined 48 percent and property crime declined 41 percent¹; and
3. On page 4, after line 5 *insert* the following new paragraph:
"BE IT FURTHER RESOLVED that the city of Santa Fe reaffirms its immigrant-friendly status and commitment to the established rule of law."
4. On page 6, *delete* lines 8-13 in their entirety and renumber accordingly.
5. On page 6, after line 15, *insert* the following new paragraph:
"BE IT FURTHER RESOLVED that the city manager and the city attorney are directed to assess and report to the Governing Body the city's rights and responsibilities under applicable law, and identify all reasonable legal means to defend the city's policies and procedures."

Respectfully submitted,

Mike Harris, Councilor
Peter N. Ives, Councilor

¹https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf

Exhibit "4"

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

From: "cam duncan" <duncancam@comcast.net>

To: duncancam@comcast.net

Sent: Tuesday, February 21, 2017 7:00:26 PM

Subject: NNMCLC resolution for Sanctuary Everywhere in Santa Fe (Dec 2016)

RESOLUTION FOR SANCTUARY EVERYWHERE IN SANTA FE

NORTHERN NEW MEXICO CENTRAL LABOR COUNCIL

WHEREAS, Santa Fe has long been a place that welcomes immigrants. The diversity, culture and values brought to our community by immigrants is a key part of what makes Santa Fe a great place to live.

WHEREAS, as unions and as the Northern New Mexico Central Labor Council, we have many issues at the top of our advocacy – health care reform, affordable housing, the right to organize a voice at work through collective bargaining, Project Labor Agreements, etc. Immigration reform and protections are key to these goals for our members and our families.

WHEREAS, even with anti-worker court rulings and a Congress that has failed to fix our failed immigration system, the New Mexico labor movement will continue to protect immigrant workers who pay taxes, work hard and help make America work.

WHEREAS, the NNMCLC in 2013 passed a resolution supporting drivers' licenses for immigrants without regard to immigration status, and urging Congress to pass common-sense immigration reform.

WHEREAS, President-elect Trump has voiced numerous false stereotypes of immigrants, stoked fear and xenophobia, and used immigrants as scapegoats for structural economic problems. He has pledged to deport between 2-3 million immigrants, rescind executive orders that have provided deportation relief for tens of thousands of immigrants brought here as children, and proposed a blanket ban on Muslim immigration into the country.

WHEREAS, these proposed policies are inhumane, unjust, and create fear among our neighbors and friends. They drive vulnerable people into the shadows, and they harm our communities.

WHEREAS, Santa Fe should reinforce its current 'sanctuary city' policies by strengthening the separation of local police from immigration enforcement, limit data-sharing with federal immigration authorities, and ensure legal representation for immigrants facing deportation.

Exhibit 45-11

WHEREAS, in addition to these defensive strategies, city leaders should also articulate a pro-immigrant agenda that keeps families together, fosters community, and embraces opportunity for all – strong union values. Santa Fe government can strengthen our sanctuary by taking 6 steps that advance this inclusive vision.

NOW THEREFORE, Be it resolved that the NNMCLC calls on our elected officials and law enforcement leadership to join with us in rejecting the harmful rhetoric and policy proposals of the President-elect. We ask you to do the following:

- 1. State publicly that, should a registry of Muslims or immigrants of any kind be implemented by the Federal Government, the City and County will refuse to comply.**
- 2. Reiterate that all residents, regardless of their immigration status, will have access to city services without fear of negative immigration consequences. City agencies will avoid collecting information about immigration status and ensure that local data is not misused for immigration enforcement. This includes ensuring that the Santa Fe Chief of Police will not cooperate with federal immigration authorities by providing information to ICE for the purposes of immigration enforcement.**
- 3. Ensure legal representation in immigration matters, starting with investing in universal representation for those facing deportation.**
- 4. Provide Spanish interpretation and/or translation by Santa Fe employees in relevant city agencies.**
- 5. Develop a proactive policy regarding Drivers' Authorization Cards, ensuring appropriate training for the Police Department regarding DACs.**
- 6. Fully enforce Santa Fe's minimum wage ordinance in order to give immigrant workers confidence that their claims of stolen wages, or other labor rights violations, will not result in retaliation and dismissal by their employer.**

We trust that in this time of hatred and threats our Mayor and City Council will do the right thing, and protect and defend our communities to the best of their abilities. It is our responsibility to make Santa Fe a safe jurisdiction that extends full rights for all to claim Santa Fe as their home.

Workers standing together win together!

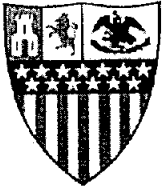
Supporters of Resolution to Reaffirm Santa Fe's Status as a Welcoming Community for Immigrants and Refugees and Preserve Residents' Human and Civil Rights (2/10/17)

Mexican American Legal Defense and Education Fund (MALDEF)
National Immigration Law Center
Immigrant Legal Resource Center
ACLU-NM
New Mexico Hispanic Bar Association
New Mexico Immigrant Law Center
Institute for Legal Training and Instruction
Santa Fe Neighborhood Law Center
Santa Fe Dreamer's Project
Freedman Boyd, Hollander, Goldberg, Urias & Ward, P.A.

Cathedral Basilica of Saint Francis of Assisi
Interfaith Leadership Alliance
Christ Lutheran Church Council
Cristo Rey Catholic Church
First Presbyterian Church of Santa Fe
Mission and Social Justice Committee of First Presbyterian Church
First Christian Church of Santa Fe
Desert Rain Buddhist Community
Holy Family Episcopal Church
Pastoral Counseling Center
Peace & Social Concerns Committee of Santa Fe Monthly Meeting of Friends
St. Bede's Episcopal Church
Universalist Unitarian Church of Santa Fe
Westminster Presbyterian Church Missions Committee
Zia United Methodist Church

Amnesty International—Santa Fe
Chainbreaker Collective
Earth Care
Equality New Mexico
Guadalupe Credit Union
Joan Duffy Chapter of Veterans for Peace
NAACP Santa Fe Branch
Northern New Mexico Central Labor Council
Plumbers & Steamfitters, Local #412
Retake our Democracy
Rising Stars in the Southwest
Santa Fe Public Schools *Adelante* program
Santa Fe Neighborhood Network
Santa Fe People for Peace
Santa Fe Safe
Santa Fe National Organization for Women
Sierra Club—Rio Grande Chapter
Sky Center—New Mexico Suicide Intervention Project
Solace Crisis Treatment Center
Southwest Organizing Project
Somos Un Pueblo Unido
Youth Works

Exhibit "b"



CITY COUNCIL MEETING OF
February 22, 2017
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MAY 2, 2017, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE TO VOTE FOR OR AGAINST THE ESTABLISHMENT OF A SUGAR-SWEETENED BEVERAGE TAX, IN THE AMOUNT OF TWO CENTS (\$.02) PER FLUID OUNCE FOR THE PURPOSE OF SUPPORTING EARLY CHILDHOOD EDUCATION FOR CITY OF SANTA FE RESIDENTS, PURSUANT TO ARTICLE 10, § 6(D) OF THE NEW MEXICO CONSTITUTION AND § 3-18-2(D) NMSA 1978.	City Council - 3/8/17
	A RESOLUTION SPONSORING THE NEXT GENERATION WATER SUMMIT AND WAIVING ALL SPACE RENTAL FEES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER.	Water Conservation Committee - 3/14/17 Finance Committee - 3/20/17 City Council - 3/29/17
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY TO REFUND, REFINANCE AND DEFEASE THE CITY'S OUTSTANDING SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2012C	Finance Committee - 3/20/17 City Council - 3/29/17
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING CHAPTER 7-1 SFCC 1987 REGARDING BUILDING AND RELATED CODES; ADOPTING THE 2015 INTERNATIONAL BUILDING CODE, THE 2015 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2015 INTERNATIONAL EXISTING BUILDING CODE, AND OTHER RELATED CODES AS AMENDED BY THE STATE OF NEW MEXICO AND THE CITY OF SANTA FE.	Public Works Committee - 3/6/17 City Council (request to publish) - 3/8/17 Finance Committee - 3/20/17 City Council (public hearing) - 4/12/17

Exhibit "7"

Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION IN SUPPORT OF SENATE BILL 360 REGARDING COMPETITIVE RESOURCE PROCUREMENT FOR ELECTRIC UTILITIES IN THE STATE OF NEW MEXICO.	City Council - 3/8/17
	A RESOLUTION DIRECTING THE SUSTAINABLE SANTA FE COMMISSION TO RESEARCH AND ASSESS THE CREATION OF A JOINT CITY, SANTA FE COUNTY, AND STATE OF NEW MEXICO SUSTAINABILITY AUTHORITY FOR THE PURPOSE OF DEVELOPING, IMPLEMENTING AND FINANCING SUSTAINABILITY-RELATED PROGRAMS IN SANTA FE COUNTY THAT COUNTER THE EFFECTS OF CLIMATE CHANGE, ACHIEVE CARBON NEUTRALITY AND PRESENT AN AGGRESSIVE PLAN FOR OVERALL SUSTAINABILITY BY 2040.	Sustainable Santa Fe Commission - TBD Finance Committee - 3/20/17 City Council - 3/29/17
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Ives	AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY PARK FOR THE WINE AND CHILE FIESTA.	Public Works Committee - 3/6/17 City Business Quality of Life Committee - 3/8/17 City Council (request to publish) - 3/8/17 Finance Committee - 3/20/17 City Council (public hearing) - 3/29/17
Ives	A RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY PARK FOR THE SANTA FE WINE AND CHILE FIESTA ON AN ANNUAL BASIS.	Finance Committee - 2/27/17 Public Works Committee - 3/6/17 City Council - 3/8/17
Villarreal Ives	A RESOLUTION AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL FOR THE OUTSIDE BIKE AND BREW FESTIVAL AT THE RAILYARD PARK ON AN ANNUAL BASIS.	Finance Committee - 2/27/17 Public Works Committee - 3/6/17 City Council - 3/8/17
Harris Trujillo	A RESOLUTION DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987.	Public Safety Committee - 3/21/17 Public Works Committee - 3/27/17 Finance Committee - 4/3/17 City Council - 4/12/17

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Trujillo	A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 6, 2018, FOR THE PURPOSE OF SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF SANTA FE TO VOTE FOR OR AGAINST THE ESTABLISHMENT OF A SUGAR-SWEETENED BEVERAGE TAX, IN THE AMOUNT OF TWO CENTS (\$.02) PER FLUID OUNCE FOR THE PURPOSE OF SUPPORTING EARLY CHILDHOOD EDUCATION, PURSUANT TO ARTICLE 10, § 6(D) OF THE NEW MEXICO CONSTITUTION, AND § 3-18-2(D) NMSA 1978.	City Council – 3/8/17
Ives	A RESOLUTION ADDING THE WATER HISTORY PARK AND MUSEUM PHASE III PROJECT, AS A PRIORITY, TO THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PLAN (CIP) AND BUDGET; AND ADDING THE PROJECT TO THE INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) AS A LEGISLATIVE CAPITAL OUTLAY PRIORITY FOR THE CITY OF SANTA FE.	Public Works Committee - 3/6/17 City Business Quality of Life Committee - 3/8/17 Finance Committee - 3/20/17 City Council - 3/29/17
	A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THE CREATION OF LEGISLATION ESTABLISHING AND FUNDING LOCAL ARTS AND CULTURE DISTRICTS.	Arts Commission – TBD City Business Quality of Life Committee - 4/12/17 Finance Committee - 4/17/17 City Council - 4/26/17
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule

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

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Joseph M. Maestas

6 Councilor Peter Ives

7
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9
10 **A RESOLUTION**

11 **ADDING THE WATER HISTORY PARK AND MUSEUM PHASE III PROJECT, AS A**
12 **PRIORITY, TO THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PLAN (CIP)**
13 **AND BUDGET; AND ADDING THE PROJECT TO THE INFRASTRUCTURE**
14 **CAPITAL IMPROVEMENT PLAN (ICIP) AS A LEGISLATIVE CAPITAL OUTLAY**
15 **PRIORITY FOR THE CITY OF SANTA FE.**

16
17 **WHEREAS**, since 2006, the park located on upper Canyon Road has been referred to as
18 the "Power Plant Park" for the sole purpose of creating and providing a title for the CIP project
19 and the business unit; and

20 **WHEREAS**, the historic hydro-electric generating plant on the Santa Fe River may have
21 been the first and only such facility in New Mexico and employed state-of-the-art Pelton wheels
22 to produce the power; and

23 **WHEREAS**, the historic structure and site had fallen into disrepair and in 2006 the Santa
24 Fe City Council took action and provided funds to rehabilitate the site and the building in
25 accordance with their responsibility to maintain City-owned historic structures; and

1 **WHEREAS**, the rehabilitated historic building and surrounding park lands are a public
2 resource both for Santa Fe residents and visitors from throughout the United States and numerous
3 foreign countries and provides a community center for and the centerpiece for interpretation of
4 the Santa Fe River watershed for water education of our school children, residents and visitors;
5 and

6 **WHEREAS**, pursuant to the authority in Resolution No. 2010-19, “A member or
7 members of the Governing Body may introduce a resolution to name city-owned parks, plazas,
8 alamedas or city developed streets”; and

9 **WHEREAS**, by way of Resolution 2012-91, the Governing Body renamed the “Power
10 Plant Park” – the “Water History Park”; and

11 **WHEREAS**, the Water History Park is used by the Canyon Road Neighborhood
12 Association as well as residents and visitors in our community; and

13 **WHEREAS**, the Phase III Project would enhance the educational opportunities for the
14 Water History Park and Museum; and

15 **WHEREAS**, funding needed for this project is not currently available; and

16 **WHEREAS**, funding for this project should be a priority for the 2017 – 2018 CIP and
17 budget; and

18 **WHEREAS**, supplemental funding for this Water History Museum Phase III project
19 should be sought from legislative capital outlay sources through its inclusion in the City of Santa
20 Fe’s Infrastructure Capital Improvements Plan (ICIP);

21 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** that the Water History Museum Phase III project is hereby added as a
23 priority for the fiscal year 2017/18 CIP budget.

24 **BE IT FURTHER RESOLVED** that the project be hereby included in the ICIP as a
25 capital budget priority for the City of Santa Fe.

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

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

1 *M/Legislation/Resolutions 2017/Water History Museum Phase 3*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Joseph M. Maestas

A RESOLUTION

**DIRECTING THE CITY MANAGER TO EXPLORE THE CREATION OF
LEGISLATION ESTABLISHING AND FUNDING LOCAL ARTS AND CULTURE
DISTRICTS.**

WHEREAS, the adopted Culture Connects Santa Fe: Cultural Cartography affirms that Santa Fe values the potential of culture to connect people, places and ideas as a power medium for fortifying neighborhoods, instilling civic pride and shaping collective identity; and

WHEREAS, the Cultural Cartography identifies the opportunities inherent in recognizing the critical role that unique identities and assets of neighborhoods hold in elevating and reimagining the vitality of the City; and

WHEREAS, the same document recommends the City take an active role in building cultural capacity in neighborhoods through both infrastructure and cultural celebrations; and

WHEREAS, in 2007 the New Mexico State Legislature passed the Arts and Cultural Districts Act as a comprehensive economic development strategy designed to capitalize on the expanding creative economy; and

1 **WHEREAS**, the Act provides for municipalities with populations greater than 50,000 to
2 create and designate their own Arts and Cultural Districts by passage of an ordinance stating the
3 requirement for establishing the district; and

4 **WHEREAS**, the establishing Arts and Cultural District legislation allows municipalities,
5 through a public election, to approve districts as a qualifying purpose for Municipal Local
6 Options Gross Receipts Tax Act; and

7 **WHEREAS**, enacting Arts and Cultural District legislation also increase the available
8 tax credits for preservation of cultural properties within the district.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that the City Manager direct staff to explore the creation of legislation for
11 the establishment of local arts and cultural districts in accordance with the New Mexico State
12 Arts and Cultural District Act as well as explore the funding of such districts through the
13 Municipal Local Options Gross Receipts Tax Act.

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

15
16 _____
17 JAVIER M. GONZALES, MAYOR

18 ATTEST:

19
20 _____
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23
24 _____
25 KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/Arts and Cultural Districts

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-__

INTRODUCED BY:

Councilor Mike Harris

AN ORDINANCE

**AMENDING CHAPTER 7-1 SFCC 1987 REGARDING BUILDING AND RELATED
CODES; ADOPTING THE 2015 INTERNATIONAL BUILDING CODE, THE 2015
INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2015 INTERNATIONAL
EXISTING BUILDING CODE, AND OTHER RELATED CODES AS AMENDED BY
THE STATE OF NEW MEXICO AND THE CITY OF SANTA FE.**

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

**Section 1. Section 7-1.1 SFCC 1987 (being Ord. #2008-1 (as amended)) is
amended to read:**

7-1 BUILDING CODES; GENERAL PROVISIONS.

7-1.1 Adoption of Codes.

**A. For the purpose of regulating the erection, construction, enlargement, alteration,
repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area,
unobstructed maintenance of required yards, and maintenance buildings or structures within the
planning and platting jurisdiction of the city, the following provisions and codes are adopted by**

reference and incorporated as fully as if set out herein unless otherwise amended by the city:

- (1) Section 14.5.1 New Mexico Administrative Code (NMAC) General Provisions;
- (2) Section 14.5.2 New Mexico Administrative Code (NMAC) Permits;
- (3) Section 14.5.3 New Mexico Administrative Code (NMAC) Inspections;
- (4) [2009] 2015 International Building Code (IBC) as amended by the state of New Mexico construction industries division referred to as the 2009 New Mexico Commercial Building Code (NMAC 14.7.2);
- (5) [2009] 2015 International Residential Code (IRC) as amended by the state of New Mexico construction industries division referred to as the 2009 New Mexico Residential Building Code (NMAC 14.7.3);
- (6) [2009] 2015 New Mexico Earthen Building Materials Code (NMAC 14.7.4);
- (7) [2009] 2015 New Mexico Non-Load Bearing Baled Straw Construction Building Standards (NMAC 14.7.5);
- (8) 2009 New Mexico Energy Conservation Code (NMAC 14.7.6);
- (9) [2009] 2015 International Existing Building Code as amended by the state of New Mexico construction industries division referred to as the 2009 New Mexico Existing Building Code (NMAC 14.7.7);
- (10) [2009] 2015 New Mexico Historic Earthen Buildings Code;
- (11) 2012 Uniform Plumbing Code as amended by the state of New Mexico construction industries division referred to as the 2012 New Mexico Plumbing Code (NMAC 14.8.2) and as amended in Section 7-1.8 SFCC 1987;
- (12) 2012 Uniform Swimming Pool, Spa, and Hot Tub Code Phase III as amended by the state of New Mexico construction industries division referred to as the

1 2012 New Mexico Swimming Pool, Spa, and Hot Tub Code (NMAC 14.8.3);

2 (13) 2012 Uniform Mechanical Code as amended by the state of New Mexico
3 construction industries division referred to as the 2012 New Mexico Mechanical Code
4 (NMAC 14.9.2);

5 (14) 2012 Uniform Solar Code as amended by the state of New Mexico
6 construction industries division referred to as the 2012 New Mexico Solar Energy Code
7 (NMAC 14.9.6);

8 (15) 2014 National Electrical Code as amended by the state of New Mexico
9 construction industries division and referred to as the 2014 New Mexico Electrical Code
10 (NMAC 14.10.4); and

11 (16) 2012 National Electrical Safety Code as amended by the state of New
12 Mexico construction industries division as amended by the state of New Mexico and
13 referred to as the 2012 New Mexico Electrical Safety Code (NMAC 14.10.5);

14 B. Any person violating or failing, neglecting or refusing to comply with the
15 provisions of the codes set forth in paragraph A. above or this chapter shall be punished as
16 provided for in Section 1-3 SFCC 1987.

17 C. A copy of the codes set forth in paragraph A. and this chapter shall be kept on file
18 in the office of building inspections, and shall be at all reasonable times available and subject to
19 inspection.

20 D. The codes set forth in paragraph A. shall be effective ten (10) days from the date
21 of adoption of this ordinance. Upon request of the applicant, applications for permits submitted
22 before September 1, 2016 may be issued in compliance with the prior codes.

1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2017/Building Code Updates*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-____

INTRODUCED BY:

Councilor Signe I. Lindell

Councilor Peter N. Ives

Councilor Joseph M. Maestas

AN ORDINANCE

**AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND
CONSUMPTION OF ALCOHOL AT FORT MARCY PARK FOR THE WINE AND
CHILE FIESTA.**

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 designated as a beer garden and permitted in
23 accordance with all city and state requirements, may be used for the sale and consumption of beer
24 and wine, during the wine and chile fiesta if a valid permit is acquired from the city of Santa Fe.

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Signe I. Lindell

6 Councilor Peter N. Ives

7 Councilor Joseph M. Maestas

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9
10 **A RESOLUTION**

11 **AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY**
12 **PARK FOR THE SANTA FE WINE AND CHILE FIESTA ON AN ANNUAL BASIS.**

13
14 **WHEREAS**, the Santa Fe Wine & Chile Fiesta is an annual five-day weekend of events
15 featuring the culinary artistry found in Santa Fe, New Mexico's many excellent restaurants
16 coupled with the sophistication and wines of national wineries; and

17 **WHEREAS**, approximately 90 national wineries partner with 75 of Santa Fe's best
18 restaurants for a five day schedule of food and wine events featuring cooking demos, wine
19 seminars, winery luncheons and dinners; and

20 **WHEREAS**, proceeds from a live auction assist in sponsoring culinary classes such as
21 restaurant service classes, wine and cooking classes.

22 **WHEREAS**, some of the proceeds from the live auction help sponsor other community
23 events involving our restaurants and chefs such as Santa Fe's Cooking with Kids program and
24 Santa Fe Restaurant Week; and

1 **WHEREAS**, in accordance with Subsection 23-6.3(B) SFCC 1987, the Governing Body,
2 through adoption of a resolution, may approve the sale and consumption of alcohol for an event
3 on city property; and

4 **WHEREAS**, the event sponsor shall comply with the regulations set forth in Section
5 23-6.3 SFCCC 1987 regarding tasting events.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that the Governing Body hereby authorizes the sale and consumption of
8 alcohol at the Santa Fe Wine and Chile Fiesta event at Fort Marcy Ballpark on an annual basis in
9 accordance with the stated regulations in Section 23-6.3 SFCC 1987 regarding tasting events.

10 **BE IT FURTHER RESOLVED** that Section 23-6.2 SFCC 1987 requires the following
11 information be included in the authorizing resolution:

12 1. Date and time: This event will take place September, 30, 2017, from 1-4pm, and
13 annually thereafter.

14 2. Number of expected attendees: 2500

15 3. Type of alcohol to be served: Wine

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

17
18 _____
19 JAVIER M. GONZALES, MAYOR

20 ATTEST:

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

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3 _____
4 KELLEY A. BRENNAN, CITY ATTORNEY
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M/Legislation/Resolutions 2017/Wine and Chile Fiesta Alcohol Approval

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Signe I. Lindell

6 Councilor Renee D. Villarreal

7 Councilor Peter N. Ives

8 Councilor Joseph M. Maestas

9
10 **A RESOLUTION**

11 **AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL FOR THE**
12 **OUTSIDE BIKE AND BREW FESTIVAL AT THE RAILYARD PARK ON AN ANNUAL**
13 **BASIS.**

14
15 **WHEREAS**, Outside Bike & Brew was founded in 2014 to celebrate the burgeoning
16 craft beer industry and to showcase the phenomenal cycling in and around Santa Fe; and

17 **WHEREAS**, the event promotes healthy living, enjoyment of the great outdoors, and the
18 intersection of craft beer and cycling culture through including bike movies, beer festivals, beer
19 dinners and live concerts; and

20 **WHEREAS**, in accordance with Subsection 23-6.3(B) SFCC 1987, the Governing Body,
21 through adoption of a resolution, may approve the sale and consumption of alcohol for an event
22 on city property.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that the Governing Body hereby authorizes the sale and consumption of

1 alcohol at the Outside Bike and Brew event at the Railyard Park on an annual basis in accordance
2 with the stated regulations in Section 23-6.3 SFCC 1987.

3 **BE IT FURTHER RESOLVED** that Section 23-6.2 SFCC 1987 requires the following
4 information be included in the authorizing resolution:

5 1. Date and time: This event will take place May 18-21, 2017, and annually
6 thereafter, and shall be an all-day event on the authorized dates.

7 2. Number of expected attendees: 1500

8 3. Type of alcohol to be served: Beer and cider

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

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11 _____
12 JAVIER M. GONZALES, MAYOR

13 ATTEST:

14
15 _____
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

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19 _____
20 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2017/Bike and Brew Alcohol Approval*

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Signe I. Lindell

6 Councilor Mike Harris

7 Councilor Ronald S. Trujillo

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10 **A RESOLUTION**

11 **DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC**
12 **OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987.**

13
14 **WHEREAS**, in 2008, the governing body authorized the implementation of the Santa Fe
15 Traffic Operations Program (STOP) to deter vehicle drivers who exceeded the posted speed limit;
16 and

17 **WHEREAS**, that governing body found that the high fatality and serious injury rate
18 resulted, in part, from speed limit violations; and

19 **WHEREAS**, the STOP program was in effect between 2008 and 2013, at which point it
20 was terminated by the governing body, though the authorizing ordinance remains as Section 24-4
21 SFCC 1987; and

22 **WHEREAS**, the purpose of the STOP program is to promote safety on our streets by
23 targeting areas shown to be areas of concern, or are subject to reports of speeding and high traffic
24 incidents; and

25 **WHEREAS**, the program allows officers the ability to be utilized in other crimes around

1 the city, including burglaries, crashes, fatalities, and other incidents that might otherwise suffer a
2 delayed response time; and

3 **WHEREAS**, the camera speed device (CSD) that autonomously monitors vehicle speed
4 can continually issue citations, whereas an officer requires 15-20 minutes to issue a single
5 citation; and

6 **WHEREAS**, CSDs were frequently deployed in school zones at the request of Santa Fe
7 Public Schools to monitor vehicle speed through active school zones in an effort to safeguard
8 schoolchildren; and

9 **WHEREAS**, the goal of the STOP program is to increase driver awareness and attitude
10 towards speeding, and help them understand how they can keep themselves and other people safe
11 by obeying the posted speed limit; and

12 **WHEREAS**, certain legal and technical restrictions limit the location that the CSDs can
13 be placed, including that it must be a city-owned street, and have a minimum of 100 feet of
14 straight roadway; and

15 **WHEREAS**, in 2014 2569 crashes were reported, in 2015 2704 crashes were reported,
16 and in 2016, 3004 crashes were reported, showing a linear uptick in vehicle crashes since the
17 STOP program was terminated in 2013; and

18 **WHEREAS**, police responded to 7 fatal and great bodily harm crashes in 2014 and 2015,
19 and 12 in 2016; and

20 **WHEREAS**, police have seen a 42% increase in traffic complaints and requests for
21 monitoring between 2014 and 2016; and

22 **WHEREAS**, STOP proved to be a beneficial program for residents of the city of Santa
23 Fe by promoting safety and speed awareness to drivers, thus preventing fatal accidents that
24 devastate our community; and

25 **WHEREAS**, in addition to speed violations, CSDs have provided useful data in

1 identifying locations of unusual activity, determining what type of enforcement is needed in
2 specific locations, and have captured criminal activity suspects as they speed away from the scene
3 of an incident; and

4 **WHEREAS**, revenue generated from the program supports the salary and benefits of
5 those operating the program, as well as new and/or specialized equipment that permits officers to
6 improve enforcement efforts and provide better services to the community; and

7 **WHEREAS**, when in effect, the STOP program altered the way people drive in the
8 community because the CSDs serve as a deterrent to reckless driving; and

9 **WHEREAS**, the welfare of the community is the mandate of the Santa Fe Police
10 Department, and restarting the STOP program will ensure that the city is addressing residents'
11 safety concerns.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the city manager is directed to restart the Santa Fe Traffic Operations
14 Program (STOP) as authorized by Section 24-4 SFCC 1987.

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

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17
18 ATTEST:

JAVIER M. GONZALES, MAYOR

19
20 _____
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23
24 _____
25 KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/STOP restart

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6
7
8
9
10 **A RESOLUTION**

11 **SPONSORING THE NEXT GENERATION WATER SUMMIT AND WAIVING ALL**
12 **SPACE RENTAL FEES FOR USE OF THE SANTA FE COMMUNITY CONVENTION**
13 **CENTER.**

14
15 **WHEREAS**, the Santa Fe Green Chamber of Commerce, the Santa Fe Area Home
16 Builders Association, GreenBuilder Coalition, and the city of Santa Fe will host the Next
17 Generation Water Summit June 4-6 in Santa Fe; and

18 **WHEREAS**, Santa Fe is a leader in water efficiency, with average per person per day
19 usage below 100 gallons; and

20 **WHEREAS**, climate change precipitates the need to become radically more water
21 efficient using new tools and regulatory models that have been developed; and

22 **WHEREAS**, the realities of the climate in which Santa Fe resides means there will be
23 less water in the future, requiring new buildings be as water-efficient as technologically feasible;
24 and

25 **WHEREAS**, the three-day Next Generation Water Summit will focus on emerging

1 policy development, building design and construction, and water conservation tools and
2 technologies; and

3 **WHEREAS**, attendees are expected from throughout the country, drawn to the event as a
4 result of the achievements Santa Fe has made in water conservation; and

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the city of Santa Fe hereby waives all space rental fees associated
7 with hosting the Next Generation Water Summit at the Santa Fe Community Convention Center
8 on June 4-6, 2017.

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

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13 JAVIER M. GONZALES, MAYOR

14 ATTEST:

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17 YOLANDA Y. VIGIL, CITY CLERK

18 APPROVED AS TO FORM:

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21 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2017/Next Generation Water Summit*

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

2 **RESOLUTION NO. 2017-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Joseph M. Maestas

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10 **A RESOLUTION**

11 **IN SUPPORT OF SENATE BILL 360 REGARDING COMPETITIVE RESOURCE**
12 **PROCUREMENT FOR ELECTRIC UTILITIES IN THE STATE OF NEW MEXICO.**

13
14 **WHEREAS**, the Governing Body has reviewed Senate Bill (SB) 360, recently
15 introduced by State Senator Joseph Cervantes at the 53rd Session of the New Mexico Legislature
16 and now being considered by Legislature, that would require investor-owned electric public
17 utilities to provide the New Mexico Public Regulation Commission (PRC) with the results of a
18 competitive resource procurement (RFP) process when applying to the PRC for approval of their
19 procurement of a new "supply-side electric energy or capacity resource" for a duration greater
20 than one year ;

21 **WHEREAS**, SB 360 would also require that the PRC approve a qualified "independent
22 evaluator" to advise the PRC regarding the sufficiency and reasonableness of those utility RFP
23 processes and a utility's bid evaluation procedures and methods;

24 **WHEREAS**, the City of Santa Fe, residents and businesses residing in the City are retail
25 service customers of Public Service Company of New Mexico (PNM), an investor-owned electric

1 utility, and thus their rates for retail electric service and the impacts of those rates on their budgets
2 and business operations are affected by the cost of new supply-side electric energy or capacity
3 resources procured by an investor-owned electric utility for a duration greater than one year;

4 **WHEREAS**, the Governing Body is informed that a 2008 study commissioned by the
5 National Association of Regulatory Utility Commissioners and the Federal Energy Regulatory
6 Commission stated: "Competitive procurements can provide utilities with a way of obtaining
7 electricity supply that has the 'best' fit to customers' needs at the 'best' possible terms. In
8 principle, competitive procurements accomplish this goal by requiring market participants to
9 compete for the opportunity to provide these services";

10 **WHEREAS**, state law provides that whenever an electric public utility applies to the
11 PRC for approval of a certificate of public convenience and necessity (CCN) for a new supply-
12 side resource pursuant to NMSA 1978, § 62-9-1.A, the utility applicant has the burden of proving
13 to the PRC that the new supply-side resource proposed is its most cost-effective resource option
14 among all feasible alternatives to meet its service needs;

15 **WHEREAS**, the Governing Body agrees with the foregoing statement in the 2008 study
16 commissioned by NARUC and the FERC that requests for competitive proposals by electric
17 public utilities is an important and valuable method for such utilities to reasonably identify all
18 feasible supply-side resource options available to them at a particular time to meet their service
19 needs in accordance with the "most cost-effective resource portfolio" criteria set forth in the
20 EUEA, NMSA 1978, § 62-17-10, and in the PRC's IRP Rule, § 17.7.3, *et seq.*, NMAC;

21 **WHEREAS**, the Governing Body in its own procurement processes engages in Request
22 for Proposal (RFP) processes which ensure a competitive bidding process designed to deliver to
23 the people of Santa Fe the best and most cost prudent procurements;

24 **WHEREAS**, requiring investor-owned electric public utilities in New Mexico to conduct
25 RFP processes, similar to those engaged in by governmental entities delivering service to their

1 constituencies, to support their applications to the PRC for approval of new supply-side resources
2 is prudent and reasonable and in the best interest of the citizens of Santa Fe;

3 **WHEREAS**, requiring the PRC to implement an independent evaluator advisory process
4 as set forth in SB 360 to ensure those processes are reasonable and conducted fairly will protect
5 and benefit customers of those utilities and the public interest by encouraging more independent
6 power producers to participate in such utility competitive processes and thereby provide greater
7 competition, consistent with the “most cost-effective resource portfolio” criteria set forth in the
8 EUEA, NMSA 1978, § 62-17-10, and in the PRC’s IRP Rule;

9 **WHEREAS**, on May 29, 2014, Southwest Generation Operating Co., LLC, an
10 independent power producer, the Office of the Attorney General of New Mexico, New Energy
11 Economy, the Interwest Energy Alliance and the New Mexico Green Chamber of Commerce
12 filed a Joint Petition with the PRC asking that the PRC establish an independent evaluator
13 process, similar to the independent evaluator or monitor processes adopted in other states, to
14 advise the PRC regarding the reasonableness of the scope of future RFPs and the bidding
15 evaluation processes conducted by PNM to support its future applications with the PRC for
16 approval of new supply-side resource proposals to replace capacity of Units 2 and 3 of the San
17 Juan Generating Station proposed for retirement at the end of 2017 in Case No. 13-00390-UT that
18 was opposed by PNM and the PRC’s Utility Division Staff,;

19 **WHEREAS**, the PRC has not taken any action on that Joint Petition to date;

20 **WHEREAS**, in PRC Case Nos. 14-00152-UT, 13-00390-UT, 15-00205-UT and 16-
21 00105-UT, PNM argued that, absent express statutory authority to do so, the PRC lacks authority
22 to require an investor-owned electric public utility like PNM to conduct an RFP process and
23 present its results to the PRC to support its application to the PRC for approval of a new supply-
24 side resource;

25 **WHEREAS**, based on its review of SB 360, it is the understanding of the Governing

1 Body that subsection I of that Bill sets forth a reasonable provision allowing an investor-owned
2 electric public utility to request a waiver of the application of the requirements in that Bill upon a
3 showing of "extraordinary circumstances" and that such a waiver is necessary to protect the
4 public interest.

5 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body strongly supports
6 the Legislature's passage and the Governor's enactment of SB 360 to promote greater and fair
7 competition with respect to the procurement of supply-side resources by investor-owned electric
8 public utilities in the State of New Mexico and to protect the interests of customers of investor-
9 owned electric public utilities and the public interest in this State;

10 **BE IT FURTHER RESOLVED** that the City Clerk of the City of Santa Fe shall
11 promptly communicate this Resolution to Senator Joseph Cervantes, the Senate Majority Leader,
12 the Speaker of the House of Representatives, the House Majority Floor Leader, the House
13 Minority Floor Leader, the House Majority Whip, the House Minority Whip, the Senate President
14 Pro Tempore, the Senate Minority Floor Leader, the Senate Majority Whip, the Senate Minority
15 Whip, and to the Governor of State of New Mexico.

16
17 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

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19 _____
20 JAVIER M. GONZALES, MAYOR

21 ATTEST:

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23 _____
24 YOLANDA Y. VIGIL, CITY CLERK
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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2017/Support SB 360 – Competitive Resource Procurement*

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

2 **RESOLUTION NO. 2017- _____**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

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9 **A RESOLUTION**

10 **DIRECTING THE SUSTAINABLE SANTA FE COMMISSION TO RESEARCH AND**
11 **ASSESS THE CREATION OF A JOINT CITY, SANTA FE COUNTY, AND STATE OF NEW**
12 **MEXICO SUSTAINABILITY AUTHORITY FOR THE PURPOSE OF DEVELOPING,**
13 **IMPLEMENTING AND FINANCING SUSTAINABILITY-RELATED PROGRAMS IN**
14 **SANTA FE COUNTY THAT COUNTER THE EFFECTS OF CLIMATE CHANGE, AND**
15 **ACHIEVE CARBON NEUTRALITY BY 2040.**

16
17 **WHEREAS,** the City of Santa Fe is committed to protecting the long-term health and
18 viability of our community through strategies designed to improve the environment by reducing
19 greenhouse gas emissions, water use, and mitigating the effects of and adapting to climate change;
20 and

21 **WHEREAS,** the Governing Body, through the adoption of Resolution No. 2015-30, directed
22 the Sustainable Santa Fe Commission to draft a comprehensive 25-year sustainability plan to annually
23 reduce Santa Fe's carbon emissions and energy consumption through a variety of strategies in order
24 to achieve the City's goal of becoming carbon neutral by 2040; and

25 **WHEREAS,** the City of Santa Fe is also committed to the advancement of its economy,

1 including jobs related to the field of sustainability and related education and training; and

2 **WHEREAS**, electricity use by the citizens and businesses of Santa Fe is a major contributory
3 source of carbon emissions;

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that it directs the Sustainable Santa Fe Commission to research and assess the
6 creation of a joint city, Santa Fe County, and State of New Mexico Sustainability Authority for the
7 purpose of developing, implementing and financing sustainability-related programs in Santa Fe
8 County that counter the effects of climate change, and achieve carbon neutrality through measured
9 annual progress of such sustainability programs by 2040.

10
11 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2017.

12
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14 _____
15 JAVIER M. GONZALES, MAYOR

16 ATTEST:

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18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

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22 _____
23 KELLEY A. BRENNAN, CITY ATTORNEY
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1 | *M/Legislation/Resolutions 2017/Sustainability Authority*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2017-_____

3 INTRODUCED BY:

4
5 Councilor Carmichael A. Dominguez

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9
10 A RESOLUTION

11 AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION
12 FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO
13 FINANCE AUTHORITY TO REFUND, REFINANCE AND DEFEASE THE CITY'S
14 OUTSTANDING SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT
15 REVENUE BONDS, SERIES 2012C.

16
17 WHEREAS, the City of Santa Fe, New Mexico ("Governmental Unit") is a qualified entity
18 under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978
19 ("Act"), and the Santa Fe City Council ("Governing Body") is authorized to borrow funds and/or
20 issue bonds for financing of public projects or for refinancing of outstanding bonds for benefit of the
21 Governmental Unit; and

22 WHEREAS, the New Mexico Finance Authority ("Finance Authority") has instituted a
23 program for financing of projects from the public project revolving fund created under the Act and
24 has developed an application procedure whereby the Governing Body may submit an application
25 ("Application") for financial assistance from the Finance Authority for public projects; and

Exhibit "18"

1 **WHEREAS**, the Governing Body has undertaken a plan to refund, refinance and defease its
2 outstanding Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C
3 (“Project”) for the benefit of the Governmental Unit, and

4 **WHEREAS**, the application prescribed by the Finance Authority has been completed and
5 submitted to the Governing Body and this resolution ratifying and approving submission of the
6 completed Application to the Authority for its consideration and review is required as part of the
7 Application.

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

10 Section 1. All action (not consistent with the provision hereof) heretofore taken by the
11 Governing Body and the officers and employees thereof directed toward the Application and the
12 Project, be and the same is hereby ratified, approved and confirmed.

13 Section 2. The completed Application submitted to the Governing Body, be and the
14 same is hereby ratified, approved and confirmed.

15 Section 3. Authorized Officers and employees of the Governmental Unit are hereby
16 directed and requested to submit the completed Application to the Finance Authority for its review,
17 and are further authorized to take such other action as may be requested by the Finance Authority in
18 its consideration and review of the Application and to further proceed with arrangements for
19 financing and undertaking the Project.

20 Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded,
21 annulled and repealed.

22 Section 5. This resolution shall take effect immediately upon its adoption.

23
24 PASSED APPROVED AND ADOPTED this ____ day of _____, 2017.
25

CITY OF SANTA FE, NEW MEXICO

JAVIER M. GONZALES, MAYOR

(Seal)

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation /Resolutions 2017/NMFA Application 2012C Sub Lien GRT Refunding