



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 9, 2011
CITY COUNCIL CHAMBERS

AMENDED – ITEM #H-4

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE Nov 8, 2011 TIME 4:15pm

SERVED BY _____

RECEIVED BY Tina Y. Dominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – October 26, 2011
9. PRESENTATIONS
 - a) Employee of the Month for November 2011 – Lisa Ernst, Detective, Police Department. (5 minutes)
 - b) 2011 Winners of the Common Ground Art Exhibit and Competition. (Sabrina Pratt) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Change Order No. 3 – Santa Fe River Trail Construction from Ricardo Road to Camino Alire; Advantage Asphalt and Seal Coating, LLC. (Brian Drypolcher)
 - 1) Request for Approval of Budget Increase – Project Fund.
 - b) Request for Approval of Grant Applications, Grant Agreements and Awards – Santa Fe Trails New Freedom Operating Services; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)



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- c) Request for Approval of Conceptual Plan for Zia Station Infrastructure Improvements (Drop-Off Facility). (Keith Wilson)
- d) Request for Approval of Amendment No. 2 to Professional Services Agreement – Legal Services Regarding Qwest Corporation Versus City of Santa Fe; Cuddy & McCarthy. (Kelly Brennan)
 - 1) Request for Approval of Budget Increase – Insurance Claims Fund.
- e) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzburger, Mayor Coss, Councilor Calvert, Councilor Dominguez, and Councilor Bushee)
A Resolution Supporting Film and Media Industry Economic Development Activities in the City of Santa Fe as a Means Towards Achieving a Sustainable Local Economy and Stimulating Local Job Creation and Retention; and Working With Santa Fe County in an Effort to Combine City and County Resources to Develop and Produce a Comprehensive Marketing Strategy That Will Bring Films to Santa Fe. (Kate Noble)
- f) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss and Councilor Wurzburger)
A Resolution Affirming the Governing Body's Action to Approve the Budget for Fiscal Year 2011/2012 and That Such Approval Included an Incentive Reduction of \$600,000 From the City's Collective Bargaining Units and Non-Union Employees; Expressly Stating that Collective Bargaining Unit and Non-Union Employees Leave Benefits Shall be Reduced by \$1,000,000; and Directing the City Manager to Verify that the Fiscal Year 2011/2012 Budget Submitted to DFA Reflects the Reductions that Were Approved by the Governing Body. (Robert Romero and Dr. Melville Morgan)
- g) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Ortiz)
A Resolution Restating the Intent of Resolution 2008-31 and Expanding Resolution 2008-31 to Include that User Fees Shall be Waived for Non-Profit High Schools, Accredited by the New Mexico Department of Education and Located in the City Limits of Santa Fe, to Use the Santa Fe Community Convention Center for One Function Per Calendar Year. (Jim Bradbury)



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- h) Request for Approval of Findings of Fact and Conclusions of Law for Case No. 2011-114 Ashford Santa Fe LP – Proposed Remodel of a Non-Contributing Commercial Structure Located at 100 Sandoval Street within the Downtown & Eastside Historic District. (Kelley Brennan)
- i) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Calvert, Councilor Wurzbarger, Councilor Trujillo, Councilor Ortiz and Councilor Bushee)
A Resolution Urging the New Mexico Public Regulation Commission to Reject PNM's *Renewable Energy Portfolio Procurement Plan For 2012* as It is Not in Compliance with the New Mexico Renewable Energy Act and Results in Diminished Renewable Energy Certificate Incentives; and Urging the PRC to Require that PNM Maintain the Renewable Energy Certificate Incentives for All Size Categories Up to One Megawatt at 6 Cents Per KWH with a Commensurate One Cent Per KWH Drop in the Renewable Energy Credit Incentive within a Defined Period of Time.
- j) Request for Direction and Approval of 2012 Legislative Priorities. (Robert Romero)
- k) Request for Approval to Publish Notice of Public Hearing on November 30, 2011:
 - 1) Bill No. 2011-41: An Ordinance Amending Section 23-8.5 SFCC 1987 to Regulate the Types of Goods and Wares Street Performers May Sell; and Amending Section 23-8.7 SFCC 1987 Regarding Criminal Enforcement, Penalty; and Administrative Enforcement. (Councilor Bushee) (Aric Wheeler and Dr. Melville Morgan)
 - 2) Bill No. 2011-42: An Ordinance Repealing Articles 14-1 through 14-4 SFCC 1987 and Adopting New Articles 14-1 through 14-4 SFCC 1987; Repealing Section 14-5.1 SFCC 1987 and Adopting a New Section 14-5.1 SFCC 1987; Repealing Sections 14-5.3 Through 14-5.5 SFCC 1987 and Adopting New Sections 14-5.3 Through 14-5.5 SFCC 1987; Repealing Sections 14-5.7 Through 14-5.10 SFCC 1987 And Adopting New Sections 14-5.7 Through 14-5.10 SFCC 1987; Repealing Articles 14-6 Through 14-7 SFCC 1987 and Adopting New Articles 14-6 Through 14-7 SFCC 1987; Repealing Sections 14-8.1 Through 14-8.9 SFCC 1987 and Adopting New Sections 14-8.1 Through 14-8.9 SFCC 1987; Repealing 14-8.11 Through 14-8.16 SFCC 1987 and Adopting New Sections 14-8.11 SFCC 1987 Through 14-8.16 SFCC 1987; and Making Such Other Changes as are Necessary. (Greg Smith)



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NOVEMBER 9, 2011
CITY COUNCIL CHAMBERS

11. MATTERS FROM THE CITY MANAGER
12. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, Pursuant to § 10-15-1(H)(8), NMSA 1978, and Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC in Accordance with §10-15-1(H)(7), NMSA 1978.

13. Action Regarding the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, and Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC. (Geno Zamora)
14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS



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REGULAR MEETING OF
THE GOVERNING BODY
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H. PUBLIC HEARINGS:

- 1) Request from Ferguson Enterprises, for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Beer and Wine at the Ferguson Showroom, 1708 Llano Street Unit B, Which is Within 300 Feet of De Vargas Middle School, 1720 Llano Street. The Request is for Ferguson Enterprises' Customer Appreciation Private Event to be Held on November 10, 2011 from 6:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2011-37: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Romero)
An Ordinance Approving a Lease Between the City of Santa Fe and Daisy Lay II, LLC for Approximately 4,067 Square Feet of City Owned Land Located Within the Bounds of the Camino Entrada Right of Way to be Used as a Parking Area Appurtenant to Restaurant at 2571 Cristo's Road. (Edward Vigil)
- 3) CONSIDERATION OF BILL NO. 2011-38: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Trujillo)
An Ordinance Amending Article 23-6 SFCC 1987 to Permit the Limited Sale and Consumption of Alcoholic Beverages at Fort Marcy Ball Park for Professional Baseball Games. (Robert Romero)
 - a) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Trujillo)
A Resolution Authorizing the City Manager to Supervise and Direct the Placement and Operation of a Beer Garden at Fort Marcy Ballpark for Service and Consumption of Beer Only at Professional Baseball Games; and to Ensure that the City Complies with the Directives of this Resolution, and the Laws of the City of Santa Fe and the State of New Mexico. (Robert Romero)
- 4) Request from Maribel Cardona, dba M & J Event Center, for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at M & J Event Center, 1708-A Llano Street, Which is Within 300 Feet of DeVargas Middle School, 1720 Llano Street. The Request is for Fiestas Pitrias to be Held on November 20, 2011 from 7:00 p.m. to Midnight. (Yolanda Y. Vigil)

I. ADJOURN



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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.

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AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11/4/11 TIME 2:55pm

SERVED BY _____

RECEIVED BY Tina Dominguez

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4. INVOCATION
5. ROLL CALL
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SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
November 9, 2011

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REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND	Approved	
REQUEST FOR APPROVAL OF CONCEPTUAL PLAN FOR ZIA STATION INFRASTRUCTURE IMPROVEMENTS (DROP-OFF FACILITY)	Approved	5-7
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<u>EVENING SESSION</u>		
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2011-37; ADOPTION OF ORDINANCE NO. 2011-35. AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND DAISY LAY II, LLC, FOR APPROXIMATELY 4,067 SQUARE FEET OF CITY OWNED LAND, LOCATED WITHIN THE BOUNDS OF THE CAMINO ENTRADA RIGHT-OF- WAY, TO BE USED AS A PARKING AREA APPURTENANT TO RESTAURANT AT 2571 CRISTO'S ROAD	Approved	20
REQUEST FROM MARIBEL CARDONA, D/B/A M & J EVENT CENTER, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION, TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT M & J EVENT CENTER, 1708-A LLANO STREET, WHICH IS WITHIN 300 FEET OF DeVARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR FIESTAS PIETRIAS TO BE HELD ON NOVEMBER 20, 2011, FROM 7:00 P.M. TO MIDNIGHT	Approved	20-21
CONSIDERATION OF BILL NO. 2011-38: ADOPTION OF ORDINANCE NO. 2011-36. AN ORDINANCE AMENDING ARTICLE 23-6 SFCC 1987 TO PERMIT THE LIMITED SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT FORT MARCY BALL PARK FOR PROFESSIONAL BASEBALL GAMES	Approved [amended]	21-62
CONSIDERATION OF RESOLUTION NO. 2011-64. A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUPERVISE AND DIRECT THE PLACEMENT AND OPERATION OF A BEER GARDEN AT FORT MARCY BALLPARK FOR SERVICE AND CONSUMPTION OF BEER ONLY AT PROFESSIONAL BASEBALL GAMES; AND TO ENSURE THAT THE CITY COMPLIES WITH THE DIRECTIVES OF THIS RESOLUTION, AND THE LAWS OF THE CITY OF SANTA FE AND THE STATE OF NEW MEXICO	Approved [amended]	21-62
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
November 9, 2011**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on November 9, 2011, 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 David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the Amended Agenda as presented

VOTE: The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Bushee absent for the vote.

7. APPROVAL OF CONSENT CALENDAR

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

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

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Absent for the vote: Councilor Bushee.

- a) *[Removed for discussion by Councilor Chavez]*
- b) **REQUEST FOR APPROVAL OF GRANT APPLICATIONS, GRANT AGREEMENTS AND AWARDS – SANTA FE TRAILS NEW FREEDOM OPERATING SERVICES, U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)**
- c) *[Removed for discussion by Councilor Chavez]*
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – LEGAL SERVICES REGARDING QUEST CORPORATION VERSUS CITY OF SANTA FE, CUDDY & McCARTHY. (KELLY BRENNAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – INSURANCE CLAIMS FUND.**
- e) **CONSIDERATION OF RESOLUTION NO. 2011- 60. (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR CALVERT, COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). A RESOLUTION SUPPORTING FILM AND MEDIA INDUSTRY ECONOMIC DEVELOPMENT ACTIVITIES IN THE CITY OF SANTA FE AS A MEANS TOWARDS ACHIEVING A SUSTAINABLE LOCAL ECONOMY AND STIMULATING LOCAL JOB CREATION AND RETENTION, AND WORKING WITH SANTA FE COUNTY IN AN EFFORT TO COMBINE CITY AND COUNTY RESOURCES TO DEVELOP AND PRODUCE A COMPREHENSIVE MARKETING STRATEGY THAT WILL BRING FILMS TO SANTA FE. (KATE NOBLE)**

- f) CONSIDERATION OF RESOLUTION NO. 2011- 61 (MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION AFFIRMING THE GOVERNING BODY'S ACTION TO APPROVE THE BUDGET FOR FISCAL YEAR 2011/2012 AND THAT SUCH APPROVAL INCLUDED AN INCENTIVE REDUCTION OF \$600,000 FROM THE CITY'S COLLECTIVE BARGAINING UNITS AND NON-UNION EMPLOYEES, EXPRESSLY STATING THAT COLLECTIVE BARGAINING UNIT AND NON-UNION EMPLOYEES LEAVE BENEFITS SHALL BE REDUCED BY \$1,000,000; AND DIRECTING THE CITY MANAGER TO VERIFY THAT THE FISCAL YEAR 2011/2012 BUDGET SUBMITTED TO DFA REFLECTS THE REDUCTIONS THAT WERE APPROVED BY THE GOVERNING BODY. (ROBERT ROMERO AND DR. MELVILLE MORGAN)
- g) CONSIDERATION OF RESOLUTION NO. 2011-62 (COUNCILOR ORTIZ). A RESOLUTION RESTATING THE INTENT OF RESOLUTION 2008-31 AND EXPANDING RESOLUTION 2008-31, TO INCLUDE THAT USER FEES SHALL BE WAIVED FOR NON-PROFIT HIGH SCHOOLS, ACCREDITED BY THE NEW MEXICO DEPARTMENT OF EDUCATION AND LOCATED IN THE CITY LIMITS OF SANTA FE, TO USE THE SANTA FE COMMUNITY CONVENTION CENTER FOR ONE FUNCTION PER CALENDAR YEAR. (JIM BRADBURY)
- h) *[Removed for discussion by Councilor Calvert]*
- i) CONSIDERATION OF RESOLUTION NO. 2011-63 (COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR TRUJILLO, COUNCILOR ORTIZ AND COUNCILOR BUSHEE). A RESOLUTION URGING THE NEW MEXICO PUBLIC REGULATION COMMISSION TO REJECT PNM'S *RENEWABLE ENERGY PORTFOLIO PROCUREMENT PLAN FOR 2012* AS IT IS NOT IN COMPLIANCE WITH THE NEW MEXICO RENEWABLE ENERGY ACT AND RESULTS IN DIMINISHED RENEWABLE ENERGY CERTIFICATE INCENTIVES; AND URGING THE PRC TO REQUIRE THAT PNM MAINTAIN THE RENEWABLE ENERGY CERTIFICATE INCENTIVES FOR ALL SIZE CATEGORIES UP TO ONE MEGAWATT AT 6 CENTS PER KWH WITH A COMMENSURATE ONE CENT PER KWH DROP IN THE RENEWABLE ENERGY CREDIT INCENTIVE WITHIN A DEFINED PERIOD OF TIME.
- j) REQUEST FOR DIRECTION AND APPROVAL OF 2012 LEGISLATIVE PRIORITIES. (ROBERT ROMERO)
- k) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON NOVEMBER 30, 2011:
 - 1) BILL NO. 2011-41: AN ORDINANCE AMENDING SECTION 23-8.5 SFCC 1987, TO REGULATE THE TYPES OF GOODS AND WARES STREET PERFORMERS MAY SELL; AND AMENDING SECTION 23-8.7 SFCC 1987, REGARDING CRIMINAL ENFORCEMENT, PENALTY; AND ADMINISTRATIVE ENFORCEMENT (COUNCILOR BUSHEE). (ARIC WHEELER AND DR. MELVILLE MORGAN)

- 2) **BILL NO. 2011-42: AN ORDINANCE REPEALING ARTICLES 14-1 THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH 14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 15-5.5 SFCC 1987, AND ADOPTING NEW SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10; REPEALING ARTICLES 14-6 THROUGH 14-7 SFCC 1987, AND ADOPTING NEW ARTICLES 14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (GREG SMITH)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –OCTOBER 26, 2011.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of October 26, 2011, as presented.

VOTE: The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Bushee absent for the vote.

9. PRESENTATIONS

a) EMPLOYEE OF THE MONTH FOR NOVEMBER 2011 – LISA ERNST, DETECTIVE, POLICE DEPARTMENT

Mayor Coss read the nomination into the packet and presented Detective Ernst with a plaque and a check for \$100 from the Employee Benefits Committee. Mayor Coss thanked her for her outstanding service to the City Police Department.

Detective Ernst thanked everyone for this honor, and said she wished her parents were still alive to share this moment with her.

b) 2011 WINNERS OF THE COMMON GROUND ART EXHIBIT AND COMPETITION (SABRINA PRATT)

There was no one in attendance to make this presentation.

CONSENT AGENDA DISCUSSION

10. a) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – SANTA FE RIVER TRAIL CONSTRUCTION FROM RICARDO ROAD TO CAMINO ALIRE, ADVANTAGE ASPHALT AND SEAL COATING, LLC. (BRIAN DRYPOLCHER)**
1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

Councilor Ortiz said he will recuse himself because this item involves his client.

Councilor Chavez said the first change order was for \$14,000 plus, the second for \$26,000 plus, and this change order, if approved, will be \$49,000 plus. He questions the change order, the pattern of change orders, and the pattern of change orders on this item, as well a lot of the other projects in addition to this one. He said he is trying to track the funding, assuming it is separate from the \$30 million Park Bond issued two years.

Mr. Drypolcher said this particular part of the trail is not park funding, but is paid from CIP funds.

Councilor Chavez reiterated his issues with the change orders, although saying some might be warranted, and he will be voting against this request for this reason. He said he also wanted to raise the question about how these contracts are awarded and the number of change orders to get the project done.

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

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

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Bushee.

10. c) **REQUEST FOR APPROVAL OF CONCEPTUAL PLAN FOR ZIA STATION INFRASTRUCTURE IMPROVEMENTS (DROP-OFF FACILITY). (KEITH WILSON)**

A copy of an Action Sheet Item from the Public Works/CIP and Land Use Committee meeting of Monday, November 7, 2011, is incorporated herewith to these minutes as Exhibit "1."

Councilor Chavez said this is a drop-off facility next to the Rail Runner station. He said usually, a project such as this one will provide some amount of parking. He asked how many parking spaces will be provided.

Mr. Wilson said this item came before the City Council on August 31, 2011. He said in the original conceptual plan there were 30 parking spaces. However, during the approval process, the Council chose to, and requested to, remove all parking from the facility and provide that it be only a drop-off facility. He said the only parking which will be provided in this drop-off facility is one ADA space.

Councilor Chavez said this is of concern to him, because people will park across the street at Albertsons or somewhere and perhaps walk there to "see their family or loved ones or friends off." He said this really doesn't make a lot of sense. He said he wanted to raise the issue about parking and will leave it at that.

Councilor Romero said they had this conversation at Public Works specific to this item. She said her direction to staff would be, as we move forward with the conceptual plan, that it include something to show what the parking will look like. She said parking was taken out of this at the Council meeting where this was approved, and her comment was that this is going to have some affiliated consequences. She said as we move forward we need to bear in mind that parking could be part of the conceptual plan at some point. She said this was approved by the Council to move forward without parking.

Councilor Ortiz said, regarding the conceptual plan, he raised the possibility that as this project moves forward, if there is a need for parking, he believes the developer left some room to put in parking. He said he was against this at the hearing, and against it because of the impacts to an intersection. He said since the right turn lane was installed on St. Francis going south, the traffic queue backs up almost to Siringo Road, especially during the school year. He received information from the Public Works Director and the Traffic Engineer about the specific need for the right arrow. He would like to know what, if any plans will be made to alleviate the wait time at the arrow. He asked if this has been considered or included in the ongoing analysis of this station.

Mr. Wilson said staff was asked to bring back a conceptual plan for the drop off facility. He said we talked a lot about traffic impacts during the approval process, and included a provision in the Resolution to review this situation 6 months and 12 months after the opening of the station.

Chair Ortiz said at the time this plan was approved by the Council, there was no consideration of a right arrow off St. Francis, but subsequently that was put in. He said the staff response to the reason that was done, was to accommodate the needs of bicyclists and walker to cross through the intersection on Zia. He said that creates artificial queues in the right turn line onto Zia. He said this was a new development we didn't consider at the time we approved opening the station. He asked if approved, if there will be another analysis of that intersection 6-12 months from the opening

Mr. Wilson said the Resolution which was approved was to make the request to the DOT to open the station. He quoted from the Resolution, as follows:

"BE IT FURTHER RESOLVED that at six months and twelve months from the date of the opening of the Zia Station the Governing Body shall review the ridership and the impact on traffic and parking in the area of the Zia Station."

Mr Wilson said once the station is opened, at six months, the traffic, parking and everything else cited, will be reviewed by staff and brought to the Governing Body.

Mr. Wilson said the right turn arrow from St. Francis onto Zia was in place when this was brought before the Council at the end of August.

Councilor Ortiz said perhaps he didn't notice it because school wasn't in session, reiterating that the traffic backs up all the way to Siringo Road at 4:00 p.m.. He said he was against this to begin with, and believes the Rail Runner is an exercise in Governor Richardson's legacy, and not in actually providing service which is timely or cost efficient. He doesn't like the station, he believes the neighborhood doesn't like the station, so he will be voting against this request.

Councilor Trujillo said he brought up the issue of parking, but when he reviewed the minutes he saw this was just a "kiss and drop," and that there was ADA parking.

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger, to approve this request.

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

For: Councilor Calvert, Councilor Dominguez,, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Ortiz and Councilor Chavez.

Absent for the vote: Councilor Bushee.

Explaining his vote: Councilor Chavez said, I don't think we should make a bad situation worse, and this conceptual plan, now, should have some parking dedicated. It doesn't. I can't support it. No."

Councilor Bushee arrived at the meeting

10. h) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE NO. 2011-114, ASHFORD SANTA FE LP – PROPOSED REMODEL OF A NON-CONTRIBUTING COMMERCIAL STRUCTURE LOCATED AT 100 SANDOVAL STREET WITHIN THE DOWNTOWN & EASTSIDE HISTORIC DISTRICT. (KELLEY BRENNAN).**

A Memorandum prepared November 3 for the November 9, 2011 City Council meeting, with attachments [packet pages 2 through 566], to the Mayor and City Council, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes by reference, and copies can be obtained in the office of the City Clerk.

Councilor Calvert said he pulled this item because there was some “spur of the moment research and legal opinions being offered that night, and I wanted to give staff another opportunity to weigh-in on the decision that was made that night referencing who could testify at the public hearing.”

Mr. Zamora said, “There were two issues that really were.... well, there was one issue of certain concern at the time of the hearing on this matter, in which the City Attorney’s office opined very specifically to the HDRB and the Historic Design Review Board, about the members of that adjudicatory board not being able to testify before the Governing Body in its adjudicatory capacity. Besides providing that opinion orally that evening, based on questions from the members of the Governing Body, we have further conducted research to make sure that our response that evening was, in fact, correct. And the City Attorney’s office believes that decision remains correct for the following reasons. And this is not to single out HDRB. There are several adjudicatory bodies such as the Board of Adjustment, the Planning Commission, the BCD DRC, Archeo and others that hear issues in an adjudicatory capacity.”

Mr. Zamora continued, “Our Ethics Code actually recognizes that there are quasi-judicial acts that are subject to additional standards outside the normal course of an adjudicatory or legislative body. At Section 1-7.4 Quasi Judicial Acts, again subject to additional standards: *The City of Santa Fe Code of Ethics applies to public officials and employees acting in a quasi-judicial capacity.*

Mr. Zamora said when members of the Governing Body are acting in this quasi-judicial capacity, there are standards that are imposed by the New Mexico and State Constitutions that are not set out in this ethics session, but those laws, both State and federal, are an effort to create standards that prohibit, in fact, official actions tainted by a decision-maker’s conflict of interest, bias, prejudice, pre-judgment, or other conduct creating the actuality or appearance of impropriety.”

Mr. Zamora continued, “Because of that you have other standards within New Mexico, such as the New Mexico Judicial Code of Conduct to provide guidance to people acting in a judicial capacity. One such as Rule, 21400, regarding whether a judge may become a witness:

A judge is disqualified and shall recuse himself, herself, where the judge has personal knowledge of disputed evidentiary facts concerning the proceeding, or where the judge, to the judge’s knowledge, is likely to be a material witness in that or a later proceeding. Also, a Judge is precluded from making a public statement that commits or appears to commit the Judge with respect to an issue in the proceeding or the controversy within the proceeding.

I could go on and on, but there’s a 10th Circuit case by the name of U.S. v. Nichol, which is very much on point, that judges are precluded from testifying as a witness, that the statements can be prejudicial and that to do so would not be harmless error and would create a harmful error and an appeal. So, a judge’s comment at trial or at the trial of the matter, a rehearing of the matter, from the observations that a judge made at an earlier hearing, amounts to impermissible judicial testimony. So, that’s the first issue, and again, that’s not singling out any board, that’s the analysis applicable to all the adjudicatory boards, including this Governing Body.

Mr. Zamora continued, "The second issue that flows from that, really is an opportunity to refresh the Governing Body on *ex parte* communications during the pendency of an appeal. Again, the City Code applies, and there's a Section 14-3.7(H) entitled Communication with Members Prohibited, so parties to an appeal, during the appeal period, after any final is taken, or after an appeal is filed, and provides in part:

No party may communicate with the individual members of a land use board that may hear the appeal or the governing body outside an appeal hearing concerning the merits or substance of the appeal, except in writing, filed with the Land Use Department within the prescribed period for inclusion in a public hearing.

Another instance where *ex parte* communications are prohibited is from other persons other than the parties:

Persons other than the City Attorney should not communicate outside a public hearing with a member of a land use board or the Governing Body concerning the merits or substance of an appeal to be heard by that body.

So, just a refresher there. In the comments which are contained in Albuquerque Commons Partnership vs. City Council of Albuquerque, where this was a problem, provides: *A tribunal which is impartial in the matter should have no pre-hearing or ex parte contacts concerning the question at issue.*"

Mr. Zamora continued, "And that's the concept. You don't want a bias in the adjudicatory body in favor or against any certain party. In those proceedings the adjudicatory body does not sit as a mini legislature. That's the distinction. You're not sitting in these judicial matters as a mini legislature, as it functions in all other matters, but instead, the adjudicatory body and the Governing Body in quasi judicial matters must act like a judicial body, bound by the ethical standards comparable to those that govern a court in performing the same function. So, those are the issues that I believe needed addressing after that hearing."

Councilor Bushee said, "Geno it was just surprising to me in the last hearing, that was an appeal, this is the first time, in my memory, we've not been able to have... I guess what I was looking for at the time were facts from the Chair of the HDRB that I may not have, because they weren't in the packet. I wasn't at the meeting for the Historic Styles. I didn't feel like we got that full information from our staff person. And so, from my memory of how things have been held... and that's why I asked, in what part of the Code are you going to be able to reference that. And what I get from you is a reference to *ex parte* communications, yet I don't view this as *ex parte* when the person is here. And I thought, at some point.... I guess what I want to know is how then do we get expert testimony that we may need, or information that we are not able to get. My understanding was that the Chair of the HDRB was done with their case. So, I guess in my view, I did not see them acting as no longer quasi-judicial. And also, I thought at one point... I don't know if I heard Kelley or somebody... that we were in a *de novo* hearing in the appeal, and that we were just looking for new facts."

Mr. Zamora said, "A *de novo* appeal means that you get to review all of the facts anew."

Councilor Bushee said, "Right, but they would have been done with their case at Historic Styles."

Mr. Zamora said, "And to complete that statement, based on the facts in the record and the record provided to the Governing Body."

Councilor Bushee asked, "How do you get facts if... I mean it was public. It wasn't like I was asking for something that, you know... outside of this meeting or the last meeting. It just stills fails me how we're able to get the kind of information we need to get and answers to questions that perhaps, you know, the Chair would be the only one, or a member of that Board, would have to provide."

Mr. Zamora said, "The first half of my presentation was the role of the quasi-judicial bodies. That was outside of an *ex parte* presentation. That was the second part. The role of the judges, for all intents and purposes, is not to serve as witnesses in proceedings. So the question you ask is, if there is expertise, and I believe it was asked this way the other day, if the Chair has an expertise that no one else has, why can't the Chair come and testify, a Chair that acted as a judge previously, come and testify before this group of judges. The answer is, with any of these governing bodies, and it's something to consider when making appointments, is this individual's value greater to be an expert and a member of the public testifying, or to be a judge, but they cannot, because of the rules of conduct governing judges, be both."

Councilor Bushee said, "I guess... hope that that gets clarified somehow, or codified. I feel like that's... I don't see where you're pointing to in our current Codes. I know what our *ex parte* communications are, but I guess... I don't know. I just feel like it's subjective and a subjective opinion."

Mr. Zamora said, "This is the first time this issue has come up before this Governing Body during my term..."

Councilor Bushee said, "Right."

Mr. Zamora continued, "...during my term which is now going on 20 months. So, during my term, we did a complete, full legal analysis on this, and the conclusion is, when acting as a quasi-judicial body, you have a higher standard and a different standard and a different responsibility than your legislative roles. One of which is abiding by judicial codes of conduct in your actions, whether you're an adjudicatory body at a lower level or a higher level."

Councilor Bushee said, "I understand. I've just never had the ruling before from any other City Attorney, so, thank you."

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the Findings of Fact and Conclusions of Law in Case #2011-114, Ashford Santa Fe, LP, as proposed by staff.

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

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: Councilor Bushee and Councilor Chavez.

Abstain: Councilor Wurzburger.

Explaining his vote: Councilor Chavez said, "Well this doesn't seem very clear, based on the conversation that just took place, so I'm going to vote no."

11. MATTERS FROM THE CITY MANAGER.

Mr. Romero said an issue has arisen recently regarding attempting to start charging for those who park on residential permits, and we've done those free in the past. He thought we discussed it appropriately during the budget process, but looking back, he doesn't feel we did. He said this will be brought forward during the next budget process.

Mayor Coss said, "Then you're not going to start charging people for parking with a residential parking permit."

Mr. Romero said, "That is correct."

Responding to Councilor Bushee, Mr. Romero said this will be taken before the Parking Advisory Committee sometime before the budget process, and it will be brought through the Council during the budget process.

Responding to Councilor Calvert, Mr. Romero said staff will be notifying all of the people who received a letter that they would be charged.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to amend the Amended Agenda to go to Items #14 and #15 at this time, and then return to Item #12 and the rest of the agenda, and to approve the Amended Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting in favor of the motion and none voting against.

14. MATTERS FROM THE CITY CLERK

The City Clerk had no matters.

15. MATTERS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of November 9, 2011, is incorporated herewith to these minutes as Exhibit "2."

Councilor Calvert

Councilor Calvert reminded the public that on Friday, there will be a Veterans celebration and parade, beginning at 10:00 a.m., at the Morales Fire Station, proceeding through the Plaza and to the Bataan Memorial Building for a ceremony at 11:00 a.m. He invited the members of the public to come out and join us and help celebrate the contributions from our veterans.

Councilor Dominguez

Councilor Dominguez asked Mr. Romero to get with him and talk about the BEBER Report and whether or not we can get that on the Public Works agenda soon, if it is ready.

Councilor Dominguez introduced a Resolution calling a special election on the G.O. Bond in the amount of \$30 million on March 6, 2012, etc. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Trujillo

Councilor Trujillo said he previously asked Mr. Romero to clean a specific section of the arroyo. He received a call from a constituent who told him they went out and cut a lot of trees. He said he hasn't been out there, and asked Mr. Romero to look into this. He said he didn't ask them to cut down every single tree, and he wants to know what happened.

Councilor Wurzbarger

Councilor Wurzbarger said she and Mayor Coss attended the opening of the Santa Fe Studios, and she would like to thank the County formally for its work that made this happen, noting it was a large project and a long time in coming. She said it has the potential to impact our economy. She encouraged people to contact the County and find out how they can take a tour of the Santa Fe Studios.

Councilor Bushee

Councilor Bushee said she can't find her email, so she will work directly with Robert.

Councilor Ortiz

Councilor Ortiz said on Monday, the Finance Committee will have a discussion on the bond proposed by the Mayor and Councilor Dominguez, along with the CIP bond, noting that will be a public hearing. He said there also will be a public hearing on the proposed Chapter 14 rewrite, noting he has asked staff to limit their presentation to 20 minutes.

Councilor Chavez

Councilor Chavez said he would like research to be done regarding Legislation allowing municipalities to impose impact fees, noting there is a Construction Improvement Advisory Committee which is set up to review any proposed changes to impact fees. He said it doesn't seem that "happened in this case, as we're discussing eliminating impact fees." He doesn't know which staff person does that work now, but he wants to see that come forward soon.

Councilor Chavez said he has a request from Aranda's Plumbing for a four-way stop at Hickox and Cortez. He said he wants to pass this request to staff and to the Councilors in District 1 – Councilors Calvert and Bushee. He noted the Arandas have been in business in Santa Fe for as long as he can remember.

Councilor Romero

Councilor Romero introduced an Ordinance amending Section 25-1.3 SFCC 1987, to exempt State Educational Institutions from being required to comply with Chapter 14 SFCC 1987 (Land Development Laws) when applying for City water and making such other changes as are necessary. She noted Councilor Dominguez is a co-sponsor, but his name isn't included, and asked the City Clerk to see that this is done. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4."

Mayor Coss

Mayor Coss introduced the following:

1. A Resolution adopting the City of Santa Fe updated ADA Transition Plan and self-evaluation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. A Resolution supporting the efforts of the community, labor and faith organizations, et al, to eliminate the practice of wage theft in New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Coss encouraged people to look at the new Santa Fe Film Studio out on State Road #14. He said it is a remarkable accomplishment for the community.

Mayor Coss said he spoke with Dr. Ortego from the Community College, and she encouraged Santa Feans to get behind her and the College to get the Learning Center done at the old College of Santa Fe campus, noting Dr. Ortego has been blocked from doing that. He said that facility would be good for

our economy and our students. He said he is amazed at the legal hurdles that have been thrown in the way of the project, which was approved by the Legislature and the voters and is ready to go. He said he will be introducing a Resolution saying the City supports getting that done.

12. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD WITH RAILYARD COMPANY LLC, PURSUANT TO §10-15-1(H)(8) NMSA 1978, AND DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC, IN ACCORDANCE WITH §10-15-1(H)(7), NMSA 1978.**

Councilor Chavez asked if a lawsuit has been filed in this matter.

Mr. Zamora said, as publicly discussed at the first meeting in May 2011, there has been litigation threatened by Railyard, LLC, but no lawsuit has been filed. He said the matters discussed at that time, similar to what is being discussed this evening, related to a settlement of those pending matters.

Councilor Chavez said this is a public asset owned by the City.

Mr. Zamora said the City owns the Railyard property.

Councilor Chavez said he believes the citizens own it more than anyone else. He asked if we know who is going to move there, and if Land Use moves to the Railyard and IT moves to City Hall, where will the staff at the Federal Building be moving, noting it is the intent to move staff from the federal building.

Mr. Romero said no final decisions have been made on who will be moving.

Councilor Chavez said this raises the issue of why we are doing this and who will benefit. He said he will vote against this request.

MOTION: Councilor Ortiz moved, seconded by Councilor Romero, that the Council go into Executive Session for discussion of disposal of real property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200, at the Railyard and with the Railyard Company, LLC, pursuant to §10-15-1(H)(8) NMSA 1978, and the discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant involving the Railyard Company, LLC, in accordance with §10-15-1(H)(7) NMSA 1978.

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

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Bushee and Councilor Chavez.

Explaining his vote: Councilor Chavez said, "This is a change from the master plan which was approved. No. My vote is no."

The Council went into Executive Session at 5:45 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:00 p.m. Councilor Wurzbarger moved, seconded by Councilor Romero, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilor Bushee absent for the vote

13. **ACTION REGARDING PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD WITH RAILYARD COMPANY LLC, PURSUANT TO §10-15-1(H)(8) NMSA 1978, AND REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC. (GENO ZAMORA).**

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the staff recommendation as discussed in Executive Session.

DISCUSSION: Councilor Chavez would like to know what was the staff recommendation.

Councilor Ortiz said he would like to disclose the recommendation from the Executive Session.

Mr. Zamora said the items discussed in executive session were those as listed on the agenda for the Executive Session. He said, "What I was just mentioning is that I would like to place on the record what the recommendation of staff is, and I think that will clarify for you, Councilor Chavez, what the recommendation of staff is: That the Governing Body, in accordance with its decision in the first May meeting in 2011, extend the time frame for signing a lease at the Railyard, and the time frame for signing the settlement agreement with Railyard LLC, to May 1, 2012.

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

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Chavez.

Abstain: Councilor Bushee.

END OF AFTERNOON SESSION AT 6:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

A copy of the handout from David McQuarie, regarding the Chapter 14 rewrite, is incorporated herewith to these minutes as Exhibit "7."

A copy of the Notice of Tort Claim from Stefanie Beninato is incorporated herewith to these minutes as Exhibit "8."

Mayor Coss gave each person two minutes to present their petition.

David McQuarie said he has two items. He said, first you received a note he passed out prior to the afternoon session, and Councilor Ortiz advised him there will be a public hearing on the Chapter 14 rewrite [Item 10(k) in the Afternoon Session] at the Finance Committee next Monday. He said, hopefully at the public hearing, his concerns will be answered. Secondly, and more importantly, is about the \$30 million bond issue which is supposed to be for quality of life. He said his question is whose life. He said there isn't a single item listed that pertains to persons with disabilities. He said, currently, "as you already know," the City has invested \$70,000 to hire a consultant to do barrier sampling. He said the staff was supposed to pick up the slack, but they have not. He said it's been 3 years, now we're getting a \$30

million, and it's going to "come out the City has to do all this stuff. At the rate they're going it will take 30 or 40 years. He asked who will benefit and who will be around in 40 years. He really thinks one of the projects in the bond issue should be to spend a substantial amount for barrier removal. He just like the lawsuit in 2004 regarding the curb barriers downtown, the City had to address anyway. He said to remember that there are two parts to ADA – alternation and that public facilities must be maintained – and if not, you are in violation.

Stefanie Beninato 604-604½ Galisteo Street said, "Tonight Mayor, I am giving you personally a Notice of Tort Claim because of the water damage in my house on August twenty-first. I am required to do that under law but within 90 days, so I am doing this. May I approach and give you this letter."

Mayor Coss said, "Please give it to the Clerk."

Ms. Beninato said, "I have one copy for you, one copy for the Clerk and one copy for the lawyer. And I did meet with Mr. Zamora in the beginning of October. I gave him a CD of he damages. He promised he would send it on, but Mr. Zamora delegated that to somebody else and it sat in the City Attorney's office for 2½ weeks, and then finally Risk Management got it. It took them a week to send it down to Crawford Insurance, or for Crawford Insurance to come up to Santa Fe, and even though they could deny my claim in 36 hours, it's been over 3 weeks, I have heard nothing from Crawford Insurance. Thank you."

Joe Villarreal, Staff Representative, AFSCME, representing Local 3999, said he is here to speak briefly to a Resolution that was passed earlier, Item 10(f) on the Afternoon Agenda. He said, "We would really just like to express our disappointment with the fact that something like this would be able to get past a City Council that has always expressed its support for unions, and I don't think that's ever been questionable. I think you guys have always shown strong support for labor, not just here in the City, but also within the nurses here. It just really flies in the face of everything that I think the City stands for, to have a resolution passed that specifically calls out two labor unions here, for the sole specific reason that they're standing up for their rights and trying to find resolution to their contract. I just don't think that's fair. \$600,000 is what we knew was part of that budget. It was misstated in that Resolution that somehow AFSCME doesn't believe that you guys cut \$600,000 out of the budget. That was never stated and I think it's a very big misstatement to have something like that put into a permanent record, such as something in the form of a Resolution."

Mr. Villarreal continued, "In addition to that, the \$1 million that was also asked for in this was never clarified at that May meeting, and in addition to that, through the negotiations process, seemed to be somewhat fluid with the demands the City was making at that time. And, in all honesty it seems very punitive to have something like \$1 million taken out in additional leave, when that same very Resolution that you passed, it states in there that no one thought that the savings in leave in themselves were going to

lead to any actual savings in the City's budget. So, it begs one to question what is the purpose in trying to take away \$1 million worth of leave that nobody thinks is actually going to have any impact, other than to be punitive, and we would ask you, in the future, I know this Resolution's been passed, but to please reconsider either re-editing this thing or doing away with it completely, because it does seem like a very hostile Resolution to try to prove a point, that if this was clearly what was stated in your guy's meetings, there would have been no need for a Resolution. And I think that's really the part that's problematic with it. I don't have any problem with you guys being able to reiterate what was said there, but it just seems like there was extra measures taken there that seemed very punitive against the union. I've got to say I'm somewhat dismayed that that would come out of this Council. Thank you."

Rick Martinez said he is here about the residential parking permits. He said a letter was sent out to all the neighborhoods that they will get these parking permits, telling them they will have to pay a \$35 fee to parking in their own neighborhood which he and the neighborhoods think is wrong. He said a second letter was never sent out to them that it has been stopped and is going through committees, and he thinks a second letter should be sent to this effect. He said, secondly, there must be a public hearing at all of these committees that this issue is sent to, so the neighbors can voice their concerns about why the City is charging them to pay \$35 a year to park in their neighborhood, when the rest of the City doesn't have to pay this fee. He said, "I think it's a shame."

Tom Agard, 2218 Brillante Street, said he is here to talk about Ordinance No. 2006-16. He said City staff is moving forward with proposed amendments to this Ordinance which has to do with youth sports and fees in parks. The fees are set to assess a per participant, per sport fee on every child that plays with a registered League within a City of Santa Fe Park. He said, "I urge you to please to just roll these fees, the \$50,000 that you're going to collect from the youth sports, just roll it into one of these bonds and let's generate some good will. Let's get some support behind the bonds that the City desperately needs to have passed, and you'll gather a great deal of support from the youth leagues. Just roll the \$50,000 into the bonds. Thank you very much."

MOTION: Councilor Calvert moved, seconded by Councilor Chavez to hear Item H(4) immediately after Item H(2), and before Item H(3), and to approve the Amended Agenda as amended.

VOTE: The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Bushee absent for the vote.

G. APPOINTMENTS

There were no appointments

H. PUBLIC HEARINGS

- 1) **REQUEST FROM FERGUSON ENTERPRISES, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF BEER AND WINE AT THE FERGUSON SHOWROOM, 2708 LLANO STREET, UNIT B, WHICH IS WITHIN 300 FEET OF DE VARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR FERGUSON ENTERPRISES' CUSTOMER APPRECIATION PRIVATE EVENT TO BE HELD ON NOVEMBER 10, 2011, FROM 6:00 P.M. TO 8:00 P.M. (YOLANDA Y VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Santa Fe Schools Superintendent Bobbie Gutierrez, stating that the school has no objection to this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Romero moved, seconded by Councilor Trujillo, to grant the request for waiver of the 300 foot restriction and allow the dispensing/sale of beer and wine at the Ferguson Showroom for Ferguson Enterprises' customer appreciation private event, to be held on November 10, 2011, 6:00 p.m. to 8:00 p.m.

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

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Wurzbarger.

- 2) **CONSIDERATION OF BILL NO. 2011-37; ADOPTION OF ORDINANCE NO. 2011-35 (COUNCILOR ROMERO). AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND DAISY LAY II, LLC, FOR APPROXIMATELY 4,067 SQUARE FEET OF CITY OWNED LAND, LOCATED WITHIN THE BOUNDS OF THE CAMINO ENTRADA RIGHT-OF-WAY, TO BE USED AS A PARKING AREA APPURTENANT TO RESTAURANT AT 2571 CRISTO'S ROAD.**

The staff report was presented by Edward Vigil.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2011-35.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Chavez.

- 4) **REQUEST FROM MARIBEL CARDONA, D/B/A M & J EVENT CENTER, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION, TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT M & J EVENT CENTER, 1708-A LLANO STREET, WHICH IS WITHIN 300 FEET OF DeVARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR FIESTAS PIETRIAS TO BE HELD ON NOVEMBER 20, 2011, FROM 7:00 P.M. TO MIDNIGHT. (YOLANDA Y. VIGIL)**

A Memorandum dated November 8, 2011, with attachments, to Mayor Coss and City Councilors, from Yolanda Y. Vigil, City Clerk, in this matter, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the Applicant will be required to have 4 security personnel, and there is a packet on the Governing Body's desk containing all of this information, as well as a letter from Fe Schools Superintendent Bobbie Gutierrez, stating that the school has no objection to this request.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to grant the request for waiver of the 300 foot restriction and allow the dispensing/sale of alcoholic beverages at M & J Event Center, for Fiestas Pietrias on November 20, 2011, from 7:00 p.m. to 11:00 p.m.

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

For: Councilor Bushee, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Abstain: Councilor Dominguez said, "Mayor, just as a point of information, because I have had some conversations with members from the public, I'm going to go ahead and abstain from this vote."

Absent for the vote: Councilor Chavez and Councilor Calvert.

- 3) **CONSIDERATION OF BILL NO. 2011-38: ADOPTION OF ORDINANCE NO. 2011-36 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 23-6 SFCC 1987 TO PERMIT THE LIMITED SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT FORT MARCY BALL PARK FOR PROFESSIONAL BASEBALL GAMES.**
 - a) **CONSIDERATION OF RESOLUTION NO. 2011-64 (COUNCILOR TRUJILLO). A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUPERVISE AND DIRECT THE PLACEMENT AND OPERATION OF A BEER GARDEN AT FORT MARCY BALLPARK FOR SERVICE AND CONSUMPTION OF BEER ONLY AT PROFESSIONAL BASEBALL GAMES; AND TO ENSURE THAT THE CITY COMPLIES WITH THE DIRECTIVES OF THIS RESOLUTION, AND THE LAWS OF THE CITY OF SANTA FE AND THE STATE OF NEW MEXICO.**

A copy of *Additional Information Regarding Fort Marcy Ballpark/Beer Garden* provided by staff, is incorporated herewith to these minutes as Exhibit "10."

A copy of proposed amendments to the Substitute Resolution, submitted by Councilor Bushee, is incorporated herewith to these minutes as Exhibit "11."

A copy of proposed amendments to the Substitute Resolution, submitted by Councilor Wurzbarger, is incorporated herewith to these minutes as Exhibit "12."

A copy of proposed amendments to the Substitute Resolution, submitted by Councilor Trujillo, is incorporated herewith to these minutes as Exhibit "13."

A group photo of Mark Ortiz's father and his team at Ft. Marcy Ballpark in 1951, submitted for the record by Mark Ortiz, is incorporated herewith to these minutes as Exhibit "14 ."

A copy of the statement for the record by Issac Herman, 6587 Valentine Way, submitted for the record by Issac Herman, is incorporated herewith to these minutes as Exhibit "15."

A copy of the statement for the record by Jordan Aztlan, 6587 Valentine Way, submitted for the record by Jordan Aztlan, asking the Council to vote no to beer sales at Ft. Marcy, is incorporated herewith to these minutes as Exhibit "16 ."

A copy of the statement for the record from Concerned Members of the Santa Fe Community, submitted for the record by, and signed by Marilyn Bane, President, Santa Fe Neighborhood Network, is incorporated herewith to these minutes as Exhibit "17 ."

The staff report was presented by Robert Romero, City Manager, noting staff provided answers to the questions posed at the Finance Committee, and a copy was provided to each member of the Governing Body [Exhibit "14"].

Public Hearing

Speaking to the request

Mayor Coss gave each person 2 minutes to speak to the issue.

Dan Nava, retired Santa Fe Police Department Detective-Sergeant, said he was born and raised in Santa Fe. One of his fondest memories is going to Ft. Marcy Park with his grandfather about 50 years ago and watching the American Legion on Sundays, commenting he doesn't believe they sold beer on Sundays then. However, he said he doesn't think a beer garden is a bad thing, and the League needs

to come to Santa Fe. He said the League is proposing at 3 drink limit. He has attended games in Phoenix, Denver and Albuquerque to watch games, and being able to watch a game "in my own back yard would be a plus. And if I want to have a cold beer on a hot day, I think I should be able to. But I know I'm going to be there watching baseball and not going there to continue drinking until I can't walk anymore." He said he appreciates your time very much, and "I hope you approve this. Thank you."

Tommy Trujillo, 1472 Avenida de las Americas, said he attended a forum where this was discussed previously, and there were pretty compelling arguments associating serving alcohol at these baseball games with drunk driving and teenagers getting killed, and said "I just couldn't see the tie here." He said he likes drinking an occasional beer, but that doesn't mean he's going to go out and cause a horrific accident. He said this is pretty extreme. He said later, as the forum progressed "it became pretty evident that it was less about alcohol, and more about 'we don't mind the baseball, we don't mind the beer, just not in our neighborhood'. He said one of the Councilors talked about putting up bleachers at one of the south side parks. He said we're all part of the same community, and this is one City. He said, "For us to pay taxes on this park already, it's just being inefficient, stupid, and I think it's good for all of us. There are a lot of people here who want baseball. A lot of kids who want other action besides going to the movies or just staying at home playing video games. Okay. That's it."

Gilberto Gutierrez, Camino Cerrito in Glorieta, New Mexico, spoke to the Governing Body in Spanish, translated by Maria Bautista. *[Ms. Bautista said she had a picture for the Council, but nothing was provided for the record]*. Mr. Gutierrez said, as translated by Maria Bautista, "He is here representing the League Mexicana de Santa Fe. Their league has been playing in Santa Fe for 10 years. One of their concerns in being one of the Leagues is that they don't feel they've ever been given the attention as a professional semi-pro team. At times, they have up to 12 semi-pro leagues playing in Santa Fe. This year, they had 8 leagues, semi-pro leagues playing in Santa Fe. They haven't been able to play the way they wanted this year because of the economy and because they are self-funded. They do not sell tickets and they have community sponsorship. Our family and our children come to the games. These are my children and family, pictures that you are seeing, and they won the championship this year."

Ms. Bautista continued for Mr. Gutierrez, "And we're wondering why we weren't given the opportunity... they are asking why you haven't paid attention to them and given them the same opportunity. They are playing in the worst field at Caja del Rio. The President of the League could not be here this evening, but we have paid the City... they have been paying the City of Santa Fe to play at the 599 MRC... they're paying up to \$4,000 to the City of Santa Fe to be able to play on that particular field. He's saying that the field they're playing on, for the money that they're paying, they're not getting the bases chopped, there are puddles of water everywhere, they're not mowing the grass, there's no bathrooms, no sanitary facilities, no emergency access and no drinkable water, and the field is chained to ambulances. He would like to see if you would give them the same opportunity and if you can, they'd appreciate it."

Ms. Bautista said, "He was talking earlier and said he would like to play the Pecos League."

Ms. Bautista continued for Mr. Gutierrez, "He is saying that they do not support beer at any of the fields that they play on."

Ken Joseph, 45 Camarada Road, said he wants to reiterate the comments at the Finance Committee. He said this is such a wonderful opportunity to bring life and children and activity and family wholesome wonderful things to downtown Santa Fe, which has become a tourist designation and it's losing it's heart. He encouraged the Governing Body to do whatever is necessary to bring something as "cool as a semi-pro baseball team to downtown. Thank you very much."

Ted Bolleter, 1008 Osage Avenue, said he is here on behalf of his granddaughter, Sophia Gonzales, who was born two months ago tomorrow. He said, "This is the first time I've been back in this chamber since I retired 2 ½ years ago. As the assistant fire official for the City, I was not allowed to voice my true opinion in many cases, because I had to toe the company line, so now I get to say my true opinion. Over my 22 year career with the City, I spent almost all of them at the Ft. Marcy Ballpark, at headquarters, either protecting the north side of town, and later as the Fire Marshal for the town and as Assistant Chief for the City. I watched this park slowly deteriorate away from being the crown jewel of the City's baseball fields, to where it's still a great baseball field, but do you know what it's used for. Most people take their dogs. The neighbors around there will take their dogs and that's the best dog park in Santa Fe, and I've watched it for 20 years."

Mr. Bolleter continued, "Over this time, I've watched also a Governing Body that has slowly polarized this City into two Santa Fes, and Santa Fe is divided basically from St. Francis on the northeast side and the south side. This issue has nothing to do with beer. Okay. This has everything to do with keeping the riff-raff out of the downtown area. That's what people see this as. Okay. Even if beer sales were not required, you know, to make this a viable option downtown, the residents in this part of town do not want it. They don't want the noise, they don't want the traffic, they don't want anything in their part of town."

Mr. Bolleter continued, "Well, when I was growing up in Santa Fe, Mager's Field and Ft. Marcy Ballpark were local gathering places, and in the summer, we went to baseball games there. If you bought a house up there and there was this big lighted baseball field, that means they turn the lights on at night and use it once in a while. This is a City park. In the fall, we used to go to Mager's Field and watch Demon-Horsemen games and watch the Demon games, and you know what, yeah, there was noise then. There were baseball games and there were even bonfires and pep rallies, God forbid. What's happening now, is it seems like the middle class is kind of being driven out and the working class is being driven out of the downtown area. The only time people want us here is to work, and when we're not working, you know, go back to the south side of town, stay on that side of town and we don't really have anything for you."

Mr. Bolleter continued, "The people who would go to these games are the working class people. Over the years this Council has asked the Fire Department and staff about why it is hard to recruit firefighters to live here in Santa Fe. And more than half of the Fire Department, Police Department, people don't stay here. It's because you make it difficult for the working class. Let's do something for all of Santa Fe, not just for a few people that live around Ft. Marcy park. Let's do the right thing for the community as a whole, and think about the community as a whole for once. And Patti, I'm sorry but you have polarized the City and you continue to do so."

Tommy Martinez, 411 Kathryn Place, said he is the President of the AA Baseball League in Santa Fe and the current permit holder of the Ft. Marcy Complex for the baseball season. He said, on behalf of our League, it is very important that we continue baseball in Santa Fe. This is a great opportunity for the people of Santa Fe. It's a great opportunity for our young kids to see something they can aspire to be one day as a baseball player, even if it is semi-pro. Who knows, we're had some baseball players come out of Santa Fe too. He said we have to do this for our community, if we don't, just like Mr. Bolleter said, we are starting to split up our community, and it's very very important that we unify together. He said beer sales are going to happen, and beer sales happen at every venue. They happen at every pro and semi-pro game. He said beer is out there and here's no difference between having beer in a controlled environment, such at the baseball field, than it is having a glass of wine on Canyon Road at an open wine testing. He sees no difference, but said a lot of you will be there at the wine tastings downtown. He sees no difference, and it will be a controlled environment. He said, "So, I'm just asking you, on behalf of baseball fans all over, and a lot of the constituents of Santa Fe want you to pass this and bring semi-pro baseball to Santa Fe."

Eric Lujan, 2524 Caminos [inaudible], said when he thinks about Ft. Marcy and everything it means to him, back to the time he was 6 years old, it was going to watch the State Championship baseball game and Santa Fe winning it. He said when he was playing semi-pro ball, Kevin Costner was filming a movie and the park was lit up. He has had the pleasure of playing semi-pro, high school and Babe Ruth baseball, as well as having coached and officiated baseball games on this field. He said it means a lot to him to have the opportunity to bring pro baseball to Santa Fe, to give the opportunity to our citizens to have some kind of entertainment as we struggle in this economy. He said he doesn't want to get into the southside/eastside thing, and this is about Santa Fe, period. He said we need to give something back to the citizens. He applauded Councilor Trujillo for giving us this opportunity this evening, noting he is doing a good job, although some people are giving him a lot of grief about this proposal.

Jerry Baca, 6 Burros Road, said thinking about Ft. Marcy Park brings back a lot of memories. He grew up playing Little League, Babe Ruth, semi-pro, and high school baseball on this field. He said it is sad to see that park is now being used for people to walk their dogs. He said there is tradition, family stories and tons of history at the park. He doesn't know why we are arguing about bring a pro team to Santa Fe. He said our youth today are caught up in pop culture, playing video games, and something like

this could get kids excited about playing sports. He said we need to get that back with our children, because the pop culture and video games are taking our kids away from athletics. Kids aren't driven to play sports any more. He said this gives opportunities to the local kids, because it will bring scouts to the town and give opportunities to local kids for scholarships. He doesn't see where the opposition is coming from. He said it's great for the community and for the kids, and he said we should approve it and bring baseball here – that's an American game, and asked if Santa Fe isn't an American town.

Michael Friestadt, 123 Calle Don Jose, said he thinks a baseball team here is a great idea and we really need it. He said we need more commerce and a little bit more will help and won't hurt. He said he supports the limit of 3 beers which he believes will take care of any of the problems that people envision. He hopes the Council approves this, and looks forward to seeing Mayor Coss on the mound throwing out the first pitch.

Ashley Margetson, 1012 Calle Largo, said she loves baseball and would be happy to see baseball in Santa Fe. She has no problem with people drinking a beer with their hotdog. She said she does have a problem with the taxpayers and the City spending up to \$1 million to revamp Ft. Marcy Park to make it ADA complaint to pay for the baseball league to come and play in Ft. Marcy Park when we already an ADA compliant field by Marty Sanchez, which would accommodate the baseball games without spending \$1 million of the taxpayers money we don't have. She said we have no way to make the money back from this project. The revenue from admissions, sales of merchandise does not come back to the City, nor does the revenue from beer sales. There is no cost benefit to the community for the outlay of dollars the City would spend. She said she recommends we do have baseball and beer sales, but let's do it at Marty Sanchez not Ft. Marcy. Ms. Margetson said she does not believe this is an issue of class warfare at all.

Mark Ortiz, Calle Princessa Juanna, distributed a picture of his dad and the team playing at Ft. Marcy Ballpark in 1951 [Exhibit "14"]. Mr. Ortiz said, "Mayor Coss and Councilors, I would like to thank you for the opportunity to speak and for the service you do for our City. I came here today to tell you that I support the Pecos League being the team at Ft. Marcy Ballpark. As some of you may know, this ballpark was built for baseball some 70 years ago. Many of my childhood memories are from playing Babe Ruth baseball there back in the 1980's, and watching my childhood heroes in the 70's, Councilor Trujillo, who I played baseball against and whose team we usually beat. That's the picture of the team and my dad. In the right hand corner is Bob Sweeney, his father they named Sweeney center after. Based on the stories published in the New Mexico, editorials, letters to the editor and comments posted on the website, I am going to say it makes me feel uneasy knowing some residents of Santa Fe are so determined to stop this pro team from playing at Ft. Marcy. This is what the field was built for, not Zozobra as maybe some believe."

Mr. Ortiz continued, "I understand some of you folks here tonight live near the field, so obviously you have a say about the goings-on in your own neighborhood, but many of us born and raised here and other residents, regardless of how long you've been here, also have a say. We're taxpayers as well. That's why we're here tonight as well as the business community and friends of baseball in general. I do wish strict and limited beer sales didn't have to be such a factor for the team to come here. In my heart, I believe those of us here tonight in favor of this, just want to see the Santa Fe Mountain Lions play baseball at Ft. Marcy, with or without beer, but it is what it is. I don't live on this side of town any more, but coming to a game downtown, I'd probably eat downtown, maybe go to some of the businesses downtown. I don't really spend much time on this time of town. Councilors, I'm guessing that some of you have already made up your mind that you're going to vote against this." He said it's not us versus them, or racial, or economic background when residents whose families have been here for generations and those who recently moved here come out and support this team.

Ms. Ortiz continued, "For those opposed, I'd like to say I understand the concerns of serving beer, but just like at Marty Sanchez, it will be served with very strict rules. Maximum of 3 beers per person, served away from minors, and no sales after the 6th inning. A game is about 3 hours long, and you eat some food. I don't know what your alcohol limit would be, but in any case.... On that point, I would like to close by saying this, I personally will have no problem bring attention to the people who are providing security for the ballpark to someone who is acting intoxicated, or it looks like they're going to go drive intoxicated. I have no problem talking to security and 'ratting them out' whatever you want to call it. The reason I say this is it is the responsibility of us, the supporters of this endeavor, to make sure there will be no 'I told you so,' from those people who are opposing this, though I imagine that is unavoidable. It is our responsibility to police ourselves for the sake of our children and our community's safety. Let us do right by our fellow Santa Feans and the Mayor and Council if they entrust us with a vote in favor of this issue. Thank you."

Luciana Santa Cruz, 100 Callecita Place, said he guesses the hidden agenda has been covered by a gentleman who spoke 6 speakers ago who said there is a class issue here, and certainly for the people who live near Ft. Marcy there is no class issue, but apparently other people believe that to be true. He said he is concerned about his community residents around the ballpark. He said there is a lot of history in the park, but clearly it isn't 1950, the community has grown immensely and Ft. Marcy Ballpark isn't the same park it was 50 years. He said as such, and with all of the residents in the area, there is a need to understand what the residents need in relation to a baseball team being fielded there. He said in previous sessions he has called for some sort of evaluation, an impact study in the area – what is the impact of a baseball team and baseball games on the residents living in the area, but that hasn't been done to his knowledge. He said he asked the Council to consider the impact of a baseball team on the neighborhood – issues of parking, egress, 400 or 500 people leaving at the same time – these are the things that need to be resolved..

Patrick Nuzo, 3600 Cerrillos Road, said he comes here as a business person in the City, and in full support of a pro sports team to Santa Fe. He grew up in Chicago and lived in the area of Wrigley Field, and it always energized the people in the neighborhood. He said he can see the kids really benefitting from a professional team in Santa Fe, and the camaraderie that pro sports will bring to the City. He thanked Councilor Trujillo for his hard work on this and implored the Governing Body to think about the business aspect of what can happen here, and approve this request..

Shannon Murphy, 106 Mesa Vista, said she is here to speak in support of baseball and in support of beer. She is very involved in the local music scene and, as she's watched this debate unfold, she has been thinking about the parallels between this opportunity for pro baseball and the challenges faced by people trying to put on events in the music scene. She said, "Mainly because prohibition is over and people can drink, they want to be able to drink when they go out, and so you can try really hard to throw a really great event, but if you don't have alcohol at that event, it's difficult to get people to come out and it's difficult to have it really take off. And it's something that, even if you don't... like I personally don't drink a lot, but I recognized that this is a dynamic and I try to work with it whenever I'm working on music events. So, I think that it's really important to be able to serve beer at Ft. Marcy. I think it's important to the success of the team. I think it's important to hold the team accountable to the promises they've made about trying to keep the beer sales as something that won't negatively impact the community. But, I think it needs to be recognized the way things are, and I think this is a good example of that. Thank you."

Daniel Werwath, 1726 Agua Fria, said he is here to speak in support of semi-pro baseball, and in favor of serving beer at Ft. Marcy for the ball games. He said he believes a majority of people in Santa Fe share his view, but he knows the vast majority of the public aren't being represented at these meeting. He said working class people and young people can't attend because they're working, or already worked 10 hours a day, or have kids to feed or help with homework. He said, to test this idea about true majorities, he created a Public Face Book Page, and invited anyone to share their thoughts about the issue by posting on the page. He said there were 31 responses in favor of beer and baseball at Ft. Marcy Park, and 2 in opposition. He said the people who opposed systematically harassed people who posted comments in favor, sometimes as many as 3 in responding to their comment on the Face Book page. He said this pattern of an outspoken minority is emblematic of a larger problem in our public process. Too often, a vocal minority succeeds in setting policy for the entire community and are unwilling to respect the opinions of others."

Mr. Werwath continued, "For the record, and to be totally clear, I'm strongly opposed to drunk driving, but I don't think temperance is an effective means of deterring this community problem. I think the community should focus on constructive solutions which include opportunities to model responsible alcohol consumption, more opportunities for public transportation and to treat alcohol offenses sternly and consistently. Ultimately, as every year passes, there are less and less activities for locals to do in our

downtown. Baseball is family oriented, it's affordable and appeals across generations and cultures. He said, "I Strongly urge you to vote with the majority of people in Santa Fe tonight, and vote in favor of allowing beer and pro baseball at Ft. Marcy Park."

Phil Lucero, SF Public Schools, said he runs the Student Wellness Team, a group of about 200 youth advocates around the City and is here on their behalf. He said the youth are excited about the prospect of a major league ball team coming to Santa Fe. "But what message are we sending to our youth when we pair up what should be a family event with a drug that destroys families. I work with many students who have sworn off alcohol because of what it has done to loved ones. As you know from last year's debates about alcohol on the south side of town, our youth are doing their best to fight this uphill battle. You have to consider the impact of this environment and the message on our young people."

Mr. Lucero said he spoke to several youth today about alcohol being a variable for the games. One student said, "Just because other towns do it doesn't mean we should." Another said, "Sometimes you must make sacrifices to improve things in the long run. I think not selling alcohol makes a strong statement." Another said, "Selling beer makes it less of a family environment." Another said, "If kids see their parents drink alcohol at games, they'll want to do it too." And another said, "Who cares. It's not like they'll listen to us anyway." We know that you listen to our youth, and that was proved to us last Spring when you ruled against new liquor licenses in our community. But the perspective among youth is that City officials don't take the youth perspective into account."

Mr. Lucero said, "Unless you stand up for youth in a big way, we stand to lose their faith. We can't let this happen in Santa Fe." He asked the students what they would like to see and this is what they said: "Appreciating young people for their own successes, on and off the field; having youth sing The National Anthem in the 7th inning stretch; scrimmages against our own local baseball teams; baseball camps hosted by the players; teaming with local youth advocacy groups for charity events; and lastly a funny mascot. He said, "It sounds plenty fun to me, so on behalf of the youth in our City and the youth in my program, let's say no to beer and baseball."

Lisa Grace Giuffra, 231 Castillo Place, said almost two years ago, this Council adopted the Ordinance preventing the sale and consumption of alcoholic beverages on City-owned or controlled public property. She said this exemplifies your willingness as elected officials to address an issue that negatively impacts our community in both human and economic terms. As we know, the cost associated with alcohol abuse is more than \$1,400 person in the State. 22% of middle school students had their first drink by the age of 11, and 34% of high school students had their first drink before the age of 13. She said New Mexico is the highest in the nation. She said, "We ask you to continue to support the Ordinance and family friendly events and shift the dynamic of alcohol dependency in Santa Fe."

Nyira Gitana, P.O. Box 21212, Santa Fe, 87502, said she is here to say first, that of the four items on the agenda, 3 are regarding alcohol – waivers or consideration of amendment to the Ordinance. She said this says to her there is a serious alcohol problem in the City. She said the Committee process has been giving lip service to this “Dunn Deal,” because the only transparency is the underhanded way this whole thing has been handled. She said yesterday at the BQL Committee, 100 pages were submitted by the Rodeo – financial statements, history, photographs, supporting documentation – so they could look at an arena feasibility study. She said tonight Mr. Dunn was in the City Manager's Office finishing his 5 page answers to the Governing Body's questions which had been requested time and again, noting this is the first time anything has been submitted. She said Mr. Dunn's website has had advertisements for jobs for this situation since September, and recently, he hired a manager from Arizona and she asked in what part of Santa Fe is Arizona located, and how does this count as job development in Santa Fe.

Ms. Gitana continued, “The November 3rd *Examiner* had an article that Mr. Dunn has already hired everyone, the players, the uniforms are already put together. This has just been a rubber stamp for us all the way down the line. If this passes then many of the Councilors who drive to Albuquerque to drink and drive and play ball, will no longer have to do that. That's too sad. What has this proposal really shown. What is the history of this so-called semi-pro organization and the self-proclaimed Commissioner. What has he shown you. Has he shown you any kind of financial statements. Has he shown you honesty, integrity or business knowledge. Has he shown you people who have played before. Has he put on the 5 page thing he completed in the City Manager's office tonight, anything about ADA compliance or anything of that nature. No, he has not. He does have caps ready. He does have a name ready. He went through 4 names I think, the Zozobras, the Kiwanis nixed that right away; the Sangres which means the Bloods, and that would have gone over like a lead balloon. Now he's talking about the Mountain Lions.”

Mayor Coss asked Ms. Gitana to wrap up, because she has exceeded her allotted time.

Ms. Gitana said, “Please don't pass the consideration to adopt an amendment to something you unanimously passed two years ago. Thank you.”

Jose [inaudible] 1409 Zepol Road, said he played basketball and baseball and he crosses the City to play at Ft. Marcy because it is quiet and a nice place to play soccer. He said he has no problem with the baseball, but he doesn't like the sales of liquor. He said he used to drink alcohol, but no more. He said this is a little stadium in a neighborhood and he doesn't like the idea of serving alcohol.

Isaac Herman, 6587 Valentine Way, entered his statement for the record saying to the Mayor and Council, “If you vote yes on this, you are contradicting what you told us.” Please see Exhibit “15,” for the complete text of Mr. Herman's statement.

Jordan Aztlan, 6587 Valentine Way, entered his statement for the record saying, to the Mayor and Council, "By voting yes on this, it is the exact opposite of what you told me and my community at the March [meeting]. He asked the Governing Body to vote no to Beer sales at Ft. Marcy. Please see Exhibit "16," for the complete text of Mr. Aztlan's statement.

Mary Baca, 6587 Valentine Way, and she and her children participate in sports at public parks and she does not support alcohol.

Jessica Apodaca, 1624 Villa Estrada, employed by Santa Fe Public Schools, said she is also on the Board for the Santa Fe Underage Drinking Prevention Alliance. She said her dad is an avid baseball fan and she believes people would attend pro baseball games. She works with kids in 8 elementary schools and one of the biggest things she's learned in the school and in public health is modeling – you do what you want your kids to do – they watch every second of what you're doing. If you want to see how you act, look at your kids, they are a reflection. She said two years ago this Governing Body adopted an "Ordinance not to sell alcohol and that's the right thing to do. And now, what are we selling out for. For three months of baseball. What is that teaching our kids, how are we role modeling. She said some good things might come from baseball, and she wants baseball, but she also wants to teach our kids that there doesn't have to be alcohol in adults in order to succeed or to get entertainment."

Shelley Mann-Lev, Chair, Santa Fe Underage Drinking Alliance and an employee of the Santa Fe Schools, said, on behalf of both organizations, she wants to share again her concern about alcohol in public spaces. She said the Alliance and Schools have worked hard together with the City, noting the unanimous vote 2 years ago by this Governing Body, to recognize that alcohol at family friendly events is not the message our community wants to send. Alcohol at family events is not the message we want to send. She said there is a history of alcohol abuse in our community and they are struggling to make progress against that history. She said they are making progress, and seeing reductions in DWI, fewer youth start using alcohol at younger ages, and fewer youth binge drinking and using alcohol, which is largely the result of our public bodies, our leaders taking a stand recognizing the impact of alcohol. She said this isn't about whether or not we have baseball, and it hurts her that we have been put in this position. She said the issue you aren't voting on is having baseball at Ft. Marcy. You are voting on whether the City is going to sell beer at a public park. She said the POSAC unanimously voted for no beer or alcohol sales at any park for any reason. We hope you will listen to them and our deep concern that this is taking a step backward in addressing alcohol abuse in our community.

John Chavez, 86 Apache [inaudible], said he as coached baseball in Santa Fe all of his life. He said bringing a professional baseball team to Santa Fe is long overdue, and believes it would be a tremendous asset to our kids. He would hold the pro team accountable to interact with the local youth and high school teams. He said there has been baseball at Ft. Marcy as long as he can remember,

commenting his dad played there, reiterating, "There has always been baseball at Ft. Marcy." He can't see the logic in saying there is noise impact and so forth. He said if the team needs to sell beer to survive, he's all for it. He said having beer at a baseball game is the same as wine and cheese at an art gallery. He said he would said the teams traveling to Santa Fe will be adding revenue to the City coffers, the local restaurants and hotels, which he thinks is a good benefit.

Mike Archuleta, 3833 Cerrillos Road, said he comes tonight to back this proposal for baseball, and doesn't mind beer in his park, but he isn't going to serve it to kids. He said he goes to the Isotopes games and has 2 beers, and is responsible enough to know that if he has 2-3 beers, his wife, who doesn't drink, is driving home. He said you have to realize that people in Santa Fe are responsible enough to know that. He said he has the privilege of serving as President of a fabulous League with a great Board and their goal are the kids. There are a lot of kids playing T-ball, baseball. These are good kids that might could be blue chip players, but aren't recognized by colleges or the pros. This is an opportunity for these kids to be see semi-pro baseball being played. He said it has the potential to be the biggest thing in Santa Fe. He remembers watching John Chavez, Steve Fresquez, and all of the old guys up there playing baseball. He said if those guys had had this League back then and the opportunity, they would have gone very far, but they just didn't get the exposure. He said the League needs the beer for cash flow. He asked, "What's the difference if some idiot is going to go out there and get drunk and hurt somebody, it's the same thing as him going to one of the bars in Santa Fe. He's an idiot, plain and simple. I think these ball players and coaches in Santa Fe are responsible enough to the difference between overdoing it. He asked them pass this for the youth.

Abe Streep, 1829 Arroyo de las Cruces, Editor of *Outside Magazine*, said we do the story every year on the best places to live, the greatest towns in America and Santa Fe is always on there. They always go with one caveat, "that's going to sound very familiar to young people, which is that there's nothing to do." He said it is a real problem in this town and it feels like baseball really does foster community spirit and the energy needed. He said someone said previously that this investment won't pay for itself, and believes that will prove to be incorrect very quickly. That is the sort of thing which will draw interested and young professionals to Santa Fe. Mr. Streep said he played baseball in college, and just recently played in an interesting game at San Quentin Prison in California. He said he and a group of civilians played against the inmates, and the game was used as an incentive for the inmates to be on better behavior. He said it was an amazing and powerful experience, and it was an amplified version of what happens in every baseball game – a community comes together over baseball, and it becomes the most important thing around. He said this has been his experience with baseball everywhere, and when you have that kind of game, magic happens. He said anybody who is a serious baseball fan, or has played baseball seriously, and who want to bring their family, knows you don't go a baseball game to cause havoc and to binge drink. You go to be part of a community.

Phil Sunshine, 1125 Calle Largo, said he is one of two people who has spoken who live in the general area of Ft. Marcy Park. He is opposed to the changing of the rule to allow selling beer in Ft. Marcy Park. He believes this is an inappropriate area for this, although he isn't against baseball, perhaps it could be elsewhere in the City. He would like to know what the Police Department has to say about policing the heavier traffic. He said his main opposition is he believes it is Insane to want to sell alcohol to the public in this way. He said, "It is untrue that you can get wine and cheese at an art gallery, because the City doesn't allow it, but we're going to allow it for baseball games. It is not the greatest thing for our kids." I had students whose lives were wrecked under the influence of alcohol, and gave specific examples. He said, "You're going to have problems if you do this. It may not be immediately, but there will be car crashes, there will be drunken drivers. You cannot know who is going to come and how they will feel. And 3 beers may be too much for one person, 6 may be nothing for someone else. I say again, I am opposed to this. I think it's a crazy idea. And I appreciate there are people who love baseball, but I'm sorry, I don't think it's appropriate here."

Rick Martinez, 725 Mesilla Road, said he has a solution, where he can support bringing baseball to Ft. Marcy, commenting he went to a lot of games there when he was a kid. He said his solution is to serve 3-2 beer – tastes like Bud. He said you can drink it and it's a good, non-alcohol beer. He said, if you guys are going to pass this thing, he wants to support the festivals we used to have there - Community Day in the Parks. He said we need to have music back over there. He said the field is not strictly for baseball.

Charles Rosacker, 1359 Santa Rosa Drive, said about a year ago, he was driving his father-in-law, age 95 years at the time, around, and his father-in-law asked him to go by Ft. Marcy. He said they were sitting there and he told him he remembers the days when they played Pojoaque and the surrounding communities, and he asked his father-in-law if he thought they would ever play baseball here again, and he said, "I hope so hijo." And we are going to have baseball. He said, relative to the drinking, he will take his grandchildren to the baseball game, and if beer is available, he may have a beer, or maybe not. He said the Ortizes, Pachecos and Montoyas participate in this community and we want our voice heard. He does respect these people in their desire to protect their neighborhood, but they have gone through a lot of changes in their neighborhood as well. He said if you buy a house next to a baseball park, what can you expect. He said he bought a house next to a school and knew what to expect. He said it's really simple. He said, "Let's bring the heart of this community where the Montoyas, the Pachecos and Ortizes live, let's bring it back downtown."

Stefanie Beninato, 604 Galisteo, said she is not wealthy or Anglo and opposed to alcohol being served on City grounds at athletic events. She said the bottom line is if you allow alcohol there, the message to youth is that you have to have alcohol to have fun at a sporting event. She said her daughters were triathletes and she encouraged them to go into sports so they would have a positive motivation to avoid drugs and alcohol, learn about team building, focusing on goals and such. She said no responsible people drink, and when you do, you are telling your children that as an adult, you can't have a good time

without alcohol. She said additionally, the 5 page Business Plan doesn't address the number of beers which have to be sold for the players to be paid, commenting she thinks it is a very bad Business Plan. She said if only 300 people need to show up, how many have to drink 3 beers for the players to be paid. She said, with regard to giving back to the community, she understands the players want to have sponsor families and to live in their homes, so they won't be staying in hotels and there will be no economic gain to the City. She said the City will get no revenue from concessions, or ticket sales. She said there will be only 2 security guards, and questioned whether they could handle all of the activity there, and wants to understand that. She said if the City has a beer garden it will have to be ADA compliant, and believes a reasonable figure to make Ft. Marcy ADA compliant is \$350,000. She asked who pays "when this League walks out on a \$3,000 hotel bill," and how will the City pay for the ADA compliance. She said, "You have told us that the City is not going to pay anything." She said, with regard to having nothing to do downtown for locals, she said there is free music on the plaza for weeks and weeks during the summer, as well as arts and crafts fair, events at museums, free art classes for families and children, and there are plenty of recreational centers throughout Santa Fe. She said to say it is a misperception to say there is nothing for youth to do in Santa Fe which continues to be repeated over and over.

David Crawford said he is Division II College Official in Santa Fe and has been to pro school and umpired in the southwest region for quite a few years and has lived in Santa Fe for a long time. He said he has been around the country and seen these types of games and these leagues bring good, and all he's seen is that it brings good stuff to the community, helping kids, getting kids involved. He said they are going to sell beer at almost any venue, and he called the Leagues all over the state, and people are going to drink no matter what – if they're going to drink, they're going to drink whether or not is allowed. At the same time, baseball brings stuff back to our community – for kids to learn and develop and to have something to look up to here. He looks forward to this if this is approved, which he thinks would be great.

Signe Lindell, 147 Gonzales Road, said everybody loves baseball, and would like to see baseball at Ft. Marcy Park. She said we've heard all kinds of problems tonight and "you can solve these problems. It's not a yes, it's not a no, there's a solution to these problems, and I ask you to solve these problems. You can. I know you can." She said there are 9 fine minds "right in front of me, and I know you can come up with a solution to this." Ms. Lindell said, "My concern is, I would like for this venture to be a venture that business-wise, makes sense for the City. Is it a venture that you personally would write a check to be involved with yourself. If the answer is no, don't involve me with it either, but find a way to make it financially viable. I know you can do that. As far as the beer sales go, I won't know what has changed from the 2009 Ordinance that we sell beer at a park like this. I haven't heard the reason we need to do this. Can't we find a way to make this work without selling beer. I don't know. Do you have to have a beer to go to a ball game. I know I don't. And the last things, what's with the Mountain Lions. Where did that name come from. With all the creativity in this City, we can do better than the Mountain Lions. I mean, have a contest, run something, make it a very creative, clever logo. I don't know. Has anybody

ever heard of the team in Michigan called the Nimrods. They practically finance their public school athletics selling t-shirts all over the country because they were the Nimrods. So, we can do better on every part of this."

David McQuarie, 2997 Calle Cerrado, said wants to speak to two issues. One, he is not in favor of a separate liquor establishment for a beer garden. He said you take the average elementary age school kid who is left alone so the parents can go to the beer garden, and when that kid is a teenager, he goes to a keg party because it's acceptable. A lesson learned. Secondly, the same kid will have children, and he abandons them to go next door, or to go shopping, or all of these examples when a kid in elementary schools was he subjected to child abuse, could be, and thinks this is the case. The last point is what is the true ADA cost. He said at the Finance Committee on November 1st, the term thrown out was "it must be adequate," and there's no such word in ADA. "It is what it is. There's no adequate." He said the restrooms are substandard. The concession stand will have to be brought. There is a 10 ft. difference in elevation that has to be addressed. He said you are looking at \$250,000 that must be spend on ADA compliance before the game. He said the City "got behind the 8 Ball in 2004," with the complaint to the U.S. Department of Justice, and it cost the City \$100,000.

Marilyn Bane, 622 ½-B Canyon Road, said she is here on behalf of the Santa Fe Neighborhood Network. She handed out a document prepared by people who are very concerned about this proposal, noting she provided a copy to the recording secretary and the City Manager [Exhibit "17"]. She won't repeat what she wrote. She said there are many things to be concerned about, noting we keep talking about being one community, and we should have community spirit. She said she we need to get down to the facts. She said the Neighborhood Network represents every neighborhood association in the City that wants to join, noting she has testified for two neighborhood associations off Rodeo Road. She said peoples' concerns about their neighborhoods shouldn't be dismissed and owning a home is a great equalizer, whether you are north, south, east or west of town. She thinks everyone with that kind of investment with a family, deserves a certain amount of recognition and protection."

Ms. Bane continued, "The issue is not who is going to attend the ball games, the issue is how many, and the number of cars and the impact on the neighborhoods. She said concerns about access by emergency vehicles and egress from Morales is a fair concern. She hopes the Governing Body gives consideration to the issues of lights, noise and such, noting it is zoned R-5, which is residential, and people therefore live there. She said, with regard to selling beer, the issue isn't beer, the issue is drunk driving. She said the only difference between having a beer in the ball park and having a glass of wine on Canyon Road, is that the City will be sponsoring it, it is on City land and it is City approved. She said this colors the issue slightly differently. She is glad to see some of the amendments which were proposed which will make things easier. She said the promise of no additional costs relates to unanticipated costs. She has no faith that this team can cover its costs, if it is in bankruptcy, they won't be able to. She said, "I ask you to consider the effect of how you would feel in your neighborhoods, wherever they may be. I don't think this is a south issue."

Rick Jaramillo, 215 Calle Ruble, said he is here to speak in favor of a baseball team at Ft. Marcy complex, which has been a venue for baseball and football back to the years when Santa Fe High played at Mager's Field. He has played and coached there for more than 37 years, and hosted a series of youth sports, baseball tournaments. It's a great venue and part of our downtown historic area. He said he grew up watching his uncles play there, he coached there, he played there. It's part of Santa Fe. It's part of the fabric of downtown. He said, "You can't change that DNA. Baseball is not only the DNA of America, it is part of our DNA as well." He said his grandfather played in the League that played in Cerrillos, noting they had a professional League back then and was quite successful at the time. He said, with regard to alcohol in public places, alcohol is served at the Golf Course and we take our children there and teach them to play golf. He said alcohol is served at the Convention Center where we teach our kids how to dance. He said we have alcohol at the airport, or we did, and thinks we will have it again. He said we have alcohol in public places, that's just the way it is. He said he travels to see the Isotopes in Albuquerque 5-6 times a year, maybe only once now, and he would like to be able to bring his kids to Ft. Marcy to watch a ball game. He thinks the beer aspect of this has gone out of line, commenting there are alcohol sales everywhere and we have to be responsible in this day and age.

Mr. Jaramillo said, "You're on You-Tube the minute you do something stupid and the kids know. If I'm at the Isotopes with my son and I have one beer, he's like, that's one dad, don't drink and drive. Our kids get the message. They know. We're not here to promote drinking, it's just part of the Business Plan, the sponsorship. And if we create a great logo, a nice jersey, a hat, I see Yankee hats. It's part of New York. Let's create our Santa Fe hat. And with respect to promoting kids from within with aspirations to be pro baseball players, my godson got drafted to the Rays, and there's a kid from Moriarty, and we spent a week in West Virginia and it was a beautiful week. And I took my kids and we spent a whole week watching kids with a dream. And guess what. One of those kids from Moriarty pitched in the post season and he shut down the Yankees and then he went and pitched the first game against the Rangers, and he shut them down. A kid from New Mexico. A kid that my godson played with, throwing 98 miles an hour. His name is Matt Moore and he's an hour away. If we have more venues and opportunities for our kids, you know, that's a role model. Let's vote yes on this."

Barry Secur, 18 54 Bandelier Court, said he is not here to speak about beer or no beer, and believes you can make more money from Lattes these days. His concern is, as someone who uses the field and a taxpayer. He goes to the field on Monday and Tuesdays with a group of guys that bring a bucket of balls and go play. He said no one has discussed his concern which is the public access to this field. He's been playing on the field since he moved here, which was in the top 5 reasons for moving to Santa Fe – he had Chile Relleno's at Dave's, the Yucca Drive-In Theater – and among the things which have closed, only Ft. Marcy is left. He asked what happens when they want to play. He asked if there will be a padlock on the field when it is not being used for professional baseball. This hasn't been discussed and he doesn't know what his access will be. He asked who get priority at this point. Will they fix-up the field. Will they keep it maintained, and if so, does that mean they can no longer play. He said most of these arguments can be settled by a ball game – he could close his eyes, choose 9 guys, and we could just play for this deal.

Simon Brackley, President, Santa Fe Chamber of Commerce, said the Santa Fe Chamber supports baseball at Ft. Marcy, commenting that there has been a baseball park at Ft. Marcy since the 1920's, noting the stadium was there before many of the houses in the neighborhood was built. He said 3 years ago, the Chamber endorsed a bond issue which invested \$30 million in park improvements. He said this opportunity is a benefit of the investment made by the voters by voting in support of that bond. He said a baseball team can benefit the community by creating jobs, players, groundskeepers, players, vendors, parking, security, uniforms, media, laundry, catering, sponsoring, maintenance, transportation. He said indirect beneficiaries would be hotels, restaurants, beverage and fuel suppliers, as well as the tax generated from each of these transactions. The City has 109 approved beer and wine licenses, and has approved 18 in the last past 18 months. He said, "You've done so, because you believe that the restrictions that are in place, licensed servers, hours of operation, age restrictions, etc., are appropriate. He said we also have ordinances in place covering noise, traffic, parking, trash and other nuisances. He said City facilities already serve beer and wine – Convention Center, Marty Sanchez, the 400th Anniversary event – and this request is no different. He said, "If you approve this request, we're going to support the best, most successful, best organized team and the best behaved fans in the League. We want to help support role models and athletes that our young people can aspire to be and it'll create opportunities for families and children to have affordable entertainment options in Santa Fe. Please support this Resolution. Thank you."

Mark Martinez, 105 Lujan Street, said, "We who have grown up here in Santa Fe, have always complained that there is nothing to do in Santa Fe and nothing has really changed for the youth of Santa Fe. I am currently the coach at Santa Fe High, so I do work with the youth and I do talk to them a lot. Having a baseball team in Santa Fe would help keep us and our children close to home, at least some of the time. It doesn't make any sense to do anything outside the City when we have a perfectly good baseball field at Ft. Marcy where many of us have played ball in our youth. I can only imagine how great it would be to share the enjoyment with friends, family, my grandsons, to watch the game in our own back yard. But the question is, should we do this at Ft. Marcy. The answer should be yes. Thank you."

Rod Tafoya, St. Michael's graduate, Cedar Street. Casa Solana, said he was born and raised in Santa Fe. He currently is a Vice-President with Bank of the West in Albuquerque, and he is a 47-year-old pitcher, and has been pitching for 41 years. It is one of the most dear things in his life and closest to his heart. He asked, "How could you not vote for baseball in Santa Fe. We have been waiting for baseball in Santa Fe for over 100 years, and we finally have an opportunity to have it here, in our home town, down my street. And get this. Last week I got a text on my phone to be a pitcher on this team. I have been invited to pitch for this team. And what does that mean, well, I'll tell you what it means to me. I will be the oldest pitcher in the United States, of independent baseball, at 48 years old. I can still throw an 86 mph fast ball, so in my heart, if they give me a spring training tryout, you can bet your life on it that I'm going to make this team."

Mr. Tafoya continued, "Let's talk about beer for a second. I've played in at least 3 countries professionally. I played in Canada, I played in Mexico – 31 states in Mexico, 9 provinces in Canada. I played in the minor leagues here in the United States. I played 8 years. There was never a venue that didn't sell beer. How can you have baseball without beer. I mean come on. I mean we've heard of security. Every place I've played. Every place. We're talking Regina, Saskatchewan, Canada where they sold beer, a smaller venue than Ft. Marcy. And you know what, never a problem. So, if it's controlled, it can be done. So I vote for baseball in Santa Fe and I hope you do as well."

Dan Esquibel said he is here for the love of the game. He played baseball in his youth – metro leagues, Babe Ruth leagues, high school. He has a lot of fond memories at that field himself. He thinks bringing baseball to the City of Santa Fe is a wonderful thing and provides him an opportunity, commenting he isn't a "gallery goer unless my wife wants to take me." He said he loves baseball and this would be a family event he would like to take his kid to go watch. He said the City has 60,000 to 70,000 people, which mean there are about 36,000 households and about 17,000 people per District. He said when you look at the argument here tonight, it's really a very small percentage of any district, and an even smaller percentage for the whole City. He said a lot of people don't come to these events to support what we want, it's usually those who don't. He said the majority of people stay home and watch TV, or work on the internet, or read the newspaper. He said baseball is a fundamental sport, noting he was brought up on baseball. He hopes the Governing Body considers all of this as it deliberates tonight, and "bring it home so we have something other to do than a walk in the park or galleries on Canyon Road, because there is nothing else out there that I'm aware of. Thank you."

Judy Johnson, 132 Valley Drive, said the community park is now being turned into a commercial venue. She said they moved there 20 years ago, when they knew what was there, but it wasn't a commercial venue. She said they've listened to games there and they are fine, but you can hear them and that's on a loud speaker, but not with the canned music. She said they voted and were consulted when the bond issue came out on how to use that park, and they were never consulted about using it for a commercial team. She said this is a too intensive use for this dense neighborhood, and they will have to listen night after night for whatever time the games are played, and while people will come to the games, they won't come every single night, but they will have to listen to that. She said the sound carries a long way in these neighborhoods, so something will have to be done if you vote for this, please, control the noise in the neighborhood.

Ms. Johnson said the children's area is directly across from the short end of right field, across the arroyo, and balls can be hit there. The play area is right there and that is a concern. She said they don't just walk dogs in the park. Soccer teams play there, families go there, they play in the children's area, and play all over the field. She said she believes they will be deprived of the quite, peaceful enjoyment of their property which is a major concern. She said this venue does not belong in any dense, residential neighborhood, and we need to look at something else if we want a baseball team in town. She said, "Use it with the new bonds you're proposing. Perhaps we could build it somewhere else, but not where people

live where it disturbs a residential area.” She said paying taxes doesn’t mean that anything can be used in any way they want in parks. There are rules. She lives on Valley Drive, and has lived in other parts of town during her many years here – Alicia Street, Romero Street. She is a retired Santa Fe Schools teacher and is not a rich person living on the east side. She was a working class person. She said they had impact training and core teams in the schools to work with drug and impact on the children, commenting she taught at Alameda Jr. High for 8 years, and there were significant problems, and they had those teams in place. She said they had to provide structure and design for the students, the teenagers who wanted and needed that, depending on their issue. This structure isn’t supportive of our teenagers. She said she thinks it’s the wrong choice for the City to support this and asked the Governing Body to vote no on this amendment.

Kurt Young said he lives directly behind Ft. Marcy Park and is one of the neighbors who has come here to speak for this proposal. He said he knows baseball is a national sport, and many kids grow up dreaming of playing in the big league, and watch the World Series and they see dreams. We don’t have a lot of that here, and dreams are a good thing to have. He takes his son to see the Isotopes in Albuquerque, because it is fun to do. He doesn’t drink beer, but others do and that’s their prerogative, and “God bless them, they have a good time.” He said drinks are served at the golf course, the Convention Center, and we know there have been no fatal DWIs coming out of that. He said he is here to say we can’t discriminate against the demographics of baseball fans versus golfing fans.. He said a lot of his neighbors go downtown to the Plaza and have food, and couple of drinks and drive home. He asked if they are any safer than those driving homes from baseball games, saying probably not, but it doesn’t make them any better or worse. He owns 5 properties in the neighborhood and understands property values and what the people are trying to preserve. The argument here is very simply from his perspective – property owners are trying to preserve the value of their very expensive homes and he understands that. He asked, “Since when did the needs of the few outweigh the needs of the many. Since when do rich property owners have control over the pursuit of happiness in watching baseball in Santa Fe. We need more sports in Santa Fe, and if selling beer helps us do that, then “I say as George Washington did, let the cider flow. Let’s bring some baseball to this town and I say, play ball.”

Maria Bautista, P.O. Bo 22212, Santa Fe, NM 87502, said everyone has heard about alcohol and ADA, and the neighbors and baseball, and night games and liability. You’ve heard about loud speakers, which we don’t have, parking, economic development, La Leagua de Mexico de Santa Fe who wonders why they don’t have the opportunity to be included. She said economic development is here and it is growing too quickly on the south side, and economic growth in our own community is being stifled, because whoever brought this to Councilor Trujillo said let’s make it a community event, it came in, and other than that “Andrew can only follow the directions he’s given.” We don’t have anything against the Pecos League as a baseball team. She said we love baseball and she loves baseball. She said she pitched as a young girl. She has lived in Santa Fe all her life, and “I have never seen the class issues, the race issues and the violence that this has brought up and we’ve not had a beer year. So, this is what I want to say to you. A young man by the name of Dan Werwath wrote an article in *The Reporter* and this

is what put the wedge in between business, community, north and south. He started calling concerned neighbors communists, rich, privileged, old. Well you know what, everybody here is old and you get older. You don't go backwards. Hooray for Benjamin Button, but that's not reality, so Dan will be an old man."

Ms. Bautista continued, "I'd also like to say that Simon of the Chamber, all of a sudden he realizes that there is a gap between the north and the south. Let me tell you guys something. He's been here 13 years and he just snapped to that. Something is wrong. The system is broken. Alcohol is rampant. Beer cost 20%, whatever it's going to cost, 20% of that. I checked with Budweiser and Coors. The profit is 80%. I saw a Business Plan that was not signed or stamped by the City when it was put into the minutes. And the City... what's going to come in is \$1,400. Is that going to be enough to cover our costs."

Ms. Bautista continued, "The other thing that makes me feel really bad, is that discrimination has raised its ugly head here, and that's really unfortunate. Because I was told that the children who came here to speak tonight, we put them up to that. We did not. They called us and they wrote their statements. But while in the back, they're threatening to sue me, they're threatening to beat me up. This is ridiculous. All these people here are good Santa Fe people. I was at Ft. Marcy field when we used to drive our cars in for Zozobra. Those were the old days and we had a ball. Nobody here should be disregarded. But I think the thing that's putting a sticker in this is everybody's concern with alcohol and that it hasn't been a community venture. It's a very one-sided thing and people feel that. And sure, not everybody's here. I could have had 500 people here. I could have had 8 leagues here. I chose not to. That's called over-killed."

Ms. Bautista continued, "This lady over here, she's so nice, she said, 'Maria, all I want is a hot dog.' But she's with the Pecos League and I said I didn't bring hotdogs, and if I had hot dogs, I'd have given them to all you guys, because I know what it's like to do the work and sit there and go through the changes. I don't think we need these people to feel like we hate them, but how can they feel otherwise when you have other people stirring the pot. Every single one of you was represented to represent Santa Fe. Not the north, not the south, not the east and not the west, and what I hope and am imploring you to do, is let's work with the Pecos League. Let's work with the neighbors. Let's can alcohol for now until we have a better idea of who we're getting into, because that's what should have been done in the first place. Andrew shouldn't have been set up like this. Andrew Dunn was set up. Okay. If you had said to Andrew Dunn, 'Andrew, it's a great idea, let's get the community involved, let's have contests for the name, come on Andrew let them pick the uniforms. That's not what's happening.'"

Mayor Coss asked Ms. Bautista to wrap up her presentation because her two minutes has expired.

Ms. Bautista said, "So what they're doing basically, is they're setting the community against themselves. Don't think the vote tonight ends this. It's just the beginning, and it all is about community and alcohol and the ugliness that it has created in Santa Fe. And if you can't do anything else, stand up for that. If you can't vote for the living, vote for the dead."

Andrew Dunn, owner, Pecos League, Commissioner, said the Pecos League is a professional league and set to operate in Las Cruces, White Sands, Roswell, Trinidad, Alpine and they would like to have Santa Fe as its 16th League. He said numerous cities would like to be 16th, but he personally wants Santa Fe as do their other members. He said, "Alcohol. North/south. We're not really into politics, we just want to play baseball. He said the players are northern stars, southern stars, rising stars, falling stars, shooting stars, athletes with stars in their eyes. Our communities take great pride in their teams. For 2012, we're moving forward on what was agreed in the 2011 season, and we're adding Rawlings, Budweiser and Coca-Cola to our sponsors. We're clearly North America's emerging baseball league with 43 players signed to higher level leagues in the 2011 season. Anyone who spoke of financial problems has no idea or grounds for those statements. We've never had financial problems and you can check with your neighboring cities in New Mexico and any City Manager, Mayor, or person involved with our cities will testify to that, so I don't know where that's coming from."

Mr. Dunn continued, "I was invited tonight by you guys, and we want to unify Santa Fe, not get involved in these bickerings. We want to play baseball. We want support from everyone – neighborhood, north, south, east, west, whatever it is. We do need alcohol to have a team in Santa Fe. There's never been a successful pro sports team in New Mexico without alcohol, or anywhere. The Pecos League attempted to have one last year in Ruidoso. It was a disaster. It did not work. It made it through the season, but it was a disaster. It's not fair to the community, the City, the League. It just won't work. The Pecos League has players from as far away and as close as Rodney now. Glad to have Rodney. You'll have to adopt the age cap for him I guess, I don't know. I'm looking forward to seeing him in Spring training, but that's just one of many stories, I mean, we have great ball players, great people. I don't know, is that the end."

Mr. Dunn continued, "Okay. Basically the only other things, the players will live with host families. The visiting teams and umpires will live in hotels, nine per night, 36 home games. Fans will be traveling to Santa Fe from other cities to visit their teams and watch their team. Santa Fe will be one of our top destinations in the League. We sold more merchandise with the Roswell Invaders than almost any minor league team in North America, so we are creative with our designs, logos. You can't please everybody. Some people like it, some people don't. This is our road jerseys. Mountain Lions. And anybody that said Zozobras was trashed was right. The colors have to match the other colors taken by teams in the league. Teal and black, Florida Marlins are popular colors that people will like."

Mr. Dunn continued, "And the final thing, players will come to Santa Fe from all over the U.S., Canada and several from the Pacific rim. They move here May 1st with the intent of making the team, and we look forward to playing here at Ft. Marcy in the 2012 season, and Ft. Marcy is the only field we can occupy. Somebody mentioned something about other parks. So, if you have any questions for me, or you want the next person to speak, however the agenda goes."

Marge Veneclossen, 205 Williams Street, said she lives very close to Ft. Marcy. She said in her 55 years of living here, she has never been "so insulted and made to feel like I'm a bad person." She said

she lives on the north side because it was the only part of town that was there. She said her feelings have really been hurt. She said this has been one of the most divisive things she has seen, and "I will say to all of you, you have handled it badly. You have never included us in anything. You've shoved it down our throats and you're going to vote for it tonight, and I really am insulted and my feelings are hurt. I worked very hard for this city and for all the children in it, and because I am old and I live on the north side, I am a bad person."

The Public Hearing was closed

Mayor Coss thanked all of the public that presented and for all of the comments. He believes Santa Fe acquitted itself well again in yet another long and divisive public hearing.

Councilor Trujillo thanked everyone for coming out and speaking for or against.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to adopt Ordinance No. 2011-36, along with the amendments proposed by Councilor Wurzbarger and himself.

DISCUSSION: Councilor Dominguez asked Mr. Dunn if he has a stated, written, statement of organization, noting he has made this request twice before.

Mr. Dunn asked if he is speaking of a statement that the Pecos League is an LLC.

Councilor Dominguez said he is asking for a written statement of organization – who is it run by, if it is run by a commission, if it's run by Mr. Dunn.

Mr. Dunn said the day-to-day operations are run by a general manager and the team is run by the field manager.

Councilor Dominguez asked, "If and when something doesn't go right, who is it that the City would then, for lack of a better term go after, quote unquote."

Mr. Dunn said the City would contact the League office.

Councilor Dominguez said this is the information he's been requesting, but has not received, and he made it very clear two meetings ago – who is it that is held responsible for these things.

Mr. Dunn said, "The League."

Councilor Dominguez said he does not see a written statement of that organization and he's asked for it twice already.

Councilor Dominguez said since there is a motion on the floor he will make his comments now. He thanked everyone who came out to speak this evening, commenting it is admirable for you to speak what is on your mind, whether you are for or against this, regardless of what side of town you reside on.

Councilor Dominguez said, "I also want to thank Councilor Trujillo, because the one thing that he has done is he has respected the position that I have had on this for a long, long time. He hasn't done anything but respect that. And I think what bothers me, is I've been following the public debate on this, and I read and hear some of the things that members of the public have to say. I can tell you that Councilor Trujillo is upstanding. He's probably the most ethical person that we have on this Governing Body and I say that with all due respect to my other colleagues, some of whom have been here a long time, but he has my utmost respect."

Councilor Dominguez continued, "This is really a difficult issue for me, and the one thing I resent is that it somehow has turned into a debate between baseball or no baseball, and alcohol seems to be the wedge between that. In the past forum, we've heard things about parking and you know all kinds of other stuff, and I resent those statements as well, and many of those people aren't here today. And I think that's a shame, and it's like I said at one of the other meetings, that those people who were here to speak against this before, were not ever here to speak against alcohol when they tried to open up a convenience store to sell alcohol 40 feet away from an elementary school. None of those people were here. And so, that's one of the things I resent when it comes to the debate that we're having here tonight."

Councilor Dominguez continued, "There's really two concerns that I have. Number one, the reason that we passed bill No. 2009-52, was not to advocate for prohibition. It was not to punish good, honest people who are going to do the right thing. It's not to say that people in this community can't go to a baseball game and have a couple of beers and be responsible about that. It was really the fact that, and this isn't even about DWI for me. This is because we have alcohol abuse in epidemic proportions in not only this community, but this state. And that is data you can find if you do your homework. Our children know about the dangers of alcohol, not because we get up and say it, but because we have people from the Underage Drinking Prevention Alliance who have data that shows that. Undisputable data that indicates that. I shouldn't say undisputable, because some people will be able to dispute any kind of data. But the fact is, that they've done their homework, and alcohol abuse is an issue and a problem in this community. And so, the reason we passed that Ordinance, is that we as a community have collectively recognized that and wanted to make a statement about that."

Councilor Dominguez continued, "And the other thing that bothers me, and I say this with all due respect to you. I don't know you Mr. Dunn. I haven't had the opportunity to sit down with you and ask you questions privately. I've asked you questions publicly. But I see little, or not enough credibility. When I have a member of the public that comes and says, we're going to hold the League responsible for seeing that the youth get involved, and if that something happens, who is the League. I have no idea. And I provided the opportunity for you to provide that. I haven't seen any creative fundraising, for lack of a better term. I haven't seen that from the League. All I see is, basically, one sheet that has numbers on them. Some of them are assumptions, no solid Business Plan behind it. And that bothers me, and that's something that's

contrary, and I want to point this out, that's something that's contrary to the Golf Course and some of the other venues we have here. There is no personal or established relationship with the League. It doesn't exist. It exists with the Golf Course, it exists with the Convention Center. And I said this frankly, and as plain as day, Mr. Dunn, at the very first hearing, I think it was at finance. I said, 'I want to give you an opportunity to establish that credibility, at least with me,' at least with me."

Councilor Dominguez continued, "Basically, we're giving you an opportunity. In other venues, we share concessions. That's not being provided to us today. There is no mission statement. There is no statement of the history, it's been all verbal and I appreciate that, but those are things that bother me. Those are the two things that really make it hard on me, because as much as I want to support baseball... I played baseball when I was a kid. I played baseball as an adult, in fact I had a very dear coach that was my baseball coach and we know who that is. I resent the idea that if you go against this, you don't support baseball. That is absolutely false. That is not true. Give me a year, maybe you'll change my mind in a year. I'm not sure what the terms of this are, but you have an opportunity to establish credibility and I hope you take this opportunity. Thank you Mayor."

Councilor Trujillo said he will defer to Councilor Calvert.

[Councilor Calvert's microphone was turned off or wasn't functioning properly, for the early discussion, therefore the first part of this transcription was extremely difficult.]

Councilor Calvert said he has some questions. He said the first one is, a procedural question, more than anything. He asked if this is our last opportunity in this review process. He said this was backwards in how it came about. We started talking serving beer in a public park at Ft. Marcy before we ever started talking about the team and how it was going to operate for a year, and all the logistics and stuff that surround baseball, so I think the process is backwards.

Councilor Calvert said he is presuming there will be at least a contract that will spell out some of these things. He quoted from the Resolution, beginning on line 25, page 13, as follows: "**BE IT FURTHER RESOLVED that the City Manager will negotiate separate agreements with the professional baseball league and any affiliated entities that will generate revenue from the games...**" and so on and so forth. He asked, if we pass this tonight, will the City Manager do everything without coming back to the Council. He said usually when we lease space, such as Burro Alley, an ordinance amendment is required and it has to come back to the Council. Procedurally, he wants an answer to that question.

Mr. Zamora said, "The Resolution, Councilor, is the direction to the City Manager as far as how and when to pursue an agreement with this League, and the terms of operation, so the Resolution itself is the guidance to the City Manager on how to conduct this. In addition, in ordinance and in Procurement Code, which is adopted by the Governing Body, the City Manager has the authority to enter into agreements of \$50,000 or less, so if any of the terms of this agreement, of an operating agreement for example, would go beyond \$50,000, then yes, in a normal course, with all of the agreements that you do approve, it would come before you. The instance here is also slightly different. I've heard discussions of the lease as is

handled with other leagues that currently use Ft. Marcy, and other fields, there is a permit agreement which is a standard permit agreement that is entered into on a daily basis. That would be one of the things that would be required if the Council moves forward with this – to enter into a special use park and sports field permit agreement.”

Mr. Zamora continued, “In addition, because of the amount of terms in the Resolution, it certainly is necessary, I believe, to enter into the operating agreement, so there will be that separate agreement, and that takes me back to the threshold. If the value of that agreement exceeds \$50,000, per Code and per Procurement Code, and the authority given, then that would come before you.

Councilor Calvert said on that point, it mentions several types of agreements, and asked if the \$50,000 would be in the aggregate, noting some of these agreements wouldn’t reach the \$50,000 threshold, but they certainly would in the aggregate.

Mr. Zamora said, “Again, the Resolution provides the direction to staff on how to execute this, so if the Governing Body directs the staff to enter into separate agreements, that’s up to the Governing Body. If the Governing Body wants one unified operating agreement, that’s up to the Governing Body, or any number in between.”

FRIENDLY AMENDMENT: Councilor Calvert would like to amend the motion to have one unified agreement subject to Council approval.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Trujillo asked Mr. Zamora, as the City Attorney, what is the best way to do this – individual agreements or in one lump sum agreement.

Mr. Zamora said, “There are several topics in here. You have contracts contemplated with vendors. I think an argument can be made for both. I don’t think, realistically, it’s possible to have one agreement that handles everything. You’re going to need an umbrella agreement that addresses all of the uses and all of the requirements by both the City and all of the agreements between the City and the Pecos League. But it is entirely possible that separate agreements will be necessary, things like security agreements, things like concession agreements, and things like vendor agreements. So, again, it’s up to the Governing Body, but an umbrella agreement that addresses the rest of the necessary agreements, but it should be expected that separate smaller agreements may be necessary.”

THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER OR THE SECOND.

MOTION TO AMEND: Councilor Calvert moved, seconded by Councilor Bushee, for purposes of discussion, to amend the motion to have one unified agreement subject to Council approval, with Councilor Calvert noting he would, at the least, like the umbrella agreement the City Attorney just referenced, subject to Council approval.

DISCUSSION ON MOTION TO AMEND: Councilor Bushee said she has been asking since the first Finance Committee to see the lease arrangements. She said there are lots of instances in the minutes where Mr. Dunn is quoted as saying that the field is okay for now, but down the line, we might need some improvements. She said the only thing the Resolution states is that if it's reasonably related to the operation of his business is they'll cover it, otherwise "down the road" is not defined, and she thinks you start to begin to define some of those specifics in a kind of overarching agreement. She hopes we would have a chance to look at what it means. She said, "Right now we're told we just need a fence repaired and a mound adjusted, but I also see that perhaps the bathrooms are inadequate and ADA is still sort of out there. If this is a very successful venture, then we will need to make sure its operations are a success as well and that the field is suitable."

Councilor Bushee continued, "Now again, I read the minutes from the various committees. I also followed this at POSAC, and I was told it was just going to be a standard operating agreement like any of the Little League baseball or any of those. So, I do think that getting the specifics. We have Mr. Secular's concerns about how the field is adjusted or going to adjust to this new use. Will we allow pick-up games or other kinds of uses there during the day, or does that impact how the field is actually used and will appear and the mound and the marking and the dugout and all the things that come with it. So, I do believe it's a good idea to come back to address those concerns, because I don't think it's clearly defined, who will pay for any improvements that will happen. I know it's considered to be revenue-neutral at the moment and that Mr. Dunn is not asking for any big improvements, but my sense, again, from reading all the various minutes, is that he will down the road. So, I do think an agreement is a good idea for us to look at in greater detail.

Councilor Ortiz said, "My sense of the amendment that has been proposed, is to give us a 2nd or 3rd or 4th bite at an apple that has to be decided now. If the intent of the amendment is to say that we hold the City Manager responsible for coming up with the merits of the agreement, based on the information that we provided, that's different in kind than saying, that for all of the agreements that have to happen so that baseball can occur, we have to have an umbrella agreement that encompasses all of the different subparts to that endeavor, that's just a recipe for failure. That's killing this proposal with kindness, by saying that every little agreement has to come back. Every little agreement has to go through a committee process, every little agreement gets the same kind of treatment with the same kind of questions that are going to be asked with the same kind of points of view to be raised at any particular committee meeting. That seems, to me, to be counter-productive."

Councilor Ortiz continued, "It may be productive in the sense of those Councilors who have been opposed to this project. But, in terms of working out the logistics, yes, you're right. When it comes to Burro Alley we have to do an ordinance first, adopt the ordinance and then do a lease, and that lease has to be approved. In this case, with this agreement, if that agreement goes over \$50,000, the City Manager doesn't have authority to sign that lease. It has to come through the City Council. To put a condition on this vendor, that we do not put on any other vendor that uses City facilities that serve alcohol, what we're doing essentially is putting heightened scrutiny on this vendor that we don't have for other vendors. Again, if it was coming

from the other Councilor from District 1, I would know what the intent is. Councilor Calvert, if you knew, you could define the terms and give me your intent. Maybe we can craft language so it isn't a problem and we don't have to fight on this amendment.

Councilor Calvert said he isn't looking to micromanage the City Manager or making every contract with every vendor, but he thinks there is need for an overall agreement, arrangement and things that we put in standard agreements with anybody, like liability and such, which he doesn't see fully addressed. He said perhaps the liability issue is covered in the permit process, although he hasn't heard that. He said he doesn't believe he is asking for more scrutiny of this vendor than he asks for others than in the Burro Alley situation, which didn't reach \$50,000 and didn't involve alcohol. He said, "There is a difference I think, that if we needed it there, I think we certainly should have it here. This is a much bigger operation and I want to make sure the City is covered for things like liability and failure to pay and those kinds of things that are standard contract items that, I think we have with anybody."

Chair Ortiz quoted from the Substitute Resolution, packet page 14, Resolution page 4, line 2, "Every agreement shall include a clause that requires the contractor to pay the City for costs reasonably related to the operation and use of Fort Marcy Ballpark for professional baseball games." He said what he thinks Councilor Calvert is saying in the amendment is that he wants that sentence to read as follows:

"The City Manager is directed that every agreement he is to negotiate shall include a clause that indemnifies the City from liability and that contains standard business provisions that relate to default."

Councilor Ortiz asked if Councilor Wurzbarger's amendment gets to that issue [Exhibit "12"]. He asked what additional level of confidence Councilor Calvert needs to give to the City Manager as he negotiates these leases.

Councilor Calvert said what he is saying is we usually have a standard contract on these kinds of agreements.

Councilor Ortiz said, "Standard lease provisions regarding a decision to default and other kinds of business operations. Wouldn't we have those in our lease anyway."

Mr. Zamora said, "I'm sorry for squirming a lot and frowning a lot, but the difficulty, for me, is that typically the Governing Body provides direction, general direction, to the staff, and especially as it relates to agreements and contracts, it's an obligation of the staff to make sure that the City is absolutely protected. And I think the struggle I'm having, because we deal with hundreds of contracts a month, is bringing forth a method of sort of dictating each term of each contract separately. And the bottom line is, in all City contracts with contractors, we require liability insurance, we require indemnification and there's some things unique here, and we do so without specific directive. Nonetheless, because that is a part of our duty and

what we do, so I'm just hoping we find a balance for the specific guidance to protect the City to the maximum extent possible, which we do already with any agreement we negotiate, especially out of the City Attorney's office."

Councilor Ortiz said, "That's what I hear Councilor Calvert's main concern is, not that he wants to come back and have this go through another set of hearings."

Councilor Calvert said, "No. And let me come at it a slightly different way. I'm looking on packet page 19, at the Business Plan for the baseball program. And it looks to me from this plan that the League has control over certain of these items as well. In other words, if they're claiming the revenue from concessions, then they have control over who the concessionaires are going to be. They have control over some of these other things. And so I guess, to me, it seems like you need to have sort of an overall agreement that it covers all of these things from the City's standpoint, since we're delegating a lot of these things. We're not just delegating the field, but we're delegating all these other functions to the League as well. So, I guess I'm a little uncomfortable with the process we've been going through. Like I said, I think we went at it slightly backwards, but I'm just trying to play a little catch-up to be sure, pardon the pun, that all of our bases are covered."

Councilor Ortiz said then you're saying we don't want to be in a place where we accede too much authority to this League with the Permit Agreement that we're giving the City Manager charge for and then the League goes out and puts a Joe Camel advertisement on every base. This is the concern you have, that you want to be clear with the City Manager that there are certain areas where the City continues to have an ongoing interest in the Permit. That's the principal concern, right.

Councilor Calvert said, "Right."

Councilor Ortiz asked Mr. Zamora if he can come up with language that can be incorporated in the Resolution in that regard.

Mr. Zamora said, "Yes, which is an affirmative statement, Mayor, Councilor Ortiz, members of the Governing Body. The Resolution could contain an affirmative statement directing staff to be ensure that at all times the League is in compliance with City Ordinances, City Resolutions and City policies for the use of public parks."

FRIENDLY AMENDMENT SUBSTITUTE LANGUAGE FOR THE MOTION TO AMEND: Councilor Ortiz said he would offer the language proposed by the City Attorney as substitute language to Councilor Calvert's proposed amendment: *The Resolution could contain an affirmative statement directing staff to be ensure that at all times the League is in compliance with City Ordinance, City Resolutions and City policies for the use of public parks,* and asked that that it be made friendly. **THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

DISCUSSION ON THE FRIENDLY AMENDMENT LANGUAGE, FOR THE MOTION TO AMEND, BY THE SECOND: Councilor Bushee asked Councilor Ortiz if the friendly amendment/substitute language for the motion to amend was to accept all City policies in relation to existing parks.

Councilor Ortiz said his language was the language offered by the City Attorney.

Mr. Zamora said, "Which is broader than that, directing staff to ensure the League complies with all Ordinances, all Resolutions and all City policies with regard to the use of parks."

Councilor Bushee asked if that applies with respect to signage, because we have a mixed operation going on with what went through committees with regard to the advertisement of alcohol. She said we already have a policy on the books. She said in "one of the minutes in one of the meetings, I think Councilor Dominguez asked that it be restricted just to the beer garden, the advertising of alcohol, and I think our policy is outright banning of advertisement of alcohol and cigarettes."

Mr. Zamora reiterated the language: "Directing staff to ensure the League complies with all Ordinances, all Resolutions and all City policies with regard to the use of parks." He said if the City policy says no advertising, then that's the policy that needs to be complied with.

Councilor Bushee said, "That policy that I got out of your office, would you say that applies to this case that there be no advertisement..."

Mr. Zamora said, "...of alcohol or tobacco. That's correct."

Councilor Bushee said then that's part of that, okay then, thank you.

THE FRIENDLY AMENDMENT SUBSTITUTE LANGUAGE FOR THE MOTION TO AMEND, WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

Mayor Coss asked Councilor Trujillo if this amendment is friendly to him as the maker of the main motion, and to Councilor Romero as the second. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND OF THE MAIN MOTION.**

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Chavez said we're talking about liability which, so far, is focused on judicial responsibility and liability for following Ordinances and thing like that. He said, "Heaven forbid that something would happen. Someone driving away, let's say, something happens, something bad happens. Something that we don't want to happen. Right. We've been through this before. What's to keep the City from being named in a lawsuit."

[Inaudible]

Councilor Chavez said, "No, I'm asking for the record, so I do appreciate your answer, but I want it for the record ."

Mayor Coss asked Geno Zamora, City Attorney to respond.

Mr. Zamora said, "As with any action involving City staff, City property, City assets, there is nothing that prevents the City from being named as a party, whether there is liability is another question."

Councilor Chavez said, "No, I know that Geno, but then the liability in that regard is always there. We're going to be held liable if something happens, most likely."

Mr. Zamora said, "Currently, with the City, under the current Ordinance, there are three (3) governmental licenses that exist – at the Airport, the Golf Course and the Convention Center. In each of those instances they contract with private vendors, and private vendors are required to get a liability policy that names the City as an additional insured, so that's the steps that the City takes to protect itself from liability."

Councilor Calvert said, "One of the suggestions was that they need the alcohol or the beer sales to be specific, to make this work. So, I'm looking at their Business Plan and I see \$26,000 from beer sales, which is an estimate, and League Sponsors \$20,000, and Total other season revenue is \$20,000, and asked if any of that is from beer sponsors, and Mr. Dunn said that it is.

Councilor Calvert asked how much is from beer sponsors.

Mr. Dunn said they don't have the final answer for 2012, but he would say a good percentage of it.

Responding to Councilor Calvert, Mr. Dunn said it would be 35-40% of the League sponsor revenue of \$20,000. He said the \$35,000 is an estimate from 2011 and will be higher in 2012.

Councilor Calvert asked if there has been any pursuit on things such as signage on fences to generate revenue, and Mr. Dunn said yes, but none involving beer or cigarettes.

Councilor Calvert asked, if the beer revenue could be provided in another way, why would beer sales be a necessity.

Mr. Dunn asked if Councilor Calvert thinks the City could guarantee it could provide these funds and we would come in and take a chance on doing a League without beer in a 2011 economy. He asked, "Do you really think that's something that could happen."

Councilor Calvert said it doesn't sound like Mr. Dunn is open to this.

Mr. Dunn said, "I'm just saying realistically, for myself, in this economy, where would that money come from. He's saying we don't have credibility enough to begin with. So, do you think we're going to ask you to raise

\$35,000 for us to come to Santa Fe and play at Ft. Marcy Park. I don't think that's a viable option for the Council to present to anyone. I think with the 3 beer limit, you have nothing to lose. If we violate beer, believe me, it won't last long. It won't."

Councilor Calvert said, "Let me ask the question another way. Are there signage on outfield fences in your League in other venues."

Mr. Dunn said, "Every park has signage, except for Alpine's Kokemot Park, which was built by Herb Kokemot, and in his will he said he would never allow an outfield sign on his fence."

Councilor Calvert asked how much revenue that normally generates.

Mr. Dunn said, "They have anywhere from \$15,000 to \$37,000 would be a rough estimate, but in general, across the board, and Alpine has four West Texas millionaires that write checks to do the offset. In New Mexico, that's not going to happen. I've been in 4 cities and Santa Fe is similar. It's not going to happen here, in my opinion, I could be wrong. Somebody could write a check tomorrow, but I don't see it happening, so that's why we're going through this process."

Councilor Calvert asked, "Did I just hear you just say that in venues that do have signage on the fences, it generates between \$15,000 and \$37,000."

Mr. Dunn said, "But that's beer signs."

Councilor Calvert asked if they are all beer signs.

Mr. Dunn said, "No they're not all beer signs. Each City is different, and no City is the same. That is an estimate of \$15,000 to \$37,000."

Councilor Calvert asked what percentage are beer signs.

Mayor Coss said, for clarification, "With the friendly amendment that you got Councilor Trujillo to accept, under City Ordinance you wouldn't be allowed to have any beer signs, so this may be a moot point."

Councilor Calvert said, "No, it's not a moot point. I'm saying signage from other advertisers from within the community – Joe's Insurance or Auto Store, or whatever. A lot of fields I've seen have signs with their sponsors."

Mayor Coss said, "I get that, but the answer is there won't be any beer signs on the outfield fence or anywhere else."

Mr. Dunn said, "His point is valid in the point that it's a big percentage, but they're not going to be there. That's what he's saying in terms of raising other revenues."

Councilor Calvert said what he's trying to get to is there is no signage currently, and he wants to know an estimate of the revenue which could be anticipated "without beer being in the equation of signs along the outfield fence."

Mr. Dunn said he couldn't make that estimate.

Councilor Trujillo said, "When I was a coach at Santa Fe High, we used to put them on the outfield fence at Santa Fe High and charge a flat rate of about \$350, depending on the size. That will give you a rough estimate, but this was almost 14 years ago. They would be put up for the one price and would stay up all season, and they got the banner at the end of the year. And if they wanted to do it the next year, they would renew it. I don't know what the going price is now, but this is a rough estimate. It depends on whether it is a small or large banner. And again, will our ordinance allow for a banner like that to be in the outfield at Ft. Marcy, or anywhere else. I don't have that answer Geno, you would."

Councilor Calvert said no one has pursued this option to the best he can determine and believes it is a reasonable source of income, but may not totally account for the beer sales. He would like to have some sort of estimate. He said, "If we took \$350 X how many signs would fit in the outfield, if everybody is in support of this, as Simon says, then we should be able to..."

Councilor Trujillo said, "Well Councilor, I think everybody would be in support of this, and that is the whole goal – to make this a community thing. You want to have the sponsorship from the community, from the different venues, different restaurants and this is what the goal is eventually. And I hope when Robert and Geno come up with these contracts, these are things we can work out. I don't know what they're going to be as of right now. I have no idea. I don't know the cost on that. I'm hoping that maybe this goes through and it depends on what the contract is as drawn up. I don't know the percentage, if the City gets some or the League gets it. These are the things that we will work out during the contract."

Councilor Calvert said, "Well. It sounds like there was a rush to judgment, I guess if you will, that we have to have beer, when certain other things were not pursue. That's all I'm saying on that."

Councilor Calvert said, "The other thing I would like to ask about, on the business plan. It talks about Mr. Dunn. It talks about concessions, getting revenues from concessions of \$28,000. That's what it has on my sheet. Okay. It says, on the expense side, that your expenses for concessions would be \$23,200, so you're going to get slightly less than \$5,000 for the season for operating concession. Now, I don't know, maybe I'm missing something here, but I think that most of these venues like this, sports, generate more money off the concessions that they do off ticket sales. [Speaking to a member of the public that offered comment – You're not being asked to comment so please don't.]"

Mr. Dunn said it depends on the vendor, whether it goes through the City, if it's a municipal license. He said it is such an open ended question and it depends on the vendor, what percentage it takes. He said, "it's been as low as figures like this. These estimates are on the low side, which are believed to be realistic numbers, so that's kind of where those estimates came from."

Councilor Calvert said, "I'm having trouble believing that's what you make from concessions in an arrangement like this. It just doesn't seem realistic to me, in this type of place where you pay... in a lot of these sports venues, you pay \$6 for a ticket and \$6 for the beer. I know you say you're going to charge \$3, but you charge \$4 for popcorn and \$4 for a hot dog. I mean, you wind up paying more for the concessions than you do for the ticket."

Mr. Dunn said he doesn't have the sheet in front of him, reiterating that each city is different, depending on the arrangement, commenting that they haven't made the arrangements, reiterating that these are estimates for the proposal. He's seen numbers as high as \$60,000, as low as \$5,000, so it's a range depending on the vendor and how it works.

Councilor Calvert noted there is a Total Cost Other Expenses of \$76,500, and asked what is that.

Mr. Dunn said he doesn't have it in front of him and it could be host hotels.

Councilor Calvert said Host Hotels are already itemized.

Mr. Dunn asked for a copy of what Councilor Calvert is reviewing, and staff provided a copy to Mr. Dunn.

Mr. Dunn said there are workers compensation fees, salaries, and a lot of fees are bundled into that figure. He said the total expense of \$154,000 is fairly accurate. He said there are a lot of expenditures which are involved that are accrued.

Councilor Calvert said it strikes him as odd that there is so much lumped under Other, which is half of the total expenses.

Mr. Dunn said, "The salaries of nothing is on here, no coaches."

Councilor Calvert said then the bottom line, total revenue less total expenses is \$1,517.20 which is what you clear for the season, and asked Mr. Dunn if this is correct.

Mr. Dunn said that looks correct.

Councilor Calvert commented that is a pretty thin margin.

Mr. Dunn said 95% of minor league teams in North America lost money, and this is one of the only leagues that did not lose money last year. He said, "I don't know what your knowledge is on baseball, but we were one of the few that was in the black. I don't know, that's why we have about 35 people trying to buy into the League. That number... if we were going to make money, we wouldn't be having an independent professional baseball league, obviously. We don't do it to make the money, those of us, the 43 of us that are involved in it. We wouldn't be coming here to make money, believe money. I would say the statement is close to accurate and it's not a money-maker, but it's not going to be a money-loser. That's kind of our

attitude and statement on it. Yes, but that's a good observation. It is an observation of concern for those not knowing the business, so that's kind of the statement."

Councilor Calvert said the use of the field will be the Parks Special Event model of charging a fee per event and also requiring liability insurance as part of that.

Mr. Romero said it will be the standard permit fee for use of the fields.

Councilor Calvert said on the Business Plan it talks about paying \$8,712, and asked if this is for fees or for maintenance.

Mr. Romero said this is what it will cost in staff to maintain the field on game days, so this is above and beyond the fees.

Councilor Calvert asked where the revenue for the permitting of the field is shown, and asked the number for that.

Fabian Chavez said the League Permit is not included in the \$8,712, so that would be an additional fee charged to the League to participate in the field. He said the charge would be on a per season basis. He said currently, when we permit a league with a not one-time event, they are charged a season rate which runs between \$900 and \$1,100 for the season.

Councilor Calvert said he was just trying to make that mesh that with what the gentleman from the other League said they were paying at the MRC, and said it was \$4,000. He asked for the reason for the discrepancy.

Mr. Chavez said he listened to that comment. He said the way he would explain it is that Mr. Dunn is permitting for one team to come in and play. He said when the other teams are playing at the MRC, those are multiple teams and multiple leagues, and they're not paying for just one team or league. He said probably they are permitting several leagues and several teams.

Councilor Calvert asked Mr. Romero if there has been discussion of shuttles for providing access to the field.

Mr. Romero said there hasn't been to date. He said we are going to look at the use as the season progresses and determine the need. At this time, with 200-300 per game, they don't think this will be a need, but staff will watch.

Councilor Calvert said he has several reasons for bringing this up. One, is the discussion about the benefits and people shopping locally and downtown. He said if people drive directly to the game and they eat hot dogs there, there is very little reason for them to go downtown to eat. He said there also has been concern expressed about alleviating traffic and parking and not displacing parking from Ft. Marcy Gym which people

might want to use simultaneously. He said, also, if the shuttles were free, there might be some inducement, and then we could also charge a nominal fee for the parking and that could be run by the Youth Baseball Leagues and they could profit from that.

Councilor Calvert said, "So, I'm just trying to see if there's ways to do that if we're trying to encourage and support Youth Baseball Leagues that there would be a way to get them to also benefit financially from this arrangement as well."

Mr. Romero said we do shuttles for several events during the year, and if there is a demand, we could shuttle from the Convention Center garage or other locations, so if the demand arises, we could do that.

Councilor Calvert asked the trigger to do that.

Mr. Romero said it will be based on the attendance, estimated at this point to be 300 to 500, but we really don't see that need. If it goes above that, for example for a 4th of July game or something similar, we could plan ahead and address it that way.

Councilor Calvert said he is trying to be clear, and asked Councilor Trujillo if the amendment from the Public Safety Committee is included as one of his amendments, and he said yes, noting local leagues do have preference over the league which has always been the City policy and always will be.

Councilor Calvert said part of the talk has been about economic development and we have a sheet in the packet which speaks to that.

FRIENDLY AMENDMENT: Councilor Calvert would like to amend the motion to give direction to staff that at the end of the season, that our Economic Development staff will review the figures, and provide a full report on the economic impact. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said, "The general comment I have is that I, too, was somewhat... I understand everybody's enthusiastic about their point of view, but I was somewhat disappointed on the way the direction things went and the uncertain comments. Because I heard from a lot of people, 'we want to bring baseball here to bring the community together,' but I heard many a comment that was directed to just the opposite effect. And you know, I just say that, you know, everybody needs to respect everybody's opinion and not always put in a light that seems convenient for them to rationalize it in their own mind. You know, I think we're all individuals and we have differences of opinion, and we should respect those differences of opinion even if we don't agree with them. And to cast them in some pejorative light I don't think adds to the spirit of what we're trying to do here. If we're trying to bring baseball here to bring the community together, I don't think those comments add anything to the conversation."

Councilor Calvert continued, "I would say that I heard a lot of comments about, you know, this is a ballpark, it's always been a ballpark and I agree with that, but I don't think it's ever been a commercial ballpark, so I think that is the difference that we're having to deal with here. It's not the same thing. And I think that any of the neighbors support the youth and their use of the field, but it is not the same thing as a for-profit venture using the field. And so I think everybody needs to recognize that. I know everybody's not going to agree with that, but I think that is a significant factor."

Councilor Calvert continued, "And then, finally, I think I'll just touch on the consistency of our public policy up here. Before we ever had this Ordinance, there was a question of serving beer at the ice hockey games for a semi pro league. The only difference, ice hockey, baseball, so, and I think this Council unanimously said no. So I think that's inconsistent. Maybe you like baseball more than you like ice hockey. But I think it's a matter of policy and not necessarily good policy to do it for one sport and not for another."

Councilor Calvert continued, "Also, we had the 400th celebration at Ft. Marcy. We approved serving alcohol there for a one time event, but that vote was 5-4 on this Council. It got approved, but by a 5-4 vote. I will say, I voted for it, but because it was a one-time event, not a season long event."

Councilor Calvert continued, " And then, we passed the Ordinance after those things happened. We passed the Ordinance somewhat in reaction, apparently in reaction to the 400th, and we adopted an Ordinance that said we weren't going to do that. Again, I don't think we've been very consistent in our policy and I can see why people on either side are not necessarily happy with some of the decisions we made. Thank you Mayor."

Councilor Bushee said, "And just again Geno, disappointed that we never got a copy of the standard agreement. I don't know what it is for all of the various leagues. I've asked for it for a few meetings now, mostly because... and harkening back to the minutes of the meeting when we unanimously turned down hockey and beer, there was a condition offered by the business director... the Director of Business Operations, a Mr. Arch Ecker, and he offered this to the chief, who at that time, and one of the differences I suppose, was that prospect of having beer and hockey. The staff was against it. The police were against it. They thought there was concerns that it would stress their already burdened Police Department. And so, one of the conditional approvals that the Director of Business Operations offered up, she said if there's one instance where the police are called, then the permit was pulled. And this wasn't the police asking for that condition."

Councilor Bushee continued, "And so I don't know, if there is a situation that occurs, what are our possibilities of undoing a permit. I don't get it in the Resolution. I don't have a copy of the Permit, so maybe somebody could tell me how that would work out. Because I would ask for that kind of condition here. I think that's appropriate, but I have no idea if we issue this... we've got an Ordinance now that's going to open up Ft. Marcy to alcohol sales, and then we also have a permit. And under which agreement or arrangement, if there was a situation, would we undo what we have. I don't have a copy of your agreement, so, is it in the agreement that would be placed. I don't know where we would do that."

Mayor Coss asked Mr. Zamora if it would be a condition in the lease.

Councilor Bushee said she has been asking to look at whatever agreements you would put together for this.

Mr. Zamora said, "So based on the direction of this Resolution, as is standard with contractual agreements, violations of the contractual terms of the agreement, violations of the terms of the permit, as with all other case, would constitute violations and could be rescinded."

Councilor Bushee asked what statement in the agreement would they be violating. She said, "I don't have a copy of that agreement. I don't see anything along those lines in the Resolution or the Ordinance, so is it a lease agreement that says if there is a melee or a brawl around alcohol use, permits... all games are off, all bets are off. What happens. I don't have the agreement in front of me. I have no understanding of what's in that agreement."

Mr. Zamora said, "The Resolution you are considering tonight provides direction to the staff on how to draft an agreement, therefore, you don't have the agreement yet. But, as standard terms of the City, through the City Attorney's Office in its drafting of agreements, there are always terms that a violation of the terms of contract could be breach of contract and terminate the contract, and is standard with permits used with the parks, if you violate the terms of the permit, you lose your permit. And that has happened with soccer leagues. It's only happened once, that I'm aware of, in the two years I've been here. But there was a fight amongst two soccer teams, or there was one soccer team that engaged in improper activity on a consistent basis, that violated the terms of whatever permit they had to exist at that field, and therefore the team was kicked out. And so those procedures are in place. I'm not sure we want to put every administrative procedure in this Resolution."

Councilor Bushee said, "I don't have a copy, so I want to know if it's going to be in the agreement. Is that what you're telling me, it's going to be along those lines, something would be in the agreement."

Mr. Zamora said, "There will be breach of contract terms and breach of permit terms in the agreement. Correct."

Councilor Bushee said, "Okay, and the only other concern I have as the way this is structured, is that you still have this as an either or, that could be the use of a privately owned or governmental liquor license. It's just my personal opinion. I think the City takes on more liability with the government liquor license, and one of the main reasons I voted against hockey and beer at the Genoveva Chavez Center, and I just want to put that out there. I haven't heard anyone else interested in amending that. I've talked to the sponsor and he's not interested in doing that at this point, but I just want to raise that concern."

Councilor Bushee continued, "And this is the place we make comments. Mayor is this the place."

Mayor Coss said it seems like it.

Councilor Bushee said, "I'll just go ahead and suggest, along the lines of what Councilor Dominguez had mentioned earlier, I have been very consistent about the concern that the City takes on more liability by selling alcohol at our facilities. And the same arguments were made for beer and hockey. Same. I mean I can read you word for word about how this is, you know, being part of the community, involving the youth, big sisters, big brothers, this is not going to harm anybody, you know security, they had even more security for the beer and hockey. And you know, interestingly enough, we wouldn't be here this evening... we are here for beer, allowing beer at Ft. Marcy, and I really respect and enjoyed a lot of the stories I hear tonight I have to say. And Rod, I met you in the Airport one time, and I hope you great success if you get to be the oldest pitcher in the United States – that would be phenomenal."

Councilor Bushee continued, "What I will say though, is that when we first put this Ordinance in place, I remember the evening well. There were a lot of young people here. Young people that we don't usually see here, are the same folks that perhaps said all baseball and beer go together and they're like apple pie and ice cream. But they came down after a very sad occurrence when we lost some of our young people to a drunken driving incident. And at that time, we all pretty much tripped over ourselves to be the model for our youth, and it was unanimous. We all said we will not sell alcohol at our City parks. And you know, I actually have enjoyed a concert or two at Ft. Marcy where they sold the beer. But, and I thought to myself at the time, 'Who will be the first to undo this. Who amongst us that wanted to make sure we told the youth, you know, we will be a model for you. Who will be the first to want to undo this. And I understand completely the passion you know my colleague Ron Trujillo, has for baseball, and I understand if he could do it without beer, he probably would. So I don't begrudge him."

Councilor Bushee continued, "But what I am saying is, it's unfortunate that we even have to deal with the kind of problems we have to deal with here. Alcohol and the complications around that, but I will say, in order to try to be consistent, in my way of thinking, and the way I have treated this issue, along the lines of what Councilor Dominguez mentioned earlier, I really believe that we shouldn't undo the policy that we put in place. I see no compelling argument in the business plan that's been brought forward by Mr. Dunn, that this is going to be really about jobs. I really do believe that I hoped we could do this without any kind of alcohol being served. And so, I know where this is going. I've known where this is going from the beginning. And I do want to thank everybody for coming down and giving their opinions. It is unfortunate when it gets divided along lines that I wish didn't exist in the community, but it happens. And I'm sorry Marg, that you felt less than for, or were treated less than through this process, because I know Marg Veneclossen as someone who has given her all to the youth of this community, and particularly around sports, and so I know this is breaking your heart. And that's my statement for tonight."

Councilor Trujillo said, "You know this did get divisive in this community and that's not something I want to do. I've lived in the community 43 years. This is my home. I love this City. All I wanted to do was to bring something to this community which it's never had. People can say that, yes there's galleries, there's a lot to do. There are a lot of things to do, but not for kids. I take my kids to the Children's Museum. I take them downtown, but I also spent a lot of money in Albuquerque too taking my kids to the Isotopes games, the Lobo games. So, Mayor Berry and the City Councilors, I'm sure they're very happy that I'm spending money and a lot of people in Santa Fe spent money as well. We, who have live here our entire lives, we've

done the galleries, we've done Canyon Road, and we can't do it every week. We've seen it over and over and over. Beautiful. That's all I'll say about Santa Fe. Beautiful. Everything in this community is beautiful, but I've seen it. I want to do something different. That's what I want to bring to this community – an opportunity. An opportunity that I'm seeing now."

Councilor Trujillo continued, "I'm sorry, I've been coaching in this community since I was 19. I coached at the high school. I coached at all levels. To give an opportunity to all of our children, one of our kids, and there are some good ball players in this community. And there are some good ball players that had that opportunity. Chavez, Rick, I played with you and I'll play with Rick and I'll play with Chavez. I know which players could have gone pro, that had that potential. But, you know what, we might not have been Dodgers and Yankees, but there were no semi-pros. And now, there's that opportunity. And who's to say that one of our kids might not one day go there and try out. We've got Rodney. He may plan for us this year. That's great, we've got ourselves a local boy playing local... a man, I'll call you a boy... I'll always say that. That's what I wanted to do in this community. Give us an opportunity to have an additional entertainment venue, and I think that's what this is going to do."

Councilor Trujillo continued, "This isn't about south side, east side, and yes, it sometimes does get to that. But you know, there are some times when I hear things about expensive houses on the east side, 'I'm not going to be able to rent them out because a baseball team is here.' Well, how do you think that makes me feel, because it does get to me that this is what's being said, because you won't be able to rent out your town house, and that's the reason you don't want to have baseball there. Give me a valid reason. If it's beer. I look at these ladies right here. They always fight about beer, and I've stood behind them many times. I have. I'm not about, let's go to Ft. Marcy park and let's get blitzed. That is another thing. Underage drinking. I'm a responsible adult and I think the majority of people in the community are responsible adults. But, when I hear people telling me, the kids are going to be traumatized at a baseball game because there's beer."

Councilor Trujillo continued, "I've attended games at the Isotopes. I've attended games in Philadelphia. I've attended games in Houston, in Colorado, Los Angeles. I have never, ever seen a child traumatized. All I've seen is a child happy that he is there seeing his heroes playing baseball, wanting to get that autograph, dreaming of, hey, maybe some day I can be here at Dodger's Stadium, because that was my dream. Hitting the game winning home run. There are other dreams that I'm hoping our children in Santa Fe can have. Maybe now they can get those, maybe they'll play here."

Councilor Trujillo said, "Lastly, I could refer to a lot more things, but this did get personal. As a Councilor you take it. You've got to have a tough skin. But when people accuse you of doing things. There was a person who accused me, to my face, and said, 'You know Councilor Trujillo, I know you took money from this league. I know they paid you to do this. And when I found out when they did this, I'm going to make sure when I find out, I'm going to report you and I hope you go to jail. You know, Trujillo doesn't play those games. Never have never will, but when I hear that kind of stuff, I'm like, I can't believe baseball will bring out that kind of evilness in a person.'"

Councilor Trujillo continued, "I was also told I'm fat, because drink a lot of beer. And I told them, 'I'm not fat because I drink a lot of beer, I'm fat because my wife's a good cook.' But it's those kinds of mean things that are said that, as a Councilor... that's fine. You've got to have a tough skin to be in this job. But, it's kind of sad this is what's said about people just because they're trying to do something good for this community, and that's all I've ever tried to do for this community – is good. I've been a resident here my whole life. I'm going to die here, and I'm going to be buried up there at Rosario. I'm not leaving, and I just wanted to bring something to this community, and I think it's going to be a good thing. And, I don't even know what the vote's going to be, but that's my two cents. I want to thank everybody that came out, for or against. That's what this is all about. That's why we have these discussions. That's what makes Santa Fe, Santa Fe. So, muchisimas gracias for coming out and expressing your opinion on this."

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

For: Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Bushee, Councilor Chavez, Councilor Calvert and Councilor Dominguez.

The resulting vote was a tie vote, and Mayor Coss voted yes, to approve the motion as amended.

Explaining his vote: Councilor Calvert said, "I would have no question of Councilor Trujillo's integrity, but I vote no."

Explaining his vote: Councilor Chavez said, "I held my comments until now, so bear with me. I'll keep it short. We've talked mostly about the sale of alcohol at one particular park. We really didn't touch on the consumption of alcohol as it relates to all of the City parks. So, there's a bigger picture here, and sometimes we talk about unintended consequences. Well, two years ago, if we hadn't had the concern about DWI, and we didn't pass the Ordinance to limit consumption of liquor in all City parks, we probably wouldn't be having this discussion right now. So those are the unintended consequences of what we do. That's one example of the unintended consequences of what we do, and there are always unintended consequences, no matter what. That's one thing that 12 years experience on the Council... that's one thing it's taught me. We're never going to get away from it. We were concerned about the consumption of alcohol in our parks, not only the sale in special places where people can buy and drink. Okay. Because people would like to use their parks to celebrate whatever it is they're celebrating. A birthday, a graduation, a baptism, and you know what. They want liquor at those family events in our City parks. We said no. And I that we should keep that consistent. I'm not against baseball. I'm not against providing opportunities, okay for our youth, but we're in a contradiction and we're dealing with the unintended consequence of an Ordinance that we passed a couple of years ago. I think we're sending the wrong message to the youth of our community, and I'm going to vote no."

Explaining his vote: Councilor Dominguez said, "I just want to make one thing clear, Mr. Dunn, and I say this with all due respect to you and your League. You've had every opportunity to

establish some credibility, and I'm not sure how the vote's going to go tonight, but I hope that you continue to work to establish that credibility, so that you can prove, not only to me, but to many of the other naysayers in this community that you can be a credible, good citizen in this community – that your League can be that. With that, though, I'm going to have to vote no."

Explaining his vote: Councilor Ortiz said, "The difference for me between selling beer at a hockey game, at a multi-use, multi-sport facility, and selling beer at a one use, one sport facility, is exactly that. The mixing and the matching between the two sports. As it relates to some of the unintended consequences, I too have been here for 12 years. I have seen the kinds of arguments that have been thrown up in any number of different occasions, by any number of different neighbors, and it all revolves around the same thing. Protect what I have and don't intrude on my particular space. There is a place for that. This is a baseball facility. It has been a baseball facility for 70 years, and so we should give it a shot. And if we're going to give this a shot for success, then we should be aware that when we pass this Ordinance, we had exclusions put into the Ordinance itself. Yes, we reacted with some alarm over the tragedy of those kids getting killed in the County, by the way, but we went ahead, and we said that, while we pass this law, we could have an exclusion for drinking in the Convention Center and drinking at the Airport, drinking at the Golf Course, drinking at the Railyard, if it's in a rail car, drinking on property that's been leased that the City owns. So, even in the law that we all stood and beat our chest in, and some of my colleagues will probably run on for reelection, we still put in exclusions. We didn't prohibit alcohol. We didn't take the aggressive step. We put exclusions into this Ordinance. This is what we're doing now. And what we're doing really, is we're setting some limits on an Ordinance that was passed, really under high emotional circumstances. And so, with that, I vote yes.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to adopt Resolution No. 2011- 64, as amended.

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

For: Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Bushee, Councilor Chavez, Councilor Calvert and Councilor Dominguez.

The resulting vote was a tie vote, and Mayor Coss voted yes, to approve the motion as amended.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:45 p.m.

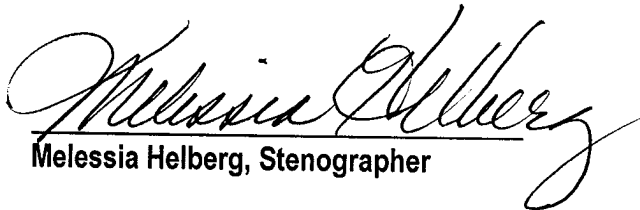
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer