



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 28, 2018
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – February 14, 2018
9. PRESENTATIONS
10. CONSENT CALENDAR
 - a) Request for Approval of RFP #18/08/P – Lease Operating Agreement for Food and Beverage Service Facility at Marty Sanchez Links de Santa Fe; El Sabor. (Jennifer Romero) (**Postponed on February 14, 2018**)
 - b) Request for Approval of Amended and Restated Deed of Conservation Easement for the Santa Fe Railyard Development Between the City of Santa Fe ("Grantor") and the Santa Fe Conservation Trust ("Grantee"). (Robert Siqueiros) (**Postponed on February 14, 2018**)
 - c) Request for Approval of Cooperative Purchasing Agreement for State Agencies and/or Local Public Bodies Between the City of Santa Fe and Cooperative Educational Services. (Adam Johnson)
 - d) Request for Approval of RFP #18/15/P for Professional Services Agreement in the Total Amount of \$520,000 for Golf Management Services/Lease of Concession Area at Marty Sanchez Links de Santa Fe; New Mexico Golf Limited. (Jennifer Romero)
 - e) Request for the Approval of #Bid 18/07/B for Police Uniforms; Galls LLC, and Capitol City Uniforms. (Deputy Police Chief Andrew Padilla)

CITY CLERK'S OFFICE

DATE 2/23/18 TIME 3:23 PM

SERVED BY Melanie Byers

RECEIVED BY DLW



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- f) Request for Approval of City-County Cost Share Agreement in the Total Amount of \$2,974,507.11 for Buckman Direct Diversion BS2A Photovoltaic System. (Shannon Jones)
- g) Request for Approval of Amendment No. 6 to Professional Services Agreement in the Total Amount of \$55,220.27, Inclusive of NMGRT, for On-Call Asphalt Sealing Patching; GM Emulsion LLC. (Randy Lopez)
- h) Request for Approval of Procurement Using New Mexico State Price Agreement in the Total Amount of \$57,552.00, for Two Ford F-150 Trucks for the PUD/Utility Billing Division/Collections Section; Power Ford. (Kathy Valdez)
- i) Request for Approval of Professional Services Agreement in the Amount of \$670,560, Plus NMGRT, for Electrical and Security Improvements at Nichols and McClure Reservoirs; Great Western Electric. (Alex Gamino)
- j) Request for Approval of Exempt Procurement in the Amount of \$1,217,019.20, Inclusive of NMGRT, for an Electrical Utility and Fiber Optic Conduit Extension from Nichols to McClure Reservoir; Public Service Company (PNM). (Alex Gamino, Nick Schiavo and Rick Carpenter)
- k) Request for Approval of 30 Professional Services Agreements in the Amount of \$2,357,300.00, Exclusive of NMGRT, for FY 2017/2018 in a Total Amount of \$10,377,000.00 for All Four Fiscal Years, for Supplies, Parts and Towing Services; Various Vendors: (Lawrence Garcia)
 - 1) 4 Rivers Equipment, Advance Auto Parts, Affordable Alignment Brake & Suspension, Allstate Hydraulic, Anaya Roadrunner Wrecker Services, Bill Williams, Bruckners Truck Sales, Inc., CBS Towing, Clark Truck Equipment Co., Cummins Rocky Mountain, Drive Train Industries, Envision Automotive Service, Garcia Tire, Hal Burns Truck & Equipment, Hose & Hydraulics, Inc., Independent Radiator Service Corp., Jiffy Lube, Krebs Santa Fe Brake & Automotive Repair, McBrides, Inc., MCT Industries, Inc., MJM Service & Repair, O'Reilly Automotive Stores, Inc., Parts Plus of New Mexico, Pete's Equipment Repair, Inc., Quinn Tire Inc., Rush Truck Center, San Loma, Inc. dba West Fleet, Titan Machinery, Weise Auto Supplies, Inc. and Wesskote, Inc.



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- l) Request for Approval of Staff Recommendation Regarding City Council Motion Related to the "Request for Approval to Use Cooperative Educational Services Procurement for a Professional Services Agreement in the Amount of \$42,854.32, Excluding NMGRT, for Construction Observation on CIP #454A Rail Trail Extension Project from Alta Vista to Pen Road; Souder Miller & Associates". (Leroy Pacheco) **(Postponed on February 14, 2018)**
- m) Request for Approval of Amendment No. 3 to Professional Services Agreement in the Total Amount of \$25,302.00, Inclusive of NMGRT, for Regulatory Required Prescriptive Tasks Regarding the Updated Methane Management Site Plan at the Paseo de Vista Closed Landfill; Golder Associates. (Shirlene Sitton)
- n) Request for Approval of Professional Services Agreement, for a Term of Four Years, in the Amount of \$229,859.87, and Procurement Under Section 13-1-129, Procurement Under Existing Contracts, (NASPO Cloud Solutions Price Agreement 2016-2026); OpenGov. (Adam Johnson)
- o) Request for Approval and Acceptance of Federal Aviation Administration Grant #3-35-0037-47 in the Total Amount of \$2,258,910.00 which was Misstated on the October 16, 2017 Finance Agenda to Do a Mill and Overlay of Runway 02/20. (Nick Schiavo)
- p) Request for Approval of Professional Services Agreement in the Amount of \$500,00.00, Exclusive of NMGRT, to Provide On-Call Engineering Services for CIP Projects; AECOM Technical Services, Inc. (Bill Schneider)
- q) Request for Approval of Airport Land Lease Between Gate 13, LLC and the City of Santa Fe. (Nick Schiavo)
- r) Request for Approval of Airport Land Lease Between Spectra Yates, LLC and the City of Santa Fe. (Nick Schiavo)
- s) Request for Approval of Professional Services Agreement in the Amount of \$161,330.50, Plus Applicable GRT, for Airport Apron Large Crack Repairs Utilizing SPA #71-805-17-15807; Dismuke Construction Company. (Nick Schiavo)



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- t) Request for Approval of Professional Services Agreement Utilizing SPA #61-805-16-14054 in the Amount of \$68,880, Plus Applicable GRT, for Airport Apron Small Crack Repairs; Dismuke Construction Company. (Nick Schiavo)
- u) Request for Approval of Professional Services Agreement Under Exempt Procurement in the Amount of \$222,405 for a Four Year Contract; Routematch Software; (Keith Wilson and Thomas Martinez)
- v) Request for Approval of Budget Amendment in the Amount of \$36,103.31, Inclusive of NMGR, for CIP#689F, Tourism Division. (J. Sam Burnett)
- w) Request for Approval of a Capital Appropriation Agreement in the Amount of \$198,000, Identified as Project A16A5092 for "Villa Consuelo Senior Center-Improve Code"; State of New Mexico Aging and Long Term Services Department. (Gino Rinaldi)
 - 1) Request for Approval of Budget Amendment
- x) Request for Final Approval of the Sale of Real Estate Within the Gonzales Road Right-of-Way Containing Approximately 1,070 Square Feet Adjoining the Westerly Boundary of 657 Gonzales Road by Wayne S. Hyatt, an Individual, and Margaret J Vick, Trustee of the Margaret J. Vick Revocable Trust u/t/a Dated June 12, 2007. (Matthew O'Reilly)
- y) Request for Approval to Publish Notice of Public Hearing on March 28, 2018:
BILL NO. 2018-2. An Ordinance Amending Section 23-4.4 Relating to the Golf Rates at the Municipal Recreation Center (MRC) to Establish Out of State Rates. (Councilor Lindell) (Jennifer Romero)
- z) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Gonzales, Councilor Maestas, Councilor Ives, Councilor Trujillo, Councilor Rivera and Councilor Villarreal)
A Resolution Supporting Continuing Efforts to Invest in and Promote Santa Fe's Walkability and to Achieve the Highest Designation as a Walk Friendly Community. (Mark Tibbets)
- aa) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Lindell and Councilor Villarreal)
A Resolution Adding the Replacement of the Fort Marcy Recreation Center Gym Floor to the Fiscal Year 2017/18 Capital Improvement Plan (CIP) for the City of Santa Fe. (Gregory Fernandez)



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- bb) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Trujillo)
A Resolution Naming Field #3 at Ragle Park After Coach Peter E. Herrera.
(Richard Thompson)
- cc) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Dominguez and Councilor Lindell)
A Resolution Establishing a Homelessness Task Force to Analyze, Plan and Design a Long Term Integrated Solution for People Who are Homeless in the City of Santa Fe and Provide Recommendations to the Governing Body. (Chris Sanchez)

Fiscal Impact: \$669
- dd) CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Maestas)
A Resolution Amending Resolution 2000-33 Establishing the Public Safety Committee to Provide for the Appointment of a Bicycle and Trails Advisory Board Member to Serve on the Committee. (Jessica Pfeifer)
- ee) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Gonzales and Councilor Ives)
A Resolution Directing the City Manager to Develop and Issue a Request for Information (RFI) Seeking Renewable Energy Related Solutions to Achieve Short and Long Term Energy Reductions at City Facilities, and Report Back to the Governing Body within 30 days of the Receipt of Responses to the RFI. (John Alejandro)
- ff) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Gonzales and Councilor Ives)
A Resolution Committing the City of Santa Fe As a Full and Active Participant As a Compassionate City; and Authorizing the Mayor to Implement This Resolution Through Appropriate Means. (Jesse Guillen)
- gg) Request for Approval of Findings of Fact and Conclusions of Law for Case No. 2017-72, Antiqua Sol Rezone Amendment, Relating to the Amendment of Various Conditions of Approval from Ordinance #2006-67 Which Rezoned Tracts 1, 2 & D-1, Wagon Road from I-1 and C-1 to R-21-PUD (Residential - 21 Units Per Acre – Planned Unit Development). The Three Tracts Total Approximately 14.58± Acres and Are Located South of Santa Fe Place Mall Along the South Side of Wagon Road and East of Office Court Drive. (Rick Word)



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- hh) CONSIDERATION OF RESOLUTION NO. 2018-____. (Mayor Gonzales)
A Resolution Authorizing Tourism Santa Fe to Enter into a Franchise Agreement with Gran Fondo New York to Develop a Preliminary Event in Santa Fe. (Randy Randall) **(Withdrawn)**
11. Short Term Rental Program Update. **(Informational Only)** (Lisa Martinez and Randy Randall)
12. CONSIDERATION OF RESOLUTION NO. 2018-____. (Councilor Dominguez and Councilor Rivera)
A Resolution in Support of the Application for Agua Fria/South Meadows Intersection Improvements Funded Through a Municipal Arterial Program Cooperative Grant with the New Mexico Department of Transportation. (David Quintana)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(7) and (8) NMSA 1978, Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, Without Limitation, Discussion Regarding Case No. 1:18-cv-00032-KBM-KK, *Santa Fe Alliance for Public Health and Safety; Arthur Firstenberg; Monica Steinhoff v. City of Santa Fe, New Mexico*; Case No. 1:17-cv-00768-SCY-CG, *Rio Grande Foundation v. City of Santa Fe*; and Discussion of the Purchase, Acquisition, or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, Without Limitation, Discussion Relating to the Santa Fe University of Art and Design. (Kelley Brennan)

15. MATTERS FROM THE CITY CLERK
16. 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



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Sister Cities Committee
- H. PUBLIC HEARINGS:
 - 1) Request from Owlicious, 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 Tecolote, 1616 St. Michael's Drive, Which is Within 300 Feet of the Santa Fe University of Art and Design, 1600 St. Michaels Drive.
 - b) If the Waiver of the 300-Foot Restriction is Granted, a Request for a Restaurant Liquor License (Beer and Wine) with On-Premise Consumption Only, to be Located at Tecolote, 1616 St. Michaels Drive.
 - 2) Request from Blue Corn II, Inc., for a Limited Beer Wholesaler Liquor License (For Sale of its Own Product) to be Located at Blue Corn Café & Brewery, 4056 Cerrillos Road. (Yolanda Y. Vigil)
- I. ADJOURN

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

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

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

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
February 28, 2018

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		3-7
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 14, 2018	Approved [amended]	7
PRESENTATIONS	None	7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF COOPERATIVE PURCHASING AGREEMENT FOR STATE AGENCIES AND/OR LOCAL PUBLIC BODIES BETWEEN THE CITY OF SANTA FE AND COOPERATIVE EDUCATIONAL SERVICES	Approved	7-9
REQUEST FOR APPROVAL OF RFP #1815P FOR PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$520,000 FOR GOLF MANAGEMENT SERVICES/LEASE OF CONCESSION AREA AT MARTY SANCHEZ LINKS DE SANTA FE; NEW MEXICO GOLF LIMITED	Approved	9

ITEM**ACTION****PAGE #**

REQUEST FOR APPROVAL OF 30 PROFESSIONAL SERVICES AGREEMENTS IN THE AMOUNT OF \$2,357,300, EXCLUSIVE OF NMGR, FOR FY 2017/2018 IN A TOTAL AMOUNT OF \$10,377,000 FOR ALL FOUR FISCAL YEARS, FOR SUPPLIES, PARTS AND TOWING SERVICES; VARIOUS VENDORS 4 RIVERS EQUIPMENT, ADVANCE AUTO PARTS, AFFORDABLE ALIGNMENT BRAKE & SUSPENSION, ALLSTATE HYDRAULIC, ANAYA ROADRUNNER WRECKER SERVICES, BILL WILLIAMS, BRUCKNERS TRUCK SALES, INC., CBS TOWING, CLARK TRUCK EQUIPMENT CO., CUMMINS ROCKY MOUNTAIN, DRIVE TRAIN INDUSTRIES, ENVISION AUTOMOTIVE SERVICE, GARCIA TIRE, HAL BURNS TRUCK & EQUIPMENT, HOSE & HYDRAULICS, INC., INDEPENDENT RADIATOR SERVICE CORP., JIFFY LUBE, KREBS SANTA FE BRAKE & AUTOMOTIVE REPAIR, McBRIDES, INC., QUINN TIRE, INC., RUSH TRUCK CENTER, SAN LOMA, INC. D/B/A/ WEST FLEET, TITAN MACHINERY, WEISE AUTO SUPPLIES, INC., AND WESSKOTE, INC.

Approved w/direction to staff

10-13

REQUEST FOR APPROVAL OF STAFF RECOMMENDATION REGARDING CITY COUNCIL MOTION RELATED TO THE "TO USE COOPERATIVE EDUCATIONAL SERVICES PROCUREMENT FOR A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$42,854.32, EXCLUDING NMGR, FOR CONSTRUCTION OBSERVATION ON CIP #454A RAIL TRAIL EXTENSION PROJECT FROM ALTA VISTA TO PEN ROAD; SOUDER MILLER & ASSOCIATES."

Approved w/direction

13-17

REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$36,103.31, INCLUSIVE OF NMGR, FOR CIP #689F, TOURISM DIVISION

Approved

18-22

CONSIDERATION OF RESOLUTION NO. 2018-16. A RESOLUTION ADDING THE REPLACEMENT OF THE FORT MARCY RECREATION CENTER GYM FLOOR TO THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PLAN (CIP) FOR THE CITY OF SANTA FE

Approved w/amendment

22-23

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2018-17. A RESOLUTION COMMITTING THE CITY OF SANTA FE AS A FULL AND ACTIVE PARTICIPANT AS A COMPASSIONATE CITY; AND AUTHORIZING THE MAYOR TO IMPLEMENT THIS RESOLUTION THROUGH APPROPRIATE MEANS	Approved [amended]	23-25
***** END OF CONSENT CALENDAR DISCUSSION *****		
SHORT TERM RENTAL PROGRAM UPDATE	Information/discussion	26-29
CONSIDERATION OF RESOLUTION NO. 2018-18. RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA/SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	29
MATTERS FROM THE CITY MANAGER	Information	30
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	30-31
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	30-31
<u>CONTINUATION OF CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF RFP #18/08/P – LEASE OPERATING AGREEMENT FOR FOOD AND BEVERAGE SERVICE FACILITY AT MARTY SANCHEZ LINKS DE SANTA FE; EL SABOR	Failed	31-36
MATTERS FROM THE CITY CLERK	Information	37
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	37-40
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	41
PETITIONS FROM THE FLOOR		41-43

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>APPOINTMENTS</u>		
Sister Cities Committee	Approved	43-44
<u>PUBLIC HEARINGS</u>		
<u>REQUEST FROM OWLICIOUS, LLC, FOR THE FOLLOWING:</u>		
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 TECOLOTE, 1616 ST. MICHAEL'S DRIVE, WHICH IS WITHIN 300 FEET OF THE SANTA FE UNIVERSITY OF ART AND DESIGN, 1600 ST. MICHAEL'S DRIVE	Approved	44-45
IF THE WAIVER OF THE 300 FOOT LOCATION IS GRANTED, A REQUEST FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) WITH ON-PREMISE CONSUMPTION ONLY, TO BE LOCATED AT TECOLOTE, 1616 ST. MICHAEL'S DRIVE	Approved	46
REQUEST FROM BLUE CORN II, INC., FOR A LIMITED BEER WHOLESALE LIQUOR LICENSE (FOR SALE OF ITS OWN PRODUCT) TO BE LOCATED AT BLUE CORN CAFÉ & BREWERY, 4056 CERRILLOS ROAD	Approved	46-47
***** END OF PUBLIC HEARINGS *****		
COMMUNICATIONS FROM THE GOVERNING BODY		47-49
ADJOURN		49

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 28, 2018**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, February 28, 2018, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Joseph M. Maestas

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Melissa Byers, Assistant City Clerk
Carl Boaz for Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, asked to postpone 10(b) to the Governing Body meeting of March 14, 2018 meeting because the City Attorney's office has not had a chance to review the agreement that discussed at the last Governing Body meeting. He recommended that we move 10(a) to be heard after Item 14 on the Evening Agenda.

Mayor Gonzales asked the reason for the postponement of Item 10(a) to be heard after Item #14, as opposed to being part of the deliberations that occur before that.

Kelley Brennan, City Attorney, said she asked Mr. Snyder to move Item #10(a) to be heard after the Executive Session, because she thought we could discuss it briefly in Executive Session.

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

DISCUSSION: Mayor Gonzales said he wants to understand a little better the reason for moving Item #10(a) on consent, until after the Executive Session.

Ms. Brennan said, "It is up to the Governing Body. It would be my intention to provide some legal analysis and advice that I will not do in open session."

Mayor Gonzales said then we obviously are in need of that advice in Executive Session before we vote on this item, and he assumes that is the reason for the request.

Ms. Brennan said yes.

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Dominguez asked to be added as a cosponsor to Item 10(z) and Item 10(bb); Councilor Villarreal asked to be added as a cosponsor of Item 10(cc) to make sure the amendment sheet was incorporated and some language changes that correspond to that, and to add some quick languages to Item 10(ff); and Councilor Ives noted he is a cosponsor of Item 10(cc) and asked that he be added.

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

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

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

Against: None.

10. CONSENT CALENDAR

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 26, 2018, regarding Item 10(aa), is incorporated herewith to these minutes as Exhibit "1."

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 26, 2018, regarding Item 10(bb), is incorporated herewith to these minutes as Exhibit "2."

An Amendment Sheet submitted by Councilor Villarreal, regarding Item 10(cc) incorporated herewith to these minutes as Exhibit "3."

An Amendment Sheet submitted by Councilor Ives, regarding Item 10(ee), is incorporated herewith to these minutes as Exhibit "4."

An Amendment Sheet submitted by Mayor Gonzales, regarding Item 10(ee), is incorporated herewith to these minutes as Exhibit "5."

A Substitute Amendment Sheet submitted by Mayor Gonzales, regarding Item 10(ee), is incorporated herewith to these minutes as Exhibit "6."

- a) *[Removed for discussion by Councilor Harris]*
- b) **REQUEST FOR APPROVAL OF AMENDED AND RESTATED DEED OF CONSERVATION EASEMENT FOR THE SANTA FE RAILYARD DEVELOPMENT BETWEEN THE CITY OF SANTA FE ("GRANTOR") AND THE SANTA FE CONSERVATION TRUST ("GRANTEE"). (ROBERT SIQUEIROS) (Postponed on February 14, 2018) This item is postponed to the Governing Body meeting of March 14, 2018.**
- c) *[Removed for discussion by Councilor Rivera]*
- d) *[Removed for discussion by Councilor Ives]*
- e) **REQUEST FOR THE APPROVAL OF BID #18/07B FOR POLICE UNIFORMS; GALLS LLC, AND CAPITOL CITY UNIFORMS. (DEPUTY POLICE CHIEF ANDREW PADILLA)**
- f) **REQUEST FOR APPROVAL OF CITY-COUNTY COST SHARE AGREEMENT IN THE TOTAL AMOUNT OF \$2,974,507.11, FOR BUCKMAN DIRECT DIVERSION BS2A PHOTOVOLTAIC SYSTEM. (SHANNON JONES)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$55,220.27, INCLUSIVE OF NMGR, FOR ON-CALL ASPHALT SEALING PATCHING; GM EMULSION LLC. (RANDY LÓPEZ)**

- h) REQUEST FOR APPROVAL OF PROCUREMENT USING NEW MEXICO STATE PRICE AGREEMENT IN THE TOTAL AMOUNT OF \$58,552, FOR TWO FORD F-150 TRUCKS FOR THE PUD/UTILITY BUILDING DIVISION/COLLECTIONS SECTION; POWER FORD. (KATHY VALDEZ)
- i) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$670,560, PLUS NMGR, FOR ELECTRICAL AND SECURITY IMPROVEMENTS AT NICHOLS AND McCLURE RESERVOIRS; GREAT WESTERN ELECTRIC. (ALEX GAMINO)
- j) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT IN THE AMOUNT OF \$1,217,019.20, INCLUSIVE OF NMGR, FOR AN ELECTRICAL UTILITY AND FIBER OPTIC CONDUIT EXTENSION FROM NICHOLS TO McCLURE RESERVOIR; PUBLIC SERVICE COMPANY (PNM). (ALEX GAMINO, NICK SCHIAVO AND RICK CARPENTER)
- k) *[Removed for discussion by Councilor Rivera]*
- l) *[Removed for discussion by Councilor Harris]*
- m) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$25,301, INCLUSIVE OF NMGR, FOR REGULATORY REQUIRED PRESCRIPTIVE TASKS REGARDING THE UPDATED METHANE MANAGEMENT SITE PLAN AT THE PASEO DE VISTA CLOSED LANDFILL; GOLER ASSOCIATES. (SHIRLENE SITTON)
- n) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT, FOR A TERM OF FOUR YEARS, IN THE AMOUNT OF \$229,589.87, AND PROCUREMENT UNDER SECTION 13-1-129, PROCUREMENT UNDER EXISTING CONTRACTS, (NASPO CLOUD SOLUTIONS PRICE AGREEMENT 2016-2026; OPENGOV. (ADAM JOHNSON)
- o) REQUEST FOR APPROVAL AND ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION GRANT #3-35-0037-47 IN THE TOTAL AMOUNT OF \$2,258,910, WHICH WAS MISSTATED ON THE OCTOBER 16, 2017 FINANCE AGENDA TO DO A MILL AND OVERLAY OF RUNWAY 02/20. (NICK SCHIAVO)
- p) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$500,000, EXCLUSIVE OF NMGR, TO PROVIDE ON-CALL ENGINEERING SERVICES FOR CIP PROJECTS; AECOM TECHNICAL SERVICES, INC. (BILL SCHNEIDER)

- q) REQUEST FOR APPROVAL OF AIRPORT LAND LEASE BETWEEN GATE 13, LLC, AND THE CITY OF SANTA FE. (NICK SCHIAVO)
- r) REQUEST FOR APPROVAL OF AIRPORT LAND LEASE BETWEEN SPECTRA YATES, LLC AND THE CTY OF SANTA FE. (NICK SCHIAVO)
- s) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$161,330.50, PLUS APPLICABLE GRT, FOR AIRPORT APRON LARGE CRACK REPAIRS UTILIZING SPA #71-805-17-15807; DISMUKE CONSTRUCTION COMPANY. (NICK SCHIAVO)
- t) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT UTILIZING SPA #61-805-16-14054 IN THE AMOUNT OF \$68,880, PLUS APPLICABLE GRT, FOR AIRPORT APRON SMALL CRACK REPAIRS; DISMUKE CONSTRUCTION COMPANY. (NICK SCHIAVO)
- u) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT UNDER EXEMPT PROCUREMENT IN THE AMOUNT OF \$222,405 FOR A FOUR YEAR CONTRACT; ROUTEMATCH SOFTWARE. (KEITH WILSON AND THOMAS MARTÍNEZ)
- v) *[Removed for discussion by Councilor Dominguez]*
- w) REQUEST FOR APPROVAL OF A CAPITAL APPROPRIATION AGREEMENT IN THE AMOUNT OF \$198,000, IDENTIFIED AS PROJECT A16A5092 FOR "VILLA CONSUELO SENIOR CENTER-IMPROVE CODE; STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (GINO RINALDI)
 - 1) REQUEST FOR APPROVAL OF BUDGET AMENDMENT.
- x) REQUEST FOR FINAL APPROVAL OF THE SALE OF REAL ESTATE WITHIN THE GONZALES ROAD RIGHT-OF-WAY CONTAINING APPROXIMATELY 1,070 SQUARE FEET ADJOINING THE WESTERLY BOUNDARY OF 657 GONZALES ROAD BY WAYNE S. HYATT, AN INDIVIDUAL, AND MARGARET J. VICK, TRUSTEE OF THE MARGARET J. VICK REVOCABLE TRUST U/T/A DATED JUNE 12, 2007. (MATTHEW O'REILLY)
- y) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 28, 2018: BILL NO. 2018-2. AN ORDINANCE AMENDING SECTION 23-4.4 RELATING TO THE GOLF RATES AT THE MUNICIPAL RECREATION CENTER (MRC) TO ESTABLISH OUT OF STATE RATES. (COUNCILOR LINDELL) (JENNIFER ROMERO)

- z) **CONSIDERATION OF RESOLUTION NO. 2018-11 (MAYOR GONZALES, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR TRUJILLO, COUNCILOR RIVERA, AND COUNCILOR VILLARREAL AND COUNCILOR DOMINGUEZ). A RESOLUTION SUPPORTING CONTINUING EFFORTS TO INVEST IN AND PROMOTE SANTA FE'S WALKABILITY AND TO ACHIEVE THE HIGHEST DESIGNATION AS A WALK FRIENDLY COMMUNITY. (MARK TIBBETTS)**
- aa) **(Removed for discussion by Councilor Harris.)**
- bb) **CONSIDERATION OF RESOLUTION NO. 2018-12(COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). A RESOLUTION NAMING FIELD #3 AT RAGLE PARK AFTER COACH PETER E. HERRERA. (RICHARD THOMPSON)**
- cc) **CONSIDERATION OF RESOLUTION NO. 2018-13 (COUNCILOR DOMINGUEZ, AND COUNCILOR LINDELL AND COUNCILOR IVES). A RESOLUTION ESTABLISHING A HOMELESSNESS TASK FORCE TO ANALYZE, PLAN AND DESIGN A LONG TERM INTEGRATED SOLUTION FOR PEOPLE WHO ARE HOMELESS IN THE CITY OF SANTA FE AND PROVIDE RECOMMENDATIONS TO THE GOVERNING BODY. (CHRIS SANCHEZ). Fiscal Impact: \$669.**
- dd) **CONSIDERATION OF RESOLUTION NO. 2018-14 (COUNCILOR MAESTAS). A RESOLUTION AMENDING RESOLUTION NO. 2000-33 ESTABLISHING THE PUBLIC SAFETY COMMITTEE TO PROVIDE FOR THE APPOINTMENT OF A BICYCLE AND TRAILS ADVISORY BOARD MEMBER TO SERVE ON THE COMMITTEE. (JESSICA PFEIFER)**
- ee) **CONSIDERATION OF RESOLUTION NO. 2018-15 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP AND ISSUE A REQUEST FOR INFORMATION (RFI) SEEKING RENEWABLE ENERGY RELATED SOLUTIONS TO ACHIEVE SHORT AND LONG TERM ENERGY REDUCTIONS AT CITY FACILITIES, AND REPORT BACK TO THE GOVERNING BODY WITHIN 30 DAYS OF THE RECEIPT OF RESPONSES TO THE RFI. (JOHN ALEJANDRO)**
- ff) ***[Removed for discussion by Councilor Villarreal]***
- gg) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE NO. 2017-72, ANTIGUA SOL REZONE AMENDMENT, RELATING TO THE AMENDMENT OF VARIOUS CONDITIONS OF APPROVAL FROM ORDINANCE #1006-67 WHICH REZONED TRACTS 1, 2 & D-1, WAGON ROAD FROM I-1 AND C-1 TO R-21-PUD (RESIDENTIAL - 21 UNITS PER ACRE – PLANNED UNIT DEVELOPMENT). THE THREE TRACTS TOTAL APPROXIMATELY 14.58± ACRES AND ARE LOCATED SOUTH OF SANTA FE PLACE MALL ALONG THE SOUTH SIDE OF WAGON ROAD AND EAST OF OFFICE COURT DRIVE. (RICK WORD)**

- hh) **CONSIDERATION OF RESOLUTION NO. 2018-___ (MAYOR GONZALES). A RESOLUTION AUTHORIZING TOURISM SANTA FE TO ENTER INTO A FRANCHISE WITH GRAN FONDO NEW YORK TO DEVELOP A PRELIMINARY EVENT IN SANTA FE. (RANDY RANDALL) (Withdrawn)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 14, 2018.

The following correction was made to the minutes:

On the Summary Index, page 1, Item 2 under Consent Calendar Discussion, amend as follows:
"Approved Postponed to 02/28/18 with direction.

MOTION: Councilor Villarreal moved, seconded by Councilor Harris, to approve the minutes of the Regular City Council Meeting of February 14, 2017, as amended.

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

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR DISCUSSION

10(c) REQUEST FOR APPROVAL OF COOPERATIVE PURCHASING AGREEMENT FOR STATE AGENCIES AND/OR LOCAL PUBLIC BODIES BETWEEN THE CITY OF SANTA FE AND COOPERATIVE EDUCATIONAL SERVICES. (ADAM JOHNSON)

Councilor Rivera said this came up as part of a different agenda item and said he asked the reason we are still working off an agreement from 2011. He asked how often these contracts should be updated regularly, so we can continue to do business with them.

Mr. Johnson said in the past this has been used on individual basis. He this action requests for us to use it on a regular basis without having to bring a procurement request, but the contract still will have to come to the Governing Body for approval. He said we should review this agreement annually to be sure we capture any changes to the membership, if any, that have been adopted.

Councilor Rivera asked if this agreement is similar to HGAC.

Mr. Johnson said that is correct. The Procurement Code allows for the use of cooperatives, HGA-CR specifically, in this case CES.

Councilor Rivera asked if the City has gone through a similar process with the approval of the other contractors we might work with.

Mr. Johnson said this is the first time that we have taken it as a whole to be used as whole contract. He said we have to look at the membership basis for these contracts. In the case of HGA-CR or Western *[inaudible]*, generally the membership is at the State level and then we will reference the cooperative, when we are "going through to get the contract approved, as the procurement method." There are not as many local body politic cooperatives like this for municipalities such as CES versus at the national level.

Councilor Rivera said for some cooperatives such as HGA-CR we have to buy their documents to be able to use their documents and such. He asked if this takes care of that or do you still have to buy into it.

Mr. Johnson said there is nothing necessary to purchase, and it only requires that the City and the vendor would be obligated to terms that are negotiated in the price agreement. He said we still use our form of contract, and would not be using any other form of contract.

Councilor Rivera said he understood Mr. Johnson to say that even though we have approved the use of CES, the contracts still come before the Governing Body for approval.

Mr. Johnson said absolutely.

Councilor Rivera said we heard a case two weeks ago, a comment was made that it was under \$50,000, so the City Manager would have had the authority to just sign that and move it forward, "but that is not the case. Because it is part of the CES contractual agreement, the contract would have to come back to the Governing Body."

Mr. Johnson said, in that specific case, the situation was the contract itself was under what is considered to be the City Manager's authority, but without the blanket approval of CES agreement, the procurement always would have to come to the Governing Body because we didn't have this document or this agreement in place.

Councilor Rivera said then in that situation, it would not have come back to the Governing Body, and the City Manager could have signed off on it.

Mr. Johnson said he would have to review the specific instance, but he believes the contract could have been signed by the City Manager, but the procurement process would have to come through the Governing Body.

Councilor Rivera said then, one way or another, it would have come through this process.

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

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

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

Against: None.

10(d) REQUEST FOR APPROVAL OF RFP #1815P FOR PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$520,000 FOR GOLF MANAGEMENT SERVICES/LEASE OF CONCESSION AREA AT MARTY SANCHEZ LINKS DE SANTA FE; NEW MEXICO GOLF LIMITED. (JENNIFER ROMERO)

Councilor Ives thanked Jennifer Romero for being here this evening. He said, referring to the Evaluation Sheet on packet page 9, it indicated there was local preference to be given. He said in looking at the business license, it is a County Business License not a City Business License. He looked on line at the Secretary of State's office, it identified only offices in Albuquerque, and no offices in Santa Fe. He is curious as to the reason.

Ms. Romero said New Mexico Golf Ltd., does have a current City Business License, as well as a County Business License. The business operates out of Albuquerque. However, we are a City property on County land, and our Head Golf Professional is here on site, so we do require both licenses – both City and County.

Councilor Ives said there was a Certificate of Liability Insurance which says the City is the Certificate holder, but there was also a request for a waiver of insurance. He is curious as to the reason the request was included, if they do have the insurance with the City identified as an additional insured under that policy.

Ms. Romero said they do have insurance coverage for general liability and Workers Compensation, but they are not required to provide professional liability and that was the reason for the waiver request.

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

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

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

Against: None.

10(k) REQUEST FOR APPROVAL OF 30 PROFESSIONAL SERVICES AGREEMENTS IN THE AMOUNT OF \$2,357,300, EXCLUSIVE OF NMGR, FOR FY 2017/2018 IN A TOTAL AMOUNT OF \$10,377,000 FOR ALL FOUR FISCAL YEARS, FOR SUPPLIES, PARTS AND TOWING SERVICES; VARIOUS VENDORS. (LAWRENCE GARCIA)

- 1) 4 RIVERS EQUIPMENT, ADVANCE AUTO PARTS, AFFORDABLE ALIGNMENT BRAKE & SUSPENSION, ALLSTATE HYDRAULIC, ANAYA ROADRUNNER WRECKER SERVICES, BILL WILLIAMS, BRUCKNERS TRUCK SALES, INC., CBS TOWING, CLARK TRUCK EQUIPMENT CO., CUMMINS ROCKY MOUNTAIN, DRIVE TRAIN INDUSTRIES, ENVISION AUTOMOTIVE SERVICE, GARCIA TIRE, HAL BURNS TRUCK & EQUIPMENT, HOSE & HYDRAULICS, INC., INDEPENDENT RADIATOR SERVICE CORP., JIFFY LUBE, KREBS SANTA FE BRAKE & AUTOMOTIVE REPAIR, McBRIDES, INC., QUINN TIRE, INC., RUSH TRUCK CENTER, SAN LOMA, INC. D/B/A/ WEST FLEET, TITAN MACHINERY, WEISE AUTO SUPPLIES, INC., AND WESSKOTE, INC.**

Councilor Rivera said he pulled this item because it is an awful lot of money. He asked the reason we went through this process

Lawrence Garcia, Project Administrator, Environmental Services Division, said it is based off the State of New Mexico which does the same, and we can purchase off their contracts. However, we have little control over what the State is doing. So we have a lot of vendors we utilize that miss the deadlines for the State contracts, and it is more difficult to get the procurement to get through the process. He said the \$10 million is a rather large amount, but this is a four-year contract. We are asking for approval for the first year, which terminates on December 30, 2018. At that time, they will have to bring back an amendment for the second fiscal year. The \$10 million is the total value of all of the contracts.

Mr. Garcia continued, saying that this is City-wide and all of the City departments were allowed to "put some money into these contracts based on services they actually utilize." This is the reason it looks so large.

Councilor Rivera asked if all City departments participated.

Mr. Garcia said the Division Fund Details is on packet 4, which lists what divisions participated, the amount of money for each contractor. This doesn't bar others divisions from joining, they will just have to do it as an amendment to the contract and bring it before the Governing Body.

Councilor Rivera said there are several companies that do the same thing, and asked if these companies are set up on a rotation basis, or is it up to each division to decide who they will use.

Mr. Garcia said each division will be able to decide who they will use under these contracts. He said the contract provides pricing based on what these contractors submitted. He said any division can go in and find the best price and for the division based on experience, turn-around time and such. They can still solicit under the State contract if the procurement is better.

Councilor Rivera asked what would be a reason for not using the lowest bid.

Mr. Garcia said some companies don't provide all the kinds of services required. For example, their vehicles are very specialized collection units that have a lot of hydraulic systems or automated arms that move in and out, and such, that a 'lot of these companies don't have specialties in.' Some can service a Class C vehicle which is a pickup, all the way to a Class V truck which is a dump truck, a garbage truck and such.

Councilor Rivera said he is concerned that maybe 1-4 companies at the end of the year could end up splitting \$2.3 million. He said at the end of the first year of this contract, he wants to see how the money was spent on different items, to make sure that a large amount of the money is not going to one specific vendor for whatever reason.

Mr. Garcia said he would point out that in these PSA's there is language which does not require us to spend all of the money. So they can spend only a portion of the funds.

Councilor Rivera said he understands, and it does give him a lot of freedom to spend a lot of money and he would like to see how that is done.

Mr. Garcia said yes. He said there are two positives, when we utilize the State contract, we do not have any insurance coverage. In doing this type of procurement, the City is named as a second insured, and we have more control over the solicitation of this contract. Also, when it goes out for re-bid, it is sent to 63 businesses the City normally uses, and out of those 63 we received 33 responses, and out of those we are bring forward 30.

Councilor Rivera reiterated that he just want to make sure we are spending the public's money wisely.

MOTION: Councilor Rivera moved, seconded by Councilor Dominguez, to approve this request with direction to staff "that when it comes back for Amendment No. 1, to extend it for another year, that we have a breakdown of where the money was spent for the previous contract date."

DISCUSSION: Councilor Harris said most of this is automotive parts related, except for towing. He asked if we have other towing companies under contract in addition to the one listed here.

Mr. Garcia said, "So I'm going to go out on a limb here." He said the Police Department has a contract for towing, but it's a different type of towing contract, but he can't use it because it is a different type of procurement. He said currently, there are no towing companies under contract with the State or City. And we were having major problems procuring those services because there are no contracts. So we are using them on an emergency basis. We are going out for bids for large trucks, and there is only one company in Santa Fe. We are reaching out for bids for one company in Santa Fe, and two out of Albuquerque. We have been told they won't bid on our contracts, because they never get the work and it is wasting their

time. He said we invited them to bid. He said we can do emergency procurement, they are towing the truck and then we have a P.O. which is on hold until approved because we don't have a contractor, and this is the reason they added towing to this process

Councilor Harris said he understood Mr. Garcia to say the Police Department has a separate contract with different towing companies for passenger vehicles.

Mr. Garcia said he thinks the Police contracts basically are for accident removals and impounds, and we can't use that piece.

Mayor Gonzales said this is a large procurement, and a great opportunity for small businesses to benefit from City purchasing. He said with the number of businesses, and the process of ensuring there is even distribution based on a level on fairness and delivery of a quality service really is important. He said if not managed appropriately, there would be fears of favoritism and he isn't suggests this exists in this procurement environment. However, this is our opportunity to show that, with a large procurement like this and the number of small businesses that have qualified that there is opportunity to make sure people have equal participation. They don't have to worry that because they don't know somebody or been around for a long time, that they won't be able to participate.

Mayor Gonzales continued, saying this really simplifies our business opportunities and makes it easier to have direct participation. It also gives us the opportunity to reinvest in small business that we need to be part of the City procurement. He said, while he won't be here, he is hoping that whatever is reported back to the City Council is how the staff has been able to assure that there has been a fair level of participation among the vendors that qualify.

Mr. Garcia said they solicit a lot of local businesses, so small businesses in Santa Fe are part of this contract. He pointed out that it works both ways. Currently, on the State contract, there are very few companies that service large trucks. He said pricing and timeliness are items about which we are concerned. He said it is beneficial to the City and doesn't see this as a problem.

Mayor Gonzales said it is an issue to be resolved by the next administration. He said it gives an opportunity to expand to small business who can deliver on a larger scale. However, we are always locking them out because they can't *[inaudible]* on time. He said for purposes of the Governing Body and how we deal with procurement in the future, there is this nod to help to build capacity with small businesses who see contracts moving out of the City. He said this is something we can keep an eye on.

Councilor Trujillo said when he looks at the list, there are a lot from Albuquerque, commenting he deals with these companies all of the time. He said the City should be able to work out these contracts a lot easier. He said they deal with the towing at the State. He said the City might want to consider purchasing a tow truck, noting it is a wise investment. He said Mr. Snyder might do an analysis about what it costs to tow a vehicle currently. He said it is better to be safe, and if we have a vehicle stuck on Cerrillos Road and have to wait for somebody from Albuquerque, it doesn't benefit the City. He asked Mr. Garcia to give him a call and they can discuss this further.

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

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

Against: None.

10(I) REQUEST FOR APPROVAL OF STAFF RECOMMENDATION REGARDING CITY COUNCIL MOTION RELATED TO THE "TO USE COOPERATIVE EDUCATIONAL SERVICES PROCUREMENT FOR A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$42,854.32, EXCLUDING NMGRT, FOR CONSTRUCTION OBSERVATION ON CIP #454A RAIL TRAIL EXTENSION PROJECT FROM ALTA VISTA TO PEN ROAD; SOUDER MILLER & ASSOCIATES." (LEROY PACHECO) (Postponed on February 14, 2018)

Councilor Harris said he will be brief, because we talked about this at Finance and at the Governing Body meeting two weeks ago. He said his concern was the cost of the full project, as it was initially presented, which is approximately \$950,000 for a two-block trail. He said he wants to clarify Mr. Pacheco's recommendation. He said you were recommending a Souder Miller CES contract for construction observation. He said he looked at HDR's contract, and its document says inspections as well. So Mr. Pacheco now is proposing to get HDR of which he approves. He said the issue for him was having the landscape architect under HDR and then moving over to SMA. He said, for clarity of contract relationships, he thought that was an important move. He said Mr. Pacheco did note two weeks ago that we had Bid Alternate A, which basically anticipates doing the road adjacent to Pen Road, then cross at Cordova to the west side of the tracks, to take advantage of existing bike lanes. And, eliminate the section of trail between Cordova and Alta Vista as designed. He said we can negotiate for construction engineering and observation since we have a reduced scope of work. So there is a total project cost of \$549,926, which is a difference of about \$408,000. He has seen some of the emails and a lot of people have been attached to the full development of the scope of work. He said, given where we are and the needs for trails, he would be an advocate for taking that savings in excess of \$400,000 and applying it to another trail project, but he doesn't know what that would be at this time.

Councilor Harris continued, saying he wants to make sure he understands this correctly, "that in fact, that we would move to deny an award to SMA, but then accept the recommendations of staff that they are included in *[inaudible]*." He said there are a series of recommendations. It is GM Emulsion as well as HDR, with a different scope of work. He said he appreciates Mr. Pacheco's summary of the construction costs, which is something we can talk about to every project manager, including Mr. Burnett. He just wanted to clarify that that is where we are, and adding things here as necessary.

Mr. Pacheco said Councilor Harris is correct that they are withdrawing the request to use a Cooperative Service Agreement with Souder Miller. He thought that was to be discussed later in the month, but that is off the table. Staff listened to you and looked at HDR's contract, and are recommending that we stay with them here for construction observation, under the current contract. He said that is correct.

Mr. Pacheco continued, saying the motion made at the Governing Body two weeks ago, was to have staff to report back to the City Council with re-scoping. He said it is to inform Council that GM Emulsion's contract, as awarded, has the bid alternate that permits this flexibility. He said at the end of June 2017, the recommendation to award the full project was based on funds available. He said based on discussions two weeks, his recommendation to the Council is to move forward with full construction. He said, "I want the Council to understand that the option to move forward is available to the community and to the Governing Body, whose decision it would be whether to implement the entire award as awarded in June 2017, or if you direct staff to do the Alternate A with the \$400,000 savings, we are prepared to take that direction and keep moving forward."

Councilor Harris noted that the item before us is, "*Request for approval of staff recommendation regarding City Council motion...*"

MOTION: Councilor Harris moved, seconded by Councilor Ives for purposes of discussion, "to accept the staff recommendations as described in the attached Memo related to the Scope of Work which means that we are employing GM Emulsion for Alternate A, as well as then relying upon HDR for construction engineering and construction observation."

DISCUSSION PRIOR TO SECOND: Councilor Ives asked, for clarification, if Alternate A is...

Councilor Harris said as he understands, "Alternate A means doing the work as designed along Pen Road from the end of the existing Rail Trail to Cordova, and then crossing Cordova to the west side of the tracks and taking advantage of the established bike lane that is within the South Capitol Railrunner Station. Because then, when it goes across Alta Vista, the existing Rail Trail is already on the west side of the tracks. So at point, we had to make that move from east to west, and this just does it at Cordova instead of at Alta Vista."

Councilor Ives said he would note that at the Public Works Committee on Monday, he believes it was the unanimous vote of Public Works to proceed with the proposal as originally put forward, which would involve constructing the Rail Trail segment on the east side of the Rail Trail, so adjacent to the multitude of State buildings on that side, for various reasons. He said, "So just noting that was the action at Public Works and the recommendation of Public Works by consensus to the Governing Body."

Councilor Harris said he didn't know it was in the Public Works packet, and assumes it was a different packet, so Public Works understood that the *[inaudible]* from the full project in the alternate areas is in excess of \$400,000.

Councilor Ives said, "On that point, I don't think anybody felt uninformed on the economics."

Councilor Rivera said, in reading this between Public Works and tonight, he was curious as to the reason two weeks ago the \$42,000 was something that was necessary for this project, and now two weeks later, we found somebody else to do it.

Mr. Pacheco said in looking at contracting, there are various tools in the tool box to look at. He said the algorithm that went through his mind when it was suggested the Souder Miller and CES contract he had contracted with Souder Miller under CES for construction observation on a current construction he had, and it seemed to be simple and straightforward. He did not anticipate it would take the path it did, so based on some of the information and knowledge he gained in discussing this with Councilor Harris, it is basically is another tool, but it does do the job well, and works well under legal procurement and legal contracts. And that particular *[inaudible]* hit a roadblock and so we don't need it, so we decided to withdraw.

Councilor Rivera said so if it hadn't hit the roadblock and if it hadn't been questioned by Councilor Harris, we would have spent almost \$43,000 in funds that it was unnecessary to spent.

Mr. Pacheco said, "No, we are going to spend money for construction observation, we're just going to do it with the engineer of record's contract, which is recommended by Councilor Harris. That money is going to be spent on a different contract."

Councilor Rivera asked if those changes are reflected in the packet.

Mr. Pacheco said they are reflected in terms that he doesn't think they would exceed that, but he needs to negotiate that under the existing contract HDR, and that hasn't been done, but the contracts exist, and are approved.

Councilor Rivera said then the HDR contract will increase by about \$42,000

Mr. Pacheco said that would be his guess.

Councilor Rivera said he is thankful for Councilor Harris's knowledge about this. He sees so many of these come forward but doesn't understand 100% how the engineering contracts work and may have been approved without much questioning. He asked if we have a method for review of contracts to ensure that language is not missed in the contract, and if there is someone to pick up the slack.

Mr. Pacheco said we have used various tools for construction observation in the past, such as in-house staff, E-90 employees and contracting them out. He said there is no question that we need construction observation and inspection, noting it is based on need and decision making at the time. He said he wouldn't question it every time a decision has been made and a contract has been executed that it's been a bad decision. He said there isn't one way to do something all the time, so we have to adapt and stay within the law. He agrees with him, and thanked Councilor Harris. Staff looked into his concerns and were able to address some of the recommendations that he made.

Councilor Villarreal thanked Councilor Harris for bringing up issues with the contract, and said she thinks we've come to an agreement on that. She said in further discussion at the Public Works Committee there was a visual that helped her to understand more of the connectivity of this. She said they asked a lot of questions, and some points that were made by staff she thinks would be important to bring up again. She asked about the safety improvements that would be made along the West Cordova and Alta Vista intersections. She thought those were important, given that she has been on bicycle trying to cross those areas and they're very challenging.

Councilor Villarreal said she noted that both he and Councilor Lindell had thought that the South Capital Station area could be utilized. She thinks having it moved over and utilizing Pen Road and actually having the New Mexico State offices which makes it more accessible for pedestrian usage would make more sense. She said they talked a little about it, and perhaps staff could talk about this project which is also a part of the [inaudible] master plan. The other point that was important is that the 2012 Bond from which funding was directed to this project, and asked staff to talk about that as well.

Mr. Pacheco used the overhead for his discussion. He said we have an existing multi-modal, non-motorized path from St. Francis just behind the Chevron Station, which was completed to Pen Road. It will include a crossing of Pen Road with raised medians, signage and painted crosswalks. It will include a non-motorized connection between Cordova and Alta Vista within the Railroad ROW, and that is part of the experience of the Rail Trail from Rabbit Road through the entire City up to St. Francis Drive. It also will include the connection at Santa Rosa Drive into the Casa Linda Subdivision.

Mr. Pacheco continued, saying at the time of award of the contract they didn't know if the budget would support the entire amount. So they included a Bid Alternate that would just complete the Pen Road, the crossing and the connection to the Casa Linda neighborhood.

Mr. Pacheco continued, saying in terms of the passage of the bonds, getting through the Master Plan, noting there was a lot of public involvement that got us to this point. He said we have expended \$200,000 to day to get to this point. He said you need to understand that this would be completed as intended from inception, or you would save \$400,000 and move it to another trail project.

Mr. Pacheco continued, saying the other thing to note is that the engineer's estimate for the award was \$692,000 total build. The bid came in at \$652,000, including tax. He staff recommended the award in June 2017. It was vetted quite extensively by the engineer of record, HDR, and found to be a responsive bid for the work and a good bid. So if we come back later for some reason needing to revisit the nonmotorized block, it's quite a bit more expensive than \$400,000, plus the design which was bid out.

Councilor Villarreal asked him to talk about the 2012 Bond and that this was a recommendation as part of the Bond record.

Mr. Pacheco said this is part of the sale of the Parks and Trails Implementation Bond. He said they started the process about four years ago and, working within the Railroad ROW is complex and it has taken four years.

Councilor Dominguez said he thinks what this says to our staff, at least for the next two years, is that what we have lacked as a Governing Body in project management, is that staff is going to really have to start paying attention to this. He said he wasn't around for the Public Works discussion, but he was around for the discussion at Finance where a lot of this was brought up. He thinks it just speaks to the fact that the Governing Body is moving in a good direction to make sure we are managing our monies quite effectively. He thanked Councilor Harris for taking on these responsibilities.

Councilor Villarreal asked for the Motion to be repeated.

Mayor Gonzales said, "There is a motion to accept the staff recommendation regarding the materials in our packet on how to proceed."

Councilor Villarreal said there is confusion about the Alternate Bid, the reduced bid, we are proposing.

Councilor Harris said staff recommendation is to accept Bid Alternate A from GM emulsion, as well as to withdraw the request for the use of Souder Miller and Associates, for construction observation and to negotiate construction observation services with the engineer of record which is HDR.

Councilor Villarreal said she is in agreement with one part of the observation piece, but she doesn't agree with the other piece with the bid alternate.

Councilor Harris said, "I understand. But again, this is my motion. This is my stance."

Mayor Gonzales said there was a proposed "amendment to separate the two."

WITHDRAWAL OF SECOND TO THE MOTION: Councilor Ives said "I was the second, and because I am a proponent of the full project, but only to have the discussion, I seconded for purposes of discussion, but I would withdraw my second because, I do believe constructing it as originally proposed on the east side of the rail track between Alta Vista and Cordova makes sense. So I would withdraw my second."

SECOND TO THE MOTION: Councilor Rivera said, "I'll second to continue the discussion."

CONTINUATION OF DISCUSSION: Councilor Rivera said he has heard this both times, the first time at Council, he heard it at Public Works, and it can go either way, but the cost savings are leading him toward accepting the motion, and this is the reason he seconded the motion.

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

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

Against: Councilor Ives and Councilor Villarreal.

10(v) REQUEST FOR APPROVAL OF BUDGET AMENDMENT IN THE AMOUNT OF \$36,103.31, INCLUSIVE OF NMGR, FOR CIP #689F, TOURISM DIVISION. (J. SAM BURNETT)

Councilor Dominguez said there were many questions at Finance Committee on this. There was some concern that there could be creep into the project, only because of the way it was written. He asked if we know who initiated this project.

J. Sam Burnett, Public Works Project Administrator, said the project was initially as far as he knows by a previous Facilities Director, David Pfeifer. He said beyond that, he is not entirely sure who directed Mr. Pfeifer to do this.

Councilor Dominguez said the Memo says Facilities was asked, not that Facilities initiated it. He asked who asked Facilities to initiate this.

Mr. Burnett said he can't answer, but his assumption is that perhaps it came from Tourism because it has to do with issues of stucco falling off the building, but he could be mistaken.

Councilor Dominguez asked Mr. Snyder if he knows.

Mr. Snyder said he doesn't know, noting Mr. Randall is here. He has had conversations with Mr. Randall regarding his concerns about the stucco. He also spoke with John Romero about the leaks.

Councilor Dominguez said he wants to make sure the funding source is appropriate, and that we won't be using Water funds or other fund that isn't appropriate. He asked Mr. Randall to comment.

Mr. Snyder said one of the reasons proposed for using these funding sources is what Councilor Dominguez is getting at. He said we wanted to make sure the building is safe for the Tourism staff there from the elements, but also the frequency there. He spoke with Mr. Randall and he agreed to fund the evaluation of the building and what would be necessary to make it into a project. He said this, obviously, is within his signature authority, but he wasn't comfortable signing-off on it, because he felt, based on the pictures he has seen, the building is in very poor shape. He said the pictures in the packet show great deterioration. His concern is that if we spend \$36,000, it would lead to a much larger project. So he wanted to make sure Council was on-board with this.

Councilor Dominguez said he isn't asking about the budget, he is asking where this was initiated.

Randy Randall, Director, Tourism Santa Fe Department, said he brought to the attention of Facilities that stucco was falling off the building, and concerns were expressed by the public as to the condition of the building.

Councilor Dominguez said then it's really for Tourism purposes, saying Mr. Randall brought it up, and sees this as a Tourism facility.

Mr. Randall said it is a City facility, owned by the City. He said Tourism occupies about 60% of it, 15% by the Police and the balance by a concessionaire.

Councilor Dominguez said Mr. Randall has staff that deals with facilities as well.

Mr. Randall said he has 2 maintenance personnel.

Councilor Dominguez said the reason he is asking, from an organizational perspective, if this is going to be a Tourism function and not a Facilities issue, then he thinks that needs to be resolved. He said we've had these questions in the past regarding the GCCC which once had its own maintenance personnel, who were moved to Facilities. He wants to make clear who is really responsible for this facility – what department is responsible. The funding is coming from Tourism, but Facilities actually is managing it.

Mr. Snyder said the building is a City building and the largest tenant is Tourism Santa Fe. The two maintenance personnel on staff at Tourism are dedicated to the Convention Center. He said, "I look at this as a City building and Randy is the tenant. And from this standpoint, we have an agreement that, I can't remember the exact terms of the agreement, but Tourism Santa Fe resides there, but there is a tenant agreement. I feel that it is appropriate that, from a tourism standpoint, that Randy and Tourism Santa Fe lead the effort to help that. That being said, I also expect major renovation costs. I expect it to end up as a CIP request."

Councilor Dominguez asked if in the CIP Plan if this will sit under Facilities or CVB.

Mr. Snyder said he would see it sitting under facilities.

Councilor Dominguez said yet the funding is coming from CVB.

Mr. Snyder said the funding for the studies are going to come out of Tourism Santa Fe.

Councilor Dominguez asked the reason we don't fund Tourism with that amount of money instead of Facilities.

Mr. Snyder said it could be done that way. His concern regarding this is the rapid deterioration of the building. We have funding available currently in Tourism Santa Fe. From a study standpoint, he wishes this funding was going toward fixing, but it's not, but it meets certain criteria in the Historic District and certain criteria to determine how large of a project this is. He said it could be put on the CIP on the unfunded list similar to another item on the agenda tonight, but that is another alternative that we could approach.

Councilor Dominguez said we've come a long way in coming up with a CIP budget, and thinks this Governing Body has moved leaps and bounds in even having a CIP 5-year budget. He said we are seeing that this is an emergency, and asked where this sits now within the CIP budget.

Mr. Snyder said it is not in the CIP budget.

Councilor Dominguez asked who is responsible for making sure that it gets in the CIP budget.

Mr. Snyder said since it is a facility, it should be part of our facility evaluation. He thinks a year or so ago he is unsure if it was identified as a need in the large funding need for facilities renovations and upkeep and such.

Councilor Dominguez said the reason he is asking these questions is twofold. One, is we need to continue to work at improving the CIP budget, making sure we include all these facilities in the budget in the appropriate location. He said, secondly, one criticism we get from the public is the idea that we are taking money from one place and putting it somewhere else. He said we haven't had some of the discussions about how that happens. He is asking the questions so the Governing Body knows exactly what is going on. More importantly, so staff gets approval from the Governing Body. He said it is not necessarily a commingling of funds but it is moving money from one location to another.

Councilor Dominguez continued, saying the Memo says, "*We are requesting permission to perform to BAR money from one of Tourism's Fund: 2115, into Business Unit/Line Item 22108.520100 CC...*" He asked if this is a business unit or a fund.

Mr. Burnett said it is a business unit and a line item, it's the Community Convention Center Repair and Maintenance Building and Structures, is the specific business unit and line item identified.

Councilor Dominguez asked the balance in that business unit and line item and what is the budget.

Mr. Randall said he doesn't have the budget amount with him, but thinks there is still \$200,000 in it, but it is all designated for projects that are underway, that are being reviewed. He said they all are related to the Convention Center, commenting he knows the camera system is part of it at \$55,000. He believes the new lighting was just paid out of that fund at \$34,000. He said he can provide the list that goes with that number, but doesn't have it "off the top of my head."

Councilor Dominguez said he is asking, and if this is a priority, all things being equal, then some of the other projects in that business unit could be secondary compared to this. He doesn't know what those items, and there is no way for him to prioritize that "right here, right now," because we don't have that information. He said, generally speaking, he is in support of this, because he thinks it is something that is obviously important because of safety. However, again, we just need to pay attention to funding sources, the priorities, how it is to be spent. He said, "I trust, Brian, that this scope of work is consistent with any processes that we have in place, and since procurement seems to be the 'thing of the month' really, in this case, we're not even taking it out to RFP, we're just kind of extending the contract."

Mr. Snyder said he doesn't disagree with what is being said. He said, "I would just add that this is part of the gateway to Santa Fe and that is why Tourism is there. If Tourism was not there, it would be another City facility and it would get put on your CIP list to consider as a facility."

Mr. Snyder continued, saying Tourism is there, and as Mr. Randall said he brought attention to the concerns to try to figure out how to move it forward expeditiously. He said it is not an emergency yet, but it could be an emergency. It is an historic building, or it is in a Historic District, and as the pictures show, it is very dilapidated. He would consider it an emergency from that standpoint. He said he doesn't disagree what he says about it not being a commingling of funds. He said we need to decide how to go about making repairs and fixes necessary to get the building up to standard.

Councilor Dominguez said the longer we wait, the more it will cost, and really, it doesn't matter so much as to who is going to pay, just as long as we have the opportunity to have that discussion, so that we know.

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

DISCUSSION: Councilor Rivera asked if this is the building right next to the parking lot for Tomasita's restaurant.

Mr. Burnett said that is correct.

Councilor Rivera said two years ago we went through a process of replacing all the brick in front of this building, and making a nice area for visitors to come into, and that went through the Railyard Corporation process. He asked the reason this isn't going through that same process.

Mr. Burnett said he can't answer the question, because is unclear on the distinction between the two.

Councilor Rivera said it shows on the Railyard Master Plan and is listed as the Santa Fe Depot Multi-Modal Center, and that is the same building we are discussing. He is curious as to the reason we are not allowing the Railyard Corporation to take the lead on this and move forward.

Kelley Brennan, City Attorney, said, "I believe that the Depot was transferred to our possession several years ago, perhaps even in conjunction or around that time with that project."

Councilor Rivera said then it is a City building.

Ms. Brennan said, "Yes, I believe so. There have been a number of transactions around that building, but I believe it's ours."

Councilor Dominguez said that question was asked at Finance. However, what he wants to follow-up on is if the Governing Body actually took action on that transfer. That's when we were amending the Railyard Agreement.

Ms. Brennan said, "I believe we took appropriate action at the time. I just can't recall exactly what it is. But, we took over a number of pieces of the property and control. This was odd, because we list the SFRCC and then we list it back to them. I think we have clarified that in a transaction, unfortunately, I can't recall more than that."

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

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

Against: None.

10(aa) CONSIDERATION OF RESOLUTION NO. 2018-16 (COUNCILOR LINDELL AND COUNCILOR VILLARREAL). A RESOLUTION ADDING THE REPLACEMENT OF THE FORT MARCY RECREATION CENTER GYM FLOOR TO THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PLAN (CIP) FOR THE CITY OF SANTA FE. (GREGORY FERNANDEZ)

A copy of an Amendment Sheet submitted by Councilor Harris regarding this matter, is incorporated herewith to these minutes as Exhibit "7."

Councilor Harris said he just wanted to make sure we had a discussion as the result of Monday's Public Works Committee, because when we met two weeks ago to discuss this, we asked for Public Works to go back and look at what project would have to come off CIP or if there were funds available within the current CIP budget. He asked members of the Public Works Committee how that was resolved.

Councilor Ives said we did consider it at Public Works, and the review of the FIR, which is in the Governing Body packet this evening, indicates that the proposal was to pull \$125,000 in funding which was for window replacements at Salvador Perez, which was seen as a less exigent need than replacing the gym floor at Fort Marcy which had so much activity, and had the potential to cause much more immediate harm. So Public Works considered that as part of its process.

Councilor Ives continued, saying Public Works wants to develop a process for evaluating exactly this type of circumstance, determining how we do these kinds of reprioritizations, and the kinds of considerations we would like to see when a matter is brought forward. He said there were lots of questions because it was presented in summary fashion, rather than looking at the considerations. Public Works unanimously approved this Resolution to move forward.

Councilor Harris said he sees that now, commenting he missed that in the revenue narrative, where it is identified clearly.

MOTION: Councilor Harris moved, seconded by Councilor Lindell, to adopt Resolution No. 2018-16.

DISCUSSION: Councilor Dominguez said he is in support of this, noting we had sort of the same discussion on the previous item. He thanked to Councilor Villarreal for providing the CIP list to us, noting it is not on the list. He said again, we just need to keep working to see that the Capital Budget is refined.

Councilor Rivera said at the Public Works Committee he had asked, regarding the second page of the

Resolution, the Now Therefore Be It Resolved just puts the gym floor on the CIP list, and there is no discussion about funding. It is his understanding that amendments made at the Finance Committee that added language that discusses financing, but he doesn't see any of that in tonight's packet or on our desks.

Mr. Guillen said those amendments were incorrectly included in the previous item 10(z), so the amendment is in the packet, it under the incorrect agenda item.

[STENOGRAPHER'S NOTE: Since the Amendment was in the packet, but under Item 10(z), I attached this Amendment as Exhibit "7."

Councilor Villarreal said it was an amendment made by Councilor Harris.

Councilor Harris and Councilor Rivera said they found the amendment and thanked Mr. Guillen.

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

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

Against: None.

10(ff) CONSIDERATION OF RESOLUTION NO. 2018-17 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION COMMITTING THE CITY OF SANTA FE AS A FULL AND ACTIVE PARTICIPANT AS A COMPASSIONATE CITY; AND AUTHORIZING THE MAYOR TO IMPLEMENT THIS RESOLUTION THROUGH APPROPRIATE MEANS. (JESSE GUILLEN)

Councilor Villarreal said she would like to amend language on page 2, line 6.

MOTION: Councilor Villarreal moved, seconded by Councilor Dominguez, to adopt Resolution No. 2018-17, with an amendment beginning on line 6, as follows: "...*alleviate the suffering of our fellow creatures, others most marginalized, to ~~dethrone ourselves~~ from...*"

DISCUSSION: Councilor Villarreal said she's struggling with the language, "to dethrone ourselves," and didn't think it sounded right.

Mayor Gonzales said this language was recommended by the Community College, which asked us to participate in this are.

RESTATEMENT OF THE MAIN MOTION: Councilor Villarreal moved, seconded by Councilor Dominguez, to adopt Resolution No. 2018-17, with an amendment beginning on line 6, as follows: "...*alleviate the suffering of our fellow creatures, others most marginalized, to dethrone ourselves from the center of our world and put another there, and to honor....*"

Councilor Villarreal said she said she started to bring this up earlier, because it didn't sound like what we were trying to get at.

Councilor Dominguez asked Mr. Guillen where this language came from.

Mr. Guillen said he got it indirectly from the website for Compassionate Cities.

Councilor Dominguez said typically, these are findings of fact, and there is no need to cite that, but it's not language that is part of another piece of legislation from the Community College, and Mr. Guillen said no.

Mayor Gonzales said the request for this came from the Community College, and through research, Mr. Guillen was able to pull this from the Compassionate Cities.

Councilor Villarreal said this makes sense, it was just that one particular area.

Councilor Ives said he knows the language did come through the Community College, independently of his efforts, and had been working with folks associated with Horses for Heroes who were similarly interested in focusing compassion. Some of that language is in here, as well. These organizations certainly contributed to the language.

Councilor Rivera said he is curious about the caption of the Resolution that says to give the Mayor the authority to implement this Resolution through appropriate means. He asked if anyone can explain to him what that means. He said part of his concern that we have a Mayor now that may treat it one way, and the Mayor that comes in, in a week, that may look at it a different way. He is trying to get an idea of what "through appropriate means" actually stands for.

Mayor Gonzales said it is the recognition of the new form of government toward which we are moving, where the Mayor will have a larger role and responsibility over the administration and how policies of the Governing Body are implemented throughout the City. He said we have seen across the country where cities have adopted the effort of being more compassionate, and Mayors largely have taken on the role of administrations to define how that is dealt with, whether it is how we work at community centers, provide public safety, and there are a number of areas that have prescriptions for how a municipality became more compassionate. Part of it is an effort to address some of the challenges in our cities as the result of racism and other factors when it comes to violence. He said there is strong data that suggests by cities adopting the compassionate model, that there is an environment of a safer space for people.

Mayor Gonzales continued, saying he thinks there is nothing inappropriate in asking the future Mayor to bring it back to the Council for approval. He said part of the reason it has that language, is that the next Mayor coming in will have greater responsibility over the delivery of Council policy in some of these areas.

Councilor Rivera said he feels that is the same answer for the last Be It Further Resolved, which provides, *"that the Mayor of Santa Fe shall be authorized to implement this resolution any practical means they deem appropriate in their sound discretion."* He said this language is extremely open-ended and he is not sure that he is 100% comfortable with it.

Mayor Gonzales said in our transition, "as we go from a Council-Manager form of government to the strong form, it is completely appropriate and I am completely open to the wishes of the Council, especially those Councilors that will be sticking around into the future and how you want to address this issue."

Mayor Gonzales continued, saying this is an easy softball to delegate to the future Mayor, commenting he is sure there will be plenty of other conversations you will have in terms of policy.

FRIENDLY AMENDMENT: Councilor Villarreal said she would like to amend that portion as follows: *"Be It Further Resolved, that the Mayor of Santa Fe shall be authorized to implement this resolution through any practical means they deem appropriate in their sound discretion, subject to the approval of the Governing Body."* **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Rivera asked if that, in and by itself, address the caption of the Resolution which says "to implement this Resolution through appropriate means." Or would that language be affected in the caption of the Resolution as well.

Councilor Ives said he thinks it may be fine as is, because it then defines the appropriate means as subject to the approval of the Governing Body, "so I think it's subsumed in there."

Councilor Dominguez said he sees approval and appropriations by the Governing Body as different. He said approval is one thing but appropriation is funding specific, so that kind of ties it up a little bit more.

Councilor Villarreal agreed.

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

**11. SHORT TERM RENTAL PROGRAM UPDATE. (LISA MARTINEZ AND RANDY RANDALL).
(INFORMATIONAL ONLY)**

A Memorandum dated February 22, 2018, for the February 28, 2018 Meeting, with attachments, to the Mayor and Governing Body, is incorporated herewith to these minutes as Exhibit "8."

Lisa Martínez, Director, Land Use Department, presented information regarding this matter. Please see Exhibit "8," for specifics of this presentation.

Ms. Martinez said they would request that the Mayor and Governing Body provide direction with regard to any of the recommendations they made in the Report and they will stand for questions. She said Mr. Randall is in attendance to speak to the Lodgers' Tax components. She said they thank the members of the Governing Body for their help in making all of this happen.

The Governing Body commented and asked questions as follows:

Councilor Villarreal said, for clarification, we started collecting Lodgers' Tax, especially on Airbnb in 2016, so how did we track Lodgers' Tax collections for 2014 and 2015. She wants to understand that better.

Mr. Randall the people with permits were submitting Lodgers' Tax, outside of the Airbnb arrangement. The Airbnb went into effect August 1, 2016, so that is the reason you see a jump in 2016, with a significant jump when we could collect it for the whole summer season.

Councilor Villarreal said then you are saying in 2014 and 2015 Lodgers Tax were collected from those that had a permit.

Mr. Randall said yes, it was through the normal process, noting there were approximately 350 permitted properties and individuals were submitting, where a lot of them now go through Airbnb, noting there are approximately 950 Airbnb rentals in the City currently.

Councilor Villarreal asked about adding the quality of life aspect to the Ordinance, and asked if we had that many activities that led to this recommendation.

Ms. Martinez asked James Martinez to respond to that question.

Mr. Martinez said we had a few complaints and that how we were able to find those.

Councilor Villarreal asked if the complaints were from neighbors.

Mr. Martinez said yes, and people staying at those locations.

Councilor Villarreal said then we would have to go inspect those locations, and Mr. Martinez said yes.

Councilor Villarreal said, in terms of due process, she is unsure how that would work, noting they said there is a legal recommendation, and that would require an Ordinance change and the City would collect the fines.

Ms. Martínez said the change would be that they would not be required to go to court, and staff could impose the fines themselves. She thinks it would be similar to a parking citation . She said they still have due process and the opportunity to go to court, but it would shorten the process somewhat.

Councilor Dominguez said then these are the recommendations and the direction you are requesting from us, and asked how much of this is codification, at least the recommendations. In other words, will it take an amendment to the Ordinance, or are you just asking us to give this direction.

Ms. Martínez said it would have to be an amendment to the Ordinance.

Councilor Dominguez said the "devil is in the details," and will be in the process of looking at the language. He wanted clarification, because you are asking direction, and really the direction to prepare Ordinance amendments to include, at least, these two recommendations.

Councilor Harris said the numbers are impressive in terms of the permits issued and the dollars anticipated are equally impressive on the Lodgers' Tax side. He said he recalls from a discussion 1½ years ago is that Airbnb was collecting Lodgers' Tax, but not GRTs, and asked if that is correct.

Mr. Randall said that is correct.

Councilor Harris asked what is being done to track the collection of GRTs, whether through Airbnb or any of the other vendors. He said it is a simple calculation of both done by formula. He said he would think you can take the numbers provided for Lodger's Tax and you should be able to arrive at a number based on our GRT rate. He doesn't know if anybody has done that, and asked if we can say that we are collecting GRTs at the same pace, at the same level of compliance as Lodgers' Tax.

Mr. Randall said he thinks it would be safe to assume that the GRTs are collected at the level it was at a year and a year and a half ago. He said the people remitting Lodgers' Tax on their own, most likely were remitting the GRT. Airbnb has facilitated that for the owners who are not submitting Lodgers' Tax. I would doubt there is a lot of GRTs being collected and paid. He said we don't have access to the detail we need to be able to see that. He said they are working through the State Hospitality Association to try to have a relationship established between the State and Airbnb where then they could then collect the GRTs and remit them. However, they can only have their relationships with the governmental agencies that collect the taxes.

Councilor Harris said he assumes the permit application states clearly that the vendors or permittees are required to collect Lodgers' Tax as well as GRTs.

Ms. Martínez said that is correct.

Councilor Harris asked if there is any way in our compliance process to affirm that in fact people are paying GRTs.

Ms. Martínez said she is not quite sure how we could do that. She said we would have to set-up something with the State Department of Taxation and Revenue (TRD), to be able to share information one way or another. She said the software company we use that helps us with compliance, does have similar programs set up with the taxation agencies in different parts of the country, and the State of Pennsylvania is one for sure. That might be a resource we could use to see if we can access the information, but right now we don't have a means to do that.

Councilor Harris said he has a series of questions he could ask, but he thinks he would rather provide direction to staff to look at the numbers for the GRTs, and provide an analysis of what that means vis a vis the Lodgers' which should be a simple calculation. He assumes, as Mr. Randall said, we probably are collecting the same level, maybe more, but certainly not at the level of Lodger's Tax. And then beyond that, we need to look at the mechanisms or vehicles available to us, or we need to create, in order to collect the GRTs.

Councilor Harris continued, saying the program is far more successful than it was, which is good, noting there are only 5 in District 4. He said if we can, we really need to look at this GRT issue.

Councilor Ives said that is one of the reasons, in at least the last two Legislative sessions, we have identified legislative priorities, asking for change in the law or the relationship with the State that allows us to receive much more detailed GRTs information. The information we get currently from the State doesn't allow us to use it for analytical purposes, and part of the reason we made that request. He said he doesn't know whether anything was accomplished in this Legislative session to that effect.

Councilor Lindell asked how effective the software is, and asked if it has been a valuable tool to us.

Ms. Martinez said it is extremely valuable tool. She said each month we take the number of permits issued, and provide that information to software company. They go through and scope the internet to see where they find matches and where they don't. They send us a report where they don't find matches, and we have been able to go out, and find out if they are operational. She said sometimes we don't find that out until we have compliance staff out during certain evenings and holidays. She said staff has found a number from those lists and have been able to bring the rental into compliance, so it definitely has worked for us.

Councilor Lindell said she thinks Mr. Randall said that we identified 950 Airbnb's.

Mr. Randall said that is correct.

Councilor Lindell asked how that compares with the number of permits issued.

Mr. Randall said there are two things. One the Airbnb agreement does not get into the compliance section, so they do not determined where people who are listed have licenses or permits. He said it is very specifically excluded in Airbnb's voluntary collection agreement. He said some of these do go on and off, and it doesn't necessarily represent the total number available today, but it represents how many they had on the market in the past 12 months.

Councilor Lindell said then the software is designed to scrape the internet, look at those, and then mesh with our licensed dwellings, and asked if this is correct, and Mr. Randall said that is correct.

Councilor Lindell said it is not perfection, but it is progress and this report looks an awful lot better than any other report she has seen on Short Term Rentals, and she is grateful for that. The City spent a lot of time and resources on this, and it is so much better than it has been in the past. And she is very appreciative.

12. CONSIDERATION OF RESOLUTION NO. 2018-18 (COUNCILOR DOMINGUEZ, AND COUNCILOR RIVERA AND COUNCILOR VILLARREAL). A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA/SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID QUINTANA)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 26, 2018, is incorporated herewith to these minutes as Exhibit "9."

MOTION: Councilor Dominguez moved, seconded by Councilor Harris, to adopt Resolution No. 2018-18.

DISCUSSION: Councilor Dominguez thanked staff for bringing this Resolution forward and working with us on this. He thinks it will be very beneficial to that intersection. He said this his last Resolution, hence his quick motion for approval.

Councilor Villarreal asked to be added as a cosponsor.

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

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

Against: None.

Absent for the vote: Mayor Gonzales.

13. MATTERS FROM THE CITY MANAGER

Mr. Snyder said he as an update regarding the upcoming Council training for the newly elected Mayor and Councilors, and existing Councilors, and asked everyone to mark their calendars. He said the election is on March 6th, and on Saturday, March 10th we will have an all-day training up at the Museum of Indian Arts and Culture, Museum Hill, 8:00 a.m. to 4:30 p.m., noting they donated the facility. It will be a high level training – reviewing the City Charter, Open Meetings Act, Inspection of Public Records, Code of Ethics, personnel responsibilities for elected officials, how to do motions, resolutions, ordinances, Governing Body meetings, rules for Governing Body, Robert's Rules of Order and many other things. This will lay the groundwork for the Council Meeting that is the next week. He said on March 12th there will be all new City employee orientation, Community Convention Center at 8:00 a.m., and newly-elected officials can attend. He said on March 14th, the first Governing Body meeting, there will be a City of Santa Fe tour by bus, for the new Mayor, all newly elected and existing Councilors, to arrive at City Hall between 4:30 p.m. and 5:00 p.m. The goal is to give a "fly-by" of different City facilities around the City. He said more information will be forthcoming.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(7) AND (8) NMSA 1978, DISCUSSION REGARDING THREATENED AND PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION REGARDING CASE NO.1:18-CV-00032-KBM-KK, SANTA FE ALLIANCE FOR PUBLIC HEALTH AND SAFETY; ARTHUR FIRSTENBERG; MONICA STEINHOFF V. CITY OF SANTA FE NEW MEXICO; CASE NO. 1:17-CV000768-SCY-CG, RIO GRANDE FOUNDATION V. CITY OF SANTA FE; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING, WITHOUT LIMITATION, DISCUSSION RELATING TO THE SANTA FE UNIVERSITY OF ART AND DESIGN. (KELLEY BRENNAN)

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

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

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

Against: None.

The Governing Body went into Executive Session at 6:57 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:38 p.m., Councilor Rivera moved, seconded by Councilor Ives, that the Governing Body come out of Executive Session and stating for the record that the discussion in Executive Session was limited to the matters noted on the agenda

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

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

Against: None.

Absent for the vote: Councilor Harris

CONSENT CALENDAR DISCUSSION

- a) **REQUEST FOR APPROVAL OF RFP #18/08/P – LEASE OPERATING AGREEMENT FOR FOOD AND BEVERAGE SERVICE FACILITY AT MARTY SANCHEZ LINKS DE SANTA FE; EL SABOR. (JENNIFER ROMERO) (Postponed on February 14, 2018)**

Mayor Gonzales asked Jennifer Romero, MRC Manager, to tell the Governing Body where we left this item two weeks ago.

Ms. Romero said the recommendation from the Governing Body was to go out to RFP.

Mayor Gonzales said, "And because there wasn't a sufficient number of the Governing Body voting it basically was tabled until this [meeting]."

Ms. Romero said she believes there was a lack of a quorum, so it was postponed.

Mayor Gonzales asked, "Are we in that motion then, still."

Ms. Brennan said, "I don't believe so. I believe the issue was that there were not five votes, and five votes was required."

Mayor Gonzales said, "So the motion died."

Ms. Brennan said, "Yes."

Mayor Gonzales said, "So now we're back in..."

Ms. Brennan said, "The succeeding motion was to postpone.

Councilor Rivera said to reiterate what we discussed. He said he thinks the Finance Division stated two weeks ago, and he wants to confirm, that the process that we went through was a fair process. They had several weeks to look at it, along with yourself, and I think they said that this was fair process from the beginning, a little sloppy but fair, and asked if this is correct.

Ms. Romero said that is correct.

Councilor Dominguez said he will state that his position still hasn't changed even during the discussion that we had over the last couple of weeks. He said his job is to look out for the best interests of the City. He thinks, because of the fact that there are not a lot of people knocking down the doors to get this contract, it has become somewhat personal. He said, "But I will say that my position still hasn't changed, and all that I can do is say that I'll be on the sidelines to be able to say, I told you so, and that's it."

Councilor Lindell said, "I want to disclose that I received a letter from the representative of El Sabor, that was directed to myself and to Councilor Villarreal, as a representative of the restaurant as well as representing themselves as one of our constituents. So I just want to go on record as acknowledging and letting people know that we did get that letter."

Mr. Snyder said, "I just want to go on the record as well, saying that I received a similar letter and circulated that to all the Council yesterday, or the day before."

Mayor Gonzales said he would briefly call for a quick point of view with regard to one vendor over another. He said, "It seems that clearly we are in a place where two very hard working entrepreneurs and businesses are working to try and to serve the City. And I believe any vendor who participates in the public procurement process, that that process should yield a very fair, impartial process that, on the outside looking in, even if not the case doesn't look like the procurement yielded a vendor other than who should have. And without any *[inaudible]* with this process, because I have not reviewed or sat with staff regarding this procurement. I know that there have been enough concerns all the way around, whether the opponent for granting the contract to El Sabor or not, that those concerns with this public procurement process. And it seems, in terms of an abundance of caution, there should be an opportunity to have an RFP process or procurement process that allows for another review of a proposal that has been provided and to determine who the vendor should be, regarding something that isn't as messy as this last one, or to correct some of the issues that were brought up, highlighted through various messages that have been sent to Council, or to the administration."

Mayor Gonzales continued, "I always like to be on the side of, you know, in the abundance of caution and the idea of fairness and the support of fairness, being able to make sure that people feel, when they leave this process, that they were treated with respect and the utmost commitment to some impartiality. And so my hope is, that however the Council deliberates on it, it seems like there was enough concern last time to ask for a new RFP, but however we go with this that we feel, whether it is in the affirmative that has *[inaudible]* whether, even we do feel that the process of being able to issue another

procurement in the abundance of caution, can make sure that people feel that they were properly treated fairly by the City."

Mayor Gonzales continued, "That is one way of saying, I'll be with you on the sidelines on this, but I do think that, similarly, in voting on this, I would rather err on side of fairness and making sure that people feel like they were treated *[inaudible]* in that process, and if there were questions, that we were able to rebid the procurement and allow for that to happen. And I would hope that we would be able to do that."

Councilor Dominguez said, "Obviously, I think that that speaks to the complexity this Governing Body has created for itself in this. We issue contracts every other Wednesday and approve them almost every day, and I have never seen a contract get this kind of scrutiny that this one is getting tonight. Tonight, we approved a \$2.2 million contract without any discussion at all. And we had a four point whatever million dollar contract with very little discussion. And so, I'm confident that, given the advice that the City Attorney has given, that staff has provided us, this is one of those that is a no-win for the City of Santa Fe."

Councilor Dominguez continued, "So I will offer what I think is the most responsible motion. And my fellow colleagues can agree with me or not, but so we can get this process on the road. And let me finally say this, my decision is not a reflection of the current vendor or the potential future vendor. It has to do with the City process and its intent to be as fair as it can be. Again, if we are going to fix this kind of process with a contract, this is not seen as the one that we would do that with. We would do that with some of the other more complicated and more expensive contracts. And again, I'll say what I said last time, I want to thank both applicants for submitting or responding to the RFP, because I certainly know that would be a tough one to manage. It doesn't get a lot of business necessarily year-round, there are a lot of things that need to be taken care of, and I think that is reflected in the fact that we don't have a lot of people responding to the RFP. So I'll just throw this out there just to get the discussion going."

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, "that we send this to, I think the recommendation from Marcos [Martinez] last time was to have a Hearing Officer review it, I don't know exactly what the language was Marcos." **Ms. Brennan said,** "I would assume that you are moving to refer the matter to a Hearing Examiner to find facts and make a recommendation to the Governing Body." Councilor Dominguez said, "So I'll make that as part of my motion. Like I said, it's mostly to get the discussion going, because we've got to do something with this."

DISCUSSION: Councilor Rivera asked Ms. Brennan how long that process make take, because the current contract ends soon.

Ms. Romero said the current contract ends March 31, 2018, the current extension.

Councilor Rivera asked if there are provisions to extend that contract, commenting that after the Hearing Officer's recommendation it would have to come back here with a new Governing Body.

Ms. Brennan said, "I believe, under the circumstances, we could extend that contract. I can't say how long it would take. We do have some hearing officers under contract, we may want to contract with someone outside, but I don't think that should be a long process."

Councilor Rivera asked, "You're talking months, weeks."

Ms. Brennan said, "Realistically, probably 4-6 weeks to get it back to the Governing Body. But I will say that's an estimate, because we have not done this before."

Mayor Gonzales said, "I will just offer a point on that, Councilor Rivera, that we are going to through an administrative transition, and there will be most likely new individuals or new eyes looking at this that could even delay it longer, potentially. But, too, my concern with the motion is that it adds another complexity to an already complex procurement process that, if we can't come to a decision, that we are going to just *de facto* go to a third party to make a decision for the Council."

Mayor Gonzales continued, "So, I would state that for the record. That I think that the idea of the 4-6 weeks is probably a best case scenario, but we ought to be prepared that the next administration may come back and decide they want to rebid this, or they want to take a little bit longer. Who knows what might happen, but moving it to the next administration could be challenging for the vendors and even for the public, who is wondering... and I don't know how big of a deal it may be for the public who the vendor might be, but you know, it could be. And certainly for the vendors and the small business people and entrepreneurs, it's a long waiting game of trying to get to some decisions."

Councilor Dominguez said, "If I can respectfully respond, you know it's going to be kicking it to the next administration, whether we like it or not, given kind of the first responses that we received, and the amount of attention that has been given. And then, just on the very issue of complexity, I agree with you, but the Governing Body has created that dilemma itself by dragging this on, and essentially fighting the work that City staff has done to make sure it is fair and unbiased, and all of that. So, I sympathize with this idea that it is going to be more complex, or create this level of complexity, but we've done that already. I mean the Governing Body is going to have to recognize that and deal with it, because we've kind of *[inaudible]* for it."

Councilor Rivera said, "Marcos [Martinez] and Kelly [Brennan], probably Marcos, said you looked at this for probably a couple of weeks now, but in that procurement process, is there a way to handle issues like this when they arise."

Marcos Martinez, Assistant City Attorney, said, "And I'm sorry I didn't get down quickly enough to answer your question last time, Councilor Dominguez, but I'll try to answer it in this way. The Procurement Manual, when there is a protest, has in its process the ability to have the Purchasing Director recommend that the protested application go to a hearing officer. And the hearing officer then can collect facts and make a recommendation as to the validity of the protest or not. Now, I think that may answer part of Councilor Dominguez's question. Did that answer your question."

Councilor Rivera said, "Yes. So, we're not creating a new step in the process, this is something that is in the Procurement Manual and..."

Mr. Martinez said, "It is both in the old manual and in the recently adopted State Statutes as well."

Councilor Rivera said, "Very good. Thank you."

Mayor Gonzales said, "There is a motion and a second, I believe Councilor Rivera seconded it, Sig [Lindell] did, I apologize, to refer this matter to a mediator selected by the City Attorney's Office."

Ms. Brennan said, "The Hearing Officer would be, I believe, would be done through the Finance Director."

Mayor Gonzales said, "And in the interim, arrange for an interim contract with the existing vendor until such time as the Council makes a decision."

Ms. Brennan said, "Yes. You are correct."

Mayor Gonzales said, "But we don't have a date certain by when it will come back to the Council."

Ms. Brennan said, "No."

Councilor Harris asked, "Discussion. This is probably back to Mr. Martinez, does the State Procurement Code speak to...we talked about the hearing officer... I'm assuming that any determination, findings of fact, that's not absolutely binding on the Governing Body. Correct. The Governing Body still has to make the final decision on this."

Mr. Martinez said, "Councilor Harris, that's my understanding."

VOTE: The motion failed to pass for lack of a majority vote on the following Roll Call vote:

For: Councilor Trujillo, Councilor Villarreal, Councilor Dominguez and Councilor Lindell.

Against: Councilor Rivera, Councilor Harris, Councilor Ives and Mayor Gonzales.

Explaining his vote: Councilor Rivera said, "I'm going to vote no, because I'd rather just end this here tonight."

Explaining his vote: Mayor Gonzales said, "No, for a different reason, because I actually think to end it properly we have to rebid it."

Mayor Gonzales said, "So the motion dies."

Councilor Dominguez said, "Even without it dying, we need 5 votes, right."

Ms. Brennan said, "Yes."

MOTION: Councilor Rivera moved, seconded by Councilor Harris, to "go along with staff's recommendation and award this to El Sabor."

VOTE: The motion failed to pass for lack of a majority vote on the following Roll Call vote:

For: Councilor Villarreal, Councilor Dominguez, Councilor Harris, and Councilor Rivera.

Against: Councilor Trujillo, Councilor Ives, Councilor Lindell and Mayor Gonzales.

Explaining his vote: Councilor Trujillo said, "There's too many... I have too many questions on this, so I have to vote no."

Mayor Gonzales asked if the Governing Body would like to make a motion.

Councilor Ives asked Ms. Brennan the effect if we don't take affirmative action on it.

Ms. Brennan said, "In fact, I think it would have to go out for rebid because no contract has been awarded."

Mayor Gonzales said if it is correct, that the next step would be to direct staff to rebid the contract. He would like clarification from Ms. Brennan if we don't vote on this.

Ms. Brennan said, "It would that the motion to approve the contract failed. We therefore have no contract approval. We do not have a permanent contract, so we would have to get one. So yes, I think we would re-solicit."

Mayor Gonzales asked if this needs to be done by a motion.

Ms. Brennan said, "Typically, I would like a positive motion to deny, with a vote of 5, and that would be preferable. In other words, a specific motion to deny with a vote. On the other hand, the motion failing on approval suggests that. So if anyone is willing to make a positive motion."

MOTION: Councilor Lindell moved to deny the contract. **THE MOTION FAILED FOR LACK OF A SECOND.**

Ms. Brennan said, "We have a lack of approval which is sufficient to tell us that need to *[inaudible]* the contract."

Mayor Gonzales said we have this process which will make it easier for the Council in the future to make a decision.

Councilor Villarreal thanked Ms. Romero for her work on this.

15. MATTERS FROM THE CITY CLERK

Melissa Byers, Assistant City Clerk, said she would remind the votes that the election is March 6, 2018. She said people can early vote at the City Hall and at the Genoveva Chavez Convention Center until Friday at 5:00 p.m.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of *"Bills and Resolutions scheduled for introduction by members of the Governing Body,"* for the Council meeting of February 28, 2018, is incorporated herewith to these minutes as Exhibit "10."

Councilor Villarreal

Councilor Villarreal introduced the following on behalf of Councilor Maestas:

1. A Resolution directing the City Manager to identify a funding source for a feasibility plan to determine if providing free public transportation throughout the City to tourists and residents will help achieve the City's goal of being carbon neutral by 2040. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution in support of continued operation of the New Mexico Railrunner Express after a 2018 federal deadline to install positive train control on all commuter and Class 1 freight railroads until such installation is completed; and supporting the NCRTD application for an RMRTD SIB LOAN to finance a portion of positive train control implementation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12"

Councilor Rivera

Councilor Rivera said at the last meeting we were informed it was Ms. Helberg's last meeting with the Governing Body. He thinks we should bring something forward to try to honor her, and hopefully to do that at the next meeting. He said hopefully she will be invited to come back and help celebrate.

Councilor Rivera said, "This is also Councilor Dominguez's last meeting. And he is unsure he will get the chance to say these nice things about you at the next meeting. So I just wanted to thank you for your friendship and for being an excellent mentor, sometimes for keeping me out of trouble, and sometimes for letting me dig my own hole and then figure a way out. Your work on SWAN Park, the Airport Road Overlay District, back when it just included Las Acequias Park, the Frenchy's Park area, the trails. The legacy that we felt throughout the City and throughout District 3 with you is much appreciate. The one thing I think people forget is you worked really hard and did such a great job on is representing our youth. So I wanted to thank you on behalf again, and thank you for being a great friend and great mentor. You will be sorely missed. And we should ask to call you periodically to ask for some advice and I wish you the best of luck in the future, and take the time to enjoy everything that life has for you. I know

your are potentially retiring from the State as well, so that will give you some free time. And I just wanted to thank your family as well. As Councilor, I know the toll that it takes on family, and I'm sure your family has had to deal with some late nights, and potentially being gone on holidays, and other things, celebrations and birthdays. So please give them my thanks and love as well."

Councilor Dominguez

Councilor Dominguez said, "Thank you Mayor. So I don't go out with the last item, the way *"inaudible."* It is what it is. This is my last communications from the Governing Body, so I just want to give my speech, and give thanks to a number of people. Of course, I want to give thanks to God for giving me this opportunity. It's something that I never dreamed of, something that I never planned, something that I never anticipated. It just kind of happened. Of course, I need to give thanks to my family, Deb and my boys, because certainly it is sometimes difficult on families, and I've always tried to make it a point to thank the families of my colleagues, as well, because I understand the toll, especially for my boys. I learned the hard way that quality time isn't just hunting and fishing and that sort of thing. It also is about engaging and getting them involved in the process, so I spent some quality time with them, that's for sure. My dad who isn't here anymore, because he was here, and my sister, thanks to them for sticking with me through the thick and then. And of course, my mom, who I lost a few years ago, and she has always been there in spirit with me. And sometimes I can hear he saying, I came to tell who has you. So I certainly want to thank her, and I know she is up in heaving, saying thank God that you are leaving."

Councilor Dominguez continued, "I need to thank my colleagues as well, and I thank Councilor Ives, Councilor Trujillo and Councilor Maestas for running for Mayor, because certainly it's easy to sit on the sidelines for one thing or another, but you are taking the initiative to run for Mayor. And I certainly think that whoever wins, the City of Santa Fe will be in good hands. I want to thank Councilor Villarreal, Councilor Harris and Councilor Lindell for their work as well on the Finance Committee. It's easy for the public to go there and throw softballs, I'll use that term, and say that we're not doing a lot in terms of our finances. But really, the work we have done on the Finance Committee is amazing. Because, where we were just a few years ago, compared to now, we've come a long way, and that's because we spent the time and the effort managing, being here until nine o'clock at night sometimes, sitting through hours and hours of budget hearings, things that the public doesn't see us working on. We are in a much better place because of our work."

Councilor Dominguez continued, "And Councilor Rivera, you are one of the best co-Councilors anyone could ask for. Certainly, we haven't agreed, as it should be, but you and I have, I think, a friendship that goes beyond just being a good co-Councilor. And I still remember referring you as my Fire Chief. So your work is very much appreciated. You have never said no to me. You have allowed me to interrupt you at times, because I think I know better. But you have always been there to support some of those things that we had thought were important for the District. So thank you much for, not only the friendship, but for the work as well. And then lastly, I just want to thank you Mayor, for being there. And it takes a lot for mayors to put your neck out there and to what you think is right. Again, it's easy for people to either root for think or another, but to actually get something done, and to try things takes a lot of effort. Thank you for work, and running and for everything that you've done for City of Santa Fe. And so, there's

just a lot of things there. I'm not sure what your future plans are, but whatever they are, I wish you the best of luck.

Councilor Dominguez continued, "And then staff. I was thinking about calling out individual staff members, but there are just too many of them. So I just really want to thank City staff, Brian, at every level from the top to the bottom. Because all of you bear the brunt of some of the ire from the public. They really are the champions that make this City work. They are there day in and day out, holidays, weekends, whatever the case may be, doing the work that sometimes we, obviously, in the last item, making it difficult for them to deal with. And so, nonetheless, they're still going to be here tomorrow, they're still doing to working and they do a very good job for the public. And I want to thank each and every single one of them from the bottom of my heart for everything that they do for the people of this community. I think it can never never go unnoticed."

Councilor Dominguez continued, "And then, finally, to the constituents of District 3, want to thank them for getting me elected. There are times that, together, we have been able to bring a lot of attention to District 3. District 3 has had to deal some of the major issues – annexation, redistricting, bringing up social justice issues that we all want to take care of, the amount of monies that the Governing Body has been supportive of in the past. I think this is the result of the work they have done to bring that attention to the Governing Body."

Councilor Dominguez continued, "I just want to leave everyone with a couple of comments. One of my favorites is, 'The Road to Hell is paved with good intentions.' That can't be more true than tonight. I do plan on doing some fishing and golf. I am going to travel a little bit, and then I will have to get a job, I guess, at some point, but I'll still be around. It reminds me of Scripture, and I'll read you this, and I'll just leave it for government to ponder a little bit. And it certainly reminds me of my next steps. It says, '*Do not be daunted by the enmity of the world's grief, do justly now, love mercy now, walk humbly now.* You are not obligated to complete the work, but neither are you free to abandon it. So I will not be abandoning the City of Santa Fe. I will still continue to work at some level for the greater good of the community. Thank you, Mayor."

Councilor Ives

Councilor Ives said he would join as a cosponsor of both measures introduced on behalf of Councilor Maestas.

Councilor Ives continued, "And with that said, I previously noted my appreciation of Councilor Dominguez at Finance, and noted that it has been a pleasure and a privilege being able to serve the people of Santa Fe with him, and would simply echo those earlier remarks here tonight. And so, it is with a sense of appreciation, it has been a pleasure to have been on Finance and serve on this Governing Body with you."

Councilor Ives continued, "To the others that are departing this Governing Body, and we are not sure necessarily who it will be, I would echo that same sentiment. It really has been a pleasure. I think every member of the Governing Body brings a passion to the representation of the people of the Santa Fe, and a sense of commitment to what is good for this City, commitment to what is good for the people of this City, and a strong attitude, and a commitment a vision of this City, that sees it as resilient, diverse and embracing all of its citizens. That passion has been evidenced by each one of you, and including Councilor Maestas, who is not here tonight. And that has made all of the difference, I think, to me sitting up here. Because we have been able to disagree or agree with you on matters, but always with the knowledge that we are serving the people of Santa Fe and doing our very best at that task.

Councilor Ives continued, "And it has been wonderful to see this Governing Body grow in terms of its embracing the information, embracing the knowledge, embracing that notion, which, to me, is the hallmark of successful governance, which is informed decision-making. I think we have all worked hard, and I certainly speak directly to those who may not be here, may be here, but are leaving, that we have really elevated the level of discussion within the Governing Body during the time that I have had the pleasure with serving with all of you. So, I look forward. I would only, hopefully, echo what Councilor Dominguez said, is that nobody is going away. Everybody is remaining a resident and participant in this wonderful city, and to the future contributions of all of you, in whatever capacity it is you choose to be involved. So thank you the pleasure and privilege of having been able to serve with you and under your leadership, Mayor, and on our various committees, it has been one of the highlights of my life, by far and away, so I thank you."

Councilor Villarreal

Councilor Villarreal said we should have done this at the end of the meeting. She said with respect for the time for the folks that have been waiting for us, and we can give kudos to all individual Councilors later. She said, "I have a lot to say, but I am not going to going to say it now, because we are way overdue lettering the public speak at this point. So let's do that later. Thank you so much."

Mayor exercised the prerogative of the Chair to move the balance of Communications of the Governing Body to the end of the meeting, and to move to the Evening Session at this time.

END OF AFTERNOON AGENDA AT APPROXIMATELY 8:15 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 8:15 p.m. There was the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Joseph M. Maestas

Others Attending

Brian K. Snyder, City Manager
Kelley Brennan, City Attorney
Melissa Byers, Assistant City Clerk
Carl Boaz for Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

VERBATIM TRANSCRIPT OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F CITY COUNCIL MEETING FEBRUARY 28, 2018

Mayor Gonzales gave each person 2 minutes to speak

STEFANIE BENINATO: I'm Stephanie Beninato, P.O. Box 1601, Santa Fe, New Mexico. I am here as a senior who is disabled. I'm not asking for a senior center on the south side of town. I am asking on my behalf and on others behalf that Salvador pool be operated reasonably to give access to seniors. In the past few weeks, the pool temperatures have been so cold, and the temperature in the pool area has been too cold. On Monday, when a woman who is a senior got into the pool, within a minute, she shivered so bad that she had to leave. She only stays a half hour and

was denied access to [inaudible]. Another couple who are seniors, when they found out that the pool, after 2 ½ hours of heating up, the heat was just about to come up to something reasonable, but the air temperature was 72, but when I say it is 72, it is 8 feet above the pool level. So it's only about 66, it's too cold, the differential is too much, so it pulls the heat out of the pool, so when you're swimming on the surface, you're swimming in cooler water or not. We need to have a reasonable facility there. We need the facility to operate reasonably. We have been asked for that for nearly 6 months. I've been here, as a senior representing other seniors asking that it to happen and we get reason after reason about what happened. Now, we're waiting for some contractor. We don't know who, we don't know when. Ms. Roybal actually swam at the pool a couple of weeks ago. She sat and the pool. She recognized it was chilly, she put in work orders. I just happened to be there in the evening by happenstance. She knew it was too cold to actually be in the facility that day. She actually emailed somebody on the facility staff, but it has not done any good. We need to have a facility operating so that seniors can be healthy and that they can go there and work out in the way that they need to. The other point I would like to make, is if the State can tell us how many people, down to the person, is in the medical marijuana program, and it is a public record, then the City Attorney's office can really give the information that I am requesting which is statistical information about how many times EMT's or paramedics responded to calls at recreational facilities for over-heating, heat prostration and heat stroke. I don't want to know whether they treated them or not. I simply want to know how many times the responders were called out. I really need that information, and I do expect that it would be. And if I can Mayor, I just want to say publicly that I really was going to dog you during your run for Lieutenant Governor. It would have been on your record. It would not have been personal. And I say that whatever happens, the timing was too opportunistic, and the level of venom indicates that it was a personal vendetta against you, and I'm really sorry about that, and I hope that, you know, whatever happened, you will ask for forgiveness, your cousin asks forgiveness rather than [inaudible]. 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, of February 28, 2018.


Melessia Helberg, Council Stenographer

AMBER ESPINOZA-TRUJILLO, 3122 Siringo Rondo, South, said, "Mayor, I want to thank you for your service. We have not always agreed on issues, but I believe you tried to do your best for the community of Santa Fe, and I really applaud you on that. For those of you who return and to others joining the Governing Body, please remember you signed up for this position, it was not forced upon. Please treat

every constituent with respect and compassion. It may be the 15th or the 100th time you have heard an issue, but for them, it's the first time they brought it before you. Even if you disagree, just do it respectfully, following the Golden Rule, treat others as you would wish to be treated. Remember, when all is said and done, people will not remember how many resolutions you brought, how many meetings you sat through, or language revisions you brought forward, they will remember how you made them feel. Best wishes to each of you and your family. I know how hard you guys have worked, I have watched you do it for 12 years. And I just I wish you all the best. Thank you."

G. APPOINTMENTS

Sister Cities Committee

Mayor Gonzales made the following appointments to the Sister Cities Committee:

Carol Robertson Lopez, Chair – Reappointment – term ending 10/2019;
Jeff Case - Reappointment - term, ending 10/2018;
Rudy R. Fernandez - Reappointment - term ending 10/2019;
Bernard Rubenstein - Reappointment - term ending 10/2019;
Clara Padilla Andres - Reappointment - term ending 10/2018;
Art Olivas - Reappointment - term ending 10/2019;
Carl Moore, Alternate - Reappointment - term ending 10/2019;
Sky Stith - to fill unexpired term ending 10/2018;
Carlene Carey, Alternate - to fill unexpired term ending 10/2018; and
Rhonda Faught, Alternate - to fill unexpired term ending 10/2019.

Mayor Gonzales we tried to bring these appointments to you sooner than the last reason. Mostly, the reason it hasn't made it through is he thinks the Clerk has been very busy with the election and we've had to prioritize and work through which appointments would come forward. This Sister Committee has worked incredibly hard. It is a diverse group of Santa Fe citizens that are very thoughtful in how we continue our relationships on a global level. He reiterated he didn't expect to ask the Council to make appointments to committees on my last meeting, nor does he believe a new Mayor would be disserved by these appointments. However, he said he thinks it is appropriate that their work can continue. He reiterated this should have been brought several meetings ago, but we couldn't get it on the agenda because of other issues. He asked the Council please to consider his final recommendation for the Sister Cities Committee.

Councilor Lindell said she would like more information, noting we receive no information or reports from this Committee and would like to put off making these appointments a bit longer if there is no urgency to make these appointments.

Mayor Gonzales said there is no emergency, but he believes these people have been waiting to come before the Council. I think Council could make requests for reports to the Council on the work of this Committee, and that would not be hard to provide. He defers to the wisdom of the Council on whether or

not to make these appointments. However, he would not have brought the appointments forward if he didn't believe they were serving the program, and if he believed they would be in an adverse position to any future Mayor.

Councilor Ives said he has had a not insignificant interaction with Sister Cities Committee over the past year and can speak to the good work they do in serving their mission. He agrees that it is reasonable to move these appointments forward, especially given the delay encountered. He believes they will serve the administration well.

MOTION: Councilor Ives moved, seconded by Councilor Harris, to approve this appointment, with direction that a report be provided by the Committee at its next meeting or the following with regards to its activities on behalf of the City.

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

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

Against: None.

Abstain: Councilor Villarreal, Councilor Rivera and Councilor Lindell.

Explaining her vote: Councilor Villarreal said, "I am going to abstain because I don't know enough about what this Committee does, and I'd like to learn more about, and see if makes sense.

Explaining his vote: Councilor Rivera said, "I too would like to abstain.

Explaining her vote: Councilor Lindell said, "I will abstain on this. I would like to have more information before we move forward."

Responding to the Mayor, Ms. Brennan said, "Abstentions count as a no vote. Yes, you need a majority."

Mayor Gonzales said we have a majority and we've good, and Ms. Brennan said yes.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM OWLICIOUS, LLC, FOR THE FOLLOWING:**
 - a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOL AT TECOLOTE, 1616 ST. MICHAEL'S DRIVE, WHICH IS WITHIN 300 FEET OF THE SANTA FE UNIVERSITY OF ART AND DESIGN, 1600 ST. MICHAEL'S DRIVE.**

- b) **IF THE WAIVER OF THE 300 FOOT LOCATION IS GRANTED, A REQUEST FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE) WITH ON-PREMISE CONSUMPTION ONLY, TO BE LOCATED AT TECOLOTE, 1616 ST. MICHAEL'S DRIVE**

Item H(1)(a) and (b) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum dated February 22, 2018, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Trujillo, to grant the request for a waiver of the 300 foot location restriction to allow the sale of alcohol at Tecolote, 1616 St. Michael's Drive, with all conditions of approval as recommended by staff.

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

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

Against: None.

MOTION: Councilor Trujillo moved, seconded by Councilor Ives, to grant the request for Restaurant Liquor License (beer and wine) with on-premise only, to be located at Tecolote, 1616 St. Michael's Drive, with all conditions of approval as recommended by staff.

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

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

Against: None.

2) REQUEST FROM BLUE CORN II, INC., FOR A LIMITED BEER WHOLESALER LIQUOR LICENSE (FOR SALE OF ITS OWN PRODUCT) TO BE LOCATED AT BLUE CORN CAFÉ & BREWERY, 4056 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

A Memorandum dated February 23, 2018, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Ives, to grant the request for a limited Beer Wholesaler Liquor License (for sale of its own product) to be located at Blue Corn Café & Brewery, 4056 Cerrillos Road, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Villarreal asked how this liquor license is different from the current liquor license -- what actually changes

Ms. Byers said her understanding is that Limited Beer Wholesaler can sell its own product, they make the beer on site, and they can sell it wholesale from the restaurant to other restaurants or whoever wants to buy beer from them.

Responding to Councilor Villarreal, Ms. Byers said before they were selling only to their customers.

Councilor Villarreal said she thinks they already were doing wholesale, and asked for a response from applicants.

Susanna [???], attorney for Blue Corn, was sworn. Susanna said, "To answer your question, under their Small Brewers License, they were able to sell to other small brewers, but they were not able to sell to restaurants. Another by-product of this license is caused by the Liquor Control Act. When they approved for Sunday sales for restaurants, they didn't approve Sunday sales for small brewers. So on a Sunday, the restaurant would only be sell its own beer to customers with a Limited Wholesale License. So it can sell its beer to itself. So that's really part of the reason for the request for this license."

Councilor Villarreal thanked her for the clarification, saying she just wanted to get that on record.

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "I want to explain my vote. And Carl, you are here, so this should be verbatim. And we always say that you are only as good as your last vote. I'm glad that the last item, regarding appointments wasn't my last vote, and I'm glad that the [inaudible] lease wasn't. This is. And I think, seeing the last vote up here, I vote yes. My last vote."

END OF PUBLIC HEARINGS

COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Lindell

Councilor Lindell said, "So I had a few friendly words with Councilor Dominguez. I'll be short on all of this. As I said, we're not done with you. Not done with you. Mayor it isn't possible for me to thank you enough for taking time out of your very very very busy schedule to have dinner with me, and telling me that you thought that I could run for Council. And this is your last meeting with me and the City Council, and I want to thank you for your service to this City. I know that you do this because you love this City, but I would very very remiss to not say how very good a roommate you are. Thank you."

Councilor Villarreal

Councilor Villarreal said, "At this particular time, I've already said all of the wonderful things that I wanted to say to Councilor Dominguez and we had amendments together, all of us, at several Finance Committee meetings, and it was emotional. And I do want to say that I appreciate all of the *dichos* that you've taught us. I think we're going to have to write them all down so that we can reflect on those, because they have a lot of poignancy because they get to what we're trying to get at, but they are said in a way so it's kind of smooths it over, so I appreciate that, and all the other *consejos* and advice you have given us, and the mentoring of the new Council. You were one that really stepped up and help me figure things out. And I actually just wanted to thank every single one of you for your service."

Councilor Villarreal continued, "And I don't if it's going to be the next iteration, but I've learned a lot from each and every one of you, and I appreciate that we all have respect for each other, and even though we didn't agree and we had different approaches, but we have that level of respect that we could come back and still be amicable and still appreciate each other, and still realize that we share the same values and love for our community. So, I don't know what the future holds after the election, but I just wanted to thank every single one of you for other things that you have taught me, and I'm going to miss this City Council. I hope that all of the Councilors that come forth realize that we all have had a level respect for each, and I hope they do the same. And each one of you has learned a great deal, so I want to thank each of you,"

Councilor Harris

Councilor Harris said "Similar to Councilors Ives and Villarreal, and I do have *[inaudible]* matter. You know, we had a little bit of a 'love fest,' but it was deserved, at Finance Committee. And so I won't repeat what I have said about Councilor Dominguez. But, what I'd like to do is acknowledge, really, the work of this group, just as Councilor Villarreal spoke to. It is a tremendous group of people. I know that, for myself, as I joked with Councilor Dominguez about how I've seen him mature, and I hope people say this same thing about me. Sometimes I wonder if you really do feel that way. But in fact, it has been an honor, and I've really to learn. I believe I have learned, in many ways, different lessons from different people, and that's what this body brings. 9 tremendous individuals, work really importantly in the same direction really when you look at it, and really pointed in the same direction. So again, I want to speak the whole body, and certainly whatever change is ahead of us, I wish everyone well. Certainly, Mayor, you are entitled to step back and decide what the future holds, and I wish you well in all of that. In our time in serving District 4, you and I have continually worked together, and for whatever the future holds for the benefit of the people of District, that we know so well. And really, that's it. I want to thank everybody for the *[inaudible]* and for working with me. Thank you."

Councilor Rivera

Councilor Rivera said, "Mayor, I wanted to thank you for 4 years of great leadership. It's been ups and downs the whole time. I think when we started 4 years ago I gave you a hard time because you didn't have a white hair on you head or on your beard. And it ticks me off that you still don't. After 4 years, I've got to figure whatever you're doing. It's been a great 4 years. I hope you enjoy you time alone, and enjoy your time with your daughters. I know that time is precious from being there. So good luck to you in whatever you decide to do."

Councilor River asked Mr. Snyder his thanks to the crews that worked on the medians on Airport Road. He has been out there for the past week or so, working diligently on the small pieces, and I would like to, if it's okay, to invite them to breakfast sometime. He said he will meet them somewhere before they start working, and buy breakfast, if they don't want any, he will just lie back listening. If they are interested, they need to let their supervisor know, and give them his number.

Mayor Gonzales

Mayor Gonzales, "I get the last privilege to thank all of you publicly, as you welcome a new Mayor to our City, and well deserved. A majority of my thanks to all of you are on that evening. But, from a personal standpoint, I want to thank every one of you who served out City in such an honest and strong desire to improve the lives of our citizens, and tell you what a privilege it has been to be able to serve along-side with all of you. I think the greatest gift that a person can give an individual is the gift of themselves, their talents, their experience. And I can say, without fail, that every City Councilor up here, Councilor Maestas, Councilor Trujillo, Councilor Harris, Councilor Lindell, Councilor Dominguez, Councilor Villarreal, Councilor Ives and Councilor Rivera, I have received an enormous amount of gifts from all of you

by observing, listening, sometimes sparring, but it has helped me, I believe, become a better individual, and for that I will take all of you into the future and relying on these experiences as I go forward."

Mayor Gonzales continued, "Certainly, Brian, we will be able to spend some time with the staff. It is very hard for a Mayor, whoever the individual is, to see an administration that worked with closely have to deal with some of the criticisms, no matter where it comes from. And you and your staff have always kept your heads held high. You have absorbed the arrows and you have responded back. We have really gotten our City to a whole new level from where we started 4 years ago. And I think that is the guidance for the Councilor, but it's also the work that you put in every day among the administration. It goes without saying that the same gift that these Councilors have given me has been received from every person that I've been worked with as Mayor of the City."

Mayor Gonzales continued, "I know that when this Council convenes in two weeks, that we will continue in that transition of government that will take us to another level – another level of service, of responsiveness. And while it may be sad, certainly for sure, myself and Councilor Dominguez, and I prefer golfing and fishing with you, because I think I can spend some time out there. I know that whether it is Councilor Trujillo, or Councilor Ives, or Council Maestas as Mayor, and certainly the new Council, will continue to address the complex problems facing our City will take us to ask some more questions, and take us to the next level. And I look forward to being your citizen and being able to, on occasion, to throw rocks from the sideline.... I'm kidding, I wouldn't do that. I can assure you I want to service as a resource however I can. And you know that every day that you serve, I will always be grateful for what you do for our City. So with that, thank you all, and *my bien* will extend my thanks as well welcome in your manner to [inaudible] our City."

Mayor Gonzales continued, saying March 12, 2018, is the inauguration. "Thank you, and on to the future, onward."

I. ADJOURN

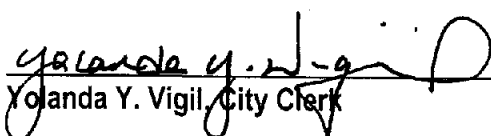
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:45 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Melessia Helberg', written over a horizontal line.

Melessia Helberg, Council Stenographer

ACTION SHEET ITEM # 10(aa)
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 26, 2018

ITEM 17

REQUEST FOR APPROVAL OF A RESOLUTION ADDING THE REPLACEMENT OF THE FORT MARCY RECREATION CENTER GYM FLOOR TO THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PLAN (CIP) FOR THE CITY OF SANTA FE (COUNCILORS LINDELL AND VILLARREAL) (GREGORY FERNANDEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "1"

2

ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 26, 2018

ITEM 13

REQUEST FOR APPROVAL OF A RESOLUTION NAMING FIELD #3 AT RAGLE PARK AFTER
COACH PETER E. HERRERA (COUNCILOR TRUJILLO) (RICHARD THOMPSON)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

Exhibit "2"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Homelessness Task Force

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

1. On page 1, line 13 *delete* "HOMELESS" and *insert* "EXPERIENCING HOMELESSNESS" in lieu thereof
2. On page 2, line 11 before "wraparound" *insert* "integrated"

Respectfully submitted,

Renee D. Villarreal, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-____
Sustainability Request for Information

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-____:

1. On page 2, after "that" *delete* the remainder of the paragraph and *insert* in lieu thereof:
 "1. City facilities shall be powered by 50% renewable energy sources by 2020;
 and
 2. The City Manager is directed to develop and issue a Request for Information (RFI) seeking renewable energy related solutions to achieve short- and long-term energy reductions at city facilities, and report back to the governing body within 30 days of the receipt of responses to the RFI."

Respectfully submitted,

Peter N. Ives, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Elhelit #44

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-____
Sustainability Request for Information

Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-____:

1. On page 1, line 22 after "and" *insert* "for the city at large"
2. On page 2, *delete* lines 2-12 and *insert* the following in lieu thereof:

"WHEREAS, the Governing Body, through the adoption of Resolution No. 2015-30 tasked the City's Renewable Energy Planner and the Sustainable Santa Fe Commission to develop and draft a 25-year sustainability plan to annually reduce the energy consumption and carbon footprint for the City of Santa Fe; and
WHEREAS, the Governing Body, through the adoption of Resolution No. 2017-61, directed the City Manager to research, develop and draft a feasibility study related to city facilities transitioning to 100% renewable energy by 2025 and to collaborate with key community stakeholders on the study's research; and
WHEREAS, additional interim steps should be taken to ensure that the City is able to achieve its goal of sourcing 100% of its energy consumption from renewable sources by 2025; and"

Respectfully submitted,

Javier M. Gonzales, Mayor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-____
Sustainability Request for Information

Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-____:

1. On page 1, line 22 after "and" *insert* "for the city at large"
2. On page 2, *delete* lines 2-12 and *insert* the following in lieu thereof:
 "WHEREAS, the Governing Body, through the adoption of Resolution No. 2015-30 tasked the City's Renewable Energy Planner and the Sustainable Santa Fe Commission to develop and draft a 25-year sustainability plan to annually reduce the energy consumption and carbon footprint for the City of Santa Fe; and
 WHEREAS, the Governing Body, through the adoption of Resolution No. 2017-61, directed the City Manager to research, develop and draft a feasibility study related to city facilities transitioning to 100% renewable energy by 2025 and to collaborate with key community stakeholders on the study's research; and"

Respectfully submitted,

Javier M. Gonzales, Mayor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2018-__
Fort Marcy Gym Floor Replacement

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2018-__:

1. On page 2, line 3 after "Santa Fe" *insert* "and identifying a project, the funding of which will be reallocated to this project"

Respectfully submitted,

Mike Harris, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____



Yolanda Y. Vigil, City Clerk

City of Santa Fe, New Mexico

memo

DATE: February 22, 2018 for February 28, 2018 Meeting

TO: The Mayor and Governing Body

VIA: Randy Randall, Executive Director Tourism Santa Fe
Lisa Martinez, Director, Land Use Department 
James Martinez, Supervisor, Short Term Rental Office 

FROM: Noah Berke, CFM, Planner Manager, Land Use Department

BACKGROUND:

In May, 2016 the Mayor and Governing Body voted to adopt several changes to the Short Term Rental Ordinance and increase the number of Short Term Rental Permits from 350 to 1,000. Staff was also directed to deliver a report in 18 months to the Mayor and Governing Body, which would outline short term rental permits issued, compliance and enforcement operations and recommendations moving forward. This Memorandum is meant to serve as the update on the Short Term Rental Ordinance.

The changes to the program were as follows:

- 1.) All rentals of less than 30 days must now register for either a short term rental permit (residential zoning) or registration permit (commercial, BCD, industrial, resort or other).
- 2.) Removed cap of residential permits from 350 to 1000. This cap can be adjusted through action of a resolution and public hearing.
- 3.) Eliminated the 17 rentals per year but kept the one rental every 7 days.
- 4.) Added provision that "two short term rentals units adjoining to each other on a residentially zoned street" is prohibited.
- 5.) Clarified that a short term rental permit is non-transferable. If a person who has a short term rental permit sells the property that the permit is for, the permit reverts back to city and new owner shall apply for a new permit.
- 6.) For renewals, applicants can submit self-compliance statement and other documents.
- 7.) Added that for mailing requirements, the applicant shall notify the homeowners or

Exhibit "B"

neighborhood associations.

- 8.) Fees have changed. One time application processing and inspection fee has changed to \$100 from the original \$150. Residentially zoned units and accessory units are now \$325 each from the previous \$350. Non-residential and resort units are now \$100 from the previous no cost. The fees include a business license.
- 9.) Added a late fee that grants 30 day extension of renewal of \$50.
- 10.) Fees for enforcement increased. If caught with non-permitted or registered rental you are given a fine of \$500 for the first 14 days of the violation then \$250 fine for each additional day of violation. If realtor is advertising illegal STR then they could lose their business license in the City. Liens can also be put on property if fines are not resolved.
- 11.) The applicants must now list where they advertise and in advertisements must list permit or registration numbers.
- 12.) Added online application at www.mysantaferental.com and added email of shorttermrental@santafenm.gov and (505) 955-HOME for phone messages.
- 13.) Provide online platform for applications.
- 14.) Purchased compliance software to identify short term rentals.
- 15.) Increased the program staff from 1 person to 4 people.

IMPLEMENTATION:

Through these changes the goal was to increase compliance operations and provide an increased number of permits to serve the demand. These changes were based on the existing program management versus how it could be better regulated based on research and analysis.

In order to implement these changes, Staff underwent a series of community meetings to assist and educate the public, as well as stakeholders on the changes. A grace period of 90 days was provided for compliance.

The Inspections and Enforcement Division was able to cross-train Code Enforcement Inspectors for the Short Term Rental program to assist with inspections of the new permits. Computer Software was purchased to increase the efficiency of compliance operations.

The Short Term Rental Office also updated forms to an online and interactive format. The Administrative Procedures Manual was updated to provide a clear checklist of how inspections were to be conducted, as well as the expectations of the Applicants.

The Short Term Rental Office hired a Supervisor to oversee program operations and also hired two additional Code Enforcement Officers. This increase in staffing has led an all-around more efficient program.

The additional staff has been able to improve turn-around time on new permits and renewals to 7-10 business days. Staff is also able to assist walk-ins at any given time between 8:00 AM to 5:00 PM.

Since the changes have been implemented, we have seen an increase in permits and a decrease in violations.

Since 2016, the computer software has detected 50 possible violations of operating without a permit. Notices are mailed out to the alleged violators and they are subsequently offered compliance options. Investigations are also being performed over the weekends and on holidays. As a result, the Short Term Rental Office has issued 10 Notice of Violations/Citations during that time period. However, due to the way that the ordinance is currently written, the fines are not administrated by staff but rather decided by the Municipal Court.

The following illustrates the number of permits issued and is broken down by type issued each year:

2016	Residential	Non-Residential
January 1 - June 30	305	45
CHANGES IMPLEMENTED July 1 - December 31	144	10
TOTAL:	449	55

2017	Residential	Non-Residential
January 1 - December 31	768	68

2018	Residential	Non-Residential	Pending
January 1 - February 1	893	79	69

The following table shows the amount of Lodger's Tax collected by the City for Short Term Rentals:

Year	Short Term Rental Lodger's Tax Collected
2014	\$477,825
2015	\$524,360
2016	\$694,575
2017	\$1,285,792 (includes an estimate for December)

SUMMARY:

As reflected in this update, the Short Term Rental Office has increased the amount of compliance, inspections, enforcement, customer service, and turn-around times. These changes have enabled the City to collect a significant increase in Lodger's Tax, Gross Receipt's Tax, Business Licenses, and Short Term Rental Permits.

RECOMMENDATIONS:

Staff recommends the following items be considered as updates to the Short Term Rental Ordinance:

- 1.) Add a provision that requires Short Term Rental Owners or Operators to provide clean, sanitary and welcoming conditions to their visitors. Staff believes that by providing a quality of life aspect to the ordinance, we will ensure visitors and renters can enjoy their stay. If the Owners or Operators fail to comply with this provision, they would be subject to loss of their Permit and would not be eligible to reapply for a new permit for the period of one year.
- 2.) Amend the compliance section to allow the fines section to be "reserved" - to be issued without a court hearing. As the ordinance is written; a notice of violation is required prior to fines. If fines are issued then the appellant is allowed to be heard in court and the judge could dismiss the charges. This would provide for stricter compliance regulations.

ACTION REQUEST:

Staff requests that the Mayor and Governing Body provide specific direction regarding the recommendations made in this report that would result in revisions to the current Short Term Rental Ordinance.

ATTACHMENTS:

EXHIBIT A:
Lodger's Tax Breakdown

EXHIBIT B:
Short Term Rental Office Annual Breakdown

EXHIBIT C:
Map of Permitted Short Term Rentals

EXHIBIT D:
Current Short Term Rental Ordinance

City of Santa Fe, New Mexico

Exhibit A

Lodger's Tax Breakdown

City of Santa Fe LODGERS TAX													
Fiscal Year	June	July	August	September	October	November	December	January	February	March	April	May	FYTD TOTAL
Fiscal 2017-2018													
HOTEL/MOTEL TOTALS	\$ 930,613	\$ 1,121,122	\$ 1,164,615	\$ 1,028,008	\$ 1,016,690.57	\$ 969,711.49	\$ 714,326.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,565,086.89
SHORT TERM TOTALS	\$ 119,653	\$ 146,601	\$ 158,365	\$ 132,394	\$ 135,401.94	\$ 108,274.83	\$ 126,021.89	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 829,282.02
COMBINED Monthly TOTAL	\$ 1,050,266	\$ 1,267,723	\$ 1,322,980	\$ 1,160,403	\$ 1,152,092.51	\$ 1,077,986.32	\$ 840,348.09	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,493,378.70
Fiscal Year to Date TOTALS	\$ 1,050,266	\$ 2,317,988	\$ 3,641,589	\$ 4,801,962	\$ 5,955,044	\$ 6,963,031	\$ 7,493,378	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Monthly Gain/Loss Prior Year	\$ 124,472	\$ 77,819	\$ (19,317)	\$ 3,337	\$ 31,321	\$ 34,438	\$ 31,166	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	6.54%	5.24%	-1.44%	0.29%	2.79%	3.18%	3.65%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
FYTD Gain/Loss Over Prior Year	\$ 124,472	\$ 202,262	\$ 162,971	\$ 186,312	\$ 217,653	\$ 253,071	\$ 253,336	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	13.44%	9.66%	5.29%	4.04%	3.79%	3.94%	3.33%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Fiscal 2016-2017													
HOTEL/MOTEL TOTALS	\$ 862,176.27	\$ 1,120,531.83	\$ 1,233,424.82	\$ 1,065,636.91	\$ 1,031,710.05	\$ 601,605.80	\$ 734,384.89	\$ 378,505.04	\$ 439,986.44	\$ 740,531.93	\$ 687,171.01	\$ 869,481.73	\$ 7,765,148.76
SHORT TERM TOTALS	\$ 43,514.68	\$ 69,271.65	\$ 109,493.21	\$ 91,588.75	\$ 90,061.08	\$ 63,042.80	\$ 74,797.61	\$ 23,941.02	\$ 62,422.36	\$ 100,579.00	\$ 79,709.63	\$ 100,118.06	\$ 913,443.76
COMBINED Monthly TOTAL	\$ 905,690.95	\$ 1,189,803.48	\$ 1,342,918.03	\$ 1,157,225.67	\$ 1,121,771.13	\$ 664,648.60	\$ 809,182.50	\$ 402,446.06	\$ 502,408.80	\$ 841,110.93	\$ 766,880.64	\$ 969,600.69	\$ 8,678,592.52
Fiscal Year to Date TOTALS	\$ 905,690.95	\$ 2,115,696.43	\$ 3,458,614.46	\$ 4,615,840.13	\$ 5,737,611.26	\$ 6,400,969.91	\$ 7,210,142.40	\$ 7,612,588.46	\$ 8,115,000.26	\$ 8,362,111.19	\$ 8,708,990.83	\$ 10,678,592.52	\$ -
Monthly Gain/Loss Prior Year	\$ 6,035.16	\$ 90,447.16	\$ 52,118.89	\$ 149,258.23	\$ 129,826.24	\$ 139,967.05	\$ 137,671.04	\$ 6,273.81	\$ 83,404.64	\$ 186,323.69	\$ (54,106.78)	\$ 166,448.22	\$ -
	0.66%	8.23%	4.94%	14.81%	13.10%	26.73%	20.50%	1.33%	19.81%	28.20%	-6.76%	20.72%	\$ -
FYTD Gain/Loss Over Prior Year	\$ 6,035.16	\$ 86,477.32	\$ 148,596.21	\$ 297,854.24	\$ 427,780.68	\$ 567,747.33	\$ 705,416.77	\$ 710,597.58	\$ 794,097.22	\$ 980,420.91	\$ 926,314.13	\$ 1,092,763.35	\$ -
	0.66%	4.70%	4.40%	6.00%	6.60%	9.72%	10.64%	10.30%	10.85%	12.26%	10.68%	11.40%	\$ -
Fiscal 2016-2016													
HOTEL/MOTEL TOTALS	\$ 874,174.87	\$ 1,035,125.16	\$ 1,223,786.78	\$ 953,641.28	\$ 936,696.14	\$ 488,544.79	\$ 617,468.70	\$ 373,702.71	\$ 396,234.26	\$ 617,280.49	\$ 771,000.41	\$ 765,924.06	\$ 9,056,639.66
SHORT TERM TOTALS	\$ 45,582.92	\$ 64,356.16	\$ 67,012.35	\$ 54,191.16	\$ 55,148.75	\$ 35,036.81	\$ 54,042.75	\$ 23,409.54	\$ 19,712.90	\$ 43,506.75	\$ 29,988.01	\$ 37,228.41	\$ 528,189.62
COMBINED Monthly TOTAL	\$ 919,757.79	\$ 1,099,481.32	\$ 1,290,799.14	\$ 1,007,832.44	\$ 991,844.89	\$ 523,581.60	\$ 671,511.45	\$ 397,112.25	\$ 415,947.16	\$ 660,787.24	\$ 800,988.42	\$ 803,152.47	\$ 9,584,829.27
Fiscal Year to Date TOTALS	\$ 919,757.79	\$ 2,019,212.11	\$ 3,310,618.25	\$ 4,015,664.88	\$ 5,009,687.33	\$ 5,833,212.18	\$ 6,547,023.18	\$ 6,901,905.88	\$ 7,320,903.04	\$ 7,981,690.26	\$ 8,780,676.70	\$ 9,584,829.27	\$ -
Monthly Gain/Loss Prior Year	\$ 61,925.56	\$ 11,952.86	\$ 97,690.24	\$ 106,046.66	\$ 123,534.37	\$ (22,880.17)	\$ 20,359.71	\$ (36,706.15)	\$ (26,031.02)	\$ 26,206.32	\$ 157,179.67	\$ (25,534.10)	\$ -
	7.22%	1.10%	8.19%	11.76%	14.23%	-4.20%	3.13%	-5.30%	-5.85%	4.13%	24.41%	-3.08%	\$ -
FYTD Gain/Loss Over Prior Year	\$ 61,925.56	\$ 73,918.42	\$ 171,608.66	\$ 277,649.32	\$ 401,183.09	\$ 378,203.52	\$ 388,563.23	\$ 371,858.06	\$ 345,827.06	\$ 372,033.38	\$ 529,213.05	\$ 603,878.95	\$ -
	7.22%	3.90%	5.47%	6.07%	6.17%	6.93%	6.30%	5.59%	4.90%	4.89%	6.41%	5.94%	\$ -
Fiscal 2014-2016													
HOTEL/MOTEL TOTALS	\$ 817,848.38	\$ 1,044,842.06	\$ 1,140,493.35	\$ 857,470.01	\$ 814,263.43	\$ 514,154.37	\$ 598,200.41	\$ 404,807.16	\$ 423,921.48	\$ 605,638.51	\$ 606,645.22	\$ 786,968.17	\$ 8,816,411.88
SHORT TERM TOTALS	\$ 38,963.86	\$ 42,626.40	\$ 52,615.55	\$ 44,256.77	\$ 54,047.09	\$ 32,367.40	\$ 22,651.33	\$ 19,070.24	\$ 21,114.70	\$ 27,042.41	\$ 37,181.53	\$ 41,001.40	\$ 466,838.57
COMBINED Monthly TOTAL	\$ 856,812.23	\$ 1,087,468.46	\$ 1,193,108.90	\$ 901,726.78	\$ 868,310.52	\$ 546,521.77	\$ 620,851.74	\$ 423,877.40	\$ 445,036.18	\$ 632,680.92	\$ 643,826.75	\$ 827,969.57	\$ 9,283,250.45
Fiscal Year to Date TOTALS	\$ 856,812.23	\$ 1,945,300.68	\$ 3,136,409.50	\$ 4,040,135.37	\$ 4,908,448.69	\$ 5,455,038.66	\$ 6,106,163.40	\$ 5,530,037.40	\$ 6,895,075.68	\$ 7,609,859.90	\$ 8,253,463.56	\$ 9,082,970.22	\$ -
Monthly Gain/Loss Prior Year	\$ 77,361.73	\$ 120,964.75	\$ 112,097.78	\$ 97,340.06	\$ 13,050.64	\$ 5,507.19	\$ 54,974.70	\$ 68,396.03	\$ 41,372.56	\$ 23,331.03	\$ 71,639.54	\$ 42,300.27	\$ -
	9.51%	12.52%	10.37%	12.10%	1.63%	23.90%	9.22%	16.25%	10.25%	7.33%	12.52%	5.38%	\$ -
FYTD Gain/Loss Over Prior Year	\$ 77,361.73	\$ 158,326.48	\$ 310,424.27	\$ 407,773.33	\$ 420,834.27	\$ 626,431.46	\$ 581,406.16	\$ 640,792.78	\$ 682,166.78	\$ 725,496.78	\$ 797,166.12	\$ 839,456.39	\$ -
	9.51%	11.32%	10.98%	11.23%	5.36%	10.68%	10.52%	10.86%	10.84%	10.54%	10.67%	10.18%	\$ -
Fiscal 2013-2014													
HOTEL/MOTEL TOTALS	\$ 747,023.55	\$ 920,757.76	\$ 1,030,665.11	\$ 763,352.91	\$ 825,489.29	\$ 416,010.05	\$ 561,208.66	\$ 342,218.25	\$ 361,430.80	\$ 568,374.96	\$ 543,393.51	\$ 725,564.89	\$ 7,815,476.74
SHORT TERM TOTALS	\$ 33,446.95	\$ 45,745.95	\$ 50,346.00	\$ 41,024.81	\$ 29,761.19	\$ 24,954.23	\$ 44,969.38	\$ 22,272.52	\$ 22,234.82	\$ 32,874.93	\$ 29,753.90	\$ 60,931.41	\$ 427,315.09
COMBINED Monthly TOTAL	\$ 780,470.50	\$ 966,503.71	\$ 1,081,011.11	\$ 804,377.72	\$ 855,250.48	\$ 440,964.28	\$ 606,178.04	\$ 364,490.77	\$ 383,665.62	\$ 601,249.89	\$ 573,147.41	\$ 786,496.30	\$ 8,242,791.83
Fiscal Year to Date TOTALS	\$ 780,470.50	\$ 1,746,974.21	\$ 2,827,855.32	\$ 3,632,363.04	\$ 4,487,612.62	\$ 4,929,577.20	\$ 5,684,754.24	\$ 5,889,245.01	\$ 6,292,810.23	\$ 6,894,160.12	\$ 7,456,307.55	\$ 8,242,791.83	\$ -
Monthly Gain/Loss Prior Year	\$ 37,994.95	\$ 23,716.94	\$ 36,480.63	\$ 11,778.12	\$ 73,477.55	\$ 37,807.10	\$ 38,191.26	\$ 10,168.80	\$ 47,625.17	\$ 26,653.71	\$ 44,021.16	\$ 37,942.42	\$ -
	5.12%	2.52%	3.69%	1.49%	9.40%	9.40%	6.84%	2.87%	13.86%	4.72%	8.34%	5.02%	\$ -
FYTD Gain/Loss Over Prior Year	\$ 37,994.95	\$ 61,711.89	\$ 100,122.62	\$ 111,968.64	\$ 185,446.63	\$ 223,363.73	\$ 261,544.90	\$ 271,713.70	\$ 318,336.96	\$ 345,992.67	\$ 380,013.83	\$ 427,586.26	\$ -
	5.12%	3.66%	3.67%	3.18%	4.31%	4.70%	4.97%	4.84%	5.35%	5.29%	5.50%	5.47%	\$ -
Fiscal 2012-2013													
HOTEL/MOTEL TOTALS	\$ 710,621.54	\$ 905,677.98	\$ 989,939.49	\$ 781,082.34	\$ 750,520.78	\$ 462,476.17	\$ 624,432.60	\$ 356,172.61	\$ 341,291.87	\$ 530,585.88	\$ 505,888.32	\$ 711,472.33	\$ 7,485,841.81
SHORT TERM TOTALS	\$ 31,854.01	\$ 37,108.79	\$ 43,190.99	\$ 31,519.26	\$ 31,520.81	\$ 20,581.31	\$ 34,553.18	\$ 18,149.36	\$ 14,748.08	\$ 34,030.50	\$ 24,237.93	\$ 37,431.56	\$ 355,356.77
COMBINED Monthly TOTAL	\$ 742,475.55	\$ 942,786.77	\$ 1,033,130.48	\$ 812,601.60	\$ 782,041.59	\$ 483,057.48	\$ 658,985.78	\$ 374,321.97	\$ 356,040.05	\$ 564,616.38	\$ 530,126.25	\$ 748,903.89	\$ 7,841,198.58
Fiscal Year to Date TOTALS	\$ 742,475.55	\$ 1,885,262.72	\$ 2,727,792.80	\$ 3,520,394.40	\$ 4,302,166.95	\$ 4,705,223.47	\$ 5,263,209.25	\$ 5,617,531.22	\$ 5,973,571.27	\$ 6,536,167.45	\$ 7,066,293.70	\$ 7,815,197.58	\$ -

Note: actuals represent the amount paid for a specific month even though cash may have been deposited the following month.

City of Santa Fe, New Mexico

Exhibit B

Short Term Rental Office Annual Breakdown

City of Santa Fe, New Mexico

memo

DATE: February 6, 2018

TO: Lisa Martinez, Land Use Department Director

FROM: James G. Martinez, Zoning Enforcement Supervisor / STR *JGM*

ITEM & ISSUES:

Annual Short Term Rental Report Breakdown

BACKGROUND & SUMMARY

- Permits issued in 2016 (422)
- Permits issued in 2017 (727)
- Permits issued in 2018 (852)
- Permits pending in 2018 (69)
- # of Residential vs. Commercial (Residential 893) (Non- Res.79)
- # of Notices of Violation/Citations Issued (16)
- # of Investigated since implementation of software (50) Investigated on Weekends / Holidays
- Average Turn-around time for permit issuance (7 -10 Working Day)
- # of Online applications vs. walk-ins (Online 25) (Walk In 480)

2016

Dates	Residential	Non-Residential	Accessory Units	Resorts	Pending	Notice of Violations
Jan. 1 thru June 30 2016	281	45	24	1	87	
July 1 thru Dec. 31 2016	141	10	3	1	40	
Permits Issued	422					

2017

Dates	Residential	Non-Residential	Accessory Units	Resorts	Pending	Notice of Violations
Jan. 1 thru Dec. 31 2017	727	68	41	1	69	15
Permits Issued	727	68	41	1		

2018

Dates	Residential	Non-Residential	Accessory Units	Resorts	Pending	Notice of Violations
Jan. 1 thru Feb 1	852	79	41	1	69	1
Permits Issued	852	79	41	1	69	16

Total Permits Issued = 973

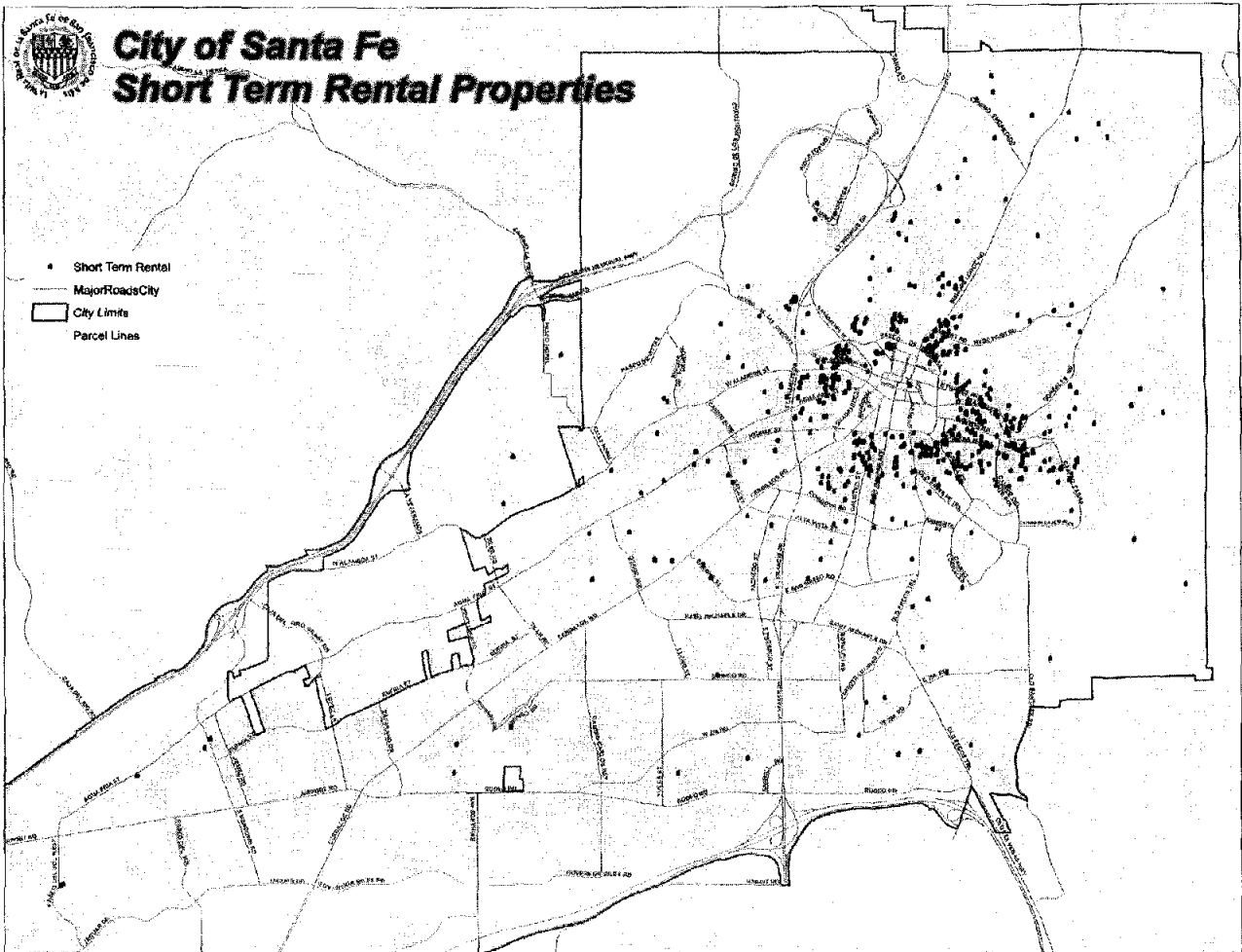
RECOMMEND & ACTION

For Your Information

City of Santa Fe, New Mexico

Exhibit C

Map of Permitted Short Term Rentals



City of Santa Fe, New Mexico

Exhibit D

Current Short Term Rental Ordinance

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2016-20

3
4
5 AN ORDINANCE

6 AMENDING SECTION 14-6.2 OF THE LAND USE DEVELOPMENT CODE TO
7 REMOVE CERTAIN LIMITATIONS ON SHORT-TERM RENTAL DWELLING UNITS;
8 AMENDING THE FEE SCHEDULE FOR A SHORT-TERM RENTAL PERMIT; AND
9 REQUIRING THAT PERMIT HOLDERS PAY ALL APPLICABLE TAXES OR BE
10 SUBJECT TO CERTAIN PENALTIES.

11
12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

13 Section 1. Subsection 14-6.2 of the Land Use Development Code (being Ord.
14 #2011-37 (as amended)) is amended to read:

15 14-6.2 USE-SPECIFIC STANDARDS

16 (A) Residential Uses

17 (1) Continuing Care Community

18 (a) Density

19 Independent dwelling units are subject to the density standards of the
20 district in which the continuing care community is located.

21 (b) Compliance with state and federal law

22 Continuing care communities must comply with all applicable state and
23 federal laws and regulations.

24 (2) Mobile Home, Permanent Installation

25 In any district in which permanent single-family occupancy of a mobile home on

1 an individual lot is allowed as a special use permit by the board of adjustment,
2 the following minimum standards apply:

- 3 (a) the mobile home shall be anchored to a concrete foundation and skirted
4 as specified by the land use director;
- 5 (b) the rental or lease of mobile homes used as single-family residences on
6 individual lots is prohibited; and
- 7 (c) minimum requirements for lot size, front, side and rear yards, and all
8 other standards pertaining to single-family residential land use set forth
9 in Chapter 14 apply.

10 (3) Mobile Home Park

11 (a) Applicability

12 New mobile home parks are prohibited as of December 10, 2012
13 (effective date of this Ordinance No. 2012-37). In a district in which
14 mobile home parks are allowed, the minimum standards set out in this
15 section apply.

16 (b) License

17 Prior to beginning operation, a mobile home park owner or operator must
18 obtain a business license from the city under the provisions of Article 18-
19 1 SFCC 1987.

20 (c) Inspection

21 The city may inspect a mobile home park for conformance with the
22 provisions of this section.

23 (d) Transfer of License

24 The city may issue a transfer of the license only after the following:

- 25 (i) application in writing for transfer of a license and payment of the

- 1 transfer;
- 2 (ii) an inspection report by the land use director has been submitted
- 3 to the governing body, stating conformance or nonconformance
- 4 with the provisions of this section;
- 5 (iii) approval by the governing body.
- 6 (e) Revocation of License
- 7 The governing body may revoke a license to maintain and operate a
- 8 mobile home park, as provided in Article 18-1 SFCC 1987 when the
- 9 licensee has violated any provision of this section.
- 10 (f) Posting
- 11 The license certificate shall be conspicuously posted in the office of or
- 12 on the premises of the mobile home park at all times.
- 13 (g) Standards
- 14 Mobile home parks shall comply with the standards set forth in
- 15 Subsection 14-7.2(1).
- 16 (4) Manufactured Homes
- 17 Manufactured homes:
- 18 (a) are permitted in any district in which site-built, single-family dwellings
- 19 are allowed;
- 20 (b) shall meet all requirements of other site-built, single-family dwellings in
- 21 the same district and all applicable historic or aesthetic standards set
- 22 forth in Chapter 14; and
- 23 (c) shall be constructed according to the Manufactured Home Construction
- 24 and Safety Standards, 24 CFR Section 3280.
- 25 (5) Short-Term Rental of Dwelling Units – Residentially Zoned Property

1 (a) Dwelling Units

2 Dwelling units located on residentially zoned property may not be rented
3 for less than thirty days except as set forth in this Subsection
4 14-6.2(A)(5).

5 (b) Short-Term Rental Units

6 Short-term rental units are prohibited on residentially zoned property
7 except as provided in this Subsection 14-6.2(A)(5)(b).

8 (i) Short-term rental units that are operated in compliance with
9 Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in
10 compliance with this Subsection 14-6.2(A)(5) are allowed.

11 (ii) Short-term rental units located in a development containing
12 resort facilities approved pursuant to a special use permit which
13 are owned in common by the owners within the development,
14 are allowed. As used in this item, "resort facility" means any
15 combination of swimming pools, spa facilities, golf courses,
16 restaurants and tennis facilities.

17 (iii) The land use director may issue rental permits in a quantity
18 approved by the governing body through adoption, after a public
19 hearing, of a resolution for residential units not otherwise
20 qualifying for permits under Items (i) and (ii) above. Dwelling
21 units on non-residentially zoned property pursuant to
22 §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit
23 limit imposed by this subsection.

24 (iv) Whenever the demand for short-term rental units exceeds the
25 number permitted in accordance with Subsection 14-

1 6.2(5)(b)(iii) above , the number of additional permits may be
2 increased by the governing body through adoption of a
3 resolution and issued by the land use director. New permits shall
4 be issued in the order that eligible applications are received.

5 (c) General Provisions

6 Unless otherwise stated, the following general provisions apply to short-
7 term rental units:

- 8 (i) no more than one rental is allowed within a seven consecutive
9 day period;
- 10 (ii) short-term rental permits will not be issued for more than two
11 short-term rentals units directly adjoining each other on a
12 residentially zoned street. For the purposes of this subsection,
13 “directly adjoining” means sharing a common boundary along a
14 public street frontage, but does not include adjoining units in a
15 condominium, townhouse development, in an apartment
16 complex, or residential compound;
- 17 (iii) off-street parking shall be provided on site as follows: 1) one
18 bedroom, one parking space; and 2) two or more bedrooms; two
19 parking spaces;
- 20 (iv) all applicable building and fire life safety codes shall be met and
21 all toilets, faucets and shower heads shall meet the water
22 conservation requirements described in Section 25-2.6 SFCC
23 1987;
- 24 (v) occupants shall not park recreational vehicles on site or on the
25 street;

- 1 (vi) the total number of persons that may occupy the short-term
2 rental unit is twice the number of bedrooms;
- 3 (vii) noise or other disturbance outside the short-term rental unit is
4 prohibited after 10:00 p.m., including decks, portals, porches,
5 balconies or patios;
- 6 (viii) all occupants shall be informed in writing of relevant city
7 ordinances, including the city's nuisance and water conservation
8 ordinances, by the owner/operator of the short-term rental unit.
9 All occupants shall comply with all relevant city ordinances and
10 comply with all provisions of the lodger's tax ordinance;
- 11 (ix) the owner/operator shall pay all applicable local, state and
12 federal taxes, including lodgers' tax, gross receipts tax and
13 income taxes;
- 14 (x) should the owner/operator fail to pay all applicable taxes, the
15 owner/operator shall be subject to penalties pursuant to
16 Subsection 14-6.2(A)(5)(f).
- 17 (xi) the owner/operator shall make available to the city for its
18 inspection all records relating to the operation of the short-term
19 rental unit to determine compliance with this Subsection 14-
20 6.2(A)(5); and
- 21 (xii) the owner shall maintain adequate short-term rental insurance
22 coverage for the short-term rental unit. Proof of insurance shall
23 be required at the time the permit is issued and such other times
24 as requested by the land use director.
- 25 (xiii) upon the transfer of ownership of a short-term rental unit, the

1 short-term rental permit shall terminate and revert to the land use
2 department. If the new owner wishes to use the property as a
3 short-term rental unit, a new application shall be submitted to the
4 land use department.

5 (d) Applications

6 Unless otherwise stated, an application for a permit for a short-term
7 rental shall be submitted to the city as follows:

- 8 (i) the application shall include the name and phone number of the
9 owner/operator who is available twenty-four hours per day,
10 seven days per week to respond to complaints regarding the
11 operation or occupancy of the short-term rental unit as well as
12 the name and phone number of city staff responsible for
13 enforcing this section;
- 14 (ii) the application shall include a statement signed by the
15 owner/operator that the short-term rental shall be operated in
16 compliance with this Subsection and all other applicable city
17 codes and that the operation of the short-term rental unit is in
18 compliance with any applicable private covenants, including
19 those that prohibit the presence of short-term rental;
- 20 (iii) all applicants must submit proof of all required inspections with
21 their initial application. Renewal applications for the same
22 property may submit proof of all required inspections in the form
23 of a statement attesting to compliance with all applicable fire,
24 health and safety requirements. The city shall perform random
25 inspections to ensure compliance with this Subsection

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14-6.2(A)(5).

- (iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;
- (v) the permit is not transferable to another person or property;
- (vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short-term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this Subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);
- (vii) each application shall be accompanied by a fee of one hundred dollars (\$100) to cover application processing and inspections.

This application fee is non-refundable.

(viii) The annual permit fee schedule is as follows:

Table 14-6.1-1

Annual Permit and Registration Fees*		
Short-term Rental Type	Permit Fee per Unit	Registration Fee per Unit
§14-6.2A(5)(b)(i) — Accessory Dwelling Units	\$325.00	
§14-6.2A(5)(b)(ii) — Resort Units		\$100.00
§14-6.2A(5)(b)(iii) — Residential Units	\$325.00	
§14-6.2A(6) Non-Residential Districts and §14-6.2A(7) — Commercial Districts		\$100.00
Initial Application and Processing Fee (one-time)	\$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.

(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may

- 1 deny it. If the claim is not allowed in whole, the person may
2 appeal the decision pursuant to Section 14-3.17.
- 3 (xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a
4 permit holder may renew the permit annually. If not renewed by
5 March 15 of each year, the owner/operator may pay a late fee of
6 fifty dollars (\$50.00) to extend the time for filing to renew to
7 April 15. An owner of an expired permit may submit a new
8 application for a short-term rental permit to the land use director
9 in accordance with Subsection 14-6.2(A)(5)(d) subject to
10 availability of permits.
- 11 (xii) A valid permit number shall be included in all advertising of the
12 short-term rental, including listings on web-based rental sites.
- 13 (e) Violations
- 14 (i) The land use director shall document all alleged violations of this
15 paragraph and shall pursue enforcement through the municipal
16 court as set forth in Article 1-3 SFCC 1987 or in another
17 appropriate court of law. The city shall give the owner a written
18 notice of violation, which shall be mailed either to the owner's
19 local or business address or agent's address, informing the owner
20 of the violation. If corrective action is not completed within
21 fifteen (15) days of the date of the letter, the city may file a
22 criminal complaint in municipal court. Upon conviction of a first
23 violation, the land use director shall revoke the permit and
24 operation of the short-term rental shall cease within thirty days.
- 25 (ii) An owner who offers for rent as a short-term rental a dwelling

unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).

- (iii) An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.

(f) Penalties

- (i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short term rental permit pursuant to Subsection 14-6.2(A)(5)(e)(i).
- (ii) If an owner is found guilty of operating a short term rental without a valid permit, they shall be fined five hundred dollars (\$500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars (\$250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.

1 (g) Private restrictive covenants, enforceable by those governed by the
2 covenants, may prohibit short-term rental units.

3 (h) Real estate brokers listing residential property in Santa Fe shall provide
4 prospective buyers a current copy of this ordinance.

5 (i) The land use director shall establish administrative procedures necessary
6 to implement, manage and enforce this paragraph.

7 (6) Short-term Rental of Dwelling Units – Non-residentially Zoned Property

8 Short-term rental of dwelling units on non-residentially zoned property is
9 permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-
10 time \$100 application, inspection and processing fee; and must comply with
11 submission requirements and report all applicable taxes.

12 (7) Dwelling Units in Specified Commercial Districts

13 In the C-2 and SC Districts, dwelling units do not include mobile homes or
14 recreational vehicles and shall be either:

15 (a) accessory dwelling units for occupancy only by owners, employees or
16 tenants of nonresidential uses that are operated on the same premises;

17 (b) part of a planned development; or

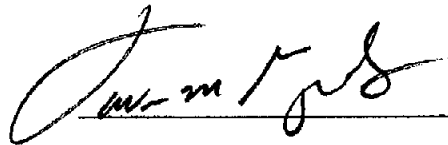
18 (c) part of a use for which a development plan or special use permit is
19 required.

20 (8) Effective Date.

21 The provisions of subsection 14-6.2(A)(5) of the Land Development Code shall
22 go into effect immediately upon approval of the Governing Body. A ninety (90)
23 day grace period shall be given for effected units to obtain a valid permit. Short-
24 term rental unit owners who possess a valid short-term rental permit at the time
25 this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a

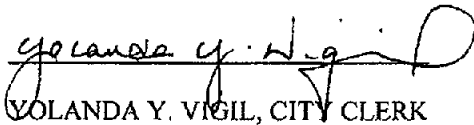
1 valid permit under the new regulations and shall not need to renew their permit
2 until the following year. Short-term rental unit owners who possess a valid short-
3 term permit for a contiguous property issued prior to this ordinance (Ordinance
4 2016-20) being adopted shall be deemed as a "residential" permit holder upon the
5 adoption of the ordinance and shall renew their permit as a "residential" permit in
6 following years.

7 PASSED, APPROVED AND ADOPTED this 11th day of May, 2016.

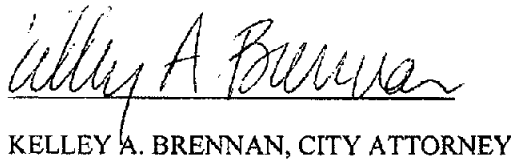
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10 JAVIER M. GONZALES, MAYOR

11 ATTEST:

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14 YOLANDA Y. VIGIL, CITY CLERK

15 APPROVED AS TO FORM:

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18 KELLEY A. BRENNAN, CITY ATTORNEY

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25 M/Legislation/Bills 2016/2016-17 Short Term Rental Update Substitute

ACTION SHEET ITEM # 12
 ITEM FROM THE
 PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
 OF
 MONDAY, FEBRUARY 26, 2018

ITEM 16

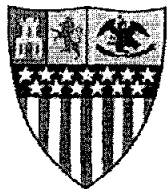
REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE APPLICATION FOR AGUA FRIA / SOUTH MEADOWS INTERSECTION IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE GRANT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (COUNCILORS DOMINGUEZ AND RIVERA) (DAVID QUINTANA)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

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

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

Exhibit 1190



CITY COUNCIL MEETING OF
February 28 2018
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING THE CITY MANAGER TO IDENTIFY A FUNDING SOURCE FOR A FEASIBILITY PLAN TO DETERMINE IF PROVIDING FREE PUBLIC TRANSPORTATION THROUGHOUT THE CITY TO TOURISTS AND RESIDENTS WILL HELP ACHIEVE THE CITY'S GOAL OF BEING CARBON NEUTRAL BY 2040	Transit Advisory Board - 3/27/18 Sustainable Santa Fe Commission - 3/28/18 Public Works Committee - 4/9/18 Finance Committee - 4/16/18 City Council - 5/9/18
	A RESOLUTION IN SUPPORT OF CONTINUED OPERATION OF THE NEW MEXICO RAILRUNNER EXPRESS AFTER A 2018 FEDERAL DEADLINE TO INSTALL POSITIVE TRAIN CONTROL ON ALL COMMUTER AND CLASS 1 FREIGHT RAILROADS UNTIL SUCH INSTALLATION IS COMPLETED; AND SUPORTING THE NCRTD APPLICATION FOR AN RMRTD SIB LOAN TO FINANCE A PORTION OF POSITIVE TRAIN CONTROL IMPLEMENTATION.	Finance Committee - 3/19/18 City Council - 3/28/18

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule

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

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2018-__

INTRODUCED BY:

Councilor Joseph M. Maestas

A RESOLUTION

DIRECTING THE CITY MANAGER TO IDENTIFY A POSSIBLE FUNDING SOURCE FOR A FEASIBILITY PLAN TO DETERMINE IF PROVIDING FREE PUBLIC TRANSPORTATION THROUGHOUT THE CITY TO TOURISTS AND RESIDENTS WILL HELP ACHIEVE THE CITY'S GOAL OF BEING CARBON NEUTRAL BY 2040; AND THE FISCAL IMPACT OF DOING SO

WHEREAS, through the adoption of Resolution No. 2014-85, the Governing Body declared its intent to become a carbon neutral city by the year 2040; and

WHEREAS, providing free transportation to the City's residents and tourists would encourage less vehicle use thereby reducing greenhouse gas emissions; and

WHEREAS, the Governing Body, through the adoption of Resolution 2008-57, declared its intention to reduce the carbon footprint of City government t by 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.

BE IT FURTHER RESOLVED, that if the feasibility study be funded, the fiscal impact shall affect the City Transit Department while providing free public transportation for the entire city residents and tourists.

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

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2018-__

3 INTRODUCED BY:

4
5 Councilor Joseph M. Maestas

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10 A RESOLUTION

11 IN SUPPORT OF CONTINUED OPERATION OF THE NEW MEXICO RAILRUNNER
12 EXPRESS AFTER A 2018 FEDERAL DEADLINE TO INSTALL POSITIVE TRAIN
13 CONTROL ON ALL COMMUTER AND CLASS 1 FREIGHT RAILROADS UNTIL
14 SUCH INSTALLATION IS COMPLETED; AND SUPORTING THE NCRTD
15 APPLICATION FOR AN RMRTD SIB LOAN TO FINANCE A PORTION OF POSITIVE
16 TRAIN CONTROL IMPLEMENTATION.

17
18 WHEREAS, the Governing Body considers the continuation of service by New Mexico
19 Rail Runner Express (NMRX) to be important to Santa Fe and the region; and

20 WHEREAS, the Governing Body is aware that the federal government has mandated
21 Positive Train Control (PTC) systems be installed on all Class 1 freight and all commuter
22 railroads by December 31, 2018, but has provided only minimal funding for implementation; and

23 WHEREAS, Rio Metro Regional Transit District (RMRTD) operates the NMRX on
24 behalf of the New Mexico Department of Transportation (NMDOT) who owns the NMRX track
25 and the NMRX rolling stock; and

1 **WHEREAS**, the NMDOT has indicated that it is unable to provide the capital funding
2 required to implement PTC on the NMRX, estimated at \$55,000,000; and

3 **WHEREAS**, RMRTD has applied for multiple federal grants to facilitate funding the
4 implementation of PTC, and has received \$3,600,000 through these efforts; and

5 **WHEREAS**, RMRTD began to receive an additional \$4,000,000 in FTA 5337 (State of
6 Good Repair) formula funding annually beginning in federal fiscal year 2017 that is eligible for
7 supporting PTC implementation; and

8 **WHEREAS**, in addition to pursuing PTC installation and the required funding, RMRTD
9 has also pursued alternatives to installing PTC including submitting for a mainline track
10 exclusion (an exemption from having to install PTC) for the NMRX, however these requests were
11 denied by the Federal Railroad Administration (FRA); and

12 **WHEREAS**, RMRTD, following guidance provided by FRA after their denial of the
13 PTC exemption request, has been working with the FRA and tenant railroads (BSNF and Amtrak)
14 to develop a "Risk Mitigation Plan" in accordance with 49 CFR § 236.1019(c)(1)(iii) to allow
15 continued operations of the NMRX after the December 31, 2018 PTC implementation deadline in
16 a temporary capacity; and

17 **WHEREAS**, RMRTD, working with the NMDOT, issued a Request for Proposals (RFP)
18 on January 29, 2018 for the implementation of PTC on the NMRX; and

19 **WHEREAS**, RMRTD has applied for a State Infrastructure Bank (SIB) loan through
20 NMDOT to partially fund the implementation of PTC on the NMRX using Rio Metro gross
21 receipt tax funds to service debt; and

22 **WHEREAS**, RMRTD is working with Federal Transit Administration (FTA) to partially
23 fund the implementation of PTC through a combination of current years FTA 5337 formula funds
24 and grant anticipation financing using future FTA 5337 formula funds to service debt; and

25 **WHEREAS**, the State Transportation Commission will consider the SIB application at

1 their March 15, 2018 regularly scheduled meeting in Rio Rancho, NM; and

2 **WHEREAS**, the Governing Body believes that it would be in the best interest of the
3 traveling public and for regional connectivity to continue Rail Runner services past the 2018
4 deadline while the implementation of PTC is still pending; and

5 **WHEREAS**, the Governing Body wishes to express its support for a resolution to the
6 PTC issues that ensures continuation of rail service after the December 31, 2018 federal deadline
7 and the implementation of a PTC system.

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** the Governing Body hereby supports the continued operation of the
10 NMRX after the December 31, 2018 federal deadline for installing PTC and encourages all
11 persons and entities involved, including but not limited to the agents of the federal government, to
12 take such steps as are reasonably practicable to permit and ensure the continued operation of the
13 NMRX commuter service after the federal deadline until the installation of a PTC system is
14 completed.

15 **BE IT FURTHER RESOLVED THAT** the Governing Body hereby supports the Board
16 of Directors of the NCRTD in their RMRTD SIB loan application being considered by NMDOT
17 and also supports RMRTD's efforts working with FTA to finance a portion of PTC
18 Implementation with grant anticipation financing using future FTA 5337 funds to service debt.

19 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2018.
20
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22
23

24 _____
25 JAVIER M. GONZALES, MAYOR

1 ATTEST:

2

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4 _____
YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 _____
KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Resolutions 2018/Positive Train Control Support*