City of Santa Fe

Agenda

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 27, 2017
CITY COUNCIL CHAMBERS

CITY CLERK'S OFFICE
DATE 9/22/17 TIME 2:20 PM
SERVED BY —
RECEIVED BY Melissa Byers

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES:
   a) Special City Council Meeting – August 28, 2017
   b) Regular City Council Meeting– August 30, 2017; Item H-3
   c) Regular City Council Meeting – September 13, 2017
9. PRESENTATIONS
10. CONSENT CALENDAR
    a) Request for Approval of Services Agreement in the Amount of $48,000 for Workflow Solutions, Shelf-Ready Content and Customized Services; Midwest Tape "Hoopla". (Patricia Hodapp)
    b) Request for Approval of Memorandum of Agreement in the Amount of $150,000 for One-Time Emergency Funding for One Year to Support Collaborative Funding for Enhanced Social Detoxification Services; Santa Fe County. (Julie Sanchez)
       1) Request for Approval of Budget Amendment for $150,000.

c) Request for Approval of Memorandum of Agreement in the Amount of $60,000 for Navigation and Social Services through the Mobile Integrated Health Office; Santa Fe County. (Andres Mercado)

1) Request for Approval of Budget Amendment for $60,000.

d) Request for Approval of Letter of Agreement in the Amount of $150,000 to Support the Mobile Integrated Health Office's Navigation and Social Service Programs; Molina Healthcare of New Mexico. (Andres Mercado)

1) Request for Approval of Budget Amendment for $90,000 for FYE18.

2) Request for Approval of Budget Amendment for $60,000 for FYE19.

e) Request for Approval of Exempt Procurement Under State and Federal Price Agreements in an Amount Above $50,000 for City-Wide Hardware, Software and Support Services for ITT Department FY 2017-18; Various Vendors. (David Kulb)

f) Request for Approval of Procurement of Replacement Vehicles and Equipment Under New Mexico State Price Agreement #70-000-16-00002 for Wastewater Management Division. (Jerry Tapia)

1) Sewer Rodder Truck in the Amount of $46,879 to Replace FA# 26273; Don Chalmers Ford.

2) Sewer Rodder Truck Equipment in the Amount of $67,300; Sewer Equipment of America.

3) Ford F150 4x4 Extended Cab Truck to Replace FA# 51002 in the Amount of $27,137; Power Ford.

g) Request for Approval of Procurement of Chevrolet ½ Ton 4x4 Truck Under State Price Agreement #70-000-16-00002 in the Amount of $26,652 for the Wastewater Management Division; Brad Francis Car Company. (Luis Orozco)

h) Request for Approval of Procurement of Two F-350 Utility Trucks and One F-250 Utility Truck Under State Price Agreement #70-000-16-00002 in the Amount of $116,092 for the Water Division's Transmission and Distribution Section; Don Chalmers Ford. (Randy Lopez)

i) Request for Approval of Procurement of Disc Filter Panels and Parts in an Amount Above $50,000, Excluding of Gross Receipts Tax, for the Wastewater Treatment Plant; Veolia Water Technologies. (Efren Morales)

j) Request for Approval to Use Cooperative Educational Services (CES) Contract in the Amount of $27,936.17, Excluding Gross Receipts Tax, for Construction Observation/Professional Engineering Services, CIP #438B – Acequia Trail Structure Crossings at Kathryn Avenue and Onate Place; Souder Miller & Associates. (Leroy Pacheco)

k) Santa Fe Municipal Airport Electrical Vault and Airfield Electrical Improvements Design Project. (Cameron Humphres)

1) Request for Approval and Ratification of New Mexico Department of Transportation Grant Agreement No. SAF-17-09 in the Amount of $65,800, Plus City Share of $7,311, for a Total Amount of $73,111.

2) Request for Approval of KSA Task Order No. 8 in the Amount of $72,563, Inclusive of Gross Receipts Tax.

3) Request for Approval of Budget Amendment for $73,111.

l) Santa Fe Municipal Airport Aviation Apron Crack Seal Project. (Cameron Humphres)

1) Request for Approval and Ratification of New Mexico Department of Transportation Grant Agreement No. SAF-17-08 in the Amount of $257,158, Plus City Share of $28,574, for a Total Amount of $285,732.

2) Request for Approval of KSA Task Order No. 9 in the Amount of $21,662.50, Inclusive of Gross Receipts Tax.

3) Request for Approval of Budget Amendment for $285,732.

m) Request for Approval of Budget Amendments to Re-Appropriate Non-CIP Projects into Correct Fund Business Unit/Line Item. (Cameron Humphres)

1) Air Service Assistance Program (Advertisement) in the Amount of $200,000.

2) Air Service Assistance Program (Minimum Revenue Guarantee) in the Amount of $184,289.

n) Request for Approval of 2017 State of New Mexico Capital Appropriation Agreements in the Total Amount of $202,000. (David Chapman)

1) Project No. 17-B4105 in the Amount of $67,000 to Purchase and Install Equipment; Dance Barns aka National Dance Institute (NDI).

2) Project No. 17-B4106 in the Amount of $135,000 to Design, Construct, Equip and Furnish the Pavilion; Santa Fe Farmers Market Institute.

3) Request for Approval of Related Budget Amendments.

o) Request for Approval of Procurement of Replacement Vehicle and Utility Bed and Accessories in the Total Amount of $84,195; Bruckner Truck Sales Company and Construction Truck Equipment, LLC. (Randy Blake)

p) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of $45,000 for Maintenance of the Municipal Recreation Complex Irrigation Pump System; Greenworks Enterprises, Inc. (Jennifer Romero)

q) Request for Approval of Budget Amendment in the Amount of $153,000 - River Conservation Funds for the Implementation of Rain Garden/Bio Infiltration Basin Projects. (Melissa McDonald)

r) CONSIDERATION OF RESOLUTION NO. 2017-___. (Councilor Harris, Councilor Lindell, Councilor Ives and Councilor Rivera)
A Resolution Directing the City Manager to Explore the Possibility of Forming a Public/Private Partnership Between the City of Santa Fe and the Santa Fe Business Community for the Purpose of Developing and Implementing a Long Range Master Streetscape Improvement Plan to Improve the Appearance of All Major Entry Corridors and Main Arterials Within the City of Santa Fe. (Richard Thompson)

s) CONSIDERATION OF RESOLUTION NO. 2017-___. (Councilor Ives, Councilor Maestas and Councilor Harris)
A Resolution Repealing Resolution 2002-40 That Adopted the Airport Master Plan; and Adopting a New Airport Master Plan. (Cameron Humphres)

Fiscal Impact:
Expenditures - FY 17/18 = $10,707,778; FY 18/19 = $13,870,000
Revenue - FY 17/18 = $10,707,778; FY 18/19 = $13,870,000 from Federal/State Grants, Bond and Cash/PFC

t) CONSIDERATION OF RESOLUTION NO. 2017-___. (Councilors Ives and Councilor Lindell)
A Resolution Directing the City Manager to Undertake a Feasibility Study to Explore Development of Free Walls for Street Artists on Municipal Properties; and Presenting the Study to the Governing Body Within 90 Days of Adoption of This Resolution. (Debra Garcia y Griego and Richard Thompson)

u) CONSIDERATION OF RESOLUTION NO. 2017-___. (Mayor Gonzales)
A Resolution Adopting the 2019-2023 Senior Infrastructure Capital Improvements Plan (ICIP) for Mary Esther Gonzales Senior Center. (Eugene Rinaldi)

11. MATTERS FROM THE CITY MANAGER

12. MATTERS FROM THE CITY ATTORNEY

13. MATTERS FROM THE CITY CLERK

14. 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

- Sustainable Santa Fe Commission

H. PUBLIC HEARINGS:

1) Request from Hadidi Enterprises, 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 Café Mimosa, 513 Camino de Los Marquez, Which is Within 300 Feet of the Santa Fe Center for Spiritual Living, 505 Camino de los Marquez and the Santa Fe First Church of the Nazarene, 1044 Don Diego Avenue.

b) If the Waiver of the 300-Foot Location Restriction is Granted, a Request for a Restaurant Beer and Wine Liquor License with On Premise Consumption Only, to be Located at Café Mimosa, 513 Camino de los Marquez.

2) Request for Approval of the Community Development Block Grant 2016-2017 Consolidated Annual Performance Evaluation Review (CAPER); and Approval to Submit the CAPER to the Department of Housing and Urban Development (HUD). (Alexandra Ladd)

3) Request for Approval of Assessment of Fair Housing (AFH) and Associated Research as Required by HUD's Community Development Block Grant (CDBG) Program and the New Mexico Mortgage Finance Authority and Approval to Submit the Assessment and Research to HUD. (Alexandra Ladd)

I. EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act §§10-15-1 (H)(2) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, the Status of Negotiations with the POA and Relating to Information Contained in a Certain Fraud Prevention Report; and Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Discussion Regarding Case No. 1:17-cv-00827-KK-KRS, *CNSP D/B/A/ NMSURF v. The City of Santa Fe*; Century Bank and Case No. D-101-CV-2017-02550, *The Artyard Condominium Master Association, Inc. v. The Santa Fe Railyard Community Corporation*. (Kelley Brennan)

J. ADJOURN

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
September 27, 2017

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REQUEST FOR APPROVAL OF KSA TASK ORDER NO. 9 IN THE AMOUNT OF $21,662.50, INCLUSIVE OF GROSS RECEIPTS TAX	Approved	6-7
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CONSIDERATION OF RESOLUTION NO. 2017-67. A RESOLUTION REPEALING RESOLUTION 2002-40 THAT ADOPTED THE AIRPORT MASTER PLAN; AND ADOPTING A NEW AIRPORT MASTER PLAN	Approved [amended]	7-16
CONSIDERATION OF RESOLUTION NO. 2017-68. A RESOLUTION DIRECTING THE CITY MANAGER TO UNDERTAKE A FEASIBILITY STUDY TO EXPLORE DEVELOPMENT OF FREE WALLS FOR STREET ARTISTS ON MUNICIPAL PROPERTIES; AND PRESENTING THE STUDY TO THE GOVERNING BODY WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION	Approved	16
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REQUEST FROM HADIDI ENTERPRISES, LLC, FOR THE FOLLOWING:		
PURSUANT TO §60-6B-10 NMSA 1978, CONSIDERATION OF A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT CAFÉ MIMOSA, 513 CAMINO DE LOS MARQUEZ, WHICH IS WITHIN 300 FEET OF THE SANTA FE CENTER FOR SPIRITUAL LIVING, 505 CAMINO DE LOS MARQUEZ AND THE SANTA FE FIRST CHURCH OF THE NAZARENE, 1044 DON DIEGO AVENUE	Approved [amended]	25-33
IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISE CONSUMPTION ONLY, TO BE LOCATED AT CAFÉ MIMOSA, 513 CAMINO DE LOS MARQUEZ	Approved [amended]	25-33
REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)	Approved	34-36

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REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)	Approved	37-38
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MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 27, 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, September 27, 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 Carmichael A. Dominguez
Councilor Mike Harris
Councilor Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee D. Villarreal

Members Excused
Councilor Signe I. Lindell, Mayor Pro-Tem

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

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said Item 10(d) on the Consent Calendar, on the Afternoon Agenda is captioned correctly, noting there is a handout of a revised BAR, and it lines up with what is in the packet, as well as what is in the caption. He said no change needs to be made, he wanted to call attention to that.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve the agenda, as presented.

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

7. APPROVAL OF CONSENT CALENDAR

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

DISCUSSION: Councilor Villarreal said she would like to cosponsor Item 10(r) and Item 10(t).

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

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

Against: None

10. CONSENT CALENDAR

A copy of a Budget Amendment Resolution for Item 10(d), is incorporated herewith to these minutes as Exhibit "1."

a) **REQUEST FOR APPROVAL OF SERVICES AGREEMENT IN THE AMOUNT OF $48,000 FOR WORKFLOW SOLUTIONS, SHELF-READY CONTENT AND CUSTOMIZED SERVICES; MIDWEST TAPE "HOOPLA." (PATRICIA HODAPP)**

b) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT IN THE AMOUNT OF $150,000 FOR ONE-TIME EMERGENCY FUNDING FOR ONE YEAR TO SUPPORT COLLABORATIVE FUNDING FOR ENHANCED SOCIAL DETOXIFICATION SERVICES; SANTA FE COUNTY. (JULIE SANCHEZ)**
   1) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT FOR $150,000.**

c) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT IN THE AMOUNT OF $60,000 FOR NAVIGATION AND SOCIAL SERVICES THROUGH THE MOBILE INTEGRATED HEALTH OFFICE; SANTA FE COUNTY. (ANDRES MERCADO)**
   1) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT FOR $60,000.**

d) REQUEST FOR APPROVAL OF LETTER OF AGREEMENT IN THE AMOUNT OF $150,000 TO SUPPORT THE MOBILE INTEGRATED HEALTH OFFICE'S NAVIGATION AND SOCIAL SERVICES PROGRAMS; MOLINA HEALTHCARE OF NEW MEXICO. (ANDRES MERCADO)
   1) REQUEST OF APPROVAL OF BUDGET AMENDMENT FOR $90,000 FOR FYE18.
   2) REQUEST FOR APPROVAL OF BUDGET AMENDMENT FOR $60,000 FOR FYE19.

e) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT UNDER STATE AND FEDERAL PRICE AGREEMENTS IN AN AMOUNT ABOVE $50,000 FOR CITY-WIDE HARDWARE, SOFTWARE AND SUPPORT SERVICES FOR ITT DEPARTMENT FY 2017-18; VARIOUS VENDORS. (DAVID KULB)

f) REQUEST FOR APPROVAL OF PROCUREMENT OF REPLACEMENT VEHICLES AND EQUIPMENT UNDER NEW MEXICO STATE PRICE AGREEMENT #70-000-16-00002 FOR WASTEWATER MANAGEMENT DIVISION. (JERRY TAPIA)
   1) SEWER RODDER TRUCK IN THE AMOUNT OF $46,879 TO REPLACE FA#26273; DON CHALMERS FORD.
   2) SEWER RODDER TRUCK EQUIPMENT IN THE AMOUNT OF $67,300; SEWER EQUIPMENT OF AMERICA.
   3) FORD F150 4X4 EXTENDED CAB TRUCK TO REPLACE FA#51002 IN THE AMOUNT OF $27,137; POWER FORD.

g) REQUEST FOR APPROVAL OF PROCUREMENT OF CHEVROLET ½ TON 4X4 TRUCK UNDER STATE PRICE AGREEMENT #70-000-16-00002 IN THE AMOUNT OF $26,652 FOR THE WASTEWATER MANAGEMENT DIVISION; BRAD FRANCIS CAR COMPANY. (LUIS OROZCO)

h) REQUEST FOR APPROVAL OF PROCUREMENT OF TWO F-350 UTILITY TRUCKS AND ONE F-250 UTILITY TRUCK UNDER STATE PRICE AGREEMENT #70-000-16-00002 IN THE AMOUNT OF $116,092 FOR THE WATER DIVISION'S TRANSMISSION AND DISTRIBUTION SECTION; DON CHALMERS FORD. (RANDY LOPEZ)

i) REQUEST FOR APPROVAL OF PROCUREMENT OF DISC FILTER PANELS AND PARTS IN AN AMOUNT ABOVE $50,000, EXCLUSIVE OF GROSS RECEIPTS TAX, FOR THE WASTEWATER TREATMENT PLANT; VEOLIA WATER TECHNOLOGIES. (EFREN MORALES)

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

k) *[Removed for discussion by Councilor Trujillo]*

l) *[Removed for discussion by Councilor Trujillo]*

m) REQUEST FOR APPROVAL OF BUDGET AMENDMENTS TO REAPPROPRIATE NON-CIP PROJECTS INTO CORRECT FUND BUSINESS UNIT/LINE ITEM. (CAMERON HUMPHRES).

1) AIR SERVICE ASSISTANCE PROGRAM (ADVERTISEMENT) IN THE AMOUNT OF $200,000.
2) AIR SERVICE ASSISTANCE PROGRAM (MINIMUM REVENUE GUARANTEE) IN THE AMOUNT OF $184,289.

n) REQUEST FOR APPROVAL OF 2017 STATE OF NEW MEXICO CAPITAL APPROPRIATION AGREEMENTS IN THE TOTAL AMOUNT OF $202,000. (DAVID CHAPMAN).

1) PROJECT NO. 17-B4105 IN THE AMOUNT OF $67,000 TO PURCHASE AND INSTALL EQUIPMENT; DANCE BARNS A/K/A NATIONAL DANCE INSTITUTE (NDI).
2) PROJECT NO. 17-B4106 IN THE AMOUNT OF $135,000 TO DESIGN, CONSTRUCT, EQUIP AND FURNISH THE PAVILION; SANTA FE FARMERS MARKET INSTITUTE.
3) REQUEST FOR APPROVAL OF RELATED BUDGET ADJUSTMENTS.

o) REQUEST FOR APPROVAL OF REPLACEMENT VEHICLE AND UTILITY BED AND ACCESSORIES IN THE TOTAL AMOUNT OF $84,195; BRUCKNER TRUCK SALES COMPANY AND CONSTRUCTION TRUCK EQUIPMENT, LLC. (RANDY BLAKE)

p) REQUEST FOR APPROVAL OF AMENDMENT N. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $45,000 FOR MAINTENANCE OF THE MUNICIPAL RECREATION COMPLEX IRRIGATION PUMP SYSTEM; GREENWORKS ENTERPRISES, INC. (JENNIFER ROMERO)

q) REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF $153,000 – RIVER CONSERVATION FUNDS FOR THE IMPLEMENTATION OF RAIN GARDEN/BIO INFILTRATION BASIN PROJECTS. (MELISSA McDONALD)

r) CONSIDERATION OF RESOLUTION NO. 2017-66 (COUNCILOR HARRIS, COUNCILOR LINDELL, COUNCILOR IVES, ~~AND~~ COUNCILOR RIVERA, COUNCILOR VILLARREAL, COUNCILOR DOMINGUEZ, COUNCILOR MAESTAS AND COUNCILOR TRUJILLO. A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THE POSSIBILITY OF FORMING A PUBLIC/PRIVATE PARTNERSHIP BETWEEN THE CITY OF SANTA FE AND THE SANTA FE BUSINESS COMMUNITY FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING A LONG RANGE MASTER STREETSCAPE IMPROVEMENT PLAN TO IMPROVE THE APPEARANCE OF ALL MAJOR ENTRY CORRIDORS AND MAIN ARTERIALS WITHIN THE CITY OF SANTA FE. (RICHARD THOMPSON)

s) *[Removed for discussion by Councilor Rivera and Councilor Dominguez]*

t) *[Removed for discussion by Councilor Ives]*

u) *[Removed for discussion by Councilor Ives]*

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END OF CONSENT CALENDAR
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8. APPROVAL OF MINUTES:

a) SPECIAL CITY COUNCIL MEETING – AUGUST 28, 2017.

The following corrections were made to the minutes of August 28, 2017:

Page 15, paragraph 1, line 1, correct as follows: "~~Mr. Silverman~~ Mr. Del Sorbo said it..."
Page 22, paragraph 4, line 5, correct as follows: "...don't lose ~~again~~ anything."

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the Special City Council Meeting of August 28, 2017, as amended.

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

b) REGULAR CITY COUNCIL MEETING – AUGUST 30, 2017.

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to approve corrected paragraph 1, page 63, of the minutes of the Regular City Council Meeting of August 30, 2017, as presented.

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

c) REGULAR CITY COUNCIL MEETING – September 13, 2017.

MOTION: Councilor Harris moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council Meeting of September 13, 2017, as presented.

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

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR DISCUSSION

10(j) REQUEST FOR APPROVAL TO USE COOPERATIVE EDUCATIONAL SERVICES (CES) CONTRACT IN THE MOUNT OF $27,936.17, EXCLUDING GROSS RECEIPTS TAX, FOR CONSTRUCTION OBSERVATION/PROFESSIONAL ENGINEERING SERVICES, CIP #439B – ACEQUIA TRAIL STRUCTURE CROSSINGS AT KATHRYN AVENUE AND ONATE PLACE; SOUDER MILLER & ASSOCIATES. (LEROY PACHECO)

Recusal: Councilor Maestas said, "The award is to Souder Miller & Associates, my current employer. I am a Business Development Manager at Souder Miller & Associates. I am insulated from all matters regarding the City of Santa Fe, but I still choose to recuse myself from this vote, so I will step out until it is acted upon."

Disclosure: Councilor Trujillo said, "I just also want to acknowledge that I do work for the New Mexico Department of Transportation. This is ratifying the NMDOT approval, and there is no conflict of interest, unless someone has other questions, I will move for approval."

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

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

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

Against: None.

Recused: Councilor Maestas.

10(l) SANTA FE MUNICIPAL AIRPORT ELECTRICAL VAULT AND AIRFIELD ELECTRICAL IMPROVEMENTS DESIGN PROJECT. (CAMERON HUMPHRES)

1) **REQUEST FOR APPROVAL AND RATIFICATION OF NEW MEXICO DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT NO. SAF-17-08 IN THE AMOUNT OF $257,158, PLUS CITY SHARE OF $28,574, FOR A TOTAL AMOUNT OF $285,732.**
2) **REQUEST FOR APPROVAL OF KSA TASK ORDER NO. 9 IN THE AMOUNT OF $21,662.50, INCLUSIVE OF GROSS RECEIPTS TAX.**
3) **REQUEST FOR APPROVAL OF BUDGET AMENDMENT FOR $285,732.**

Disclosure: Councilor Trujillo said, "The same thing as the last item. I work for the New Mexico Department of Transportation, this isn't in my department, I do not have conflict of interest, and I will move for approval."

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

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

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

Against: None.

Absent for the vote: Councilor Dominguez, Councilor Ives and Councilor Maestas.

10(s) CONSIDERATION OF RESOLUTION NO. 2017-67 (COUNCILOR IVES, COUNCILOR MAESTAS AND COUNCILOR HARRIS). A RESOLUTION REPEALING RESOLUTION 2002-40 THAT ADOPTED THE AIRPORT MASTER PLAN; AND ADOPTING A NEW AIRPORT MASTER PLAN. (CAMERON HUMPHRES). Fiscal Impact: Expenditures - FY 17/18 = $10,707,778; FY 18/19 - $13,870,000. Revenue – FY 17/18 = $10,707,778; FY 18/19 = $13,870,000 from Federal/State Grants, Bond and Cash/PFC.

A copy of a proposed amendment sheet to Item 10(s), submitted by Councilor Joseph M. Maestas, is incorporated herewith to these minutes as Exhibit "2."

A copy of *Santa Fe Municipal Airport, Draft Airport Master Plan Executive Summary*, submitted for the record by Cameron Humphres, is incorporated herewith to these minutes as Exhibit "3."

A copy of *Airport Sustainability Considerations*, with attached copy of Resolution No. 2014-85, submitted for the record by Cameron Humphres, is incorporated herewith to these minutes as Exhibit "4."

A Petition containing 186 signatures calling for solarizing the Santa Fe Airport as part of the Airport Master Plan, submitted for the record by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "5."

The Governing Body commented and asked questions as follows:

- Councilor Rivera asked Mr. Freier if the language Councilor Maestas is proposing with regard ro solar, will be funded by the FAA – does the FAA fund these types of additional services, such as solar.

Mr. Humphres said the short answer is yes, but there are caveats. The first is the installation of solar panels on an airport has to be approved by the FAA, noting they have to do a Glint and Glare Study to ensure it doesn't interfere with the pilot's visibility in air traffic. There is some funding available which is project dependent. He said they have a current solar array on the airfield that supplies electricity for the Wastewater Treatment Plant which went through that process.

- Councilor Rivera asked if there is sufficient room on site to find a suitable place for a solar project.

Mr. Humphres said yes, noting they have 2,000 acres and there are areas that won't be developed for aeronautical purposes, which he believes would be prime real estate for solar development. Additionally, they could look at the top of the new terminal building as a good place for solar.

- Councilor Rivera said then there is a chance the FAA might pay for it, but there is a chance the City may have to pay the entire amount, and asked that cost.

Mr. Humphres said he has no information on the actual cost to produce, build and install a solar array that would handle all the electrical needs at the Airport. He said we really need to do an energy study to determine that. He said the amount of funds through the FAA is limited in terms of the types of projects eligible for solar. It is not eligible for an airport to install an entire solar field and put that all on FAA grants. However, if we were working on a new terminal building, part of the cost of the solar installation for solar panels to power that building, maybe.

- Councilor Rivera said then this includes everything the City manages at the Airport, and asked if the Fire Station and all the leased buildings will be included in this as well.

Mr. Humphres said he would defer to the City's reading on the Resolution and how it would apply. However, from his perspective it certainly would apply to all City owned buildings. If the City rented space for a tenant to build a facility – a hangar or a business – that would be questionable. It is the City's property to lease, and the City could stipulate that all tenants build/install solar energy panels if they were interested in leasing land out there. Additionally, in terms of the electrical energy coming to the Airport, this essentially is a single point of entry and he thinks the City could put obligations on how much energy is being offset by the solar array.

- Councilor Rivera asked if Councilor Maestas' intent is to require people leasing at the Airport to comply with this as well.

- Councilor Maestas said, "Yes. In my opinion, if we are going to achieve a City that is carbon neutral by 2040, I think it's going to have to apply to facilities that are on City land, and I don't see any reason we can't stipulate that requirement in any appropriate lease agreement where we do have tenant facilities on City land."

- Councilor Rivera asked if the FAA should not approve it for reasons of safety, if there is a provision to allow someone to not move toward solar power. He asked if that is in it as well.

Mr. Humphres said he believes Councilor Maestas' proposed amendment does say that this would have to meet FAA approval requirements. He believes safety will be paramount, and as an FAA obligated City, we have to meet FAA regulations – that takes precedence.

- Councilor Rivera said we have been getting multiple complaints about noise at the Airport. He asked if this is addressed by the Master Plan in the future, in terms of ways to curb come of the complaints we have been receiving.

  Mr. Humphres said yes. He said part of the Airport Master Plan is a review of the current noise impacts and the projected noise impacts based on the forecasted growth of the Airport. He said this draft Master Plan before the Governing Body, shows a very modest growth over the next 20 years. It does show when you look at noise impacts from the 2002 Master Plan, a new *[inaudible]* and noise study in 2008 shows the noise impacts are decreasing. In another 20 years, we aren't seeing any appreciable difference to the noise levels generated by the Airport. The reason is that the FAA has implemented a requirement to improve the sound deadening of the jet engines and the aircraft that are going into production. It is a phased approach to lowering the noise levels of aircraft. We are coming up on stage 4, and those requirements will take effect in December. This has been happening over 4 decades, and our noise impacts have decreased over that period of time because of the improvements in aircraft design. The Airport Master Plan as proposed took that into consideration.

  Mr. Humphres continued, saying the proposed Airport Master Plan also recommends some improvements to the Airport to allow us to accept the larger, quieter aircraft that will help improve the noise.

- Councilor Rivera said he supports the Resolution before us, and thinks it would be wise to have people leasing with the Airport to comply with this as well.

- Councilor Ives thanked Mr. Humphres for his hard work, as well as the Advisory Committee, and all the people working on the Master Plan and it is good to have this before us for approval. He said he hopes to get this before Public Works at the next meeting to start putting all of the Facilities Plan Section 6 in the Master Plan. He said he hopes at the next Public Works Committee meeting to start to expand the CIP list to include all of these various steps. He thinks this is very exciting.

- Councilor Ives continued, asking if it is possible to develop a single meter at the Airport that would include all the leased property, so we could supply solar energy throughout the system as strategy to gain control of that portion of it. He appreciates Mr. Humphres understanding the need for us to tackle this, as well as observing the Spirit of the Resolution adopted to make all of the City's facilities supply 50% of its own energy by 2025.

  Mr. Humphres said this truly was a community effort. He recognized his colleagues in attendance who were the leads on the Airport Master Plan Study which more than 3 years. They are Matt Quick, Coffman & Associates and Kent Freier, Molzen-Corbin.

- Councilor Ives said he flew into the Airport from Denver today, and it was smooth and easy.

- Councilor Harris said almost everyone has read the document created by Mr. Humphres, Airport Sustainability Considerations [Exhibit "4"]. He understands this document will be attached to the Master Plan. He said anything we did had to be consistent with the goal of having an master plan acceptable to the FAA. He said you very clearly outlined 3 of the 5 programs that might be available to us which go beyond any solar technology, and are consistent with any application that might be approved. He wants to hear what Councilor Maestas has to say as to how his amendment could be interpreted. It seems to him, that it would be sufficient if we just amend the Master Plan with an amendment to incorporate this document, and meet the goals of a clearly identified approach to renewable strategies for our airport property. He asked, "Is that safe to say [that]."

  Mr. Humphres said he is correct, noting he asked the planning team to draft the document before the Governing Body. He said the 2014 Resolution established the goal of 50% renewable energy and fully carbon neutral by 2040. He said this was a response to comments. This document ties the Airport Master Plan to that Resolution. He thinks this memorializes the Resolution and incorporates and ties the Airport Master Plan to the Resolution, which was the goal.

- Councilor Harris said he went into the City data base, and looked at Resolution 2017-52 Resolution and the title reads *Resolution Reaffirming the City of Santa Fe's Goal of Being Carbon Neutral by 2040.* He said we have a 2014 statement, and said we need a statement this year that we need a commitment, and Councilor Maestas' proposed amendment identifies yet another Resolution that passed. He thinks the City and the Governing Body, whether this one or our predecessors, made a strong commitment to renewable energy with certain goals. And if this document can support those goals, he thinks that would be the appropriate way and still fall within the FAA format/protocol.

- Councilor Harris continued, asking the timing on submitting the proposed Master Plan to the FAA, and if there is a time crunch in any way.

  Mr. Humphres said we aren't facing a time crunch in terms of a deadline for getting it done, except for the end date on the funding from the FAA, but we are in not in hazard of hitting that date. He said if the Governing Body chooses to adopt the proposed Airport Master Plan, it would be forwarded immediately to the FAA. He said one of the chapters in the ALP Airport Layout Plan, is that it has to be approved by the FAA. He said they would forward the adopting Resolution along with the Airport Master Plan to the FAA, saying the City has chosen to adopt the Airport Master Plan. He said the last piece in the process would be the FAA approval of the Plan.

- Councilor Dominguez thanked Mr. Humphres for the work done by him and the team. He said this Master Plan is very though, and they did a great job.

- Councilor Dominguez asked if Mr. Johnson has reviewed the economic outlook and some of the numbers and if that is consistent with what he sees at the local level. How do we match with what we are seeing, economically, at the local level and if that has been considered.

  Mr. Humphres said in doing in a master plan study, they start at the international level in terms of the economic factors they see 20 years out, and then they start narrowing it to the U.S., the region, the state and the municipalities. So, all of those economic factors were taken into consideration, but can't speak to whether Mr. Johnson specifically looked at that. The Master Plan Advisory Committee can speak to whether or not the previous Finance Director weighed-in on the economic factors.

  Mr. Snyder said he has had conversations with Adam Johnson, Finance Director, on this, but he has not studied it thoroughly or really weighed-in as much as he would like to on the Plan. He said in reviewing the funding matches and the packet information for the meeting, and as it went through the City process we were looking for approval. He said we have many funding needs throughout the City and as part of the CIP, he looks at this from a Council policymaker standpoint, which is what are the priorities and setting those through the CIP. And this will be one of the things that staff brings forward with supporting information in terms of matching funds. He also would expect staff to come forward, they would come up with an analysis, and then make recommendation to the Governing Body.

- Councilor Dominguez said he is asking for two reasons. One is you believe this economic output and things will be looking good for Santa Fe and the region in the future. He is curious if it really matches economics done by Mr. Johnson, particularly at the local level. It is also the idea that we don't get ourselves in a bind. "In other words, we're going to have this wonderful master plan, but it's going to require this level of match that we don't really know where we're going to be able get, whether in the short or long term. I think it's appropriate to do a Master Plan so we can at least have that framework on what it is that we want the Airport to be in the future."

- Councilor Dominguez continued, saying Councilor Rivera talked about airport noise and the impacts. He heard Mr. Humphres say that the FAA requires jets to do something so they are quieter. He said some of the complaints we get aren't about jets, but "individual, single engine " kinds of planes." He asked this was considered by the Master Plan. He imagines there is the potential for growth, and if this is the case, he doesn't know if he necessarily likes that. He said we have been told in the past that with the growth in airplanes come quieter planes as well. He wants to make sure you're on that same track and that all of a sudden, we aren't producing more noise because we're going to allow planes that don't necessarily have the same requirements as the FAA.

Mr. Humphres said he mis-spoke when he said jets. He said our staged approach to reducing aircraft noise extends beyond jets to propellor aircraft as well. He said as those aircraft move into the market, the older aircraft start the older aircraft start moving out. He said this Airport Master Plan does not show any appreciable difference or change in the noise impacts, based on the projected growth of the Airport for aircraft activity as well as the type of aircraft they will be using.

- Councilor Dominguez asked what that means.

Mr. Humphres said he has slides he can present which is what the FAA does to look at and study noise and noise impacts to the community. It creates noise impact lines, the contours. Essentially, it is a line around the Airport at certain decibel levels and it measures those decibel levels. And the FAA, Housing and Urban Development, as well as the EPA, establish what they consider to be an acceptable threshold of noise for residential areas, commenting the individuals in residential areas may not agree with those levels. The 65 DNLS (Day/Night Average Sound levels) is an average day/night decibel level that is the threshold. He said the 65 contour line resides entirely on Airport property. It means there is no aircraft noise outside of airport property that is 65 DNL or above. In fact, most of the 60 and even the 55 levels are located all inside of Airport property.

- Councilor Dominguez asked if this is the current condition and something we anticipating maintaining throughout the course of the Master Plan.

Mr. Humphres said from 2002 to 2008, and then currently 2015, when we did noise studies of each of those periods, the 65 DNL was actually shrinking. The reason it is shrinking is because of the improvements in aircraft design. He said you can see that over that period of time. He said when they did the Airport Master Plan they took the projected aircraft activity over the next 20 years, and the fleet mix, to look at the potential 20-year noise contour, and there is no appreciable difference from current. He said that means that they are not projecting any increases in noise as we move forward, despite the fact they are projecting very modest growth, noting the models are very accurate.

- Councilor Dominguez said if that is even though we allow some of the other planes that aren't as big. He said he thinks flight schools and the military have something to do with that. He said, "I just want you on the record to say that you don't anticipate noise getting worse."

Mr. Humphres said, "Oh, I will absolutely go on the record that in the results of this Airport Master Plan, and they did a very thorough study of the noise contours, there is no appreciable difference of the noise today as what they are forecasting 20 years down the road. And especially considering the aircraft fleet mix and the number of annual operations that they are projecting."

- Councilor Dominguez asked, relating to the number of complaints that he, Councilor Rivera and other Councilors have received regarding to noise, how does the Master Plan promote transparency. He said we have to be able to build something into the air operation to educate people about what can the City can and cannot do – FAA and all the other modes of transportation have all sorts of rules that require certain levels of transportation. He wants to know what the City

can do beyond that to make sure we do the best we can to educate people. He said the reality is, that this is not going to be the same airport when he grew up. He said in looking at the economic outlook and the fact that the industry itself is projecting growth, says there will be some of that natural growth we have in Santa Fe. He said he thinks Mr. Humphres said 2% growth annual, and asked if that means Santa Fe has to project a 2% growth, and can we mandate ½%, although he doesn't know those numbers. The reality is that the airport with which he grew up isn't going to be that same airport. He asked how we promote that transparency and education in the proposed Master Plan.

Mr. Humphres said the Airport Master Plan is a public document and it lives on the Airport website. He said, assuming this body adopts the Airport Master Plan, there is a chapter specifically devoted, in part at least, to noise and the steps and measures the Airport, the City, has taken to try to mitigate that noise. He said despite the fact that the Airport is well below the national thresholds, it is also below the County thresholds. He said the County has Noise Level that are set at 60 DNL instead of 60. It doesn't restrict the Airport. It requires builders inside the 60 DNL line to add sound insulation to homes that are built, and homes inside that area. He said for an existing home, the seller or a landlord has to notify.

- Councilor Dominguez said that is what he is leading to – what kinds of disclosure we can have on real estate transaction to let folks know there is an airport.

Mr. Humphres said, "Councilor, you're right on track here. Where I was going, is that I think it would behoove the City to adopt a similar ordinance. And it was actually recommended in the previous Resolution that recommended to this body to adopt Ordinances to at least inform people who lived, or wanted to move into, the area around the Airport that they are moving and going to be living around the Airport and subject to aircraft noise. Even though it is below the national threshold and the County threshold, I think informing them will go a long way in helping good community relationships. I, personally, can't stand road traffic, so I choose not to buy or rent a house near the road. And in the same way, I think it would be worthwhile to informing the people of that. So I that you're onto something Councilor."

- Councilor Dominguez said because of the fact that this Airport is going to be changing, we need to make sure that we have those disclosures in there, noting we do it for other real estate transactions. He said not there is a lot of City property relatively close, but most of it is in the County. He said Tierra Contenta or Vista Primera may be the closest, noting Vista Primera probably is built out, and Tierra Contenta needs to be built out. He said he thinks we have the authority, because Tierra Contenta is really City property, on how we do some of those disclosures.

- Councilor Dominguez continued, saying we talked earlier about making sure we can this done in bilingual, and asked how much more that will cost.

Mr. Humphres said he heard that question, and it is his plan to get back to the Governing Body on the cost to convert the Master Plan into Spanish.

- Councilor Maestas congratulated Mr. Humphres, and asked him to convey his thanks to the Advisory Committee. It is quite an effort, and thanked them for doing that, and for providing some great leadership at the Airport.

- Councilor Maestas continued, saying he thinks there was an excellent line of questioning on education of the people who live there regarding noise. He thinks it would be worth it to consider some targeted neighborhood engagement in the general area, and explain the rules and regulations, mitigation efforts included in the Master Plan, how noise is evaluated based on the contours. He is unsure about changing laws regarding real estate disclosure, but that sounds like a pretty good idea. However, he wants Mr. Humphres and the team to consider some kind of a neighborhood plan, to let them know we hear their complaints and want to ensure they are heard, and we're doing everything we can to mitigate the noise.

  Mr. Humphres said he would note that there is a link to noise information on the Airport website which provides all of that information, which was just updated. He said they are interested in reaching out to local communities, especially those closest to the Airport.

- Councilor Maestas submitted 186 petitions for the record, calling for the Governing Body to call for solar on the Airport [Exhibit "5"]. He said the City of Indianapolis has the largest solar farm in the world, and we can't do that, but we have the building blocks in place. He believes that our Resolutions and policy actions should "reflect the content of any document we are adopting by virtue of that policy, and that is what his amendment does. This amendment [Exhibit "2,"] highlights the existing policy to ensure that we do incorporate solar into future Airport facilities, and it ends with "subjection to Federal Aviation review and approval."

- Councilor Maestas said he would propose an amendment on the amendment, in the second BE IT FURTHER RESOLVED, he would like to add Resolutions No. 2014-85 prior to the reference to Resolution 2017-61.

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to approve this request with the amendment [Exhibit "2"] and his proposed amendment.

DISCUSSION: Councilor Dominguez asked Mr. Humphres if he has seen this.

Mayor Gonzales said the City adopted a Resolution looking at how City could move to 100% use of renewable energy, and there are a lot of ways to get there. It may mean that there isn't space on the Airport that would allow for solar, but to support the Airport we could have, through partnerships, energy distribution generation through renewables. There are a lot of options of being able to make sure the Airport and designated development around it are supported through renewable energy.

Mayor Gonzales continued, saying he appreciates Councilor Dominguez's line of questioning, because the reality is this has to be an economic generator for the future. He said "if we curtail that or pull the plug," from continuing to invest in capital outlay in this Airport, the reality is that our economy won't grow in areas that we need to grow, particularly in the area of job creation allowing for good wages. He said we need to

begin to think about how we get there, noting this is Master Plan Step 1. He has introduced, or will be introducing, a plan to rename the Airport as a regional airport as opposed to a municipal airport. This is critical in setting the state for the future, and how we look to this Airport to support Northern New Mexico's economy which is in high need of outside investment to be able to address some of the economic challenges that we have – noting this is Step 2.

Mayor Gonzales continued, saying Step 3 is to start talking about and discussing how we create an airport authority that allows the separation of the governance of that Airport, as well as allowing the introduction of new sources of taxation authority or the generation of revenues through landing fees and other commercial activities. He recently flew into Salt Lake City which has an massive airport expansion underway without a single local tax to support that expansion. The City position itself to have commercial traffic. He said "we're not going to be a Salt Lake City," but there are models for regional airports to use different taxing authority outside the realm of this Council to be able to grow runway service, support expanded footprints and to address continuously the economic needs of Santa Fe.

Mayor Gonzales continued, saying he wants to "echo well done." He said this is the first of many steps we have to take to truly position this Airport to be a part of the economic engine of our community. He thinks, as a Council, he is glad we're really delving in and looking at this.

Councilor Harris thinks it is important to incorporate "this document," which is very specific to certain programs for which we may be eligible as a public use airport. These include the Airport Energy Efficiency Program which anticipates on-airport electrical energy production, solar, geothermal, hydrogen, and the Airport Sustainability Plans within an airport master plan or a stand alone study.

FRIENDLY AMENDMENT: Councilor Harris proposed a friendly amendment that adds to what has already been submitted by saying, "*The [inaudible] of the Master Plan shall be modified consistent with the document titled Airport Sustainability Considerations dated 9/27/17.*" He said it is undated, but that can be corrected. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Responding to the Mayor, Councilor Ives understood the language in the Friendly Amendment would be appended to the Master Plan, but this is fine.

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

> **For**: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.
>
> **Against:** None

10(t) CONSIDERATION OF RESOLUTION NO. 2017-68 (COUNCILOR IVES, ~~AND~~ COUNCILOR LINDELL, COUNCILOR VILLARREAL, COUNCILOR TRUJILLO, COUNCILOR MAESTAS AND MAYOR GONZALES. A RESOLUTION DIRECTING THE CITY MANAGER TO UNDERTAKE A FEASIBILITY STUDY TO EXPLORE DEVELOPMENT OF FREE WALLS FOR STREET ARTISTS ON MUNICIPAL PROPERTIES; AND PRESENTING THE STUDY TO THE GOVERNING BODY WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION. (DEBRA GARCIA Y GRIEGO AND RICHARD THOMPSON)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, September 25, 2017, is incorporated herewith to these minutes as Exhibit "6."

An amendment sheet to this Resolution, submitted by Councilor Villarreal, is incorporated herewith to these minutes as Exhibit "7."

Councilor Ives said Councilor Villarreal proposed two amendments [Exhibit "6"], noting that both were acceptable to him.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to adopt Resolution No. 2017-68, with the amendment [Exhibit "6"].

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

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

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes. And add me as a sponsor please."

Explaining his vote: Councilor Maestas said, "Yes. And add me as a sponsor please."

Explaining his vote: Mayor Gonzales said, "Yes and add me as a sponsor as well."

10(u) CONSIDERATION OF RESOLUTION NO. 2017-69 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION ADOPTING THE 2019-2023 SENIOR INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) FOR MARY ESTHER GONZALES SENIOR CENTER. (EUGENE RINALDI)

Councilor Ives said this Resolution suggests each Senior Center will have its own master plan, and asked if others are in place or anticipated to be put in place. He said this seems to deal exclusively with the Mary Esther Gonzales Senior Center, and asked about other Senior Centers, noting this the only one owned by the City. He asked if that is the reason it is done this way.

Mr. Rinaldi said that is correct.

Councilor Ives asked what is the difference in funding available to the other Senior Centers versus this one.

Mr. Rinaldi said it depends on what is approved by the Council. They submit an application to the State Agency, and the State reviews and makes a determination of funding or no funding. The money is appropriated to the City and then the City purchases the items and places them in the facility.

Councilor Ives asked if there is mention of senior centers in the CIP other than the Mary Esther Gonzales Center. He thinks there must be, because our ICIP identifies our senior centers as a general class for which the City is seeking funding through the State. So it would seem it is a part of our CIP planning process, as distinguished from the master planning process captured here.

Mr. Rinaldi said what they do at Civic Housing and then the *[inaudible]*. So, they own the facilities, and since we are using those facilities, the City would apply for the capital improvements. Under the master planning, they do look at the overall services, meals, transportation needs of the residents and incorporate that into the operational plan. And then we have to look at the capital component. He said Mary Ester Gonzales is primary because it is owned by the City.

Councilor Ives asked to be added as a cosponsor.

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to adopt Resolution No. 2017-69 as presented.

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

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

Against: None

****
END OF CONSENT CALENDAR DISCUSSION
****

11. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

12. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. 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 September 27, 2017, is incorporated herewith to these minutes as Exhibit "8."

Councilor Maestas

Councilor Maestas said he has been getting complaints about racoons and skunks. He has had conversations with Chief Gallagher, and it is required that skunks be relocated outside the City. He said there are constraints in Animal Control services resources. He said the racoons and skunks are semi-domesticated and are walking up to people. He asked if there is any way we can work with the State in, for example, relocation. He said we need a solution to start to address this issue, noting they are multiplying in such great numbers they are establishing migration patterns in certain neighbors, and he would like to come up with a plan.

Mr. Snyder said he has received similar complaints, and understands that about 5 years ago we scaled back our operations to trap skunks, budget-wise and manpower-wise. It was labor intensive, as well as we needed to find a place of relocation outside the City. He understands we have worked with Fish and Game and other entities over the years, and the current situation is that we are under-staffed in the Animal Control area, so he will not be proposing a solution to bring back trapping of animals, but he can work on trying to develop a plan for moving forward. He understands that the current direction is when we get complaints, is there are several companies in the City that trap animals for a fee, and they can hire those companies. However, the City does not provide services at this time, although he can explore options. He said from an animal control and staff standpoint, we get a lot of animal control calls. About a year ago, we instituted a pilot program of routing of animal control complaints to Constituent Services as an experiment, along with potholes, graffiti. He never rolled that back. There a large number of animal control calls on a daily basis. He said he would be concerned that we would ramp up staffing, and get certified and trained in the removal of skunks and find a suitable location outside the City, but it can be explored further.

Councilor Maestas asked Mr. Snyder to consult with the County and State Game & Fish, since the animals have to be relocated outside the City, and possibly craft an MOU. He doesn't know the County's policies. He said perhaps they can give us helpful ideas on how to curtail the raccoon and skunk populations.

Councilor Maestas said many of us have received letters from the River Commission and another organization, questioning our pursuit of the effluent pipeline project from the Wastewater Treatment Plant to the main stem of the Rio Grande, as a means to get return flow credits. That would allow us to divert more San Juan/Chama water. He doesn't know where this opposition is coming from. He read the letter from the River Commission, and felt the reasons were weak an engineering standpoint. He said this is the River Commission appointed by the City, to serve as volunteers on behalf of the City. He asked Mr. Snyder to reach out and find out what there issues are. He has spoken with some member and they don't think that we explored other alternatives, and are advocating some kind of aquifer storage, which was one alternative we examined in the study. He said there is some groundswell of concern about the recommendation for the effluent pipeline.

Mr. Snyder said he will do so, noting the City has hired a consultant to thoroughly vet all options. He believes the Sierra Club was the other organization with concerns. He said we vetted a lot of their concerns, and didn't rise to the top through the vetting process, noting there were 3-4 top options, and this was the top recommendation coming through the process. He said he definitely will reach out to them, and see if additional information is needed, and to ensure they were included in the process.

Councilor Maestas said, "I just wanted to wish my baby sister a Happy Birthday..... Happy Birthday Kathy."

Councilor Trujillo

Councilor Trujillo said in District 4 there are some sections of side streets, along with the traffic circles, where there are a lot of weeds, as well as along the arroyos, Camino Consuelo, Calle Caballero, noting in that section people are having to walk into the street to avoid the weeds. He said Mr. Snyder mentioned we were going to start following the IPM Ordinance, and he would like to know if they are spraying some sections.

Councilor Trujillo said he saw a car hit one of the stoplights on Cerrillos Road by Weck's, and hopes we don't wait too long to replace it.

Councilor Harris

Councilor Harris said he would reinforce what Councilor Trujillo just spoke to. He said he and Mr. Snyder exchanged correspondence before he left town late last week. He said there was a response from Parks and Recreation, particularly from Mr. Carter. He said the constituents have stopped calling about Rodeo Road – they've given up. He said we got a commitment to deal with this by this time, and it wasn't fulfilled. He informed Mr. Snyder about that before the meeting. It is an ongoing problem. He said in the agreed-to schedule, Rodeo Road was to be complete some time in early September, but it still hasn't been done.

Councilor Harris said he will forward Mr. Snyder a copy of an open letter to members of the New Mexico Recycling Coalition, saying the Chinese are no longer taking a certain level of waste, and has become restrictive in terms of contamination. This document explains the situation pretty well. He said it potentially changes the numbers for our Solid Waste Agency, at least for a 3 month period, amounting to an approximately $40,000 hit to SWMA's revenue, given the contractual relationship we have had with Friedman in Albuquerque. He said Mr. Friedman was represented at the SWMA meeting. He said this is being worked on at the World Trade Organization level, and it isn't specific to the City. He said this also could impact our recycling program.

Councilor Harris asked the status of the process for the selection of the City Historian, if the selection committee been form. He noted proposals were submitted on September 15th, but at least one of the individuals who submitted a proposal for that position has not heard from anyone, and doesn't know what process is in place. He asked Mr. Snyder to follow up on that.

Mayor Gonzales

Mayor Gonzales introduced the following:

1. A Resolution calling for a Regular Municipal Election to be held March 6, 2018, for the purpose of electing one Mayor at-large and one City Councilor from each Council District.

2. A Resolution authorizing the renaming of the "Santa Fe Municipal Airport," to the "Santa Fe Regional Airport." A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

3. A Resolution in support of the 100th anniversary of the New Mexico Museum of Art on November 25, 2017, and authorizing the waiving of all associated fees for the celebration. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10

Mayor Gonzales said Indigenous Peoples Day is coming up on October 9, 2017. There is a schedule of events at the website, running from 8:00 a.m. through 5:00 p.m. He hopes City Councilors can stop by and participate.

Councilor Dominguez

Councilor Dominguez asked for someone to contact him regarding the right-of-way behind Fairway Village, noting he needs to know who owns the property.

Mr. Snyder said he will have Ed Vigil give him a call.

Councilor Dominguez said the purpose is because there is a skunk scent in there, and if it is on City property, and he imagines the City would have an obligation to deal with that, which he believes is consistent with what Councilor Maestas brought up.

Councilor Dominguez introduced the following:

1. An Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-5.5(C)(1) to clarify that incentivizing certain uses are part of the purpose of the Overlay District; et al. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."

2. A Resolution rescinding Resolution 2017-37, and increasing the operating mill levy property tax within the Municipal Boundaries of the City of Santa Fe to maintain the current level of property tax revenue. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

3. A bill relating to the property tax, which is not on the introduction sheet, but it is here and Mr. Guillen has a copy if you need to see it. He said it is technical language cleanup, and doesn't need to go to Public Works, but it wouldn't hurt to do so.

Councilor Villarreal

Councilor Villarreal said she would like a written update from the Finance Department about where they are with regard to rental assistance, which was discussed and prioritized during the budget hearings, as well as the status of the Tenant-Landlord Hotline. She heard there were snags with the funding and she wants to know about that as well.

Councilor Villarreal said, as she stated previously, she believes it is important that we are transparent about the Committee vacancies. She said, "I want us to be notified whether it is through a press release or email when we have vacancies, so that we can be transparent and the public will know when there are opportunities for them to serve on the committees."

Councilor Villarreal continued, saying regarding the City Historian, the applications are due on the 15th, and staff from the Arts Commission had been on vacation. "So they will vetted through the committee that will be vetting the processes on those finalized, and I'll be part of that process. And I hope, by mid-October that we will get that process complete."

Councilor Villarreal introduced an Ordinance amending Subsection 23-6.2 and 23-6.3 SFCC 1987, to exempt areas in the Railyard from certain regulations relating to the sale and consumption of alcohol on City property. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

Councilor Ives

Councilor Ives said he would join as a cosponsor of Councilor Villarreal's Ordinance; as a cosponsor of the Mayor's Election Resolution and his Resolution supporting the 100th anniversary of the New Mexico Museum of Art.

Councilor Rivera

Councilor Rivera asked to be added as a cosponsor "Councilor Dominguez's Ordinance on page 1."

Councilor Rivera said, due to the many complaints we've had recently, he would ask that Mr. Snyder try to set a public meeting with the Airport. He said he spoke with Ken about having it at the Airport and inviting people so we have that level of transparency, allow them to be heard and to ask their questions, and to be able to provide comment.

Mayor Gonzales said the Governing Body will reconvene at 7:00 p.m.

END OF EVENING AGENDA AT APPROXIMATELY 6:20 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:00 p.m. There was the presence of a quorum as follows:

Members Present
Mayor Javier M. Gonzales
Councilor 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

Members Excused
Councilor Signe I. Lindell, Mayor Pro-Tem

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

F. PETITIONS FROM THE FLOOR

A copy of *Santa Fe Municipal Airport: Noise and General Activity Concerns*, submitted for the record by Kate McCahill, is incorporated herewith to these minutes as Exhibit "14."

David McQuarie, 2997 Calle Cerrada, said he is here tonight to ask the reason our administration for our Committee is under Engineering. He asked about the engineer's compliance with ADA *[inaudible]* and then it was adopted by the Governor's Commission on Disability. He said it did not meet the ADA because it was not in service as required. He notified the City Engineer of this and his statement was well it was a failing committee *[inaudible]* and he told him he took that out of context. In the next sentence Mr. McQuarie said he said the reason it wasn't *[inaudible]* was *[inaudible]*. Whenever I correct him on something, and can't visit, he gets no answer at all. He said he went to the City Manager to ask him the reason our Committee was placed under Engineering. He has yet to hear any remark as to why.

Kate McCahill, MFA, Assistant Professor of English, Santa Fe Community College, said she is here to comment on the Airport expansion Airport Noise and General Activity Concerns, as a resident of La Cienega. Ms. McCahill read a statement into the record in this regard. Please see Exhibit "14," for the complete statement.

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VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
SEPTEMBER 27, 2017

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: *[inaudible]* I'm here today because I've been told by the City of Santa Fe that it didn't want to make a reasonable accommodation that has been made for many in the same class where I have asked the instructors to help me pull a bike out. And then it sudden it becomes an onerous task and he didn't want to do it any more. That was prompted because when we went swimming last week, and the fan which is a giant fan that they put in recently that is mostly not used. But there are actually directions put up by your staff where they on the right side they would do the fan and on the left side there would be no fan. And if you don't like that, you can sit in the back. So okay, great. So I tried to go to the left *[inaudible]* after I tried to go in the back to the row, which has a little bit of space in it. And I talked to the staff director who was very nice, and pulled the portable bike out before I got there. It urged me to put in a comment, and my comment was *[inaudible]* and have the other half of the fan, need to adjust the fan, the angle is where it really will only blow on top. And I'm being told that they can't really know. I'll send you all this email, it's in my right. You have to have the fan on everyone. People don't like fans on them when they are straddling the *[inaudible]*. It's not a really great fan, for even people without my disability. So again, I don't understand what the problem is here, except that I feel totally harassed by the City of Santa Fe. I'm really only standing up for people who are protected classes of seniors and disabled. We have been effectively not having access to Salvador Perez pool because of the temperature of the air and sometimes the water. And I've been speaking out on this, because we are told repeatedly I'm the only person and the first person, etc., etc., etc., but we know that that facility can operate properly for long periods of time, and that's what we're asking. And I'm asking again, that my disability to go to this once class and not be told I shouldn't go, I should do something else which is in the female way and using way, that agin, that again... I'm just asking for a reasonable accommodation because I am going to this and I need to do so for my functionality. Thank you."

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, September 27, 2017.

Melessia Helberg, Council Stenographer

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G. APPOINTMENTS

Sustainable Santa Fe Commission

Mayor Gonzales made the following appointments to the Sustainable Santa Fe Commission:

Mary Schruben – to fill unexpired term ending 05/2019;
Robert A. Mang – to fill unexpired term ending 05/2019;
Luke Spangenburg – to fill unexpired term ending 05/2019; and
Daniel S. Pava – to fill unexpired term ending 05/2018.

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM HADIDI ENTERPRISES, LLC, FOR THE FOLLOWING:

a) PURSUANT TO §60-6B-10 NMSA 1978, CONSIDERATION OF A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT CAFÉ MIMOSA, 513 CAMINO DE LOS MARQUEZ, WHICH IS WITHIN 300 FEET OF THE SANTA FE CENTER FOR SPIRITUAL LIVING, 505 CAMINO DE LOS MARQUEZ AND THE SANTA FE FIRST CHURCH OF THE NAZARENE, 1044 DON DIEGO AVENUE.

b) IF THE WAIVER OF THE 300 FOOT LOCATION RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT BEER AND WINE LIQUOR LICENSE WITH ON PREMISE CONSUMPTION ONLY, TO BE LOCATED AT CAFÉ MIMOSA, 513 CAMINO DE LOS MARQUEZ.

(YOLANDA Y. VIGIL)

A Memorandum dated September 22, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil said, "This will be two parts. The first is the waiver, and the second part, if the waiver is approve, then you will consider the Beer & Wine License. On the first part, when we first received this application, we noticed this application is for two waivers, one for the Santa Fe Center for Spiritual Living and the other for the Santa Fe First Church of the Nazarene. Upon inspection, we found that the building which will be the licensed premise, is not a whole building. It was actually divided up into units. So the measurement that we first took was from the building itself. So when we went and did inspections, we realized that it [inaudible] was a unit, so we actually measured from the unit that this business would be on. Therefore, it's just beyond the 300 feet. So the only waiver you will be considering is the one for the Santa Fe Center for Spiritual Living."

Public Hearing

Stephanie Beninato was sworn. Ms. Beninato said this is another waiver, and a request for a liquor license without having any plan. And she is sorry that Councilor Dominguez is not staying on Council, because "he was going to take over your liquor plan that you are just beginning." And so I wonder what's going to happen with that, and what that *[inaudible]* related with that anyway.

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

- Mayor Gonzales asked, regarding the Santa Fe Center for Spiritual Living, if it is part of this discussion because they are religious.

  Ms. Vigil said this is correct.

- Mayor Gonzales said he pulled up information on the internet regarding the Santa Fe Center for Spiritual Living which says, "*The Science of Mind and Spirit movement embraced by the Center for Spiritual Living was founded by [inaudible] Ernest Holmes as a philosophy, not a religion, to affirm our divine essence.*" He asked who makes the call on whether or not something is religious, because they are clearly stating in the *[inaudible]* that they are not about religion.

  Ms. Vigil said Alfred Walker, Assistant City Attorney, is in attendance this evening. She said, "We did look at what you looked at, we looked even a little bit further and pulled up different documents that they had within their website, and we did determine that they are a religion.

- Mayor Gonzales asked if there is a religious test "that you apply to this, because clearly they are stating.... I think we're going down a very slippery slope here, that, whether through claim of religious activity or education systems, will allow people to weight-in which is fine. I understand that point, but clearly we're not talking about a 300 foot waiver from the First Church of the Nazarene or some religious affiliated organization."

  Alfred Walker, Assistant City Attorney, said, "It's a very difficult thing to define what is a religion and what is not. And in fact, almost 30 years ago I took a First Amendment Seminar in law school from a very well known and well respected constitutional expert, John Nowak, who has written a treatise on the Constitution, co-authored it. And in that Seminar, I tried to answer that, your very question, what is a religion. I wrote a paper on it. And I told my professor that's what I was going to do. And I ultimately came to the conclusion that there is no way, for legal purposes, to define what a religion is. And I guess Professor Nowak thought the same thing because he gave me an A on the paper. So obviously, he couldn't come up with a definition either."

Ms. Vigil said, "I could add... the document that I told you that we looked at Mayor, were the By-Laws in Section 2.1, which says, '*Purposes. The Center is organized and shall be operated exclusively for religious and charitable purposes within the meaning of Section 501(C)(3) of the Internal Revenue Code'.*"

Kelley Brennan, City Attorney, said, "With that being said, they probably saw it and sought this exemption as a religion and charitable organization."

- Councilor Ives said, on that point, having drafted many non-profit by-laws, often one uses the broad statement under 501(C)(3) in terms of trying to ensure that you are eligible for tax exempt status, but it does not necessarily connote that one is actually purporting to be a religious institution. I mean, there are a number of things we could ask, such as whether or not they are exempt from property taxes under Santa Fe County as a religious institution. It may be possible to find out in publication 78 of the IRS whether or not they do quality, presumably, as a 501(C)(3) under being a religion as opposed to a charitable organization. Because the Center for Spiritual Living could as easily an educational institution as a religion, one would surmise.

- Mayor Gonzales said, "I feel like we're in an arbitrary stage here, and I personally feel uncomfortable that we're setting precedent by letting people claim, through by-laws that they are religiously affiliated, even if they have received the non-profit exemption, and then they get the same say, even though they're promoting themselves as not being as the Cathedral or Santa Maria de la Paz, or any of the other organizations which have been clearly set up to promote, or to be under some type of religious type institution. I'm concerned about even affirming, through a vote, that they are within the 300 feet and therefore we're going to acknowledge it through an affirmative vote and allow staff to interpret, based by-laws, whether it is religious or not, especially when, on their own website, they are stating that they are not religious."

  Ms. Vigil said this is also from the website. She said there is a letter in the Council packet from them saying they are not in opposition of this request.

- Mayor Gonzales said, "Right. It's not so much as we're setting a precedent for allowing the staff or the administration, or however, to go through a process of determining whether..... We're moving into this territory based on even what happened at the last Council meeting... where we were told we really had to make a decision on, is it 300 feet from the property line, or is it 300 feet from the Church. And I think the Council really felt like it was from the property line. That made sense, it was a practicing, loving, religious organization that clearly felt like they used the entire property for being able to promote their religion. This seems very different than that. And, so, I've got apprehension about how we move forward on it, but I will yield to the wisdom of the Council as well in guiding some efforts."

- Councilor Dominguez asked Mr. Walker what his final determination was, or how it was that he determined that it was religious.

Mr. Walker said, "In part from looking at the website.... and again I think it is very difficult for any governmental body to draw the line and say, this is a religion, this is not a religion. They have a spiritual director who uses the title Reverend, who has been ordained by the Church of Religious Science. They hold Sunday services. Now, whatever terms they want to use for themselves, I think it's very difficult for, especially the government to look at something and say, this is a religion, this is not a religious. It is better to err on the side of caution, than to not."

- Councilor Dominguez asked, "So what would happen... I mean just to carry on with the Mayor's comments, because I think you're right Mayor. Staff is in an interesting situation, I mean for this Governing Body to define what a religion is, would be horrifying. I mean, we can't even decide with the Code what is brown and what is red, much less what religion is."

- Councilor Dominguez continued, "But, aside from that, just to kind of carry that discussion on a little bit further, if we were to deny.... let me put it like this. If we were to say we don't recognize them as a religion, so there is no need for a waiver. I mean, the State has to have some jurisdiction, because they are the ones that give us the Local Option. They are the ones that give us that religious.... not gives us the religious status, but gives us the opportunity to consider the waiver. So where do they fit in all of this, and how do they fit into the process."

  Mr. Walker said, "In this situation, as I understand it, the Alcohol & Gaming Division ["AGD"] AGD..... well first of all, I believe the Church of the Nazarene is 310 feet from the proposed licensed premises. It looks like, and I'm not sure if we have the complete application from NM AGD, but it looks like, in this case, the applicant didn't do the survey which it is required to do if it is within 400 feet, I believe, and certainly didn't do a survey of the Center for Spiritual Living. The AGD determined at first, that there was nothing with 300 feet. And, again, because I'm not sure if the AGD is always up on what they should be doing, we looked at it and determined, again to err on the side of caution, to say there is this Center for Spiritual Living, and we need to do a waiver under these circumstances."

- Councilor Dominguez said, "If I'm understanding you correctly, we could make a decision that they are not a religious entity and therefore they don't necessarily need the waiver. The State then would come back and say, well yes they do. We don't want to touch it, because we think it's a religious entity, and so we'll kick it back to the City."

  Mr. Walker said, "I think the AGD's determination, to begin with, was that there was nothing within 300 feet of the licensed premises, no churches."

- Councilor Dominguez said, "So they've already decided then that there are no religious...."

  Mr. Walker said, "That's my understanding. I think there was an exchange of emails between Yolanda and counsel for the AGD, where the AGD, or the counsel, raised the same sort of questions about, is this a church. We presented our position that we thought it was and I understand counsel for AGD responded by saying, okay."

- Councilor Dominguez asked, "Yolanda, what did AGD say. Because they're like putting us in a bad spot here."

  Ms. Vigil said, "So there was an exchange of emails, it was actually between Melissa, from my staff, and the AGD's office. And it was with the attorney, and we went back and forth and he said, you know, this is a close call. And then, we actually had a phone conversation, giving our side, and what we found on the website, and went through it all. So the last that we exchanged emails was, we're going to go forward with the waiver, and he said okay."

- Councilor Maestas said, "Yes Mayor, I tend to agree with your concerns. We're kind of going beyond the scope of the application. And I'm not sure what legal liability we have since we are acting on something that is, again, outside the scope of the application. There is no indication of any churches in the application. At least in the previous situation with Total Wine, they did defend their decision regarding their measurement of the distance, the 300 feet. Obviously, their method of measurement was not per State Statute, so I think our decision was sound. But, even in the previous one, we went beyond the application. But I really felt like we really weren't wasting our time, because AGD again.... in fact the Director personally rendered a decision on it, and that was part of the record."

- Councilor Maestas continued, "But here, there is just absolutely no mention of this Church that we're acting on, with respect to the waiver. I guess, why are we being cautious. If it's not even addressed in the application, what legal risk does the City have by simply taking this application at fact value, as written, and not have a waiver."

  Mr. Walker said, "I think my concern is whether any governmental entity can say we're going to recognize one group as a religion and another group not as a religion. And, under these circumstances where the Center for Spiritual Living does not have an objection to granting the license, I don't see that as an issue. However, if they did have an objection, I think that could be a very sticky position for the City to be in, as well as the State."

- Councilor Maestas asked, "Tell me something. When we take action on a similar request, does the AGD gather the records of our actions, in terms of them weighing in the totality of everything regarding an application. In other words, does this action mean anything if it's completely silent on the need for any kind of waiver, and yet we still have it, is it kind of an extension of the official record that AGD will use to render their final decision on this application."

  Mr. Walker said, "The AGD has already given provisional approval. If the Council gives approval, then that takes care of it. The only issue would arise if the Council decided not to grant the waiver, and then that would be it. And, regardless of the decision of the Governing Body, the minutes of the meeting are sent to the AGD as the record of the decision of the Governing Body."

- Councilor Maestas asked, "For pre-provisional approval by AGD to an application such as this, is there any consultation with the City at that point. Pre-provisional approval."

Mr. Walker said, "There's consultation in determining whether the zoning ordinances permit the use of that particular location."

- Councilor Maestas asked, "So why isn't the 300 foot included in the scope of the pre-provisional approval consultation."

  Mr. Walker said he doesn't know, but he does know the applicant is required to list the churches that are nearby, the nearest church. He said, "And I do believe, and I don't think I have that portion of the application with me, I do believe the applicant listed the nearest church as being a Presbyterian Church 1½ miles away."

- Councilor Maestas said, "To me, I think that the issue is, are we are getting these applications that should otherwise just be rejected. And then I feel like what we're doing, is really basically ceremonial, that it has no substance, it really is not going to influence AGD. It's bad enough that they can, essentially, override our decision. But the consultation prior to their provisional approval needs to be much more substantial and needs to certainly include this 300 feet waiver issue, and that's not happening. So, I think, either way we go, this application is going to be approved. I feel like Total Wine is going to be approved. This is already two consecutive applications, and I'm getting a little concerned about it, that things are really sloppy. And I don't know how we can change the process to ensure that we weigh-in when it really matters, before they grant provisional approval. Are we bound by State Statute, Alfred. Does State Statute govern what this consultation process entails prior to provisional approval by AGD."

  Mr. Walker said, "It is State Statute and regulation. Well, every licence has to be... I'm sorry, let me back that up. The licenses with 300 feet of a church or school have to be granted a waiver by the Governing Body in order for them to be approved. And transfer of licenses from out of the district have to be approved by the Governing Body as well. Those are the two situations where the Governing Body has the authority to make those decisions."

- Councilor Maestas said, "I guess I'll yield the floor, Mayor, but we should either have the authority to remand this back to the AGD, or seek to modify the State Statute that governs the pre-provisional approval consultation scope, so that we agree before it is even sent, when it is approved provisionally by AGD. But I don't know who's running that outfit there, but if this continues, we really need to take a stand, because I think this is really concerning for me. Because, again, we're starting to operate outside the scope of these applications and I feel like it's just becoming less relevant in AGD's final decision."

- Mayor Gonzales said, "That's a very good point. And part of the frustration I'm feeling up here, was that they were so direct as it related to Total Wine, and basically affirming that they were going to grant it. And in this case, they're kind of like, well, we don't really know, it's a cold call. And so we can't even get a consistent message out of AGD, so that puts us in a really difficult spot to your point about, are we really wasting our time, or not. Is this relevant to the public's interest if there already is going to be a pre-determination without the consultation. Or, that there can be claims that people have the right to say what happens here or doesn't. And I agree with Councilor

Dominguez, we don't want to go down the path of defining who is religious and who is not. I think the attorney has provided some pretty reasonable points as to why we would think that they are religious, especially if they have it in their bylaws, they got an exemption, but they're not promoting themselves as being that way, even if they are meeting on Sundays."

- Mayor Gonzales continued, "I think... and I know that they're not objecting to this. I'm just thinking of what precedent we are setting in basically saying, yep you had a say in this, because there may be someone in the future who does object, and they don't promote themselves as a religion because either want to attract folks, or they have a different philosophy, but they've got some status as a religious organization. So I'm a little bit concerned about precedents, in addition to what you've talked about, in that there is an inconsistent level of approval by AGD that doesn't provide any clear and consistent direction to us."

- Councilor Harris said, "This is an interesting one. And my point of view is, I believe the Governing Body really claimed their authority with the Total Wine case, as a local option [district]. I believe we stood our ground, and interpreted and made a decision well within the Statute in the exhibits that were provided."

- Councilor Harris continued, "And so in this instance, I prefer to continue to claim our authority, by basically granting the waiver. Buddhists often describe their commitment to a way of life, a philosophy, rather than any attachment to any real religion. But I think most people understand Buddhism as a religion. So I think this might be a similar situation. So they claim religious status through the IRS, and I assume that was granted. And if the federal government through the taxing authority, recognizes their religious status, I believe that we should do the same. So that's the logic for me, those two points, in terms of what we did for Total Wine and how it was important to assert our authority, and this is simply a continuation by granting the waiver that we have the ability to do so."

- Mayor Gonzales said, "Well stated."

Ms. Brennan said, "Just to say, I concur with that analysis. And I would say your jurisdiction is, in fact, within this exact area. And there is a consistency in asserting your jurisdiction within this area. I think it's harder to give space to different kinds of religions, to say something isn't a religion than it is to say it is a religion, or to allow it to operate in that sphere. And I think there are indicia that suggest that it is a religion, or practiced as a spiritual discipline. And I think Buddhism is a good example, and that Scientology is another religion that some people question that asserts itself as a religion."

MOTION: Councilor Ives moved, seconded by Councilor Dominguez for purposes of discussion, "to approve in the alternative as stated thus, if the Center for Spiritual Living is, in fact, not a religious organization, then there is no need for the waiver and the application can be approved on that basis; the alternative, if it is a religion, they have filed a notice that they do not oppose the granting of the waiver, and in the alternative we grant the waiver, in the event they are a religious institution."

DISCUSSION: Councilor Dominguez asked, "Are we granting the waiver, but we're not. We're granting the waiver if it's needed."

Councilor Ives said, "Yes, and if not, we're granting the application itself. In any event, it allows them to move forward with the Beer & Wine License."

Councilor Dominguez said, "So are you clear with that, Yolanda. Well, because you are the one who is going to have to basically implement it, or deliver it."

Ms. Vigil said, "But you're still calling for two votes. Correct."

Councilor Ives said, "A single vote in the alternative, to approve the issuance of the Beer & Wine License, either on the basis that if they are not a religion, then no waiver is necessary, and they approve it almost in that *pro forma* basis. And if they are a religion, we approve the waiver because they have indicated they do not oppose it."

Councilor Dominguez asked who is going to determine the basis, because staff is already indicating they are considering it a religious entity.

Mayor Gonzales said, "It seems that Councilor Harris established that kind of boundary when he said if the IRS is recognizing them, *[inaudible]* granting status. I don't know if we have to have an affidavit asking them to say are you granted status by the IRS as a religious activity. And if they sign it in the affirmative, I think your point is okay then."

Ms. Brennan said, "They can just demonstrate that they have received or been granted status for that basis by their letter and show that they are a religion for these purposes and a waiver is granted."

Councilor Dominguez said, "Just for discussion, Mayor, I want to support it, Councilor Ives. But I think if we're not clear, talk about relinquishing our authority. It makes it even worse. So the one think that we shouldn't do is relinquish our authority. Because if you do it once, then everybody is going to come in and say they are a religion and you did it for them, so staff is in an even worse position. I just want to thank staff as well, because they are getting things that are as clear as mud from us, and they are getting things that are as clear as mud from the State. So they're kind of getting socked on both ends. So I would prefer, Councilor Ives, that we just basically approve the waiver and let it ride from there and see what happens, so I'll withdraw my second and see [what happens]."

SECOND WITHDRAWN: Councilor Dominguez withdrew his second to the motion. **THE MOTION THEN DIED FOR LACK OF A SECOND.**

Councilor Ives said, "And I would suggest that the essence of the motion is an approval of the proposition regardless of how you get there, whether or not they are a religious institution or not."

MOTION: Councilor Harris moved, seconded by Councilor Maestas, with respect to Item H(1)(a), to grant the request for a waiver of the 300 foot location restriction to allow the sale of alcohol at Café Mimosa, 513 Camino de los Marquez.

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

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

Against: None.

MOTION: Councilor Harris moved, seconded by Councilor Dominguez for purposes of discussion, seeing that the 300 foot waiver has been granted, to approve Item H(1)(b) the request by Hadidi Enterprises, LLC, for a Restaurant Beer and Wine License with on premise consumption only, to be located at Café Mimosa, 513 Camino de los Marquez.

DISCUSSION: Councilor Dominguez said, "Now you see why it has taken me so long to come up with a plan. It's not easy stuff, but I'm actively working on the plan and it's something that I plan to bring forward here pretty soon."

Councilor Villarreal said in checking non-profit status of the Center for Spiritual Living, under 501(C)(3), it says that it is a religion related and spiritual development entity, and they are not required to file an annual return with the IRS because it is a church.

FRIENDLY AMENDMENT: Ms. Vigil said, "Prior to the vote, I would like to put in a condition of approval, because this business is still going through construction and removal, that they be required to comply with all of the Fire, Building and Land Use Code requirements, prior to the release of any City licenses. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY**

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

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

Against: None.

Mayor Gonzales departed the meeting, and in the absence of the Mayor Pro-Tem, asked Councilor Dominguez to preside over the meeting

2) **REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (ALEXANDRA LADD)**

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Villarreal moved, seconded by Councilor Ives, to approve this request.

Councilor Ives said he has two questions. He said on packet page 29, regarding Actions taken to reduce the number of poverty-level families, it says, *"As part of an anti-poverty strategy, the City has worked toward implementing the following."* He asked about the distinction between working towards implementing and just implementing.

Ms. Ladd said this language has been recycled a couple of years, and some of it doesn't get vetted as carefully as it should, saying she agrees that she likes directness. She thinks it should be changed to, "*...has implemented the following.*"

Councilor Ives said the 3rd bullet point under that section says, *"Modify the Santa Fe Homes Program so that the rental requirement is relevant to the housing needs in the community."* He is trying to understand what exactly does that mean, what needs to be modified, because it would seem certainly to be a direct correlation between rental and housing needs in the community.

Ms. Ladd said, "What that's getting at, is the idea that for many, particularly very low income renters, just providing a subsidized rent isn't enough. So my goal with that language was to look at ways that we may be able to expand that part of the program so that is actually more about the wrap-around services than just solely the affordable rent."

Councilor Ives asked, in terms of the wrap-around services in addition to rental assistance, what services do you include within that group of services.

Ms. Ladd said, "It can be almost anything. The last two tax credit properties that the Housing Trust developed has 25% of its units reserved for people transitioning from homelessness. So at the site, they have a services manager who helps to keep those people connected to their case managers, helps them get transportation if needed to a counseling appointment. They provide different classes right at the properties. There are other needs as well, like ESL classes, GED classes, homebuyer training classes, but the idea that it's housing unit sales is no longer just enough."

Councilor Ives, referred to Bullet #5 which says, *"Identify all existing affordable rentals and develop a preservation plan as needed."* He asked the status of any of those, and if we have identified all those existing affordable, and if we have developed a preservation plan, and exactly what is it a preservation plan is to do.

Ms. Ladd said, "Sometimes rental property is entered into a land use restriction agreement as a condition of getting a subsidy. Their compliance with the requirements of that agreement are monitored every year by the MFA, and then there is a compliance period. At the end of the compliance period, they can revert to market rates. What has happened mostly, is that they have not. They have chosen to refinance to take on another land use restriction agreement to get subsidy to remodel. The Housing Authority has done that extensively, but we've also had some of the privately owned properties have done that as well. And I think that part of that has been a reflection of economic conditions, and it's actually easier to run a subsidized property than a market rate property, to some extent. So that may change in the coming years as our market recovers more. So right now, we had kept a log with all of the compliance periods noted, of all the subsidized properties in town. So it's just an issue of keeping up with it and making sure nothing slips through the cracks. And so far, to my knowledge, nothing has slipped there."

Councilor Ives said so we would say our preservation plan is simply to respond to those people wishing to re-up as affordable rentals – basically encourage that and work with them to accomplish that. He asked if this is an accurate statement.

Ms. Ladd said, "I think that's pretty accurate. I think also if there were opportunities along the way from City resources, to persuade a property owner to keep a property affordable, or to leverage additional subsidy to ensure that it stays affordable. It is just sort of keeping the issue on the radar."

Councilor Ives said he wasn't clear, because it talked about a preservation plan, and how much of a sort of written plan that was, as opposed to just the practice of trying to encourage re-upping.

Ms. Ladd said, "Councilor Ives, thank you for making that distinction. Years ago, it was much more of a, we have to have this plan, we have to be ready for this. And then as the housing bubble burst and our economy did what it did, it just kind of took care of itself over the last several years, that, the point is well taken is that we should probably revisit that in terms of how official that monitoring is."

Councilor Ives said at the bottom of the page under the next paragraph heading, it states, "*Given the City's high rate of cost burden, even for homeowners, it is apparent that continued focus on rehabilitation, home repair, and other report services is essential to alleviating poverty in Santa Fe. Specific programs that reduce the number of poverty level of families are."* And then it lists a number, and I consider that which focuses on the need to do rehabilitation, home repair and other support services.

Councilor Ives continued, "And then I hop back to packet page 21, where it talks about, '*The one year goal for the CDBG and other programs...*' And then the top graph talks about the to be provided, and the bottom table lists the actual numbers supported through. He takes the top box as the aspirational goals that were established for the programming, and the bottom box saying here's what we actually did. He said in the first category, it says the *Number of Homeless households to be provided affordable housing*

units, 176. And then below, *the Number supported were 875.* Up above, it says *Number of Non-homeless households to be provided affordable housing units, 60.* Down below it is 15, and then *the Number of Special Needs households to be provide affordable housing units, 40.* And it's 1-2 below, with a total of 276 above and total of 881 below. It then talks about the actuals with 161 versus 931. However, the distribution to some degree seems a little different. Are we meeting the goals of rehabilitation home repair and other support services. Do those tables reflect that. I just couldn't draw that out from looking at them."

Ms. Ladd said, "So, in HUD's wisdom, it likes to use the same language to mean different things. So what you're actually comparing are the goal columns versus the actual columns. And the difference between the two boxes, HUD calls the number of households and the outcome is the number of households support. But how it sort of breaks down is that the top boxes are the number of households provided actual housing. The bottom boxes are more the number of households that we provided services. I would call it something different, because it is confusing."

Councilor Ives asked if the chart shows that we are, in fact, pursuing the goal of home repair and rehabilitation.

Ms. Ladd said, "Yes. So we estimated that we would support 15 households through rehab of existing units and we supported 31. But that number also is captured up above where it says number of non-homeless households to be provided affordable housing units, oh, that doesn't actually show up in the actual column, but it needs to show up in actual column. Thank you, this is very helpful."

Councilor Ives said he was having trouble relating some of the language in different sections, all of which he thinks is incredibly laudable, but it suggested that, to some measure we weren't.... I mean we have a great deal of rental assistance, clearly, helping 931 households through those efforts. But it wasn't clear that we were doing significant home repair and those types of services which are specifically called out as moving people out of poverty.

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

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

Against: None.

Absent for the vote: Mayor Gonzales,

3) **REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER); AND APPROVAL TO SUBMIT THE CAPER TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (ALEXANDRA LADD)**

Public Hearing

Those speaking to the request:

Stephanie Beninato said she wants to say, since you brought up religion in the last hearing, that she is glad you decided to give a waiver, because the Church of Religious Science, which is what she heard the lawyer talk about, is an established religion. And really it would be a slippery slope if you were to decide what was a religion and what wasn't. And using the IRS as a standard, she thinks, is really a good thing. Also, she would like to congratulate the City on its Affordable Housing Program, and hope it will continue. And again, if you would look at the statistic that if you can put affordable housing in your affluent neighborhoods, you will break the cycle of poverty. So not big housing developments or programs in one part, but breaking it up into more, and locating it in affluent communities will break the cycle of poverty.

The Public Hearing was closed

Councilor Villarreal said we had conversations at the Community Development Commission and there were questions, and asked if the issues brought up are addressed by the consultants, and if she could describe what was adjusted.

Ms. Ladd said, "One of the comments was that the goals section didn't break-out the measure, metrics and milestones well enough. And so, we've already done one version of the revision, and I'm waiting to get it back from the consultant that does that more explicitly. And one of the other elements that was brought up, that I thought was really interesting and appropriate, was the analysis of impediments which was in precursor study really looked carefully at land use, and how land use practices and Code could possibly be affecting the provision of affordable housing. This study is done in a different format. Again, it's hard. It's all very closely constrained to some extent, but the conversation we had, the consultants are going to add that analysis back into this report. This report looks more at opportunities an housing location. And the prior way of doing it looks more specifically at barriers. So we're going to meld that element back into this report."

Councilor Villarreal said there was clarification needed for segregation, the point they brought up about defining, that they were talking about. We haven't experienced segregation in the City or it was relatively low. And she disagreed when we talked about ways to look at that.

Ms. Ladd said, "I have not seen that language yet, but we talked about it in our follow up phone call and talked about ways to make that more explicit, and to call out the fact that, again, economic segregation is not a protected class, so this report doesn't take that into consideration, other than creating a framework for looking at things beyond just where people are living in terms of segregation. Do they have access to good schools and places to buy food and employment centers. So, I'm sorry, I'm drawing

a blank that one of the consultants had a very concise and explicit way of phrasing it. So, I haven't seen what she was going to write in there, but I think it will work to address their concern."

Councilor Villarreal said she thinks they were adding in national origin as one of the pieces to this segregation. She said she talked about that and used those terms.

Ms. Ladd said, "A couple of the maps already look at that, but I think they were going to complete that out a little bit more."

Councilor Villarreal asked Ms. Ladd to send her to send her that as soon as she gets it.

Ms. Ladd said, "Yes. We're supposed to finalize it Friday."

Councilor Ives said he would love to get color copies of both of these reports, because some of the maps are in scales of gray which make understanding them almost impossible for him.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve this request.

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

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

Against: None.

Absent for the vote: Mayor Gonzales

****

END OF PUBLIC HEARINGS

****

I. **EXECUTIVE SESSION**

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT NMSA 1978, §§ 10-15-1(H)(2) AND (7), DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, THE STATUS OF NEGOTIATIONS WITH THE POA AND RELATED TO INFORMATION CONTAINED IN A CERTAIN FRAUD PREVENTION REPORT, AND THREATENED AND PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INCLUDING, WITHOUT LIMITATION, DISCUSSION REGARDING CASE NO. 1:17 CV-00827-KK-KRS, *CNSP D/B/A NMSURF V. THE CITY OF SANTA FE,* CENTURY BANK AND CASE NO. D-101-CV-2017-02550K *THE ARTYARD CONDOMINIUM MASTER ASSOCIATION, INC., V. THE SANTA FE RAILYARD COMMUNITY CORPORATION.* (KELLEY BRENNAN)

Kelley Brennan said, "Councilor Dominguez, I recommend that the Governing Body go into executive session, in accordance with the New Mexico Open Meetings Act, §§10-15-1(H)(2) and (7) NMSA 1978, for the matters listed in the Agenda.

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

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

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

Against: None.

Absent for the vote: Mayor Gonzales

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

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 11:43 p.m. Councilor Rivera moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stating for the record that the discussion in Executive Session was limited to the matters noted on the agenda

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

For: Councilor Dominguez, Councilor Harris, Councilor Ives, 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 11:44 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

Melessia Helberg, Council Stenographer

BA000218

ITEM # 10(d)

Log # (Finance use only):	
Batch # (Finance use only):	

City of Santa Fe, New Mexico
BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME						DATE
Fire Department/<Mobile Integrated Health						09/06/2017
ITEM DESCRIPTION	**BUSINESS UNIT**	**LINE ITEM**	**SUBSIDIARY (.000000)**	**SUBLEDGER (0000)**	**INCREASE**	**DECREASE**
EXPENDITURES					(enter as positive #)	(enter as negative #)
REVENUES					(enter as negative #)	(enter as positive #)
Misc other grants	11001	491320			< $150,000>	
					< $150,000>	

JUSTIFICATION: *(use additional page if needed)*
--Attach supporting documentation/memo

Contract/Grant with Molina Health Care for navigation and support of MIHO Program.

(Complete section below if BAR results in a net change to ANY Fund)	
Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
11001.491320	$150,000
TOTAL:	$0.00

Karyn Romero 09/06/2017
Prepared By (print name) Date

Division Director (optional) Date

9/7/17
Department Director Date

(Use this form for Finance Committee/ City Council agenda items ONLY)

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

09/07/17
Budget Officer Date

N/A < 5K
Finance Director (≤ $5,000) Date

N/A > 50K
City Manager (≤ $50,000) Date

Exhibit "1"

ITEM #10(s)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2017-__
Airport Master Plan

Mayor and Members of the City Council:

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

1. On page 2, ***delete*** lines 15-19 and ***insert*** the following in lieu thereof:

"**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that Resolution No. 2002-40 is hereby repealed.

BE IT FURTHER RESOLVED that the new Airport Master Plan as presented by Molzen-Corbin Associates, in association with Coffman Associates Inc., is hereby adopted.

BE IT FURTHER RESOLVED that the master plan and CIP budget shall include solar power technology in all airport facilities consistent with city policy via Resolution No. 2017-61 requiring all city facilities be powered by 100% renewable energy, whereby all new facilities and/or contiguous land shall have solar power technology and existing facilities will be retrofitted subject to Federal Aviation Administration (FAA) review and approval."

Respectfully submitted,

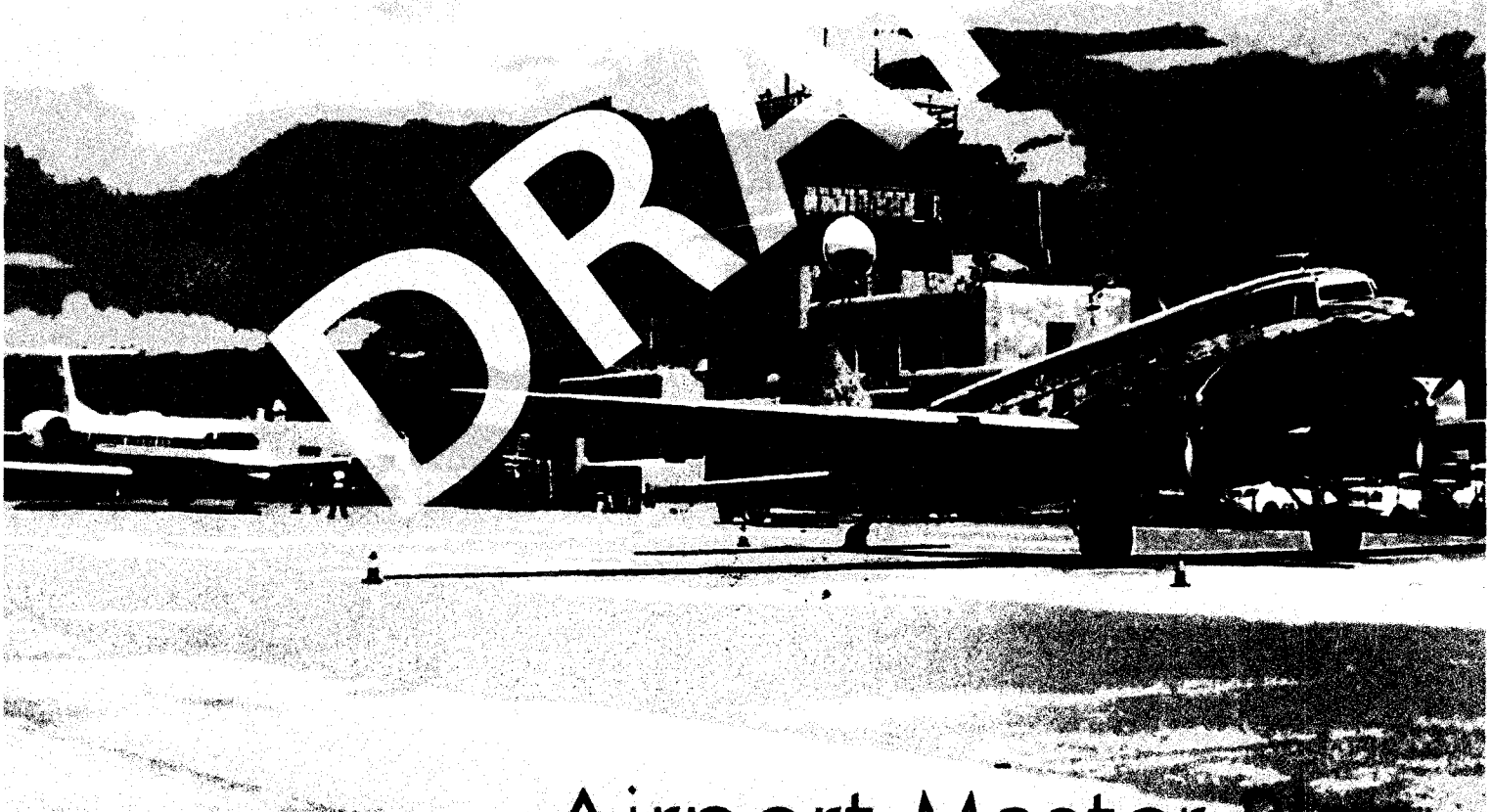
_____
Councilor Joseph M. Maestas

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Exhibit "2"

Santa Fe Municipal Airport



Airport Master Plan

Executive Summary

Exhibit "3"

Santa Fe Municipal Airport

AIRPORT OVERVIEW

Santa Fe Municipal Airport, owned and operated by the City of Santa Fe, is a primary commercial service airport located in the State Capital that serves an important role in meeting the aviation needs of the city and surrounding region. Situated in the north-central quadrant of the state at the foot of the Sangre de Cristo Mountains, Santa Fe is known as one of the great destination cities in the United States, offering an appealing mix of activities associated with a rich multi-cultural history, vibrant art market, and active outdoor scene. The airport is easily accessible from any direction being well positioned near Interstate 25. Commercial passenger services are provided by two airlines: American and United. There are several companies on the airfield providing an array of aviation services. The facility is also home to the New Mexico Army National Guard.

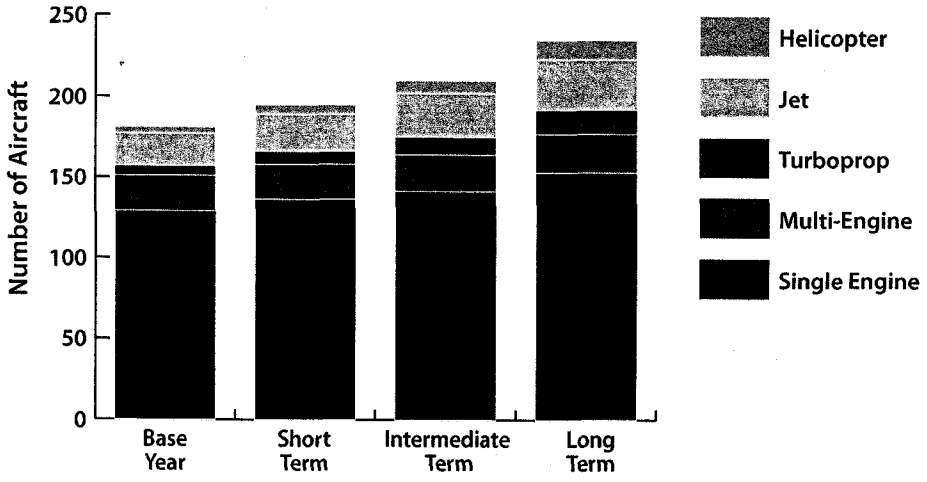
EXISTING AIRFIELD FEATURES:

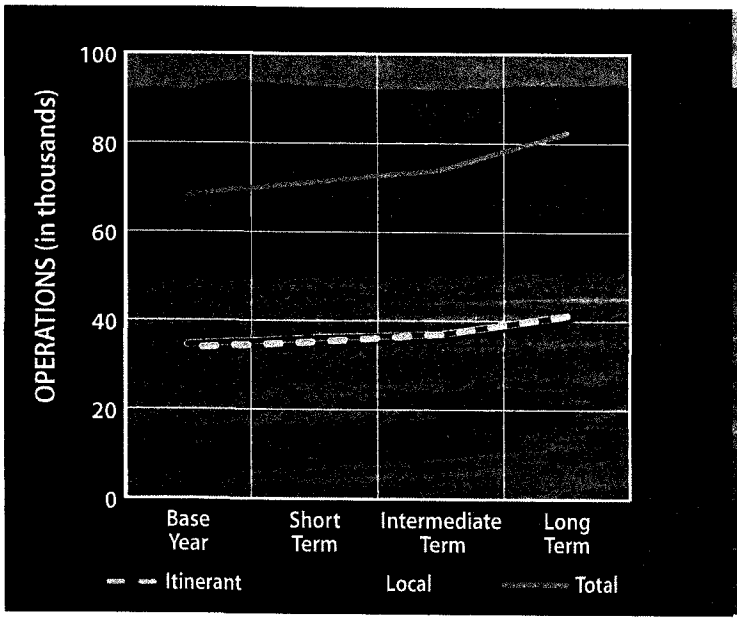
- Multiple runways with a primary runway length of 8,366'
- Airport Traffic Control Tower (ATCT)
- 24-hour Aircraft Rescue and Firefighting (ARFF) facility
- Two full-service Fixed Base Operators (FBOs)
- Full and self-service 100LL and Jet A fuels
- Approximately 350,000 square feet of hangar storage space
- Over 150,000 square yards of aircraft parking apron

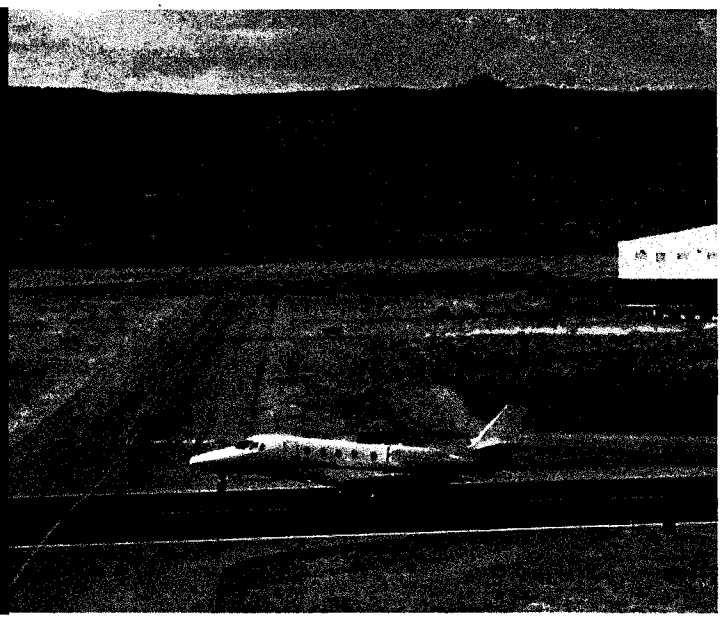
DEMAND-BASED MASTER PLAN

Airport planning begins with a definition of demand that may reasonably be expected to occur at the facility in the future. For Santa Fe Municipal Airport, this involved updating forecasts to identify potential aviation demand in commercial passenger enplanements, based aircraft, and annual aircraft operations over the course of the next 20 years. Recognizing the realities of year-to-year fluctuations in activity,

Based Aircraft/Fleet Mix Forecasts







the Master Plan focuses on potential demand levels rather than future dates in time. Planning according to activity milestones allows the plan to accommodate unexpected shifts or changes in aviation demand, which can help the airport serve actual needs of users while maintaining a safe and efficient airport environment. For Santa Fe Municipal Airport, the number of commercial passenger enplanements, based aircraft, and annual aircraft operations are forecast to increase during the planning period when considering a diverse economy and continued development of airport facilities.

AIRPORT DEVELOPMENT

Santa Fe Municipal Airport continues to be developed as a facility that can handle a wide array of aviation activities. The development plan presents the recommended configuration for the airport which preserves and enhances the facility's role while meeting Federal Aviation Administration (FAA) design standards to the extent practicable. Flexibility will be very important to future development at the airport, as activity and growth may not occur as predicted. The Master Plan provides airport stakeholders with a general guide that, if followed, can maintain the airport's long term viability and allow the airport to continue to provide air transportation services to the region.

Planning Horizon Activity Summary

	Base Year (2014)	Short Term (1-5 Years)	Intermediate Term (6-10 Years)	Long Term (11-20 Years)
ENPLANED PASSENGERS	74,551	85,000	95,000	120,000
BASED AIRCRAFT				
Single Engine Piston	129	136	141	153
Multi-Engine Piston	22	22	23	24
Turboprop	6	8	11	15
Jet	20	23	27	31
Helicopter	4	6	8	12
TOTAL BASED AIRCRAFT	181	195	210	235
ANNUAL OPERATIONS				
Itinerant				
Air Carrier	3,858	4,000	3,800	4,200
General Aviation	23,100	24,200	25,800	28,800
Air Taxi	4,300	4,500	4,900	5,700
Military	2,500	2,500	2,500	2,500
Total Itinerant	***33,758***	***35,200***	***37,000***	***41,200***
Local				
General Aviation	30,900	32,500	34,300	37,600
Military	3,600	3,600	3,600	3,600
Total Local	***34,500***	***36,100***	***37,900***	***41,200***
TOTAL OPERATIONS*	68,300	71,300	74,900	82,400

*Includes ATCT after-hours adjustment rounded to the nearest 100

Short Term Program (1-5 Years)

2017

① Construct - Runway 2-20 Resurfacing
② Construct - Taxiway D Reconstruction (Phase I)
③ State Maintenance Grant - *NP*[1]

2018

④ Terminal Building Expansion/Relocation Study and Preliminary Design - *NP*
⑤ Design - Rental Car QTA/Preparation Facility - *NP*
⑥ Pavement Rehabilitation - Aircraft Parking Apron Crack and Surface Seal (East Apron)
⑦ Environmental - Taxiway D Construction (Phase II) and Taxiway A Realignment - *NP*
⑧ State Maintenance Grant - *NP*

2019

⑨ Environmental and Design - Terminal Building Expansion/Relocation - *NP**
⑩ Construct - Rental Car QTA/Preparation Facility
⑪ Design and Construct - Relocate Hold Line Markings on Taxiways Associated with Runway 10-28 to 200'
⑫ Pavement Rehabilitation - Aircraft Parking Apron Crack and Surface Seal (North Apron)
⑬ State Maintenance Grant - *NP*

2020

⑭ Construct - Terminal Building Expansion/Relocation and Associated Infrastructure (Access and Parking) - *NP**
⑮ Construct - Taxiway D Construction (Phase II) and Taxiway A Realignment
⑯ Design - Taxiway G Reconstruction/Realignment at Runway 15 Threshold - *NP*
⑰ Design - Improve RSA and ROFA Beyond Southeast End of Runway 15-33 - *NP*
⑱ Design and Construct - Implement PAPI-4 on Runway 15, PAPI-2 on Runway 10-28, and Construct Electrical Vault
⑲ State Maintenance Grant - *NP*

2021

⑳ Construct - Taxiway G Reconstruction/Realignment at Runway 15 Threshold (Construct New Hold Apron)
㉑ Construct - Improve RSA and ROFA Beyond Southeast End of Runway 15-33
㉒ *Design and Construct - Implement No-Taxi Islands at Various Taxiway/Apron Intersections*
㉓ State Maintenance Grant - *NP*

Intermediate Term Program (6-10 Years)

❶ Reconstruct/Rehabilitate Runway 15-33
❷ Implement LED Lighting on Runway 15-33 and Taxiway D
❸ Environmental - Runway 2-20 Extension - NP**
❹ Realign Taxiway C at Runway 33 Threshold (Construct New Hold Apron)
❺ Realign Taxiway A at Runway 20 Threshold (Construct New Holding Bay)
❻ Construct New Exit Taxiway Serving Runway 2-20 Between Taxiways A and G
❼ Implement MITL on Taxiway J
❽ *Improve ROFZ and ROFA Adjacent to East End of Runway 10-28 (Relocate Roadway)*
❾ Purchase New ARFF Vehicle - *NP*
❿ Relocate Hold Line Markings on Taxiways Associated with Runways 2-20 and 15-33 to 314'
⓫ Enlarge Blast Pad on Runway 20
⓬ Extend Runway 2-20 634' Southwest and Associated Parallel Taxiway D (Relocate Glideslope Antenna)**
⓭ Construct Blast Pad on Runway 2 and Implement PAPI-4 on Runway 2
⓮ Acquire Property Interests Associated with RPZ Serving Runway 2-20 Extension (2.5 acres affecting 3 parcels)**
⓯ Construct Airport Maintenance Facility to Support Equipment Storage (60'x60')
⓰ General Pavement Maintenance Projects - *NP*
⓱ State Maintenance Grants (5 Years) - *NP*

Long Term Program (11-20 Years)

❶ Construct Roadway Between Aviation Drive and New Airport Entrance Road to Support Landside Development Potential
❷ Implement Enhanced Instrument Approach Minimums on Runway 20***
❸ Implement REILs on Runway 2
❹ Construct New Holding Bay Serving Runway 2 to Meet Recommended FAA Standards
❺ Implement De-Icing Pad Serving Runway 2
❻ Enlarge Blast Pads on Each End of Runway 15-33
❼ Reconstruct/Rehabilitate Runway 10-28
❽ Implement REILs on Runway 28
❾ General Pavement Maintenance Projects - *NP*
❿ State Maintenance Grants (10 Years) - *NP*

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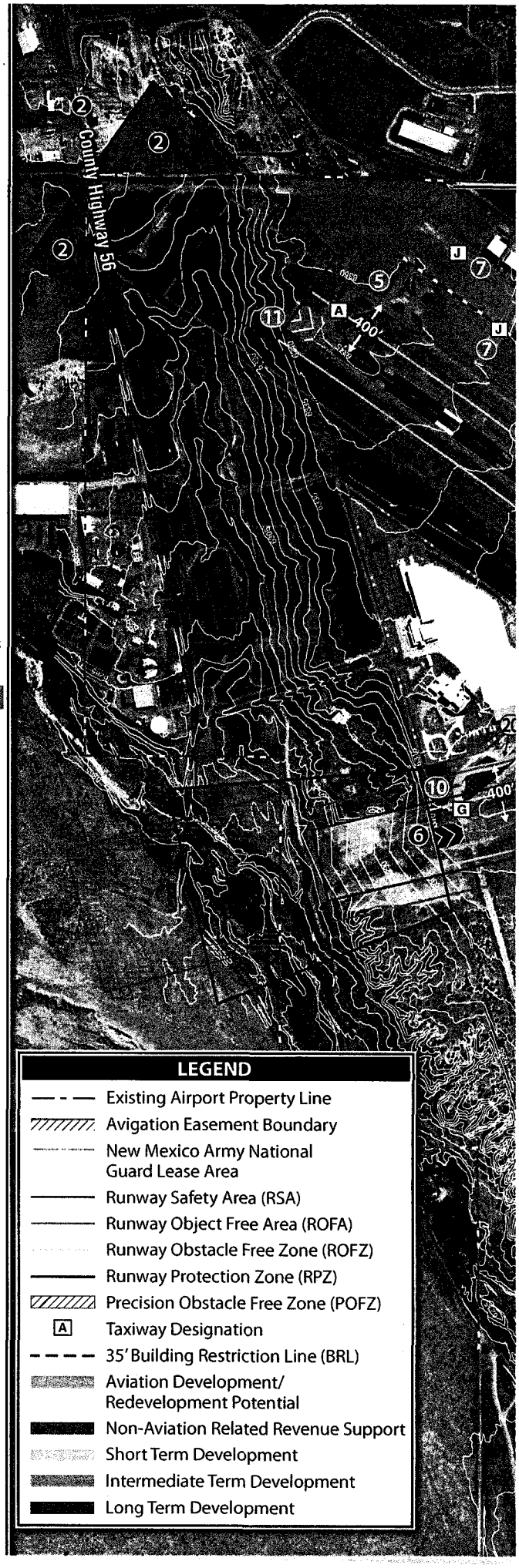
[1] *NP* - Not Pictured

* The Terminal Building Expansion/Relocation Study will further define the project and associated costs for terminal area improvements.

** Dependent on justification and further coordination with the FAA.

*** Coordination with the FAA will be needed to further define the potential for the relocation of County Highway 56 and property acquisition interests.



NORTH
0
1000
2000
SCALE IN FEET
Date of photo: April 2015
To State Highway 599
Access Roadway
Aviation Drive
The Terminal Building Expansion/ Relocation Study will further define the project and associated costs for terminal area improvements.
Runway 15-33 6,316' x 100'
Runway 2-20 8,366' x 150' (Ultimate 9,000' x 150')
Runway 10-28 6,301' x 75'
400'

The following summarizes the major airside and landside recommendations to best meet the needs of projected demand at Santa Fe Municipal Airport.

AIRSIDE –

- Adhere to ultimate Airport Reference Code (ARC) D-III standards on the airfield system.
- Extend primary Runway 2-20 634' to the southwest to better accommodate commercial service and business jet aircraft operations utilizing the airport.
- Improve airfield geometry to include realigning certain taxiways that accommodate the runway network.
- Enhance visual approach aids and instrument approach capabilities.
- Continued rehabilitation of airfield pavements to support aircraft utilization.

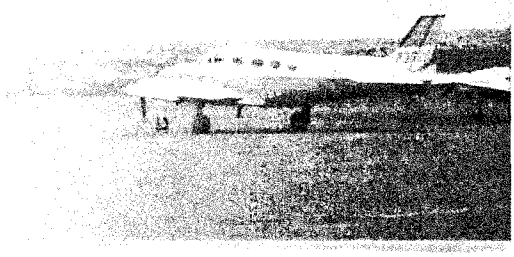
LANDSIDE –

- Analyze the potential expansion/relocation of the terminal building and associated infrastructure to meet future commercial passenger service needs.
- Designate areas that can accommodate aviation development/ redevelopment potential on the east side of the airport to include aircraft storage hangars and aircraft parking apron space.
- Implement a rental car quick-turn-around (QTA)/preparation center.
- Capitalize on the new airport entrance road extending from State Highway 599 that can serve aviation and non-aviation revenue support.

CAPITAL IMPROVEMENT PROGRAM

A program for the orderly development of the airport has been prepared during the study process. The Master Plan has identified approximately $30 million in capital improvement needs at Santa Fe Municipal Airport during this timeframe. It is important to note that certain projects included in the capital improvement program were not assigned project costs due to further study and coordination needed (i.e., terminal building expansion/relocation). The break-down of funding over the short, intermediate, and long term planning horizons is presented in today's dollars.

Many projects are eligible for grant funding from the Federal Aviation Administration (FAA) and New Mexico Department of Transportation – Aviation Division (NMDOT). The source of federal monies is administered by the FAA through the Airport Improvement Program (AIP). Federal AIP funding of 93.75 percent can be received from the FAA for eligible projects at Santa Fe Municipal Airport. NMDOT also participates in funding of airport projects within New Mexico. It is important for the City of Santa Fe to continue to partner with the FAA and NMDOT in sponsoring planned improvements that will accommodate aviation activities at Santa Fe Municipal Airport.



MASTER PLAN IMPLEMENTATION

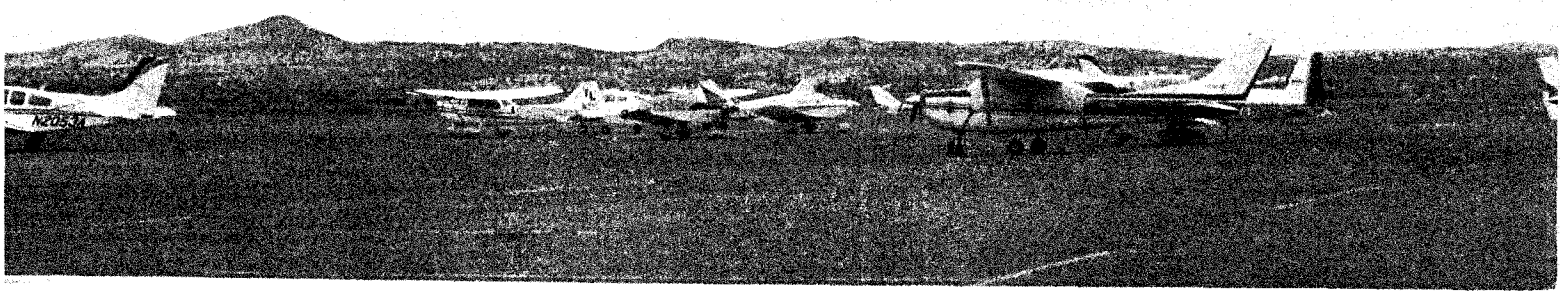
The Santa Fe Municipal Airport Master Plan has been undertaken to evaluate the airport's capabilities and role and to plan for the timely development of new or expanded facilities that may be required to meet future demand. The ultimate goal of the Master Plan is to provide systematic guidelines for the airport's overall maintenance, development, and operation.

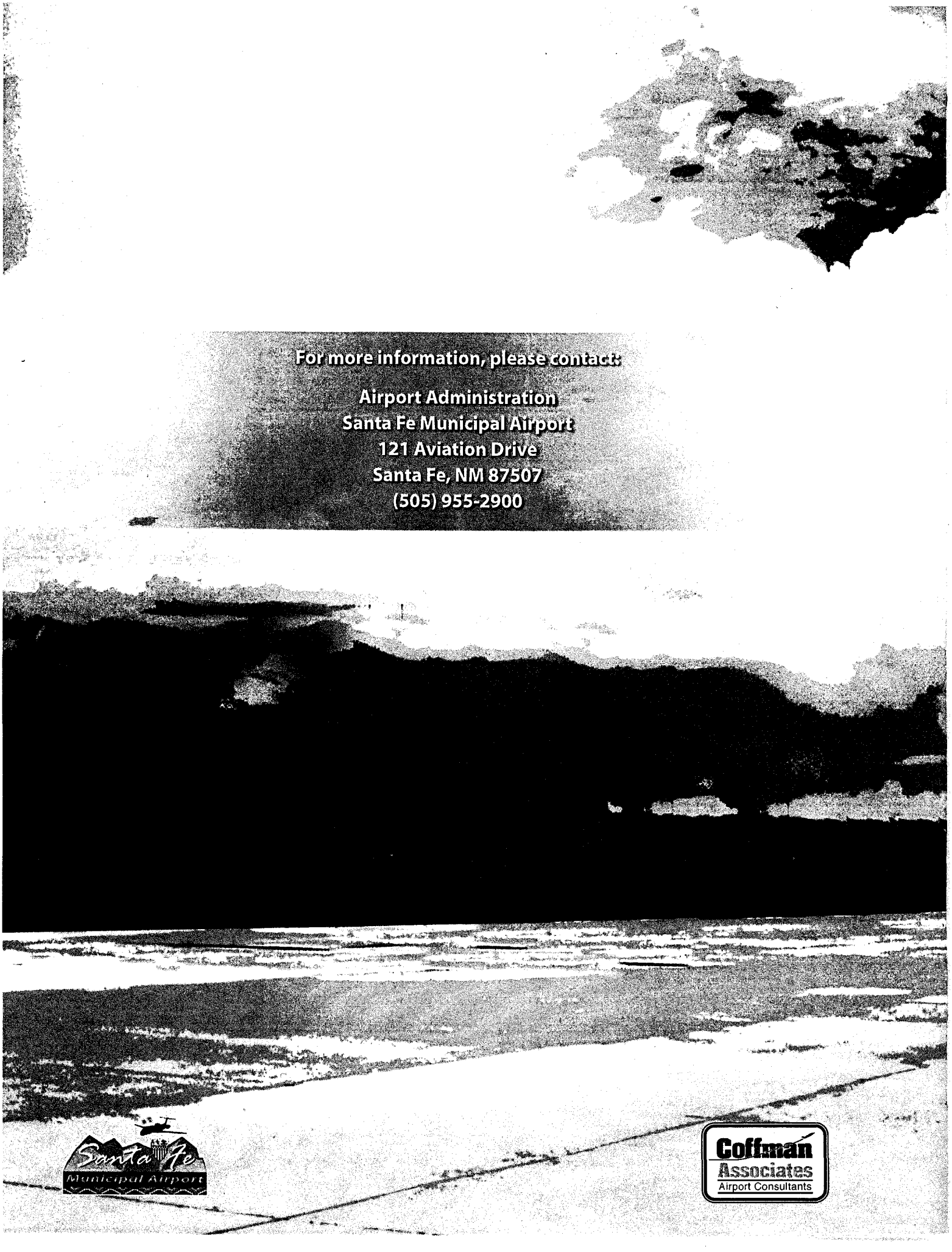
An Airport Master Plan is intended to be a proactive document which identifies and then plans for future facility development well in advance of the actual need for the facilities. This is done to ensure that the City of Santa Fe can coordinate project approvals, design, financing, and construction to avoid experiencing detrimental effects due to inadequate facilities.

Santa Fe Municipal Airport serves as a vital economic asset for the City of Santa Fe and surrounding region. As such, it should be carefully and thoughtfully planned and subsequently developed in a manner which matches the development goals of the community. The preparation of the Master Plan is evidence that the City of Santa Fe recognizes the importance of air transportation to the region, as well as the unique challenges operating an airport presents. The investment in an airport yields many benefits to the community and region.

The continued development of Santa Fe Municipal Airport demonstrates the City's commitment to growth and prosperity while also remaining sensitive to the needs of the residences and businesses it serves. The cost of developing and maintaining aviation facilities is a substantial investment that yields impressive benefits for the area. The Master Plan provides the tools that the City of Santa Fe will need to meet the challenges of the future. By providing a safe and efficient facility, Santa Fe Municipal Airport will remain a valuable component to the surrounding region.

PLANNING HORIZON	PROJECT COST	FAA ELIGIBLE	NMDOT ELIGIBLE	LOCAL SHARE
Short Term	**$15,302,900**	**$13,291,313**	**$1,028,045**	**$983,565**
Intermediate Term	$12,680,500	$11,835,938	$444,531	$400,031
Long Term	$4,411,000	$2,625,000	$937,500	$848,500
Total Program Cost	$32,394,400	$27,752,250	$2,410,075	$2,232,095





For more information, please contact:

Airport Administration
Santa Fe Municipal Airport
121 Aviation Drive
Santa Fe, NM 87507
(505) 955-2900

Santa Fe Municipal Airport

Coffman Associates
Airport Consultants

AIRPORT SUSTAINABILITY CONSIDERATIONS

On October 8, 2014, the City of Santa Fe passed Resolution No. 2014-85 (see **Appendix _**), which declared the intent for the City of Santa Fe to have 50 percent of its energy come from renewable sources by 2025 and become carbon neutral by the year 2040. Although Resolution No. 2014-85 does not cite a specific transportation type, it does recognize that the transportation industry, at large, as the primary sector that affects local air quality.

While the scope of this Master Plan does not provide specific recommendations for the use of renewables, clean energy, and pursuit of LEED[1] certification of new facilities, the City of Santa Fe can pursue these initiatives on an individual basis, or in aggregate, to support the goals of Resolution No. 2014-85. There are opportunities for the airport to consider sustainability as projects in the Master Plan Concept (**Exhibit 5A**) are proposed. For example, any new structure, like the rental car preparation center, potential new terminal building, and areas of aviation/redevelopment potential, could incorporate sustainable concepts into their design and/or operations. Design elements could include, but are not limited to, solar photovoltaic (PV) panels, rainwater harvesting, permeable pavement, reusing demolition waste such as asphalt and concrete paving materials, and using low-emitting materials.

While the airport may pursue partnerships with private entities to fund sustainability projects, the airport may also be eligible for funding through the Airport Improvement Program (AIP). There are currently five AIP programs available that provide funding for sustainability-related projects. As shown in **Table 5_**, the airport is potentially eligible for three of these programs.

TABLE 5_
Airport Improvement Program (AIP) Sustainability Funding Opportunities

Program	Program Purpose	Eligible Activities	Eligible Airports	Santa Fe Municipal Airport Eligibility
VALE[1] Program	Reduce sources of airport ground emissions	Airport clean infrastructure and airport dedicated vehicles	Commercial service airports in air quality nonattainment and maintenances areas	**Ineligible** – airport is in attainment for all federally regulated air pollutants[2]
Airport Energy Efficiency Program[3]	Increase the energy efficiency of airport power sources	Energy efficient on-airport electrical energy production: solar, geothermal, hydrogen, etc.	Eligible public use airports	**Potentially Eligible** – upon meeting the criteria in Appendix S of the AIP Handbook
Airport Sustainability Plans	Making sustainability a core element of airport planning	Sustainability planning, either within an airport master plan or a stand-alone study	Eligible public use airports	**Potentially Eligible** – if the Airport sponsor[4] can provide justification

[1] LEED stands for Leadership in Energy and Environmental Design and is a certification overseen by the United States Green Building Council that certifies a building has met specific air quality, water efficiency, energy efficiency, waste reduction, and responsible material sourcing goals.

Exhibit "4"

Zero Emissions Vehicle and Infrastructure Pilot Program	Zero-emission on-road vehicles and supporting fuel infrastructure	Electric drive and hydrogen-fuel vehicles, and stand-alone infrastructure (i.e. recharging stations)	Eligible public use airports in air quality nonattainment and maintenance areas.[5]	**Ineligible** – airport is in attainment for all federally regulated air pollutants
AIP and PFC[6] Program	Airport development, more efficient operations, and reduced costs	Related activities include energy efficiency, LED[7] lights, recycling, and energy assessments	Eligible public use airports	**Potentially Eligible** – if the airport sponsor can provide justification

[1] Voluntary Airport Low Emissions

[2] U.S. Environmental Protection Agency (EPA) Green Book "New Mexico Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants"

[3] Section 512 of the FAA *Modernization and Reform Act* encourages the Department of Transportation to consider grants for projects that increase the efficiency of airport power sources.

[4] The airport sponsor is the City of Santa Fe

[5] If insufficient interest, airports in attainment become eligible.

[6] Passenger Facility Charge

[7] Light-emitting diodes

Source: Airport Cooperative Research Program, Report 141 "Renewable Energy as an Airport Revenue Source" Table 3-9

As **Table 5_** shows, the airport has several options available for pursuit, including the Airport Energy Efficiency Program, Airport Sustainability Plans, and AIP and Passenger Facility Charge (PFC) program funding. Upon meeting the specified criteria, the airport could be eligible to receive funds for sustainability projects, including the installation of solar PV panels. In addition to siting in accordance with FAA airfield design standards and Title 14 CFR Part 77 clearances, it is important to note that any new on-site solar expansion projects undertaken at the airport would require a FAA Glint and Glare Study to assess the feasibility of the site to ensure the solar PV systems do not create reflectivity and communication systems interferences.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-85

INTRODUCED BY:

Councilor Peter Ives

A RESOLUTION

DECLARING THE GOVERNING BODY'S INTENT FOR THE CITY OF SANTA FE TO BECOME CARBON NEUTRAL BY THE YEAR 2040.

WHEREAS, the City of Santa Fe is committed to protecting the long-term health and viability of our community through strategies designed to reduce greenhouse gas emissions and mitigate the effects of climate change; and

WHEREAS, the City of Santa Fe is proud of its cultural and historical significance among North American Communities; and

WHEREAS, the Governing Body, through the adoption of Resolution No. 2006-55, supported efforts to reduce greenhouse gas emissions by 2030; and

WHEREAS, the Governing Body, through the adoption of Resolution No. 2006-127, called for a City government-wide effort to reduce energy and telecommunication needs; and

WHEREAS, the Governing Body, through the adoption of Resolution No. 2008-57, the Governing Body declared its intention of reduce the carbon footprint of City government on the environment by a total of twenty percent (20%) within five years; and

WHEREAS, reducing community-wide greenhouse gas emissions, especially from the transportation sector, can have a positive impact on local air quality and result in a healthier community; and

WHEREAS, according to the United Nations Intergovernmental Panel on Climate Change (IPCC), which is comprised of the world's leading scientific experts in the field of climate change, to avoid the worst impacts of climate change stemming from greenhouse gas emissions (GHG), there is a need for GHG emissions to be cut by at least 80% from 1990 levels by 2050; and

WHEREAS, peer cities, including Austin, Seattle and Portland, have recently completed updates to their original Climate Action Plans, and the updates incorporate new data and information that led to establishing new long-term goals in line with the IPCC calculations; and

WHEREAS, carbon neutrality refers to achieving net zero carbon emissions by balancing a measured amount of carbon released into the atmosphere with that of an equivalent amount of carbon emissions that are sequestered or offset by renewable energy production, or through the purchase of enough carbon credits to make up the difference; and

WHEREAS, the best practice for seeking carbon neutral status entails reducing and/or avoiding carbon emissions first so that only unavoidable emissions are offset; and

WHEREAS, being carbon neutral is increasingly seen as good corporate or state social responsibility and a growing list of corporations, cities and states are announcing dates for when they intend to become fully carbon neutral.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby declares that it intends to have 50% percent of its energy come from renewable sources by 2025 and become carbon neutral by the year 2040 and directs City staff to provide options, remedies, alternatives, solutions, and to recommendations for how City government can achieve the goal of becoming carbon neutral by 2040.

PASSED, APPROVED AND ADOPTED this 8th day of October, 2014.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Melissa/Resolutions 2014/2014-85 Carbon Neutral - 2040

Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Signe Lindell
Councilor Ron Trujillo
Chris Rivera
Renee Villareal
Carmichael Dominguez
Mike Harris
Sustainable Santa Fe Commission Chair Beth Beloff

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Thank you for your leadership on this issue,

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Signature

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EXHIBIT "5"

Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Signe Lindell
Councilor Ron Trujillo
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Thank you for your leadership on this issue,

Steven K. Chance

Printed Name

Signature

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Thank you for your leadership on this issue,

Pamela Gilchrist

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Pamela Gilchrist

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Printed Name: Glenn Wikle

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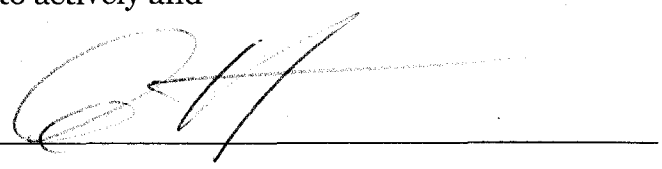

Signature

2543 Ca. San Patricio

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Suzanne Otter

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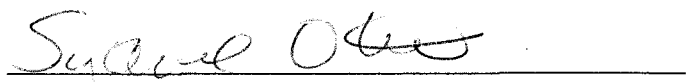

Signature

2300 W. Alameda D3

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Thank you for your leadership on this issue,

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Councilor Joseph Maestas
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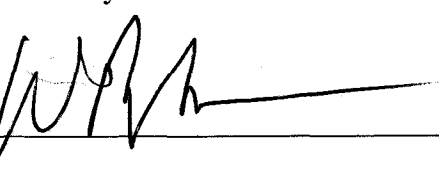
WILLIAM PAPE

Printed Name



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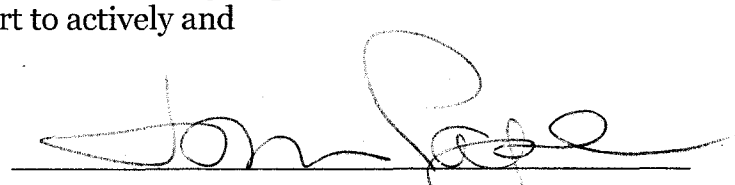

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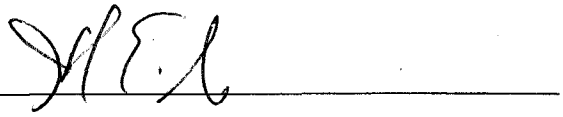
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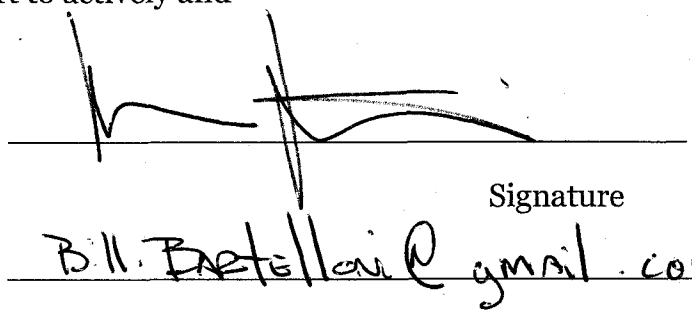

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Thank you for your leadership on this issue,

Rodolfo Robles — Rodolfo A Robles

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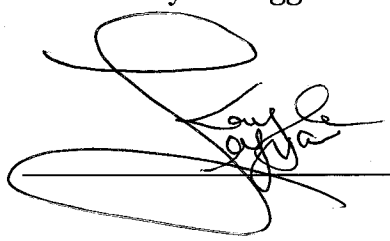
Thank you for your leadership on this issue,

Kayla Leyva
Printed Name


Signature

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Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Renee Villareal
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Thank you for your leadership on this issue,

Diana Mallan
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Thank you for your leadership on this issue,

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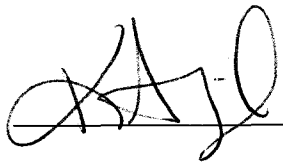
Kristin Aguilar

Printed Name



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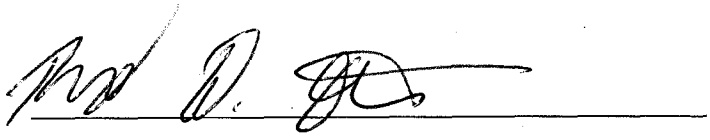
Raymond Ortega

Printed Name



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Thank you for your leadership on this issue,

Tracey Enright — T Enright

Printed Name — Signature

Tracey Enright

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1736 Ridge Pointe Loop
Santa Fe 87506

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David Enright

Printed Name

Signature

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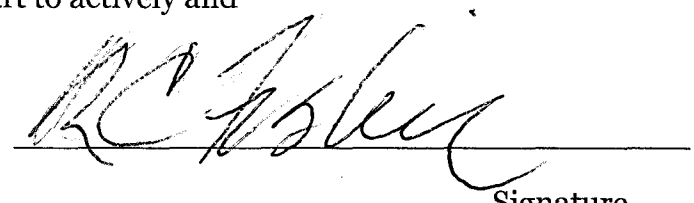
RICK FISHER

Printed Name



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2013 CALLE LEJANO

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Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
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Thank you for your leadership on this issue,

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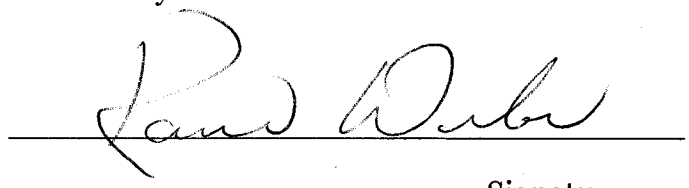
Thank you for your leadership on this issue,

Karen Weber

Printed Name



Signature

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Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Renee Villareal
Councilor Mike Harris
Councilor Chris Rivera
Councilor Ron Trujillo
Councilor Signe Lindell
Councilor Carmichael Dominguez
Sustainable Santa Fe Commission Chair Beth Beloff

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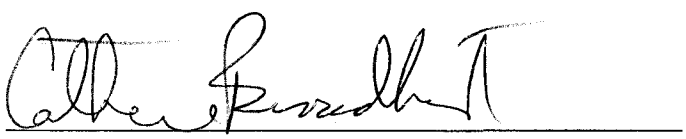
Thank you for your leadership on this issue,

Catherine Broadbent
Printed Name


Signature

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Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Renee Villareal
Councilor Mike Harris
Councilor Chris Rivera
Councilor Ron Trujillo
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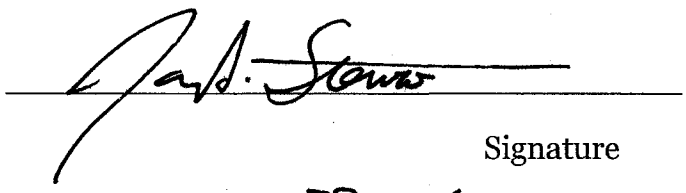
Thank you for your leadership on this issue,

James Stewart
Printed Name


Signature

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Councilor Joseph Maestas
Councilor Renee Villareal
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Thank you for your leadership on this issue,

Leslie LaKind

Printed Name

Signature

204 W. San Mateo Rd

Address

Leftie LaKind @gmail.com

Email

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Councilor Peter Ives
Councilor Joseph Maestas
Councilor Renee Villareal
Councilor Mike Harris
Councilor Chris Rivera
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Thank you for your leadership on this issue,

Joe Preston
Printed Name

Signature

3179 Plaza Blanca
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Mayor Gonzales
Councilor Peter Ives
Councilor Joseph Maestas
Councilor Renee Villareal
Councilor Mike Harris
Councilor Chris Rivera
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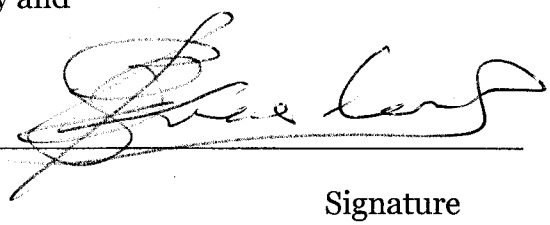
Thank you for your leadership on this issue,

Eduardo Krasilovsky

Printed Name



Signature

17 Lucero Rd.

Address

Email

ACTION SHEET ITEM # 10(t)

ITEM FROM THE

PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING

OF

MONDAY, SEPTEMBER 25, 2017

ITEM 10

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO UNDERTAKE A FEASIBILITY STUDY TO EXPLORE DEVELOPMENT OF FREE WALLS FOR STREET ARTISTS ON MUNICIPAL PROPERTIES; AND PRESENTING THE STUDY TO THE GOVERNING BODY WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION **(COUNCILORS IVES AND LINDELL) (DEBRA GARCIA Y GRIEGO / RICHARD THOMPSON)**

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "6"

ITEM #10(t)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2017-__
Graffiti Abatement Study

Mayor and Members of the City Council:

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

1. On page 1, line 25 ***delete*** "learn and develop" and ***insert*** "learn, develop and highlight" in lieu thereof

2. On page 2, line 3 ***insert*** the following new paragraph:
   "**WHEREAS**, community mural art can be a form of expression and cultural relevance and provide opportunities to work with youth, community groups and neighborhoods."

Respectfully submitted,

_____
Councilor Renee D. Villarreal

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Exhibit "7"

AMENDED

CITY COUNICL MEETING OF
September 27, 2017
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
Ives	A RESOLUTION CALLING FOR A REGULAR MUNICIPAL ELECTION TO BE HELD MARCH 6, 2018 FOR THE PURPOSE OF ELECTING ONE MAYOR AT-LARGE AND ONE CITY COUNCILOR FROM EACH COUNCIL DISTRICT.	City Council – 10/11/17
Maestas Lindell Ives Harris	A RESOLUTION AUTHORIZING THE RENAMING OF THE "SANTA FE MUNICIPAL AIRPORT" TO THE "SANTA FE REGIONAL AIRPORT".	Public Works Committee - 10/10/17 Finance Committee - 10/16/17 City Council - 10/25/17
Ives	RESOLUTION IN SUPPORT OF THE 100TH ANNIVERSARY OF THE NEW MEXICO MUSEUM OF ART ON NOVEMBER 25, 2017 AND AUTHORIZING THE WAIVING OF ALL ASSOCIATED FEES FOR THE CELEBRATION.	Public Works Committee - 10/23/17 Finance Committee 10/30/17 City Council - 11/8/17
Councilor Carmichael Dominguez		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
Rivera	AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(1) TO CLARIFY THAT INCENTIVSING CERTAIN USES ARE PART OF THE PURPOSE OF THE OVERLAY DISTRICT; AMENDING SUBSECTION 14-5.5(C)(5) TO PROVIDE THAT THE LAND USE DIRECTOR MAY ALLOW VEHICULAR ACCESS FROM OTHER THAN THE SIDE OR REAR OF A LOT IF SUCH ACCESS IS INFEASIBLE AND TO PROVIDE SET BACKS FROM THE AIRPORT ROAD RIGHT-OF-WAY FOR NEW DEVELOPMENT OF CERTAIN TYPES OF USES; AMENDING SUBSECTION 14-5.5(C)(11) TO MODIFY THE TYPES OF USES ELIGIBLE FOR INCENTIVES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.	Planning Commission - 10/19/17 Public Works Committee - 10/23/17 Finance Committee - 10/30/17 City Council (request to publish) - 11/8/17 City Council (public hearing) - 12/13/17

This document is subject to change.

Exhibit "8"

	Councilor Carmichael Dominguez - continued	
	A RESOLUTION RESCINDING RESOLUTION 2017-37, AND INCREASING THE OPERATING MILL LEVY PROPERTY TAX WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE TO MAINTAIN THE CURRENT LEVEL OF PROPERTY TAX REVENUE.	Public Works Committee - 10/10/17 Finance Committee - 10/16/17 City Council - 10/25/17
	Councilor Mike Harris	
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	Councilor Peter Ives	
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	Councilor Signe Lindell	
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	Councilor Joseph Maestas	
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	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**
Dominguez Ives	AN ORDINANCE AMENDING SUBSECTION 23-6.2 AND 23-6.3 SFCC 1987 TO EXEMPT AREAS IN THE RAILYARD FROM CERTAIN REGULATIONS RELATING TO THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY.	Public Works Committee – 10/10/17 City Council (request to publish) – 10/11/17 Finance Committee 10/30/17 City Council (public hearing) 11/8/17

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

This document is subject to change.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-___

INTRODUCED BY:

Mayor Javier M. Gonzales Councilor Joseph Maestas

Councilor Signe Lindell Councilor Peter Ives

Councilor Mike Harris

A RESOLUTION

AUTHORIZING THE RENAMING OF THE "SANTA FE MUNICIPAL AIRPORT" TO THE "SANTA FE REGIONAL AIRPORT".

WHEREAS, the City of Santa Fe owns and operates Santa Fe Municipal Airport; and

WHEREAS, the airport was established in its current location in 1941; and

WHEREAS, the airport has expanded its facilities and services over the years and is now a gateway, vital transportation hub, and important economic engine for the region; and

WHEREAS, the governing body of City of Santa Fe desires the airport name reflect its regional value.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby approves the renaming of the "Santa Fe Municipal Airport" to the "Santa Fe Regional Airport".

PASSED, APPROVED and ADOPTED this _____day of _____, 2017.

Exhibit "9"

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter Ives

RESOLUTION

IN SUPPORT OF THE 100TH ANNIVERSARY OF THE NEW MEXICO MUSEUM OF ART ON NOVEMBER 25, 2017 AND AUTHORIZING THE WAIVING OF ALL ASSOCIATED FEES FOR THE CELEBRATION.

WHEREAS, the New Mexico Museum of Art opened its doors in the City of Santa Fe, New Mexico on November 25, 1917; and

WHEREAS, it was the first museum dedicated to the visual arts in Santa Fe, setting the stage for the region to become the art-travel destination for which the City of Santa Fe is now known; and

WHEREAS, Isaac and William Rapp's iconic pueblo-revival design for the museum inaugurated the movement toward the signature 'new old Santa Fe' style of architecture for which Santa Fe is recognized for around the world; and

WHEREAS, visionaries such as Edgar Lee Hewett, Robert Henri, Sylvanus Morley, John Sloan, Frank Springer, and Carlos Vierra, among others, had the foresight and vision to see the potential of bringing a state-of-the-art museum to a small and remote desert town; and

WHEREAS, the building of the Museum of Art illustrated a belief and understanding that

Exhibit "10"

the arts make a significant contribution to civic life; and

WHEREAS, the museum cares for over 23,000 works of art, representing the remarkable depth and breadth of the story of art in New Mexico over the past century allowing viewers within the state and across the globe to discover the richness of arts and culture Santa Fe, New Mexico has to offer; and

WHEREAS, the museum has welcomed millions of visitors from across the state and around the world since its opening, to learn about and celebrate the arts and culture of this region; and

WHEREAS, the New Museum of Art and its St. Francis Auditorium have served the city for nearly a century as a gathering space for significant civic, cultural, scholastic and personal events; and

WHEREAS, the New Mexico Museum of Art's then-groundbreaking open-door policy created a supportive environment for working artists to exhibit in the museum; attracting artists to Santa Fe, New Mexico from around the country and making Santa Fe an important cultural destination; and

WHEREAS, the Museum of Art attracted artists to New Mexico it also provided a venue and platform to expose the rich tradition of arts and culture existing in New Mexico to the world;

WHEREAS, the New Mexico Museum of Art continues today to attract both artists and visitors to Santa Fe, contributing to the national reputation of the city as a thriving arts center and serving as a key component of Santa Fe's vibrant cultural economy and tourism industry;

WHEREAS, the fees requested to be waived are the following:

1. Fee for street closures
2. General permit
3. Meter covers
4. Security staffing
5. Southwest Plaza fees

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF

SANTA FE that in support of the 100th Anniversary celebration of the New Mexico Museum of Art on November 25, 2017 the Governing Body authorizes waiving of all associated fees in support of the celebration.

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

M/Legislation/Resolutions 2017/ New Mexico Museum of Art Celebration

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-__

INTRODUCED BY:

Councilor Carmichael Dominguez

Councilor Chris Rivera

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-5.5(C)(1) TO CLARIFY THAT INCENTIVSING CERTAIN USES ARE PART OF THE PURPOSE OF THE OVERLAY DISTRICT; AMENDING SUBSECTION 14-5.5(C)(5) TO PROVIDE THAT THE LAND USE DIRECTOR MAY ALLOW VEHICULAR ACCESS FROM OTHER THAN THE SIDE OR REAR OF A LOT IF SUCH ACCESS IS INFEASIBLE AND TO PROVIDE SET BACKS FROM THE AIRPORT ROAD RIGHT-OF-WAY FOR NEW DEVELOPMENT OF CERTAIN TYPES OF USES; AMENDING SUBSECTION 14-5.5(C)(11) TO MODIFY THE TYPES OF USES ELIGIBLE FOR INCENTIVES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

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

Section 1. Subsection 14-5.5(C)(1) SFCC 1987 (being Ord. No. 2013-1 § 2) is amended to read:

(1) Purpose and Intent

Exhibit "1"

The purpose and intent of the Airport Road Overlay District is to:

(a) Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;

(b) Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;

(c) Promote a healthy and safe environment through the development of walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms associated with alcohol sales and advertising;

(d) Incentivize certain uses that are absent or deficient on Airport Road.

Section 2. Subsection 14-5.5(C)(5) SFCC 1987 (being Ord. No. 2013-1 § 2) is amended to read:

(5) Site Design, Circulation and Parking

(a) New buildings or additions to existing buildings shall be oriented so that their primary façades face Airport Road or to integral courtyards that shall face Airport Road.

(b) No more than one single-loaded row of parking is permitted adjacent to Airport Road.

(c) Perimeter screening of parking lots shall be in accordance with Section 14-8.4(I)(2) except that screening walls, hedges or berms shall not exceed four (4) feet at maturity and shall be provided with openings adjacent to the Airport Road right of way to allow multiple points of pedestrian access to Airport Road.

(d) Sidewalks adjacent to Airport Road shall be provided in accordance with Section 14-9.2.

(e) Vehicular access shall be from the side or rear of the lot where feasible as determined

by the *land use director*.

(f) New buildings shall have accessible pedestrian connections to Airport Road.

(g) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from Airport Road. The screening shall be integrated with the building architecture, materials and construction.

(h) Vehicular access between and among adjacent lots shall be provided where [~~possible~~] feasible as determined by the *land use director*.

(i) Electrical transformers and water system backflow preventer cabinets shall be screened from view of public roadways and sidewalks by walled enclosures or landscape screening. Water system backflow preventer cabinets and wall-mounted utility boxes shall be painted the same color as the closest building on site.

(j) New *development* of the following categories of use, as defined in Table 14-6.1-1, shall be set back a minimum of one hundred (100) feet from the Airport Road right of way and shall be separated from the Airport Road right of way by *development* not containing these uses:

(i) Electrical Facilities

(ii) Sexually Oriented Businesses

(iii) Storage

(iv) Telecommunications

(v) Vehicles and Equipment

(vi) Industrial

(vii) Outdoor Storage

(viii) Warehouse and Freight Movement

Section 3. Subsection 14-5.5(C)(11) SFCC 1987 (being Ord. No. 2013-1 § 2) is amended to read:

(11) Incentives

(a) [~~Permit Fees~~] Fee Incentives

[~~(i) Construction permit fees are waived for the following uses:~~] *Development* of the following uses are exempt from the payment of construction permit fees, plan review fees, and *development* review fees as set by Resolution of the governing body, as may be amended from time to time, and are exempt from the payment of impact fees in accordance with Subsection 14-8.14(D):

[~~A.~~](i) Grocery stores;

[~~B.~~](ii) Farmer's markets;

[~~C.~~](iii) Medical practitioners including physicians, dentists, chiropractors, alternative medicine providers and clinics;

[~~D.~~](iv) Schools, day-care centers, youth centers; and

[~~E.~~](v) Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers and miniature golf courses[~~.~~]; and

(vi) Restaurants, including bakeries, coffee shops, and other shops selling food for on-site or take-away consumption, without drive-through or drive-up service, provided that food and beverage services constitute the primary use of the establishment.

[~~(ii) Construction permit fees are reduced by fifty percent for the following uses:~~

~~A. Restaurants, including bakeries, coffee shops, tea shops, and other shops selling food for on-site or take-away consumption, without drive-through service, provided that food and beverage services constitute the primary use of the establishment;~~

~~B. Adult day-care;~~

~~C. Local arts and crafts studios, galleries and shops;~~

~~D. Gift shops for the sale of arts and crafts;~~

~~E. Bookshops;~~

~~F. Floral shops;~~

~~G. Laundromats; and~~

~~H. Stores that commit a minimum of fifteen percent of the total floor area for the sale of fresh produce.~~]

(b) Public Art; Active Play Opportunities

Applicants for a permit for new construction, redevelopment or additions who provide public art or active play opportunities accessible to the public shall have their total construction permit fees reduced in an amount equal to the cost of the public art or active play amenity provided.

(c) Community Gardens and Orchards

Applicants for a permit for new construction, redevelopment or additions to a multi-family housing development who provide a community garden or orchard space for use of the residents of the development shall have their total construction permit fees reduced in an amount equal to the cost of the community garden provided.

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2017/Airport Road Overlay District

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-____

INTRODUCED BY:

Councilor Carmichael A. Dominguez

A RESOLUTION

RESCINDING RESOLUTION 2017-37, AND INCREASING THE OPERATING MILL LEVY PROPERTY TAX WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE TO MAINTAIN THE CURRENT LEVEL OF PROPERTY TAX REVENUE.

WHEREAS, it is the goal of the Governing Body of the City of Santa Fe, NM to keep property taxes at the current level, including the imposed operating mill rate and DFA calculated debt service mill rate; and

WHEREAS, Resolution 2017-37 expressed this goal, but used an approximate change in operating and debt service mill rate of .498 and DFA calculated the mill rate change to be .366; and

WHEREAS, Section 7-37-7 NMSA 1978 permits home rule municipalities to levy property taxes on the properties located with the boundaries of the municipality; and

WHEREAS, the City of Santa Fe has the lowest property tax rate of any similarly sized municipality throughout the State of New Mexico, including Albuquerque, Las Cruces, Reo Rancho , and Roswell; and

WHEREAS, the City of Santa Fe recently defeased the 2008 General Obligation Bond,

Exhibit "12"

which would have accounted for .366 mills of the debt service mill levy; and

WHEREAS, the debt service mill levy of .366 will no longer be assessed.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BOND OF THE CITY OF SANTA FE that Resolution 2017-37 is rescinded; and

BE IT FURTHER RESOLVED THAT, the operating mill rate for both residential and non-residential be increased by .366 mills and that the new imposed property tax operating mill rate be 3.183 mills.

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

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-__

INTRODUCED BY:

Councilor Renee Villarreal

Councilor Carmichael A. Dominguez

Councilor Peter Ives

AN ORDINANCE

AMENDING SUBSECTION 23-6.2 AND 23-6.3 SFCC 1987 TO EXEMPT AREAS IN THE RAILYARD FROM CERTAIN REGULATIONS RELATING TO THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY.

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.

A. The sale or consumption of alcoholic beverages is permitted at the following locations on city property and must comply with the requirements of subsection 23-6.3, except that the locations described in (1), (2), ~~and~~ (3) and (5) below are exempt from the requirements of subsection 23-6.3:

(1) The Santa Fe community convention center and adjacent outdoor spaces

Exhibit "13"

under the center's control;

(2) That area of the Santa Fe municipal airport main terminal building and adjacent areas operated as a restaurant;

(3) The Marty Sanchez links de Santa Fe (golf course);

(4) Buildings owned by another party located on land owned by the city;

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

(6) On land or buildings owned by the city for which the city has entered into a lease with another party for six (6) months or more.

([~~6~~]7) In or on railroad cars located on railroad tracks except as prohibited by state or federal law; and

([~~7~~]8) The area of Fort Marcy ballpark designated for concessions and seating shall be used for the sale and consumption of beer and wine only and only at professional baseball games;

B. The governing body may approve by resolution the sale and consumption of alcohol at all other locations on city property, except within the plaza as defined by subsection 23-5.1(R). The resolution specifying the event, date, hours, location, number of expected attendees, type of alcohol to be served, and required permits shall be adopted sixty (60) days in advance of the event. The resolution shall be limited to authorization for a single event. A separate resolution shall be required for repeated events, unless otherwise stated in the resolution.

C. All other applicable approvals required by state or city laws and regulations shall

be obtained prior to the sale or consumption of alcoholic beverages on the property described in this subsection 23-6.2.

Section 2. Subsection 23-6.3 SFCC 1987 (being Ord. #2012-20, as amended) is amended to read:

23-6.3 Regulations for the Sale and Consumption of Alcohol on City Property; Administration.

A. The regulations contained in this subsection are applicable to the locations described in subsection 23-6.2(A)(4), 23-6.2(A)([~~5~~]6) and 23-6.2(A)([~~7~~]8). The regulations are not applicable to the locations described in 23-6.2(A)(1) through 23-6.2(A)(3), 23-6.2(A)(5) and 23-6.2(A)([~~6~~]7).

B. When the governing body has authorized the sale and consumption of alcohol for an event or events on city property, whether pursuant to 23-6.2 SFCC 1987 or through adoption of a resolution pursuant to subsection 23-6.2(B) SFCC 1987, the event sponsor shall comply with the following regulations:

(1) The event sponsor shall establish a designated drinking area.

(a) Except for Fort Marcy ballpark pursuant to 23-6.2(A)(7), the designated drinking area, with entrances/exits and a mandatory buffer, to prevent the circulation of alcohol outside of the designated drinking area, shall be illustrated on a diagram that shall be submitted to the city manager or their designee, at least thirty (30) days before the event. The diagram shall include the dimensions of the drinking area, the location of the entrances/exits, the height and width of the mandatory buffer, which shall be four feet (4') high and five feet (5') wide, with further requirements to be determined in consultation with the city manager, and the locations for the placement of the advertising described in paragraph (6), below.

(b) The seating capacity in the designated drinking area shall be comprised of no more than twenty-five percent (25%) of the seating capacity of the event. The seating capacity of the designated drinking area shall be posted in the designated drinking area.

(2) Alcohol regulations.

(a) Persons shall not leave the designated drinking area with an alcoholic beverage.

(b) Alcohol service shall cease at least one (1) hour before the end of the permitted event, or at the end of the sixth inning for professional baseball games.

(3) Alcohol provider. Alcohol providers shall comply with all rules regarding alcohol service established by the director of the alcohol gaming division of the New Mexico regulation and licensing department, shall be educated on the subjects specified in 60-6E-5(B) NMSA 1978, and shall:

(a) Obtain a special dispenser permit for beer, wine, and cider only, that shall be approved by the state of New Mexico and the city of Santa Fe.

(b) At the main entrance of the designated drinking area and at the point of sale of alcohol, verify the age of each person so that underage persons are prohibited from entering the designated drinking area or purchasing alcohol.

(c) Ensure that alcohol servers are at least twenty-one (21) years old and are licensed by the state.

(d) Ensure that a manager, who has been identified prior to the events by the event sponsor, is present at all times in the designated drinking area. A photograph of the manager and his or her name shall be posted at the

point of sale of alcoholic beverages. At all times, the manager shall wear a nametag that identifies him or her as the manager.

(e) Prohibit alcohol servers from drinking alcohol during the event.

(f) Place signs in the designated drinking area and outside the designated drinking area that indicate the illegality of selling, serving and providing alcohol to minors and intoxicated persons.

(4) Alcohol limits. The only allowable alcoholic beverages at permitted event(s) are beer, wine and cider.

(a) During the permitted event, only three (3) alcoholic beverages per person are allowed as follows:

ABV (Alcohol by Volume)	**Maximum Serving Size**	**# Standard Drinks in hi ABV**
6.00% or less ABV	12 ounces	6.00% = 1 Standard Drin
6.01% - 7.00% ABV	10 ounces	7.00% = 1 Standard Drin
7.01% - 8.00% ABV	8 ounces	8.00% = 1 Standard Drin
8.01% - 10.00% ABV	6 ounces	10.00% = 1 Standard Dri
10.01% - 12.00% ABV	5 ounces	12.00% = 1 Standard Dri
12.01% - 15.00% ABV	4 ounces	15.00% = 1 Standard Dri

* Ounces by alcohol volume are rounded down

** No alcoholic beverages in excess of fifteen percent (15%) ABV are permitted

(b) Alcoholic beverage cups shall be distinguishable from nonalcoholic beverage cups.

(c) Nontransferable wristbands shall be issued to verify age and to indicate the number of alcoholic beverages purchased.

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

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

(5) Security. Security officers shall be hired and paid for by the event

sponsor(s) and a safety plan shall be provided to the city of Santa Fe police chief. For all events, one (1) security officer for every one hundred (100) attendees shall be present at all times the designated drinking area is in operation, unless additional security officers are required by the city manager and/or the state of New Mexico alcohol and gaming division. In addition to the security officers required for events in excess of one thousand (1,000) attendees, the Santa Fe police department shall be responsible for the enforcement of this subsection, 23-6.3, with associated costs to be paid for by the event organizers.

(a) Security guards shall possess a current license issued by the New Mexico Private Investigations Board as a level two security guard pursuant to the Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be amended thereafter from time to time.

(6) Advertising.

(a) Advertising of alcohol or tobacco at any city park is prohibited.

(b) The event sponsor shall place banners in conspicuous locations in the designated drinking area and throughout the park that:

(i) Display phone numbers and names of organizations that provide free rides for intoxicated persons; and

(ii) Provide information about the effects of alcohol abuse.

(c) The city manager or his designee shall approve the number of, size and locations of the above-described banners.

(7) tasting events. Events designated by the governing body as wine tasting events, pursuant to the requirements of Section 23-6.2(B), shall abide by the requirements of subsections 23-6.3(B)(2), (3) and (5), above, as well as the following regulations:

(a) The area of the event used for the service and consumption of

alcohol during a wine tasting event shall be illustrated on a diagram that shall be submitted to the city manager or their designee, at least thirty (30) days before the event(s). The diagram shall include the dimensions of the area, the location of entrances/exits, the width of the mandatory buffer, which shall be four feet (4') high, with further requirements to be determined in consultation with the city manager, and the locations for the placement of the advertising described in paragraph (4), above.

(b) Admission shall be a presold/ticketed event at which no alcohol will be offered for sale.

(c) Service of alcoholic beverages shall cease at the stated conclusion of the event, at which point all remaining alcohol shall be removed from view of the public. No open or unopened containers of alcohol may be removed from the event by the general public, and shall remain under the supervision of a licensed individual at all times.

B. *Administration.* The city manager or their designee shall ensure that authorized event sponsors are in compliance with the requirements of this section.

Section 3: Effective Date.

This ordinance shall become effective immediately upon adoption.

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2017/Alcohol in Railyard

Santa Fe Municipal Airport: Noise and General Activity Concerns

The La Cienega runway is used as the airport's default and primary runway, so the majority of the city's airport traffic is routed over the heads of La Cienega Valley inhabitants.

With no city jurisdiction, Santa Feans living in La Cienega and La Cieneguilla have no voice when it comes to airport matters – though we bear the brunt of airport noise pollution.

La Cienega Valley inhabitants earn around $40,000 per household, and 70% of our population identifies as Hispanic/Latino.

Ten percent of airport traffic is generated by commercial flights bringing travelers *en masse* to our city, according to Cameron Humphres, airport manager. The remaining 90% of activity relates to privately owned or chartered flights – the transportation solutions of the wealthy one percent, and a tiny minority of our taxpayer base.

On the other hand, commercial flights out of Santa Fe are priced so high, the average resident can't afford to use our municipal airport at all.

The airport hasn't posted its noise abatement policies on the premises, and as a result, employees and pilots aren't aware of the policies. On a related note, pilots break the noise abatement policy over La Cienega on a near-daily basis.

The airport hasn't posted complaints publicly, though it receives complaints on a daily basis from households across the city. It's imperative that these complaints are made public in some way, so that taxpayers and city officials (in other words, stakeholders) have a clear understanding of how the public experiences the airport's activities.

The airport and county and city officials must consider more stringent policies to mitigate rampant jet noise and effectively penalize jets who break our noise abatement policy or who are the subject of taxpayer complaints.

Decisions about the Santa Fe Municipal Airport will affect the city's residents for the long-term – including those who have no choice but to occupy Santa Fe's South Side. In a city with a median age of 65, my students, neighbors, and I are the future of this town. We deserve honest, diligent representation that favors our needs, goals, and quality of life – not those of the superrich.

Our natural spaces and traditional communities, including The La Cienega Valley, deserve the city's protection. This is our commonwealth, after all.

Exhibit "14"