



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2013
CITY COUNCIL CHAMBERS

AMENDED

Amended to Reflect Sponsor Changes on Items 12, H-8 & H-8a

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-25-13 TIME 3:00 pm

SERVED BY

RECEIVED BY

A handwritten signature in black ink, likely of the City Clerk, written over the "RECEIVED BY" line.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – February 13, 2013
9. PRESENTATIONS
 - a) Community Gallery Silver Exhibit/Sale. (Debra Garcia y Griego and Rod Lambert) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreement – Automotive Vehicle and Heavy Equipment Repairs for City of Santa Fe; Various Vendors. (Robert Rodarte)
 - b) Request for Approval of Change Order No. 5 – St. Francis Drive and Arroyo de los Chamisos Multi-Use Trail & Underpass; David Montoya Construction, Inc. (Leroy Pacheco)
 - c) Request for Approval of Amendment No. 3 to Professional Services Agreement – Security Services at Santa Fe Municipal Airport; ASI of New Mexico LLC. (Jim Montman)



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- d) Request for Approval of Agreement Between Owner and Contractor – Airport Road Resurfacing Project - Cerrillos Road to Calle Debra; Armour Pavement, Inc. (David Catanach)
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- i) Request for Approval of Budget Increase – Operation Safe Streets City Gun Buyback Program. (Chief Raymond Rael and Dr. Melville Morgan)
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- 1) Approval of the Form of a Taxable Drinking Water State Revolving Loan Fund Loan Agreement By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than \$5,050,000 for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being the Design, Acquisition, Construction, Permitting and Installation of a Solar Photovoltaic System to Serve the Buckman Direct Surface Diversion Project.
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- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

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E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Sustainable Santa Fe Commission
- Mayor's Committee on Disability
- City of Santa Fe, Division of Senior Services Advisory Board of Directors
- Santa Fe Extraterritorial Land Use Authority
- Santa Fe Extraterritorial Land Use Commission

H. PUBLIC HEARINGS:

- 1) J. Jesus Zambrano has Requested the Issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be Located at La Cocina de Clara, 4350 Airport Road #4. (Yolanda Y. Vigil)
- 2) Adobe Investors, LLC has Requested the Transfer of Ownership of Dispenser License #28014 from Helen Medina Burelli to Adobe Investors, LLC. This License will Remain at Jinja Bar & Bistro, 510 N. Guadalupe, Suite P. (Yolanda Y. Vigil)
- 3) Midtown Bistro, LLC has Requested the Issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be Located at Midtown Bistro, 901 W. San Mateo, Suite A. (Yolanda Y. Vigil)
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- 9) CONSIDERATION OF BILL NO. 2012-38: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Dimas and Councilor Rivera)
An Ordinance Repealing the Community Workforce Agreements Ordinance, Subsection 28.8 of the City of Santa Fe Purchasing Manual and Creating a New Subsection 28.8 to Establish that a Community Workforce Agreement Shall Only Apply to the Market Station Condominium at the Santa Fe Railyard Project. (Nick Schiavo and Robert Rodarte)
- 10) CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Technical Corrections and Minor Clarifications Amending Subsections 14-2.3(C)(5)(a) Correct Reference; 14-2.4(C) Correct Reference; 14-2.8(K) Reference Statutes; 14-3.1(F)(2) Applicability of ENN; 14-3.1(H) Public Notice; 14-3.3(A)(1)(a) Text Amendment; 14-3.6(C)(3) Amended Special Use Permits; 14-3.6(E) Special Use Permits and Cross References; 14-3.7(A)(6) Clarify Court-Ordered Land Divisions; 14-3.7(F)(5)(b) Family Transfers; 14-3.8(B) Three-Unit Development Plan; 14-3.8(C)(1)(g) Correct Error; 14-3.8(C)(5) Notice for Development Plans; 14-3.8(C)(6) Correct Reference to County Clerk; 14-3.12(B)(3) Temporary Certificates of Occupancy; 14-3.13(D)(3)(C) Reference to State Medical Investigator; 14-3.16(D) Correct Reference; Repeal 14-3.17(E)(3); 14-3.19(B)(6) Continuing Activity for Master and Development Plans; 14-3.19(C)(2) Time Extensions; 14-4.3(G) Correct Obsolete Text; 14-6.1(C) Table 14-6.1-1 Various Minor Amendments and Corrections to Table of Permitted Uses; 14-6.2(C)(1)(b) Clarify Adoption Date; 14-6.3(B)(2)(a) Correct Reference; 14-6.3(B)(2)(c) Clarify Commercial Parking; 14-6.3(D)(2)(c) Clarify Home Occupation Residency; 14-6.4(A) Temporary Structures; 14-6.4(C) Temporary Structures; 14-7.1(B) Clarify Lot Coverage; 14-7.2(A) Table 14-7.2-1 Various Minor Amendments and Corrections to Residential Dimensional Standards; 14-7.2(F) Clarify Special Use Permit in R-12 – R-29; 14-7.3(A) Table 14-7.3-1 Maximum Density C-1 and C-4 Districts; 14-7.4(B)(2) Clarify Redevelopment Subdistrict; 14-8.2(C)(2) Terrain Management Submittals; 14-8.2(D)(1)(a) Clarify Cut Slopes; 14-8.3(A)(1) Date of Flood Maps; 14-8.4(B)(1) Landscape Standards; 14-8.4(G)(3) Street Trees in Parkway; 14-8.5(B)(2)(a) Clarify Fence Heights; 14-8.6(B)(4)(c) Joint Parking in BIP District; 14-8.10(D)(5) Correct Reference; 14-8.10(G)(8)(d) Correct Reference; 14-8.14(E)(3) Correct Errors; 14-8.14(E)(5) Clarify Impact



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Fees; 14-9.2(C)(8) Subcollector Private Streets; 14-9.2(E) Sidewalk Replacement Standards; 14-9.2(K) Street Improvement Standards; 14-9.5(A) Dedications to Homeowner's Associations; 14-9.5(D) Extension of Infrastructure Warranty; 14-10.1(C) Nonconforming Telecommunication Facilities; 14-10.4(A) Clarify Nonconforming Lot Uses; 14-11.5 Correct Reference; Article 14-12 Various Definitions Amended and Inserted; Appendix Exhibit B Parking Space Standards Restored; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Greg Smith)
(Postponed to March 27, 2013 City Council Meeting)

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.



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An Ordinance Repealing the Community Workforce Agreements Ordinance, Subsection 28.8 of the City of Santa Fe Purchasing Manual and Creating a New Subsection 28.8 to Establish that a Community Workforce Agreement Shall Only Apply to the Market Station Condominium at the Santa Fe Railyard Project. (Nick Schiavo and Robert Rodarte)
- 10) CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Technical Corrections and Minor Clarifications Amending Subsections 14-2.3(C)(5)(a) Correct Reference; 14-2.4(C) Correct Reference; 14-2.8(K) Reference Statutes; 14-3.1(F)(2) Applicability of ENN; 14-3.1(H) Public Notice; 14-3.3(A)(1)(a) Text Amendment; 14-3.6(C)(3) Amended Special Use Permits; 14-3.6(E) Special Use Permits and Cross References; 14-3.7(A)(6) Clarify Court-Ordered Land Divisions; 14-3.7(F)(5)(b) Family Transfers; 14-3.8(B) Three-Unit Development Plan; 14-3.8(C)(1)(g) Correct Error; 14-3.8(C)(5) Notice for Development Plans; 14-3.8(C)(6) Correct Reference to County Clerk; 14-3.12(B)(3) Temporary Certificates of Occupancy; 14-3.13(D)(3)(C) Reference to State Medical Investigator; 14-3.16(D) Correct Reference; Repeal 14-3.17(E)(3); 14-3.19(B)(6) Continuing Activity for Master and Development Plans; 14-3.19(C)(2) Time Extensions; 14-4.3(G) Correct Obsolete Text; 14-6.1(C) Table 14-6.1-1 Various Minor Amendments and Corrections to Table of Permitted Uses; 14-6.2(C)(1)(b) Clarify Adoption Date; 14-6.3(B)(2)(a) Correct Reference; 14-6.3(B)(2)(c) Clarify Commercial Parking; 14-6.3(D)(2)(c) Clarify Home Occupation Residency; 14-6.4(A) Temporary Structures; 14-6.4(C) Temporary Structures; 14-7.1(B) Clarify Lot Coverage; 14-7.2(A) Table 14-7.2-1 Various Minor Amendments and Corrections to Residential Dimensional Standards; 14-7.2(F) Clarify Special Use Permit in R-12 – R-29; 14-7.3(A) Table 14-7.3-1 Maximum Density C-1 and C-4 Districts; 14-7.4(B)(2) Clarify Redevelopment Subdistrict; 14-8.2(C)(2) Terrain Management Submittals; 14-8.2(D)(1)(a) Clarify Cut Slopes; 14-8.3(A)(1) Date of Flood Maps; 14-8.4(B)(1) Landscape Standards; 14-8.4(G)(3) Street Trees in Parkway; 14-8.5(B)(2)(a) Clarify Fence Heights; 14-8.6(B)(4)(c) Joint Parking in BIP District; 14-8.10(D)(5) Correct Reference; 14-8.10(G)(8)(d) Correct Reference; 14-8.14(E)(3) Correct Errors; 14-8.14(E)(5) Clarify Impact



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 27, 2013
CITY COUNCIL CHAMBERS

Fees; 14-9.2(C)(8) Subcollector Private Streets; 14-9.2(E) Sidewalk Replacement Standards; 14-9.2(K) Street Improvement Standards; 14-9.5(A) Dedications to Homeowner's Associations; 14-9.5(D) Extension of Infrastructure Warranty; 14-10.1(C) Nonconforming Telecommunication Facilities; 14-10.4(A) Clarify Nonconforming Lot Uses; 14-11.5 Correct Reference; Article 14-12 Various Definitions Amended and Inserted; Appendix Exhibit B Parking Space Standards Restored; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Greg Smith)
(Postponed to March 27, 2013 City Council Meeting)

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
February 27, 2013**

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 27, 2013**

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 Wednesday, February 27, 2013, 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 Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
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 AMENDED AGENDA

Mr. Romero noted as requested by staff, there is a memorandum regarding Item 10(l) regarding how a bicycle lane along Camino los Montoyas might happen and how much it might cost, which was handed out prior to the meeting.

Councilor Rivera said in the Evening Session would like to move Item H(9) to be heard before Item H(7).

Mayor Coss said he would proposes to do the hearing for all 3 – Item H(9), H(8) and H(7) – at the same time.

Councilor Rivera said that is fine, as long as we have the vote on Item H(9) before any of the other items.

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

DISCUSSION: Mayor Coss noted he is opposed to the Motion.

VOTE: The motion was approved on a voice vote with Councilors Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and Councilors Bushee, Calvert and Ives voting against.

7. APPROVAL OF CONSENT CALENDAR

Responding to Councilor Dominguez, Robert Romero said they looked at the contract closely and it is to provide 68 direct phone lines for \$28,000 for a year. The contract does state that we can do up to 500 phone lines, so the contract as written was to be approved for \$500,000, and he doesn't believe we will need much more than the 68 lines. He has asked Thomas to work with CenturyLink to revise the contract to reflect only what we need, with an option to add more lines if they are needed.

Councilor Dominguez asked if the item will be sent back to Committee before it comes back to the Council.

Mr. Romero said no, and it doesn't need to come back to the Council because it would be less than \$50,000, only \$28,000.

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

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AUTOMOTIVE VEHICLE AND HEAVY EQUIPMENT REPAIRS FOR CITY OF SANTA FE; VARIOUS VENDORS. (ROBERT RODARTE)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – ST. FRANCIS DRIVE AND ARROYO DE LOS CHAMISOS MULTI-USE TRAIL & UNDERPASS; DAVID MONTOYA CONSTRUCTION, INC. (LEROY PACHECO)**

- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AT SANTA FE MUNICIPAL AIRPORT; ASI OF NEW MEXICO, LLC. (JIM MONTMAN)**
- d) **REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND CONTRACTOR – AIRPORT ROAD RESURFACING PROJECT – CERRILLOS ROAD TO CALLE DEBRA; ARMOUR PAVEMENT, INC. (DAVID CATANACH)**
- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGEMENT OF UTILITY BILLING SYSTEM (RFP #13/13/P); SCHAFER CONSULTING. (PETER ORTEGA)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – UTILITY BILLING FUND.**
- f) **ITT/GIS WEB-BASED MAPPING SERVICE. (THOMAS WILLIAMS AND JIM GALLEGOS)**
 - 1) **REQUEST FOR APPROVAL OF MASTER LICENSE AGREEMENT – NEXT GENERATION OF CITY OF SANTA FE INTERNET MAPPING SYSTEM; LATITUDE GEOGRAPHICS GROUP, LTD.**
 - 2) **REQUEST FOR APPROVAL OF GEOCORTEX ENTERPRISE SERVICES AGREEMENT – CONSULTING, TRAINING AND SUPPORT FOR MIGRATION TO ARCGIS SERVER/ SDE/ESSENTIALS; LATITUDE GEOGRAPHICS GROUP, LTD.**
 - 3) **REQUEST FOR APPROVAL TO TERMINATE EXISTING MANAGED HOSTING & DEVELOPMENT SERVICES AGREEMENT FOR GEOCORTEX ESSENTIALS LICENSING TO PROVIDE SOFTWARE REQUIRED FOR CLOUD HOSTED DEPLOYMENT OF THE CITY OF SANTA FE INTERNET MAPPING SYSTEM; LATITUDE GEOGRAPHICS GROUP, LTD.**
- g) **CONSIDERATION OF RESOLUTION NO. 2013-20 (MAYOR COSS, COUNCILOR DIMAS, COUNCILOR RIVERA, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY OF SANTA FE OFFICE OF AFFORDABLE HOUSING TO DESIGN AND IMPLEMENT A HOUSING ASSISTANCE PROGRAM SPECIFICALLY TAILORED FOR CITY OF SANTA FE EMPLOYEES TO USE WHEN RENTING, PURCHASING, OR REPAIRING A HOME. (ALEXANDRA LADD)**
- h) ***[Removed for discussion by Councilor Calvert]***
- i) ***[Removed for discussion by Councilor Bushee]***
- j) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 27, 2013: BILL NO. 2013-13: AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL**

UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000, WHICH INCLUDES AN EXPENSE FUND COMPONENT, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION, CONSTRUCTION, PERMITTING AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT (THE "PROJECT"); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, COSTS OF ISSUANCE, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S WATER UTILITY SYSTEM AND FROM REVENUES GENERATED BY THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILOR CALVERT). (DALE LYONS)

1) APPROVAL OF THE FORM OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000 FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION, CONSTRUCTION, PERMITTING AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT.

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

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

m) REQUEST FOR APPROVAL OF SERVICE AGREEMENT – LINE VOLUME PLAN FOR MISCELLANEOUS TELEPHONE LINES THROUGHOUT CITY GOVERNMENT; QWEST CORPORATION D/B/A CENTURYLINK, INC. (THOMAS WILLIAMS) (Withdrawn by staff)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 13, 2013

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council meeting of February 13, 2013, as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzburger voting for the motion and none against.

9. PRESENTATIONS

a) COMMUNITY GALLERY SILVER EXHIBIT/SALE. (DEBRA GARCIA Y GRIEGO AND ROD LAMBERT)

A packet of information with regard to the activities at the Community Gallery is incorporated herewith to these minutes as Exhibit "1."

Ms. Garcia y Griego said in September, the Arts Commission launched a year-long celebration of the 25th anniversary of the establishment of the Arts Commission by the Governing Body. She said they are working on programs throughout the year, and leveraging the 25th anniversary to build awareness of the City's arts & cultural program so our constituents can take more advantage of their programs. Ms. Garcia y Griego then talked about upcoming programs.

Ms. Garcia y Griego talked about the kickoff exhibit "Silver" which was an opportunity to acknowledge artists who have contributed to, participated in, and benefitted from the City's arts programs over the past 25 years, with the aim of making art truly accessible to the community. She said 122 art works measuring 25 x 25 were donated to the gallery by local artists, including Susan Contreras, Federico Vigil, Connie Tsosie Gaussoin, Sedik Kahn and many other prominent artists. The works were offered to the public for \$25. This unique opportunity to purchase an original work by one of these artists generated a lot of media coverage. The *Reporter* donated a 1/4 page to thank the artists with a follow-up about the exhibit prior to its opening. There was a full page article in *The Journal North* the day of the opening, and it was listed by *The Santa Fe New Mexico*.

Ms. Garcia y Griego then received phone calls from artists who said if they did it again to call them, and from the public asking how it would work. She said the doors opened at 5:00 p.m., and there already were 40 people in line to purchase the art work, noting 95 works of art were sold within an hour, generating \$2,225 in revenue. She said over 400 people attended the two-hour opening. It was an overwhelming success, as well as generating positive feedback from the public and artists and helped establish our goal to make community-wide access to the arts possible.

Ms. Garcia y Griego said over the past 5 years, they have exhibited work by more than 1,000 local artists, generated \$65,000 which went directly to the local artists, hosted 53 workshops, demonstrations, free of charge to the public and artists. They also have a series of professional development workshops for artists that help them to learn business skills to be more competitive locally, as well as on-line and selling workshops for our Creative Tourism Initiative.

Ms. Garcia y Griego said the Community Gallery also is becoming a place for community gatherings. Last Friday, they hosted the closing reception for Night of Illumination which was very successful. On Friday, they will be hosting an exhibit of artwork by local Santa Fe Public School elementary school students.

Ms. Garcia y Griego reviewed the schedule for the coming year. Please see Exhibit "1" for specifics of this presentation. Ms. Garcia y Griego thanked the Governing Body for its ongoing support of the programs and for the Arts Commission.

Councilor Bushee thanked Ms. Garcia y Griego and Mr. Lambert for what they have been able to do with that space. She attended the 25th anniversary sale which was fun, and people were waiting in line outside in the cold. She said it didn't raise a lot of money, but it did raise a lot of awareness of what that gallery has to offer to this community. She said she did want to mention that there are no ceiling tiles in the gallery, with a noisy heating system in one corner, noting it doesn't present a LEEDS silver certified work environment in the gallery space. She said it needs work because it ruins the ambiance, and hopes there are funds left to do this. She looks forward to the next show.

Councilor Wurzbarger thanked staff for their hard work, noting she attends most of the events, noting she arrived at the event about 6:45 p.m., and everything had been sold, which is the first time that's happened. She is very excited about everything staff has been doing, and loves the vision. She said this has brought to fruition what they had hoped would be done in the gallery space.

Mayor Coss congratulated Ms. Garcia y Griego and Mr. Lambert, and thanked them for their hard work and said, "I look forward to Friday evening."

CONSENT CALENDAR DISCUSSION

10(h) REQUEST FOR APPROVAL OF INTERGOVERNMENTAL CONTRACT – VOTING STRENGTH AMENDMENT TO INCLUDE THE TOWN OF EDGEWOOD; NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD). (JON BULTHUIS)

Councilor Calvert said the sheet in the packet reporting the Finance Committee action is incorrect. He said the Finance Committee did not approve this as a discussion item, and in fact voted to not approve it, and to ask our representative Councilor Bushee, to take that message to the NCRTD. He said the main reason given is that the more small entities are added to the NCRTD the more the City's voting strength is diluted. He said one won't hurt, but there is a proposal for another one in the works, and this is going to keep happening until we have a better discussion. He said the Finance Committee recommended that new members be allowed to be a part of the Board as non-voting members, which "we believe is the better solution."

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve the action taken at the Finance Committee which was to not approve this amendment.

DISCUSSION: Councilor Dominguez said the Memo in the packet talks about the IGC contract to be revised to incorporate a new voting strength analysis. He asked what the analysis looks like, if it has already been done, who pays for that.

Judith Amer, Assistant City Attorney, said there is a voting strength analysis which is on page 8 of the packet.

Councilor Dominguez said, "Then it already has been done." Ms. Amer said yes.

Councilor Calvert said it just shows what happens with another voting member, which is the extent of the analysis.

Councilor Dominguez said then it's not an in-depth analysis.

Councilor Bushee said she is happy to do whatever the Council would like. She said the vote took place before she went on the Board. She said Santa Fe County continues to create a different scenario, noting it is the only County so far which has done that. She said Edgewood is the first and this will be a precedent-setting voting member of this kind, commenting that Nambe Pueblo is the next one up for discussion. She said, "I think it's a worthy thing and Judy is going to introduce a quick title for me to introduce tonight after the vote, to seek a Charter amendment that says, the more the merrier in terms of coming to the table, but not necessarily for voting."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10 (i) REQUEST FOR APPROVAL OF BUDGET INCREASE – OPERATION SAFE STREETS CITY GUN BUYBACK PROGRAM. (CHIEF RAYMOND RAE AND DR. MELVILLE MORGAN.

Councilor Bushee said she wanted to clarify that she supports the program.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, for purposes of discussion, to approve this request.

DISCUSSION: Councilor Bushee said she would like to clarify the anonymity piece. She heard from people that were discouraged by the disclosure of names, and asked if the "policy, even with the gift cards, is going to remain an anonymous buy-back program."

Chief Rael said, pending approval by the Governing Body for the additional funding, once the funds are gone on March 9, 2013, there will be no further funds, and there will be no more IOU's.

Councilor Bushee asked if they will be divulging the names of those who participate, and if those names will be kept anonymous.

Chief Rael said they never intended to divulge any information, and they are not asking for names. He said all they "take is the number and run that, match it to the Visa card number and that's it."

Councilor Bushee asked if he is likely to run out of funds and have to do the gift cards the next time.

Chief Rael said if they run out of funds, they will shut down the program, reiterating there will be no IOU's.

Councilor Dimas said he received a phone call from someone who was told by a Police Officer that if they are on City property that they cannot buy a weapon from someone else. He asked Mr. Zamora if there is such an Ordinance on the books, and if so, what is it, noting he never heard of it.

Geno Zamora said, "The Land Use Director, Matt O'Reilly can explain this in better detail. Engaging in commercial transactions on City property requires special permits, advance approvals, etc. In addition, what affected that question was also transactions in the City right-of-way, whether that is the purchase and sale of guns, whether that's the purchase and sale of oranges or flea markets, etc. The City requires extra steps prior to engaging in transactions on City property." He said this really is a brief summary and reiterated that Mr. O'Reilly can provide more information.

Councilor Dimas said that answers his question, and he just wanted to know the legal ramifications and to ensure we have something on the books before we tell people they can't do something.

Mr. O'Reilly said, "Absolutely. We would never tell someone that unless we are absolutely sure and had clarity from the City Attorney's Office. Solicitation or conduct of business on City property, including rights-of-way, is prohibited by the Municipal Code."

Councilor Trujillo said he received some calls from people, one of whom was very irate because the names were published, and "that when things like this happen when breaches like this happen, certain people get fired." He just wants to make it clear that he did receive those calls. He does believe in the program, but, "the truth is, are we getting the guns from the bad guys, or not. They're getting them from the law abiding citizen who just wants to get rid of the old guns, and I wish they were getting the guns from the bad guys. But I just wanted you to know I got that call from a constituent that was pretty peeved about that."

Councilor Ives said, given these are Santa Fe funds, and he would love it if the program were limited to residents of Santa Fe County, and the thought may be to "simply confirm that verbally, without taking names and trying to breach any of those confidentiality, but to at least make sure that we're spending it locally. Because I know there were some folks from out of state, and certainly around the state, in the last round. So another thing to consider as you take the third leg forward."

Mayor Coss thanked Chief Leyba and staff for getting the buy-backs going on quick notice. He said we ran out of money both Saturdays, and had to do either IOUs or tell people to come back. He said once we took their name, there was no way to keep those names confidential. He said he thinks it was an oversight to put it in the Finance Committee packet, but there was no way to make it confidential, once they gave us their name. He said, "Everybody was informed of that. I sat there for hours listening to that, and I heard

him tell every single person that gave their name that we can't guarantee confidentiality any more. Nonetheless, it shouldn't have been in the Finance packet."

Mayor Coss said, "The other thing I just want to say is when we get these guns, we don't know if it's grandma giving her young son, who maybe is going away the bad guy. We don't know if we picked up that gun or not, but if we did it once and we saved a life, it's been a very valuable program." He spoke about an email from a woman asking to sell the City the gun with which her son committed suicide, which we purchased. He said if we get more guns in March, it will be a good thing. He said it was a very complicated thing for the Police Force, noting it took several officers and civilian staff to operate, commenting that they did a good job and he thanks them for that.

Councilor Bushee said she remains supportive, but she would like to have a press release so we don't discourage people and emphasize that any buybacks will remain anonymous, with a small apology for the oversight in the first phase. She wants to be sure people continue to support the program.

Chief Leyba said he will do so.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10 (k) CONSIDERATION OF RESOLUTION NO. 2013-21 (COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR CALVERT, COUNCILOR RIVERA, COUNCILOR WURZBURGER AND COUNCILOR DIMAS). A RESOLUTION RELATING TO THE SANTA FE RESOURCE OPPORTUNITY CENTER ("SFROC"); DESIGNATING FUNDING FOR SFROC THAT WILL BE USED FOR A MANAGEMENT POSITION THAT WILL CREATE AND MAINTAIN A MANAGEMENT AND ACCOUNTABILITY STRUCTURE FOR SFROC; AND DIRECTING STAFF TO RENEGOTIATE THE TERMS OF THE CURRENT LEASE FOR THE SFROC FACILITY. (TERRIE RODRIGUEZ)

Councilor Trujillo said he removed this item to recuse himself, because his wife Amber is a member of the Board for the Interfaith Community Shelter, commenting he does support this.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No, 2013-21, with the amendments.

DISCUSSION: Councilor Dominguez asked to be added as a cosponsor.

Councilor Bushee said, "Tonight I'm introducing the second part that got combined before, which is just going to seek providing relief from water utility billing for local non-profits that use water to provide services, so follow that as well."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Wurzbarger.

Against: None.

Recused: Councilor Trujillo.

10 (I) REQUEST FOR APPROVAL TO CONTRACT FOR CONSTRUCTION USING ON CALL CONSTRUCTION SERVICES AGREEMENT #11-0996 AND APPROVAL OF CHANGE ORDER #2; CIP PROJECT #414A – LA TIERRA TRAILS CAMINO DE LOS MONTOYAS URBAN TRAIL FROM NM 509 UNDERPASS CONNECTION TO MILAGRO ROAD; HO CONSTRUCTION, INC. (LEROY PACHECO)

A Memorandum dated February 26, 2013, to the Mayor and City Council, from Leroy N. Pacheco, River, Watershed & Trails Section Supervisor, regarding this matter, is incorporated herewith to these minutes as Exhibit "2."

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

DISCUSSION: Councilor Bushee said, "Leroy, I didn't expect anything to come to Council. It went to BTAC and just so you know, they're seeking, or would like to seek, not so much a bike lane, but the dirt connection so that we can actually go from the new Camino Las Crucitas Urban Trail, connect and then go under the culvert, and then get out to the La Tierra Trails to ride mountain bikes. So, if we could put those numbers together and bring them back to BTAC for the March 20th meeting."

Mr. Pacheco said he will do so.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2013-22 (COUNCILOR IVES). AN URGENT RESOLUTION SUPPORTING CONGRESSIONAL ACTION TO PRESERVE THE CHARITABLE GIVING INCENTIVE IN AN EFFORT TO CONTINUE AND CODIFY CONSERVATION EASEMENT TAX BENEFITS. (MELISSA BYERS)

Councilor Ives reviewed the proposed Resolution which is in the Council packets, explaining what is happening in Washington, D.C. in this regard, which would eliminate the capacity of many people to engage in voluntary donations of real property or conservation easements for public purposes. There is the potential for significant effect on Ranchers. He said testimony and response is due tomorrow in Congress, which is the reason he brought this forward as an emergency matter, to see approval from the Council to tell Washington that the City of Santa Fe would like to see the benefits kept in place

MOTION: Councilor Ives moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2013-22.

DISCUSSION: Councilors Wurzburger and Calvert asked to be added as cosponsors.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: None.

12. CONSIDERATION OF RESOLUTION 2013-23 (COUNCILOR WURZBURGER AND COUNCILOR IVES). AN URGENT RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, HOUSE BILL 75 ("HB 75"), RELATING TO AN APPROPRIATION OF \$880,000 FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT DEPARTMENT FOR THE PURPOSE OF SUPPORTING A PROGRAM TO ATTRACT AND RETAIN BUSINESSES AND TO CREATE JOBS IN NEW MEXICO. (FABIAN TRUJILLO)

A copy of the proposed Resolution in this matter is incorporated herewith to these minutes as Exhibit "3."

Councilor Wurzburger said she and Mr. Trujillo discovered this bill was coming forward when they were lobbying on a bill involving the film industry. She said over the past years we have been depleting our Economic Development Fund. She said the main objective is to be able to participate in the funds contained in HB-75.

Fabian Trujillo presented information regarding the proposed legislation from the information in the Council packet.

Mayor Coss asked what would be the increase to Santa Fe's budget.

Mr. Trujillo said it is not necessarily for Santa Fe's budget. He said we respond to PRO's through this project, and in the last 3 years, we have done 150 PRO's, and there's been a big drastic cut. He said PRO's are the Economic Development Department's way of marketing the State and we competitively respond through these, and we've had one project over the last 3 years that's actually been here. That was Project Domeless and that is the cost center for a software company where the City was a finalist. He

said over the past 2 years there were only two PRO's to which we could respond because of the significant diminishment of the number of shows and marketing they have done. He said this would start to bring that back to where it was before.

Mayor Coss said, regarding Project Domeless, there was a lot of "step and fetch it," for a lot of people that didn't come here, and asked if their projects usually are in line with our economic development strategy.

Mr. Trujillo said some are, noting they have responded to 4 this year, one was a manufacturing operation of medical devices, and we responded to 3 cost centers. These are the ones that lined up better. In the past, they have had 2-3 software development companies which looked at the State. He said we responded to a big one last year which was very competitive which "pays north of \$60,000 a year, and it's a high technology company."

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-23, as presented.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Mr. Zamora said the Executive Session requested by Councilor Rivera to review pending and threatened litigation will be scheduled for the March 27, 2013, Council meeting.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of February 27, 2013, is incorporated herewith to these minutes as Exhibit "4."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution adopting "*Climate Change and the Santa Fe Basin: A Preliminary Assessment of Vulnerabilities and Adaptation Alternatives*;" and directing staff to include protected climate change impacts in subsequent water supply and demand planning, policies and practices. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. A Resolution authorizing and approving submission of an executed agreement to authorize receipt of a grant from the New Mexico Environment Department, Air Quality Bureau, in the amount of \$114,670 for the purchase of a compressed natural gas recycling collection unit through funding received pursuant to the Federal Diesel Emissions Reduction Act (DERA). A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert wished a Happy Anniversary to his beautiful wife Carol, and he hopes she understands we will have to "have our plans on another night, and I appreciate her consideration of that."

Councilor Calvert asked Mr. Zamora to schedule the fire resolution so it is lined up, in proper order to move forward as soon as we need to, and Mr. Zamora said he will do so.

Councilor Dimas

Councilor Dimas said he received a telephone call asking about the Police Firing Range being moved somewhere near the MRC, and they were worried about stray bullets.

Mr. Romero said they did look at that site, but it won't work there. They do need to find a new place for the shooting range, but it will not be in the area of Caja del Rio, which is the area of concern.

Responding to Councilor Bushee, Mr. Romero said Deputy Chief Schaerfl responded and a copy will be forwarded to her.

Councilor Ives

Councilor Ives had no communications.

Councilor Rivera

Councilor Rivera had no communications.

Councilor Trujillo

Councilor Trujillo introduced a Resolution relating to the Health, Safety and Welfare of the residents of Santa Fe; directing Traffic Engineering staff to perform an inspection of crosswalks and traffic signals at intersections throughout the City to ensure that there is adequate time and a sufficient number of crosswalks for pedestrians to cross; collaborate with the New Mexico Department of Transportation ("NMDOT") to ensure that signage on roads within the municipal boundaries of Santa Fe are in compliance with the manual on uniform traffic control devices ("MUTCD") and clearly visible to motorists, pedestrians and bicyclists and to ensure that traffic signals at intersections on roads within the municipal boundaries of the City, provide a sufficient amount of time for a vehicle to clear the intersection. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilors Dimas, Calvert, Ives, Rivera and Wurzbarger asked to be added as cosponsors.

Councilor Bushee has been talking to "Keith" about an ancillary piece of that, noting she believes they have funds to do a pedestrian safety analysis of the entire City of some sort, so maybe we can follow up on that as well.

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution directing staff to explore the legal options for providing relief from water utility billing for 501(C)(3) local non-profit organizations that use water to provide services to the homeless population in the City of Santa Fe. She noted she said she would move this forward as long as it does not mean a rate increase for the general population, noting staff will come back to us and let us know. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
2. A Resolution authorizing an annual agreement for the Rodeo de Santa Fe and the New Mexico Gay Rodeo Association's ("NMGRA") Zia Regional Rodeo; subject to available appropriations. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
3. A Resolution accepting the Earth Hour City Challenge of the World Wildlife Fund ("WWF") and encouraging governmental entities, businesses and the residents of the City of Santa Fe to participate in Earth Hour on March 23, 2013, at 8:30 p.m., WWF's Annual Campaign to raise awareness of environmental challenges. Councilor Bushee asked Robert Romero to find a way to promote this in time for the event. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
4. A Resolution authorizing the Governing Body's delegate to the North Central Region Transit District ("NCRTD") Board to introduce an amendment to the NCRTD Intergovernmental Contract to allow new members to the NCRTD Board only as non-voting members. *A copy of the Resolution was not available at the time of introduction by Councilor Bushee.*

5. A Resolution amending the Governing Body procedural rules to allow for urgent legislation to be placed on the City Council agendas. *A copy of the Resolution was not available at the time of introduction by Councilor Bushee.*

Councilor Bushee would like to be added as a cosponsor on the "natural gas loan one."

Councilor Ives asked to be added as a cosponsor on Councilor Bushee's first and third Resolutions relating to exploring legal options for providing relief from water utility billing for 501(c)(3) and also accepting the Earth Hour City Challenge.

Councilor Calvert asked to be added to the Resolution on the Earth Hour City Challenge.

Councilor Wurzbarger

Councilor Wurzbarger would like to send a shout out to her daughter who finished an 8 hour test which hopefully will move her through the next two years of medical school.

Councilor Dominguez

Councilor Dominguez asked to sign on as a cosponsor of the legislation relating to 501(c)(3) which can help out organizations providing services to the youth, noting he wants to look at the legislation a little more closely.

Councilor Dominguez introduced the following:

1. A Resolution relating to healthy lifestyles and a clean environment; directing staff to design a bus pass rebate program for residents of Santa Fe who purchase a bicycle and/or bicycle equipment; and directing transit staff to locate a funding mechanism for such program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Bushee said she would like the Resolution to go to BTAC before it goes to the Council, and Councilor Dominguez said that is fine.

Councilor Calvert suggested it also go to the Transit Advisory Board as well, and Councilor Dominguez said that is fine, saying it should go first to Transit and then to BTAC.

2. A Resolution supporting Phase IIC of the Cerrillos Road Reconstruction Project, funded through a cooperative project agreement with the New Mexico Department of Transportation. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Dominguez asked Mr. Romero when we would be ready for mid-year budget discussions, not necessarily review, but just so we can get the Finance Committee prepared for budget

hearings soon, and Mr. Romero said that can be done at the next Finance Committee on Monday, March 4, 2013, and Dr. Morgan agreed.

Councilor Dominguez said he would like to cosponsor Councilor Trujillo's Resolution on crosswalks.

Councilor Dominguez congratulated all wrestlers that participated in, and took home State championships over the past weekend in Albuquerque, particularly congratulating his nephew Jose Tapia, an 8th grader from Capshaw who wrestles for Capital High School, who pinned a senior in less than one minute with a three-quarter. He would like him to be recognized with all the other State champions. He congratulated the St. Michael's wrestling team which were the State Champions. He said his nephew "wanted me to let everyone know that, according to him, if wrestling was any easier, they'd call it basketball."

Mayor Coss

Mayor Coss introduced the following:

1. A Resolution authorizing the donation of "La Realidad de las Capitulaciones" to the Fray Angelico Chavez History Museum. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."
2. A Resolution authorizing CVB funds for FY 2013/14 budget, and subject to available appropriations made by the Governing Body in subsequent years, for agreements with Santa Fe Fiesta, the Lensic and the Santa Fe Bandstand Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Mayor Coss said the Demon girls defeated "everybody" in basketball this year, and asked Mr. Romero to arrange to honor the team with a City trophy in the near future.

END OF AFTERNOON SESSION AT APPROXIMATELY 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 Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
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 petition with 10 signatures supporting the establishment of Cerletti Park at Fountainhead Rock Place, Santa Fe, New Mexico, entered for the record by Donado Coviello, is incorporated herewith to these minutes as Exhibit "15."

Donado Coviello said he is here to petition that the public space known as Fountainhead Rock be changed to a Park designation with the name Cerletti Park. He said the neighborhood there has been inundated with drug dealers, aggressive panhandlers, violence, accosting of tourists and an enormous amount of homeless people being used as cover by drug dealers to sell drugs. He said he appreciates all of the work done by the Mayor, Council, staff who have pitched in to do something about this project, and to help the neighbors face a terrible situation. He is doing this in the name of a helping hand company called *Hand Pi*, of which he is a part. He said they are trying to make the Hand Pi the symbol of a helping hand. He said they aren't the police or the government or anybody official and all they want to do is to make the neighborhood and to lend a hand in doing it. He said he is presenting a Helping Hand merit badge to the Councilors as a thanks in advance for what they can do make the neighborhood safe and to honor the memory of Mike Cerletti. He said Mr. Cerletti developed the Hotel St. Francis in that area and was a friend to all of us, and who would be "turning over in his grave" if he could see the terrible situation.

He said this is heavy and it is a neighborhood that wants to take back its neighborhood. It is the main drag between the capitol and the City Hall. He asked that the permit which he requested for use, be treated with due process, especially for our favorite holiday, March 14, or Pi Day, which is a "high holy holiday for we in Hand Pi."

Jon Hendry, Business Agent for Local 480, said he has good news, due largely to an initiative which Councilor Wurzbarger pushed hard for, and thanked her and the Mayor for their support. He said we have 4 major motion pictures shooting in Santa Fe right now, noting he is about to have lunch with an A-list producer who is bringing another movie into Santa Fe. He said the marketing supported by the Governing Body has been highly successful to the point that "we frankly can't handle any more movies right now. These will bring good union jobs, offer training opportunities to many people in the community. His only regret is that we still will have to bring a crew from Albuquerque, because we don't have sufficient crews in Santa Fe to satisfy the needs of these movies that are coming in."

Mr. Hendry continued, saying with regard to Santa Fe Studios, NBC is on one side and Seth McFarlane is making a major motion picture on the other side. He said there are two pictures with almost \$100 million in work in the Santa Fe Studios. He said Garson Studios is full with Longmire the TV series and there are picture companies at the old DMV office and in Rodeo Park. He thanked the Governing Body for its support and its support for good union jobs and benefits. He asked the Governing Body to think about this when considering what to do later with his brothers and sisters in the building trades.

G. APPOINTMENTS

Sustainable Santa Fe Commission

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

Amanda Evans – to fill unexpired term ending 05/2013; and
Jerome Lujan – to fill unexpired term ending 05/2013.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Mayor's Committee on Disability

Mayor Coss made the following appointments to the Mayor's Committee on Disability:

Marcia D. Bowman – Reappointment – term ending 01/2017;
Roberta M. Hunt – term ending 01/2017;
Charles Maynard, D.O. – term ending 01/2017;
Ron Ortiz Dinkel, SPHR – term ending 01/2017; and
Elisa Meriam Jawhar – to fill unexpired term ending 01/2015.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

City of Santa Fe, Division of Senior Services Advisory Board of Directors

Mayor Coss made the following appointments to the City of Santa Fe, Division of Senior Services Advisory Board of Directors:

Elaina K. Gonzales – Reappointment – term ending 01/2015; and
Gilbert J. Alarid – Reappointment – term ending 01/2015.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Santa Fe Extraterritorial Land Use Authority

Mayor Coss made the following appointments to the Santa Fe Extraterritorial Land Use Authority:

Councilor Carmichael Dominguez – term ending 03/2014;
Councilor Chris Rivera – term ending 03/2014; and
Mayor David Coss – term ending 03/2014.

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

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Santa Fe Extraterritorial Land Use Commission:

Mayor Coss made the following appointments to the Santa Fe Extraterritorial Land Use Commission:

Tom Spray – to fill unexpired term ending 03/2014;
Dan Pava – to fill unexpired term ending 03/2014;
Renee Villarreal – to fill unexpired term ending 03/2014;
Signe I. Lindell – to fill unexpired term ending 03/2014;
Michael A. Harris – to fill unexpired term ending 03/2014;
Angela Schackel-Bordegary, Alternate – to fill unexpired term ending 03/2014; and
Lawrence E. Ortiz, Alternate – to fill unexpired term ending 03/2014.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

- 1) **J. JESUS ZAMBRANO HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LA COCINA DE CLARA, 4350 AIRPORT ROAD #4. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school and there are staff reports in the packet regarding litter noise and traffic. She said staff recommends this business be required to comply with all of the City's ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be located at La Cocina de Clara, 4350 Airport Road #4, with all conditions of approval recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 2) **ADOBE INVESTORS, LLC HAS REQUESTED THE TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #28014 FROM HELEN MEDINA BURELLI TO ADOBE INVESTORS, LLC. THIS LICENSE WILL REMAIN AT JINJA BAR & BISTRO, 510 N. GUADALUPE, SUITE P. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter, noise and traffic. She said staff requests the business be required to comply with all of the City's ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the transfer of ownership of Dispenser License #28014 from Helen Medina Burelli to Adobe Investors, LLC, with the license to remain at Jinja Bar & Bistro, 510 N. Guadalupe, Suite P, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 3) **MIDTOWN BISTRO, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT MIDTOWN BISTRO, 901 W. SAN MATEO, SUITE A. (YOLANDA VIGIL)**

Councilor Dimas recused himself from this case.

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter noise and traffic. Ms. Vigil said the application does include an outdoor patio seating area, and as a condition of approval, she requested that the applicant be require to install fencing to enclose the proposed licensed premise. She said staff is requesting that the business be required to comply with all of the City's ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to approve issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be located at Midtown Bistro, 901 W. San Mateo, Suite A, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Bushee said she looks forward to being able to review the restaurant, noting she hasn't eaten there, but she has known Edmond for years and knows this is going to be a great venture.

Councilor Wurzbarger said the food is fantastic having been there numerous times, and wishes them the best and said she can't wait to vote yes for this.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Recused: Councilor Dimas

- 4) **CONSIDERATION OF BILL NO. 2013-3: ADOPTION OF ORDINANCE NO. 2013-7 (COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15-1 SFCC 1987, AND ADOPTING A NEW SECTION 16-15-1 TO PROHIBIT THE INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS. (ALFRED WALKER)**

The staff report was presented by Alfred Walker from materials in the Council packet, noting the language addresses various issues which were brought forward during the Committee process, noting it tracks State law with regard to possession of marijuana with a medical marijuana card which is not a violation of this section, and addresses the issue of synthetic cannabinoids which has become an issue lately.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Ordinance No. 2013-7 as presented, noting this is a substitute bill which incorporates the amendments.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2013-3: ADOPTION OF ORDINANCE NO. 2013-8 (COUNCILOR CALVERT). AN ORDINANCE RELATING TO THE CITY WATER BUDGET ORDINANCE, ARTICLE 25-9 SFCC 1987; AMENDING SECTION 25-9.5 TO DESIGNATE THE 12 MONTH EVALUATION OF THE CITY'S TOTAL WATER SYSTEM SUPPLY AND TOTAL WATER SYSTEM DEMAND BE FROM JANUARY 1 TO DECEMBER 31. (ALAN HOOK)**

The staff report was presented by Alan Hook from the materials in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to Adopt Ordinance No. 2013-08, as presented.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

6) CONSIDERATION OF BILL NO. 2013-3: ADOPTION OF ORDINANCE NO. 2013-9 (MAYOR COSS AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO THE VOLUNTARY RIVER CONSERVATION FUND, ARTICLE 25-8 SFCC 1987; AMENDING SECTION 25-8.2 SFCC 1987 TO EXPAND THE USE OF THE DONATED FUNDS TO INCLUDE PROJECTS THAT WILL IMPROVE THE FLOW OF WATER IN THE SANTA FE RIVER IN WAYS THAT ENHANCE THE ECOSYSTEMS OF THE SANTA FE RIVER AND ITS RIPARIAN CORRIDOR. (BRYAN DRYPOLCHER)

The staff report was presented by Bryan Drypolcher from the materials in the Council packets.

The Governing Body commented and asked questions as follows:

- Councilor Dominguez asked if the projects would come before the Council before the funds are allocated for the projects.

Mr. Drypolcher said this was discussed earlier in Committees, but at this point it is not part of the Ordinance, but it certainly could be provided either by Ordinance or Resolution.

- Councilor Dominguez asked Mr. Zamora if we can mandate that with this piece of legislation – can we mandate that now.

Mr. Zamora said, "Yes, the short answer to that is yes, that you can list those projects. You can continually amend that list and list that in the future.

- Councilor Dominguez asked, "But can we mandate now that those projects come before the Governing Body before the money is appropriated, or does that have to be a separate piece of legislation.

- Mr. Zamora said, "It's the option of the Governing Body to mandate now, or to mandate when the monies are received."

- Councilor Bushee asked the current balance of the voluntary fund, and Mr. Drypolcher said this is in the Memo, and in reserves there is about \$222,000 and change available in the fund.

- Councilor Bushee said, "I wanted to know if improving the ecosystems around the riparian corridor included, if we revive the beaver population, because I want... I mean I presume that you then wouldn't break them up and try to have more flow down the River. I just want to make sure that it includes, because we've had this discussion down by the lower parts of the River when the beavers showed up, you know, that means different things to people. And so I wanted to make sure that revising the ecosystem includes potentially new populations of wildlife on the River corridor."

Mr. Drypolcher said, "Experience to date has shown that where we have perennial flow, where we have sustained flows, we've tended to eventually have beavers.

- Councilor Bushee said, "Right, but then they build dams and that impedes the flows to some degree or at least that's the impression from some folks, and so I wanted to make sure that if we revive those populations, we're not going to go about spending money to revive the ecosystem that might include new populations and then go busting up their dams."

Mr. Drypolcher said, "Councilor Bushee, I think I understand your question. I don't know if it's appropriate to include that kind of provision in this Ordinance. There is a set of administrative procedures that accompany the Ordinance, that might be something that could be included in there."

- Councilor Bushee said, "I just want to be clear from the start what we're trying to achieve along the River and what it might include."

Mr. Drypolcher said, "What we're trying to achieve really, is to improve the health in the riparian corridor. I think the kinds of activities that we'd be able to engage in and fund with this, I think will help with the greening of the River. I think it will help to cause the River corridor to be wetter than it is now. On the other hand, without larger amounts of water that we're able to pass from our reservoirs, we're not talking about substantive increases in sustained flow, quite frankly."

- Councilor Bushee said, "I know. We still have seen them show up."
- Councilor Calvert said that is because of the water from the wastewater treatment plant.
- Councilor Bushee said, "That's sorta what I think he was asking. That's why I have followed up with more specificity."
- Councilor Trujillo said, "Starting now, if this gets passed, all the money that we get from volunteer [contributions], the money that we already have in there, has to go the way it's on the books right now. Or are we looking at...."

Mr. Drypolcher said, "My current understanding from legal staff is money that has been collected for the purpose of the acquisition of water rights, we need to stay on that course, so money collected to date would be spent for the original intent of the ordinance, which is for the acquisition of water rights. With this amendment, if the amendment passes, after that date funds could be spent for these other purposes."

- Councilor Trujillo said he just wanted that clarification.

Public Hearing

Richard Ellenberg, on behalf of the River Commission, said, "We're looking forward to this change to be able to go forward with projects that can catch the public imagination and reinvigorate public participation in this fund, which the fund simply hasn't done anything yet. With regard to beavers, we have discussed beavers a lot. We know they're very a very valuable part of the ecosystem. The best science we have, is that they don't materially diminish the amount of water going through, they just change the speed at which is going through, all enhancing flood control and the health of the ecosystem. So we would love to see more Beavers, and certainly won't be proposing any projects that would affect that. Thank you."

Felicity Brennan, Santa Fe Watershed Association, said, "And I just want to alert you all that we heartily support this. It's been a shame that we haven't been able to acquire water rights for the River at this point, but I think that moving forward, it's a really wonderful possibility to continue improving upon the Living River Agenda, as you all have set out, and as Bryan has been doing such a wonderful job with, so we definitely support this amendment. Thank you."

Eileen Ever, employed by the Santa Fe Watershed Association, said she would like to express support to the Ordinance, comment given the challenges of acquiring and purchasing water rights, it makes sense to allow for other opportunities to improve the River health and the riparian area.

Jerry Jacobi, River Commission Member, said he is in support of the Ordinance. He said it was a year ago tonight that we passed the target flow ordinance, for which he thanked the Council, commenting, "Let's just keep building on getting our River back to life."

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Ordinance 2013-09, with the condition that the projects will come before the Governing Body for approval.

DISCUSSION: Councilor Calvert said there was considerable discussion at the Public Utilities Committee meeting about this Ordinance. He supports the Ordinance as written, but would like some sort of condition clause added on page 1, line 21 of the Ordinance. He said the impetus for this amendment is because the money has been sitting unused. He said staff has said acquiring rights on the Santa Fe River is almost impossible, and if we want to try on the Rio Grande that's another option as well, noting the main focus was on the Santa Fe River. He said if we are unable to purchase those water rights, these funds will continue to sit unused and people will continue to be frustrated.

Councilor Calvert suggested adding language to Section 1(A)(1) to the effect that, "If after due diligence by staff in trying to obtain water rights, after a certain period, like a year, then this money can be used for the purposes set out in Section 2 of the Ordinance. He is hearing from most people that they're frustrated we haven't been able to use the funds and he doesn't want the money to sit unused because there is virtually

no possibility of acquiring those water rights. He asked Mr. Zamora if it is possible to amend the proposed amendment in this regard.

Mr. Zamora said, "If you could give me a little bit more of a clarification of what you'd like a proposed amendment to be."

Councilor Calvert said, "The proposed amendment would be something, like he said, something along the lines which would be added at the end of the paragraph beginning on page 1, line 23, and ends on page 2 on line 2. It would be something to the effect, if after due diligence by staff in trying to purchase water rights on the Santa Fe River, and give a time period of say one year, these funds could then be used for the purposes set out in #2, which is the next line."

Councilor Calvert continued, "Because, if it becomes impossible to do, we're back where we were and the same frustration. At least we could put a provision that this could automatically be reviewed in a year and that decision could be made at that point, or something along those lines. Something that would allow us, when we pass this tonight, to have the option to do something if we cannot fulfill the requirements of #1."

Mr. Zamora said, "Based.... either proposal is something you could do by amendment. With regard to shifting from one purpose, to another, I would recommend that you actually expand the purpose to move to the other, rather than precluding the original purpose and moving it to a second, and that way you don't trip yourself up on use of funds."

Councilor Calvert said, "Then you're saying just to amend it to say, in addition, if after due diligence and an inability to do that, an additional purpose of #1 could be what's in #2, and it wouldn't exclude what's already in #1."

Mr. Zamora said, "Correct."

Councilor Bushee said, "My reading of what's here now, is that you're just amplifying the uses with #2, but that the original funds had to be dedicated to certain uses, not just buying water rights for the living Santa Fe River, but also the continuation of sufficient water flowing through the Rio Grande. And so, I don't see anyone here from the Water Department, but my understanding is perhaps those funds, well Marcos is here, could the almost quarter million [dollars] be used for any of our continued... you know we have the silvery minnow that's attached to the Rio Grande, and some way, I guess that could be considered a trade-off we've had with the Bureau of Reclamation over the years, in terms of what we get for flows from the Rio Grande. I guess I wondered if you could apply that money in some way so it's not sitting there, because I would feel uncomfortable, given what we proposed to folks when we put this program forth at the beginning in trying to not use it for those purposes in some way. I see it more than just the Santa Fe River, and then I see that Item #2 is just amplifying how we are going to use it from here forward."

Mr. Martinez said, "Councilor Bushee, you are correct, that the current funds could be used to purchase water rights on the Rio Grande, and that was one of the original purposes. We haven't attempted to do

that yet. I think the idea was to first try the SF River, and then the existing Ordinance allows using the funds to purchase water rights on the Rio Grande and that could be used, for example, in the strategic water reserve which would amplify flows in the Rio Grande."

Councilor Bushee said then she would suggest leaving the language as is, and try and pursue that in some fashion. She reiterated, "What we proposed to the voters were that they could take some of their money and voluntarily try to help our River flows, essentially, and so I'd still like to try to do that. And we could, I see Brian back there now too, we could use that money more quickly than we have thus far, if we were to pursue something on the Rio Grande."

Mr. Martinez said, "If the City's experience in finding willing sellers of water rights on the Rio Grande is any indication, then yes, we could."

Councilor Ives said since it appears that the voluntary contributions by citizens were geared toward these particular purposes, he is more conceiving of those as restricted funds which have been collected to date. Therefore, the use of those funds in other ways being proposed, might be inappropriate under which the funds originally were contributed. He would urge real caution in expanding the use of the funds currently in hand for any other purpose. He noted 25-8.2(B) of the existing Ordinance says, "...The City shall make public on at least an annual basis regular reports of all funds allocated and all purchases, acquisition, leases of water rights made as a result of this river conservation fund." He is wholly on board going forward to attract new funding into the program to expand the ecosystem purposes associated with the River. He reiterated he hesitates under the restrictions on donations to try to do much there.

Mayor Coss asked if Councilor Calvert proposed an amendment, and he said not yet. Mayor Coss asked if he would like to do so before the vote.

Councilor Calvert said, "Well, I understand what Councilor Bushee was saying, and I understand what Councilor Ives is saying. I mentioned that same thing at PUC, if you look at the minutes from the PUC meeting, that we could also purchase Rio Grande water rights. And some of the people that were supporters of this are people who were equally concerned about the Rio Grande, if not moreso when we passed this. So, I don't want to exclude that possibility either. Again, I guess my concern is that we need to move on something, and maybe we could work out some strategies, when we purchase the Rio Grande water rights, that it can not only benefit the Rio Grande River, but maybe it could also benefit the City in some regard as well."

Councilor Calvert continued, "So, I'm not going to offer my amendment tonight, but I guess I would like.... and still if we're not.... I think we need to need to be pursuing something with some vigor here if... I mean, start with the Santa Fe River and see if you can purchase any rights, and if you can't, move onto the Rio Grande. And if that doesn't work, then report back to us and maybe we have to consider the amendment that I was thinking about because, again I think we don't want people donating and money just sitting there. I think a lot of the people I've heard from said, 'Yes, I donated money under this pretext, and I'm

one of those, and I'd rather see it put to beneficial use, rather than no use, so I guess I'll just leave it at that for now."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining his vote: Councilor Trujillo said, "Councilor Calvert, I too am one of those residents that has been giving to this fund and I feel the same way you do, if you do decide to bring the Resolution, I definitely will support that, but I'll vote yes."

Explaining her vote: Councilor Bushee said, "Yes. I know that you want to give it to the fish, the fishing event."

Explaining his vote: Councilor Calvert said, "I vote yes, and I think we'll be asking for regular updates at the Public Utilities Commission [Committee] on progress on this to see how we proceed in the future."

9) CONSIDERATION OF BILL NO. 2012-38: ADOPTION OF ORDINANCE NO. 2013-____ (COUNCILOR DIMAS AND COUNCILOR RIVERA). AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 TO ESTABLISH THAT A COMMUNITY WORKFORCE AGREEMENT SHALL ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT. (NICK SCHIAVO AND ROBERT RODARTE)

A copy of a letter dated February 27, 2013, to Roxanne Rivera-Wiest, from Katrina Y. Vigil, State Apprenticeship Director, is incorporated herewith to these minutes as Exhibit "16."

Mayor Coss said, "I'm going to run H(9) with H(7) and H(8). By vote of the Council, H(9) will be voted on first, but for purposes of a public hearing, we'll take comments on all 3 proposed Ordinance changes.' Mayor Coss commented that Item H(9) would repeal the Community Workforce Agreement.

Mayor Coss gave each person 3 minutes to speak to the issue, asking everyone to keep their remarks brief, to try not to be repetitive and to be respectful.

Public Hearing

Ray Baca, Executive Director, New Mexico Building Trades Council, said he represents the construction labor unions in New Mexico. He said, "I would ask your indulgence and permission, if I go

slightly beyond 3 minutes, there might be less people that speak if I'm allowed to go just a little bit more, with your permission." Mayor Coss said, "Okay Ray."

Mr. Baca said, "First of all I want to say thank you. My sincerest thanks for what I think has been a very thoughtful and deliberate consideration of all of these bills, and please forgive me, but I may be jumping back and forth between a couple of them. I'm going to speak to them in a general sense. But truly, this has been a process that's gone on for a couple of years now with members of the previous Council, members of this Council. And again, every conversation that I've had with each of you individually, when I've had the opportunity to do that, and with you as a Council, has been very professional and very respectful. I really appreciate that. And all of the construction labor unions and unions as a whole, appreciate those conversations as well."

Mr. Baca continued, "I know this has been a very difficult process for you. Our original intent and the intent, still today, was to try to make things easier for the City of Santa Fe, and obviously, I perhaps have failed the [inaudible], made things more difficult for you, especially over these last 7 or 8 months. It's been difficult. Again, I appreciate the thoughtful deliberations and the questions that we received. It's been a very positive situation. I also want to emphasize a couple of things. There's going to be some people that will be in opposition to the things that I say this evening, but I also want you to know that some of the folks that are in opposition to this, I do consider them colleagues in other situations and I'll give you some examples."

Mr. Baca continued, "There's been situations where we've actually worked together on things, as far as New Mexico legislation at the Legislature, things like in-state contractor preference, and other things that affect the construction industry as a whole. Just tonight, the Legislature, right before we came here, we were in a committee meeting that spoke about public/private partnerships, and some of the folks that are in here right now, and I, are actually on the same side on that with regard to public/private partnerships. There's going to be a lot of deliberation in the State Senate and in the House of Representatives, with regard to those bills, but I think those, or some evolution of those bills, you'll see that in the State of New Mexico in the next couple of years."

Mr. Baca continued, "Another example of working together with some of the opposition is with an organization called the Regional Coalition of LANL Communities. Some of the folks that are going to be in opposition to the Community Workforce Agreement ["CWA"] concept tonight, have actually worked I think very well and very professionally toward the goals of that particular group, so I just want you to know, in an overall sense, there's other things going on as you well know in the State of New Mexico and in the region that we actually work quite well together on. And I just wanted to give those as examples."

Mr. Baca said, "Once again, our intent all along was just in very primary tenets here, I'm going to go over them very briefly. Number one, it's always been about worker protections. Number two it's always been about wage theft and misclassification issues. It's been about safety issues, and it's been about apprenticeship issues. And I want to emphasize apprenticeships, because we really feel and we felt all along, that apprenticeships are truly a pathway toward long term, family sustaining careers, not only in

Santa Fe, but in the entire region. Creating and continually strengthening the work force of Santa Fe has been one of our goals all along, and that continues, and that will continue on beyond tonight."

Mr. Baca continued, "I've heard this Council mention, and I've heard that other Councils previous to this Council, have mentioned that one of the things that they're striving for is a greater workforce that comes from the City of Santa Fe. And that's been one of our goals all along as well."

Mr. Baca continued, "With regard, specifically to the bills, I just want to mention briefly, and there's going to be a few other people talking, as the primary signatories to this contract, obviously the City is, but also the New Mexico Building Trades Council are the signatories on that particular contract, the one that's currently in place. We understand that there's been various other proposals put out there, I think some very creative, and again some that are very thoughtful, but there's really only two options that I think that we could be amenable to at this point in time. And you might be surprised at one of the ones that I'll tell you. But I want to emphasize, the first one that I can tell you that we would be amenable to, would be two-thirds of Bill No. 2013-7. And I say two-thirds of that. We've had some conversations with regard to the items that are in that particular bill. And we feel like it's a strong bill. We are very open to lifting the floor to \$1 million as is proposed, and in fact that's something that we had made as a suggestion many many months ago. And number two, increasing the percentage of workforce out of Santa Fe County area up to the 100% level. The third item, with regard to benefits for domestic partnerships, we sincerely and honestly feel like this is a very very worthy thing, and we'd like to see this in there, but we just do not have the mechanisms to make that happen at this point in time. It involves our national insurance funds, and it's just not something that's been in any CWA that I know of anywhere in the country. And I hate to stand up here and promise that we can do that, when I can't deliver that at this point in time. So that's why I say about 2/3 of that particular bill, we'd be amenable to."

Mr. Baca continued, "The other suggestion, and I know there have been many, some official and some non-official, the other suggestion is, and again reiterating the fact that I want this to be a simple choice for this Council is, if you decide that you want to go with the repeal route, again, I would respect that decision, I really would. It wouldn't be something that I'd really like obviously, but perhaps that gives you a clear choice of the things that we'd be willing to sign in the future, or change with regard to the current agreement that's in place. That's basically in a nutshell what I wanted to say, specifically, and I'd be happy to answer anybody's questions."

Councilor Bushee said, "Just so you're clear, the Ordinance that you just referenced, 2013-7, that I introduced, we did not mandate the requirement that through the CWA that domestic partner benefits be provided, but however, an ordinance that's working its way through the system, would require that, just so you're clear."

Richard Ellenberg, Chair, Santa Fe County Democratic Party, said the discussions have been going on, and will continue to go on for a long time, whatever happens tonight. He said for a long time,

people have been unable to negotiate wages, consumer safety, job safety, it has required collective work. People turn to the government, unions, trade associations, cooperatives as vehicles for that collective work. The Democratic Party has, since before he was born, supported these collective efforts and those things which increased the power and strength of those collective entities. He said, we recognize nobody jumps up and down about having to deal with an institution, but they think it is a necessity for a strong middle-class. The effort to say you can enjoy the benefits of union work and not join the union and pay dues, is called right to work or "right to freeloader." It is a way to weaken the unions. He talked about what happened in Michigan and hopes Santa Fe doesn't become Michigan tonight. He said the proposed agreement has a lot of benefits for our citizens and is a small step which will support and strengthen the ability of collective bargaining and the middle class. He said he hopes "you leave the CWA in place, maybe as amended."

Kathy Townes, Secretary-Treasurer, Northern New Mexico Central Labor Council, said the President, Mike Archuleta, couldn't be here this evening. She said she is representing a body of union members, noting she is President of AFSCME Local 477, Santa Fe State and County employees. She said they are a body of union members that support one another and the reason they are here. She said they strongly, the entire body of the Northern New Mexico Central Labor Council, strongly support the CWA and oppose its repeal. She said they come together as a labor organization, and asked her sisters and brothers in support of the CWA to stand. They have 25,000 members in the area with 25 to 30 union labor organizations that belong to the Council, and they strongly support their brothers and sisters in the building trades.

Sharon Argembrite, Vice-President of District 1199 Hospitals and Health Care Workers, and she supports CWAs for the same reason, families need to have sustainability, and this is a way for them to train on the job and build strength within the families from babies to grandparents, this is good for the whole family. She said #1199 supports the CWA.

Carol Baumgartle, said she is here on two facets of this conversation for the CWA. The first, she is the State lead for organizing for action, which represents community based actions to support economic and job growth, and the health and welfare of Santa Fe. She said their 400 volunteers have been making calls to the community about the CWA, noting they made more than 3,400 calls during this process, noting they reached 23% of that number, and 90% of those to whom they spoke, support the CWA. She said, "I'm really clear that when we explained what we are about, because there were a lot of misunderstandings both through advertising and in the newspaper and on the radio, that discounted some of the major things about why the CWA is so powerful. I'm also someone who's been in the construction industry for 32 years in New Mexico. I've lived here for 40 years. I raised all 3 of my sons here. I have 8 grandchildren here. I am a contractor, and someone who has a manufacturing business that ship all over the world, an environmentally sound product. The International Plasterer's Union chose our product above all green plasters to use in their workforce training. We sent our produce to Washington for them to build a program.

That training was the most impeccable training available about our plaster anywhere in the world. That's the kind of training that we would afford the young people in the City. This City has no other way to obtain that level of training for the future economic growth of the young people in this City, and I encourage each and every one of you to look into your hearts and realize that it's the young people in this City that will benefit, long term, from this agreement. And I urge you to vote in a positive way."

Roxanne Rivera-Wiest, President, Associated Builders and Contractors of New Mexico, thanked the Governing Body for its kind consideration of this important topic, and she appreciates the respect they have shown to her when she has attended the meetings. She said, "I also want to reiterate what my colleague Mr. Baca said. We did just come from the Legislature and we do work together to support what is best for the construction industry in New Mexico. We may not agree on everything, but we all agree that we love New Mexico and we want to see the construction industry thrive in this State."

Ms. Rivera-Wiest spoke about their apprenticeship program, noting in several letters she has offered Associated Builders and Contracts to work with the Governing Body to develop an apprenticeship program through the Santa Fe Community College, so there can be a choice – union and non-union programs. She their apprentice programs are accredited by the State. She provided a copy of a letter to the Governing Body she obtained today from Katrina Vigil, State Apprenticeship Director, which attests to this [Exhibit "16"]. She thanked the Governing Body for its consideration.

Dave Wilson, American Fire Sprinkler Association in New Mexico, read a letter into the record on behalf of a small contractor, Ike Peralta, a member of their association as follows:

Mayor Coss, Council Members.

*I ordinarily don't write letters of this type, but I feel strongly about this issue. I realize that mine is but a small voice, but I have to try. We are a small subcontractor in the automatic fire sprinkler trade. We do a lot of public work jobs and must pay the wages and fringes mandated, so I fail to see how the CWA would help in this respect. We do not require our employees to pay any kind of membership dues. Fringe benefits belong to the employees and are paid to an approved fund on their behalf, and if at any point an employee leaves our company, those fringes are accessible to them. We train our sprinkler fitters through a four-year apprenticeship program. We are monitored by the New Mexico Department of Workforce Solutions to ensure that our training is done according to established standards. This is not done because of the CWA. Safety is regulated on public works by OSHA, and it is not done because of the CWA. Open shop contractors and union contractors have the same opportunity to bid on public works projects. So why must I lay off some of my employees in order to hire 50% of workforce on a public works project from a union hall. Please repeal the CWA. There is nothing in it that will improve anything on a public works project. Thank you.
Respectfully
Ike Peralta, owner, Alliance Fire Protection.*

Manuel A. Salazar said he is an apprentice carpenter and has worked for Sarcon Construction, which is a construction company in Santa Fe. He has worked for them for 3½ years. When he made the decision to get into construction, he had a lot of choices, but he went into the Carpenter's Apprenticeship because he knew he didn't have all the skills he needed to become a good carpenter. He said, with Sarcon, he is able to work and earn money while attaining his schooling to learn everything he needs to become a journeyman carpenter. He said his boss pays into the trust that allows him to get these skills at no cost to him, so he gets wages and benefits for his skill level, and as he learns more, his wages increase. He said, "I can't wait to become a journeyman. I might go to college after my apprenticeship is over, and if I can afford it, but right now, this is one of the best ways I know to earn and learn a trade. I think of it as a career. The Community Workforce Agreement would be the best thing for all working carpenters. All working carpenters would benefit from this and would make Santa Fe a much better place to live in. Please move forward with the Community Workforce Agreement and get all carpenters working. Thank you and good evening."

Jane Jernigan, National Utility Contractors Association of New Mexico, said the Council has heard from her several times, and thanked Mr. Baca for his comments because they always aren't on opposite side of things. She said the Association has been representing union and non-union contractors since the 1980's, and they are against the CWA for the reasons she has spoken about in the past. She said there have been quite a few proposed fixes to the Ordinance, but she doesn't think raising the threshold is the correct fix, noting that in five years what \$1 million buys today will double, triple or even more in 5 years – Preference, hiring, training, feasibility studies, benefit requirements. She said, "The City of Santa Fe Economic Development Department reported this would cost an additional \$3-5 million over the first few years, and it seems this Ordinance does not increase Santa Fe hiring. It does not save money and it doesn't benefit employees in the way that temporary employees in the union will not see a payback from their benefits that they pay in on a temporary basis, unless they stay in the union until retire. This Ordinance is bad for business, workers, Santa Fe and taxpayers. Please vote for repeal of the Community Work Force Agreement. Thank you."

Greg Bemis said, "I just want to make two observations. First of all, this country survived and has done very well, grown, prospered compared to the rest of the world because of the free market we have here. I don't believe the legislators should be the ones to discriminate between groups who are applying for economic opportunity in the country. I think they should be free to make their own decisions without legislative force. The second observation, which is a more delicate one, Mr. Mayor, is that I had time recently to study a little bit about conflict of interest. And it seems to me, that because of the union presence in this matter that you, as a union organizer are in a very difficult position, and if there is a tie vote, I would assume you would have to recuse yourself from voting. I realize that's a difficult spot for you, but it seems to me that would be necessary. So, those are my comments. If you do decide to cancel this CWA agreement."

Carrie Bernacke, licensed New Mexico contractor, said she is also the Vice-President of a heavy civil construction company started in New Mexico over 30 years ago, which today remains a New Mexico owned corporation. She said they routinely and frequently utilize services of specialty sub-contractors which are union. She said they do not mandate that their sub-contractors have to be union, or cannot be union. Each are given fair opportunities to bid on the work with them. She said, "We have over 200 employees, and our goal is to keep our New Mexico workforce employed. We support and understand your desire to keep Santa Fe's citizens employed and we support that." She said she has come before this Governing Body previously to speak in opposition to the CWA, and previously said the CWA would result in reduced bidders on Santa Fe funded projects.

Ms. Bernacke continued, "It has happened. Our firm pulled plans and specs for the McClure and Nichols Reservoir Infrastructure Improvements Project. The statement of qualifications for that is due next Friday, the 7th. By virtue of the minimum qualifications required for the project, just to be eligible to bid, there are not going to be a lot of companies that meet the requirements. Ours will. However, as we started working on our statement of qualifications, we found that the resulting contract would be subject to a CWA. We have pulled off that bid. Unfortunately and regretfully, the City will receive one less competitive bid from a good, safe New Mexico contractor for the project."

Ms. Bernacke continued, "Please give this matter your careful consideration. Implementation of the CWA will result in few bidders on taxpayer funded projects, thus compromising the constraints inherent in a normal competitive bid environment. This City cannot afford few bidders at higher costs of construction. Thank you for your consideration."

Rex Davis, President of RMCI, said RMCI has been in business since 1990. RMCI provides a safe and good work environment for employees, noting they hire employees from throughout the State, and currently have approximately 200 employees. RMCI provides health care insurance, profit sharing and 401(k) retirement to its employees, and provides training for all employees at all levels, from laborers to project managers. Over the years, RMCI has built many projects for the City using many workers from the local area. RMCI is proud of its working relationship with the Santa Fe and looks forward to continuing this relationship.

Mr. Davis said, "We at RMCI, feel the Community Workforce Agreement is not fair to our employees. It is unfair to ask our employees to pay for union dues that they would not get back after the job is performed. Also, 50% of our company's workforce for a project wouldn't be allowed to work on that project. RMCI employees would be forced to pay the union application fees and dues, and we feel this is unfair and causes undue hardship on our company's employees. Therefore, RMCI would be forced to add all of these additional costs on the bid of any project, and these imposed costs and fees would be handed down into the bid, and it would be sent to the City of Santa Fe. We feel that is unfair and we feel the CWA is unfair and non-competitive. RMCI respectfully submits that we cannot in good conscience support the CWA. Thank you very much for your kind attention."

Bill Deuschle, President, Santa Fe Area Homebuilders Association, said this a difficult situation, commenting he has been through this 3 different times, once in Steamboat Springs, Colorado, and twice in Connecticut. He has been in the building business for 40 years. At one time, he was a union member, and has done "per-job agreements," in Steamboat Springs, because there were insufficient union members to handle the workload, and workers would have to have had to come from Denver, which they tried to do. He has total respect for what the union attempts to do and its training it provides, and what it supports. However, non-union contractors, through ABC, and in Santa Fe through the Santa Fe Area Homebuilders Association, provide some of the same services.

Mr. Deuschle said, "At the Santa Fe Area Homebuilders Association, we have 3 monthly luncheons, where every luncheon is an educational luncheon. We have people come in and speak to all of the things, safety, OSHA, etc. We put on classes for our members, in fact there has been a capped class for the past two days, Certified Agent in Place, which has been put on by the SF Area Homebuilders. We have had classes for mold remediation, we've had classes for subsidence, we're had classes for asbestos, and we support safety. We have OSHA classes, and so this is not an issue, I don't believe. The issue becomes, in Santa Fe, is this really appropriate. Is it appropriate anywhere where the public who pays the taxes to pay for these jobs, does not have an opportunity to participate in them. I'm a taxpayer. I have a building firm. I should be allowed to participate in them. This does not impact me directly. I'm here representing Santa Fe Area Homebuilders Association. However, I've done a lot of commercial work, and \$500,000 is nothing. The threshold of raising it to a million dollars is nothing. It is a pittance when it comes to public works. If you're going to raise the threshold, do it to something that has some meaning. Raise it to \$5 million. Allow the people that live here and work here that are predominately not union, allow them the opportunity to participate in these public projects that they're paying for."

Mr. Deuschle continued, "The Santa Fe Area Homebuilders Association is obviously against this. We're certainly not against anybody being able to work. We are all for people being able to work. We're all for getting out of this dilemma that we've been faced with over the last 3 years where construction has been down on a national basis. It's been down here, and people need to survive right now, not fight each other, as they are in the federal government. Right now, we need to cooperate and work together. Working together would mean that everybody has an equal chance from this point forward, to bid on jobs and to participate in the money being spent on public projects. I appreciate the opportunity to speak here. We are against this, and it's discrimination against the people that are not union. Thank you for your time, I appreciate it."

Morty Simon said he has lived in Santa Fe for more than 40 years, and a union member since he was 16, which enabled him to go to college and law school. For the past 15 years, he has taught labor topics for the National Labor College. Mr. Simon said, "I want to point out 3 things relevant to your consideration. #1, you've been dealing with this issue for years of how to increase the percentage of the workforce on City projects that come from Santa Fe. The best you've been able to do, by giving incentives to local contractors is maybe 20%. This is a mechanism where you're going to get 100%, and if it doesn't work, it's over, but that's what's been promised and it's worth giving a try to see if that actually happens

and it certainly easily can happen, and it doesn't require that certain contractors can't bid. Any contractor can bid, any worker can work on it."

Mr. Simon continued, "The second thing is, apprenticeship programs. Yes, you can go to the Community College and pay, if you have the money, to get apprenticeship skills. Yes, you can maybe work while you're doing that. But what the [union] apprenticeship programs do is give you a damn good education, for free, while paying you to work. There's no deal like that for any of our youth, except through the union programs. Third, collective bargaining is what made the middle class. Collective bargaining. Negotiations between management and a collected entity. The reason there's a prevailing wage that is as high as it is now, is because union wages are higher. So the prevailing wage paid here is because the unions have negotiated with union contractors for much higher wages, three times what's normally paid here. Three times what's normally paid here in the private sector. That may be one reason why many contractors here are coming here and saying we don't want to see those kinds of wages paid here, so we're opposed to a CWA. But it is collective bargaining that has raised the wage level in public works, and for that, you all should thank the unions and allow this project to go through. Thank you."

Bill Roth, Vice-President, Santa Fe Area Homebuilders Association, said he also is a Santa Fe plastering contractor, and he is speaking in opposition to the CWA. He is also a lifelong Democrat, so he can sympathize. He said, "The fact of the matter is, Santa Fe isn't a union town. I've worked, I've had a company here for 25 years. The last time I had any union trade plasterers, was probably in 1989. There is no existing plasterer's apprenticeship program. I don't even know if there is one in Albuquerque, so it seems to be putting the cart before the horse. If the union wants to see greater membership, wants to see greater work going on here, then they should commit coming to Santa Fe and starting union programs. The City of Santa Fe owns a very nice four-year college. The City could step forward and start some union training programs or some apprenticeship programs. The fact of the matter is, right now, speaking to the \$1 million threshold, I'm working on a federal job in Los Alamos, and I am paying prevailing wages. I've done a couple of projects where I paid prevailing wages. Prevailing wages are the same, or maybe 20% higher than what I'm already paying, so it's not a problem for me to pay that."

Mr. Roth continued, "I guess what I'm getting to is, that as other people have said, if somebody temporarily joins the union, the money is coming out of their paycheck, they're not getting it. If I'm paying matching prevailing wages, they get to keep the money. So I think, the fact is, if we're trying to employ Santa Feans, if we want to be a union town, the union needs to step up to the plate and make us a union town and train people. But to come in and request that we just automatically become one and then I'm now having to hire people, probably from Albuquerque, layoff people that have worked for me for 15-20 years, to work on a City project, that live in Northern New Mexico, seems patently unfair. So, I'm opposed to this. Thank you."

Dennis Marker said he moved to Santa Fe in 1990 and never felt the need to come here one time because "you all do such a good job, so thank you for that." He said he wants to make two general

comments about the CWA and the middle class in general. He recently wrote a book, *15 Steps to Corporate Feudalism*, about how the middle class has been displaced by the rich. He has traveled around the U.S. for the past several months giving interviews and talks. He said the U.S. middle class knows they're in trouble, serious trouble. He said, "The question is, what can a City Council do. So what I want to tell you, is that if you look into the U.S. middle class, if you look into its history, what you're going to find is that it is completely tied to the health of the unions. And this isn't simply something in the United States, this is also true throughout the world. I've been in several debates with Congress people and their staffs, and I've asked them, 'Could you show me any middle class country in the world that does not have a strong union membership.' And they always say the same thing, 'No.'"

Mr. Marker continued, "And that's why I was so excited when you all passed the CWA. I think the CWA is exactly what the City Council can do to help promote the U.S. middle class. I know there's a lot of talk about well, separate but equal, where we can have the same benefits of unions without the unions. But if you look throughout the world, that's not true. If you look at the decline of the United States, it corresponds with the decline of the labor unions. So anything this body can do, to promote labor unions, what you're really doing is promoting the middle class in Santa Fe. And so I was delighted when you passed the CWA and I would very much urge you to keep it there, because in the end, that is what is going to help Santa Fe's middle class to prevail. Thank you very much."

Ted Stein said he and his wife bought a home here in 1990, and retired last June from Chicago and moved here in July, so he is a newcomer to Santa Fe, but not a newcomer to these issues. He said, "For 45 years, I've practiced civil rights law in Chicago, First Amendment Employment Discrimination, police misconduct and so on. I'm in favor of the CWA. It should not be repealed. I couldn't be more eloquent than the speaker before me, but I would like to make some comments about the contractors and trades people, building trades owners. Several of them talked about how their workers would be paying money and not getting anything for it, and yet, they didn't bring any of their workers to this meeting, or read a letter from any of their workers who would be for or in favor of repeal. The interest of the contractors who spoke here, and the lady who spoke from the Builders Association, are speaking from their own self economic interest, not the interest of the workers. You are the bastion of the workers and the citizens of Santa Fe. Without you, those workers would be left to their own devices. If you just give some listen to what they were saying about how paternalistic they are about their own workers, but yet they don't quote any of the workers, or bring any of the workers, and there's no letters from any of the workers. So I urge you not to repeal, maybe there should be some adjustments to the CWA. Do not repeal it. Do not throw the baby out with the bathwater. Thank you."

Rev. Holly Beaumont, said she is the Organizing Director of Interfaith Worker Justice New Mexico, which is a network of people in faith and conscience across the State who advocate with workers for economic justice, supporting collective bargaining in unions because we know, as people will say, that the best way to address all of these issues is to support unions and collective bargaining.

Rev. Beaumont continued, "I look out here at this audience. I don't know what you see. I see workers. I see members of the community and I see taxpayers. And if you're concerned about the economy in Santa Fe, you want to be giving as much money through wages and benefits into the pockets of these taxpayers, so they can be stimulating the economy in Santa Fe. It's sort of Economics 101, that when this country has been its strongest economically, was when General Motors was a union shop, and we had a level playing field between employers and their employees. If you really are concerned about addressing these issues, then I would suggest you rethink who you allies are, and whether they are in fact organizations that are committed to right to work policies which are about undermining unions, or, and I will say this, because they are the same people who we are debating over at the Roundhouse, trying desperately to get the Legislature to increase the minimum wage in this State to \$8.50, and we are hearing from these same organizations that this is not possible, because it will hurt business and it will hurt workers. If the right to work people were really committed to the free choices of workers, they would also be as fervent about punishing employers who do not allow their workers to come together and negotiate their collective bargaining and unions."

Rev. Beaumont continued, "I would just close with a passage from Isaiah: *No longer shall my people labor and others prosper.*"

Buzz Bernacke said he has enjoyed all of this, it has been a lot of fun. "You gave a very eloquent presentation and said I'd like to have everybody limit their speech to 3 minutes so everybody can speak. And the first thing is a union guy comes up and says, 'Mr. Mayor, let me tell you how I'm going to go over this, it's more than we need, but I'm just going to tell you the union philosophy.' And you said, go ahead and do it. Go for it. The second and third speakers did the same thing. He said he agrees if you're in for safety, the unions are a great thing. But if he isn't safe, he can't get insurance, he can't bid or do anything. He said they have safety programs. He said 50% of their field workers are Native Americans, not because they're Native Americans, not because they're union, it is because they are good quality workers and they provide a good product. He said, "Drama. Look at all these union people. Have them stand up. That's a great show, okay, it really is, but let's take a better reality, ask 93% of the people of Santa Fe, who are non-union to leave this room. And then all of a sudden, this economic report, which you guys sanctioned, that had no value, didn't say anything that was good for the City of Santa Fe, you guys sanctioned it. Now you tell 93% of the people, please leave the room. And I guess there's maybe 100 people in here, the remaining 6 or 7 people, this is what we're going to do. We're going to change the mandate and eliminate the beneficiary to all the 93% that left, and we're going to do what we think is right for the City. So I agree, if you're looking for safety, if you're looking for all that kind of stuff, go with the CWA, because they're the only safety program, they're the only apprentice programs. And then what happens is, all of the unions which are struggling, and all of these people have their own economic self-interest. The last union guy got up and said there's nobody here talking about non-self-interest. All of these guys have financial self-interest, don't let them kid you. That's what it's all about. We're here to promote free will and non-mandated government. Thank you."

Charles Smith, small business contractor said he has been doing business in Santa Fe for 20 years. He said with the economy, half these guys that work in the union all started with a local contractor, they didn't start with the union when they were born, we all started with our dads. He said all of you guys have worked construction, at least one time or another, all of us have. He said, "So as far OSHA and having safety, safety is always there regardless. All those contractors actually protect our employees, no matter what. As far as work, I'm having to look out of state for work. You've already brought in out-of-state contractors to help the City, but you're kicking out the local contractors. And now that you're bringing in the unions, you are hurting us even more. So, you shoot us in the front and then stab us in the back, that's pretty good. Anyway, Councilors, I'm asking you guys to really consider this. Actually it's going to hurt us. And if you look around, the economy ain't doing too good right now. As a matter of fact, Santa Fe doesn't produce anything, New Mexico doesn't produce anything. It's going to hurt us. So we need to stand up and take a stand and work together to get through this. And I'm asking you guys to really look at what you're voting before you actually make that vote. Thank you."

Chuck Shuman said he comes before the Council as a citizen of Santa Fe and a member of the union who hasn't worked in Santa Fe since 1985, because there are no union jobs here, and we have to travel to Los Alamos and Albuquerque and other places. He would like to call your attention that everybody who has come here to lobby for this is union. The ABC is a union of employers. The Home Builders is a union of homebuilders that are lobbying against their workers. The unions are here to lobby for workers and workers' rights. He said, "You are elected by the people who are the workers. It's an injustice to repeal this because it's about workers rights and you're being lobbied by two different sets of unions and I hope you believe the rights. The Homebuilders got up here and said they are going to take the wages from their workers. The unions do have things they take, but they give back in turn. If they take the money for health insurance, they provide health insurance. If they take money for a pension, they provide you with a pension. If they take money for training, they provide you with training. The CWA is actually a very bad deal for the unions, because they have to open up their workforce and provide trained, skilled workers to people who are not signatory. They have to open their training programs to any of these companies and any of the workers they currently have and provide training to them. If you repeal this, it's a step backwards for a very progressive City. Santa Fe has had great leadership, good Councilors and has done very nice things for the citizens. But to put a law in place and repeal it, on the basis of the testimony I hear tonight, would be a farce. Thank you."

Fidel Gutierrez said he is not here representing any one but himself. He said when he sees something that just doesn't feel right, when City government carves out or proposes carving out special exceptions for special groups, it just doesn't sit well with him. It's not fair. He said, "I thought I would come and speak tonight to just say a couple of things. I want to be brief. I think people have spoken on both sides of the issue. And the first thing is, and I just want to point out that, anti-union, pro-union, I really am neither. I think it's about fairness and using our taxpayer money to get the best possible deal for the citizens of Santa Fe when public projects are built. The second thing I want to point out, and it was nice to hear, I believe it was Mr. Baca that said we could try to work together, and it's nice to work together. But

some of the tactics that have been used by the Carpenter's Unions against business throughout the United States, Albuquerque and Santa Fe, where they basically hold up banners. I think you've see this, 'Shame on [the business name]. This is also seen on pizza labor dispute, and using union funds to pay sign holders to stand out in front of businesses, when sometimes the business owner doesn't even know they they're there. They hand out flyers, Shame on the business for the desecration of the American way of life.' A rat eating a flag. Again, they stood, and this is from *Business Outlook*. When Tony Bennett gave a benefit concert in Phoenix, the event was a fundraiser for a medical center, the subcontractors unacceptable to the union, they stood out front of the concert with a sign saying, 'Shame on Tony Bennett.' Again, I just want to point out that's a very deceptive and unfair practice."

Mr. Gutierrez continued, "The other thing I'd like to point out, and Mayor, I'm sorry for this, but it's a public hearing. When I looked back at the Campaign Finance Statements from 01/21/2010 to 06/07/10, some of the same people in the room tonight, Southwest Regional Carpenters the unions, anyway the donations to your campaign from unions are \$17,000 approximately at that time frame. In *The Santa Fe New Mexican*, an article that was written 05/16/2012, it mentions, 'Coss long has been a vocal defender of the unions, including when he was City Administrator in the nineties. So it's no big surprise that huge chunk of the \$32,000 he raised came from labor unions. The Pipe & Steamfitters Union gave him \$4,000, while the Federation of Labor/AFL CIO contributed \$1,500, and New Mexico Laborers Political Education Fund gave another \$1,000. Coss also received \$1,000 donations from the Teamsters and the United Federation of Food & Commercial Workers. Again, where there are special interest groups controlling, making contributions to elected officials, it's one of the things that I think our government has gotten too beholdng to PACs and other special interest groups. I just thought I would point that out for a public hearing and the public record. Thank you."

Simon Brackley, President & CEO, Santa Fe Chamber of Commerce, said the Chamber represents more than 900 businesses and 8,000 workers in Santa Fe belonging to the Chamber. He said, "We've heard that the CWA is going to create apprenticeships. The CWA has been in place for a year now, since last March. Where are these apprenticeships. Where is the investment by organized labor, by the unions in apprenticeships to help out youthful Santa Feans. There are no apprenticeships in place. We've heard that this is going to save the middle class. The middle class in Santa Fe are bank tellers and beauticians and insurance clerks, and small business owners. As the gentleman earlier pointed out, less than 7% of the working population of New Mexico belongs to a union. The unions don't save the middle class – they've become irrelevant to the middle class."

Mr. Brackley continued, "I've worked with Mr. Baca. And I appreciate his comments earlier. I've had the pleasure of working with Mr. Baca to help create jobs, particularly around Los Alamos Labs. His job is to create jobs for his union members. My job is to create jobs for Santa Feans. This Ordinance is going to simply drive jobs to Albuquerque, and cost Santa Fean taxpayers more money. We would urge you to rescind the CWA. Thank you."

Bob Lockwood said he has been a builder in Santa Fe and New Mexico for 65 years, noting presently he has 3 projects with the City. He said he is basically here, speaking for the industry, the contractors. He said, "You presently have a process for doing public works that's been satisfactory and working for years. Your staff knows how to work it, they're excellent people, and there's really no reason to change that process. If it isn't broken, don't fix it. The unions are trying. We have excellent general contractors and subcontractors that are signatory to their agreements. There are also just as good contractors on the other side of the fence. What we, as an industry, are asking of you, is a level playing field. The union contractors are big boys, they don't need any perks to bid on your work and to get their work. They're competent, just as are the others, and they don't need to have any extra help."

Mr. Lockwood continued, "One of the things that concerns us is the complications that are being presented to the contractors these days in rules and regulations and everything. I'm going to show you here a set of specifications that you have out to bid now for the bus shelters. You can see the size of this book. All of that has to do with certifications, rules, regulations. It has nothing to do with the construction of it. The construction is that much. There's a section in here required by the federal government, 30 different certifications, the other certifications that you normally have. Your public works requirement is in here and it's not too bad. But, what we don't need is this to be added in the specifications. It just complicates the project, the work for your staff, the contractors and makes the job more difficult. With or without this Workforce Agreement, the people working on the job get paid exactly the same, and there's no really difference in what happens out on the job. All these things that we keep adding onto the construction industries are the problems that you hear about on TV. We just request that there is no reason to have a level playing field for the union contractors and the non-contractors for bidding on the same basis. It's just a complication that will keep building more difficulty into doing business when you are a small businessman. Every time something else goes into this book, it adds money, it adds work, it adds complications. Unless you have some questions, I'm going home, because I don't usually stay out this late. I've got a little dog home, waiting for me anxiously, and I know that you're going to do what's best for the City and for the construction industry. And thank you for the time."

Chuck Higgins, small business owner, here representing himself. He said what he is observing, after hearing a lot of testimony tonight, is I think it's a good idea to add something [inaudible] and different. He said, "I'm assuming that many Councilors, having already made a decision, are still willing to listen to the discussion. But there may be a Councilor or two that are considering going one way or another. So, what I would like to do, is to suggest that Councilor two would consider giving it a chance. Give the CWA a chance. There's been a lot of projection on whether it's going to work, or what is going to work, and the disastrous consequences one way or another, but seriously, give it a chance. It has the possibility to do some really good things for this City. The intent is well founded, it's well intended, and everybody, I think agrees that the employees, the workers should come from Santa Fe, they should get a very good wage so that they can spend the money, and thus the ripple effect within our own City limits. So I think the intent is good. It may not be perfect, but I think giving it a chance would be a really, really great idea. Thank you."

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to adopt the Ordinance in Item H(9).

DISCUSSION: Mayor Coss said, "Well, I have few things to say then, after the hearing. You know, where to begin. But I guess those who voted for this last year thought being union or supporting unions was easy, and you find out it's not. We passed this unanimously after about 12 hearings, but then the ABC came forward and then the rest of the contractors. And it's very clear that the contracting community doesn't want unions in Santa Fe. I get that. It's very clear that they're very proud of the figure that only 7% of the work force is union. Maybe that's why we have such a dramatic, dramatic gulf between the rich and the poor in this town."

Mayor Coss continued, "And we got a philosophical difference too, because the Chamber of Commerce just said unions are relevant. Well, my point of view is unions are going to bring back the middle class. And ever since Ronald Reagan, with his scowling face almost 40 years ago, busted the Air Traffic Controllers, the middle class has been skidding down, but that's a philosophical discussion."

Mayor Coss continued, "You know, a lot of people tonight questioned me for taking contributions from unions. I need to point out that I was in the union for 10 years. I've been management for 20 years. AFSCME did a vote of no confidence on me. Police and Fire endorsed my opponent in the last election. It's not easy being union, and it doesn't always work for you. But I took contributions from the Home Builders. I took contributions from the Realtors. I was running a campaign. And I know you guys may think that the unions bought me, but I've got to tell you, my grandpa was union and my dad was union, and I'm a union supporter. I've never apologized for that. I'm never going to change that."

Mayor Coss continued, "There's a lot of boasting that Santa Fe's not a union town. I'm glad that we have some active unions in this town. I'm glad that the Nurses union wasn't busted by Christa St. Vincents. It tried twice now, but where would we be, what would we know about patient safety in that hospital without the Nurses Union. So I'm glad they're there. They've been trying to get rid of AFSCME for 40 years that I've been in the work force. I'm glad they're there. That's my health insurance. That's my retirement. That's the economic stability of this City, is those retirement programs."

Mayor Coss continued, "And if we're going to go all non-union, it will just be 401(k)'s. Heaven help us the next time Wall Street decides to steal all the money. I'm glad that IATSE is a strong union in this town and has worked with us to bring 4 motion pictures to Santa Fe, so thank God for those unions. You know, the Santa Fe Contractors have chosen to not be union. Wow. The workers didn't get to choose, they chose for them in this case. The most conservative people in the State Legislature have tried to take this option away from us as well. Carl Rove and Mitt Romney are on that side as well. But I'm on the side of let's do something for Santa Fe workers. You know, with the amendments that Councilor Calvert has brought, and that Councilor Bushee has brought, we know we can get 100% local workers."

Mayor Coss continued, "When they get up and say non-union contractors can't bid, that's not true. When they get up and say non-union people can't get these jobs, that's not true. What is true is for about 10 projects out of the 40 projects we're going to do in the next 2 years, we'll be covered by a union contract

and they'll pay union dues. But we're guaranteed 100% local workers. And everybody knows that we're not getting local workers. Everybody knows, if you go back to the *status quo*, these Albuquerque contractors that are out here, are going to get the majority of the work and they're going to do the majority of the work with Albuquerque workers. That's what happened on the Convention Center. That's what happened at the Buckman Direct Diversion Project. That's what happens on a lot of our projects. So, we've crafted this and we've accepted amendments to make 100% local work force, and the local people will have that preference."

Mayor Coss continued, "They said, why didn't they start the apprenticeship. Well, they've been under fire for a year. They've been threatened with repeal for a year, but I've cleared their apprenticeship programs, they're the best in the State. Let's be the first in Santa Fe. We have the same problem of non-local workers. At the School projects, they're going to spend \$130 million. At the County, just built a courthouse with mostly non-local workers. At the community project and then at Los Alamos National Labs. Let's not return to the *status quo*."

Mayor Coss continued, "You know, I conceived of this and worked with a unanimous City Council to make it a partnership. And I find it pretty interesting that they bring up one study and they talk about the cost. We already give a 10% bonus to local contractors. It hasn't helped us very much. It's probably pushed up our cost 10%. It doesn't give us any local jobs, and it doesn't give us very many more, but it pushed up our cost. Last year, Councilor Wurzbarger introduced a Resolution or a bill for the Homebuilders and we waived all their impact fees. To date, that total is \$1 million. So the Homebuilders are fine with the taxpayers giving them a million dollars, but they're not so fine with a program that would let the unions come in, do some workforce training, guarantee 100% local workers."

Mayor Coss continued, "Simon's fine if we partner with the Chamber of Commerce, we spend taxpayer money advertising his businesses. He's fine if we pay the airfare to send him to Washington to lobby for LANL, but when we do a partnership with the unions, you can't do that, that's unfair. Well, you know, I think it was a shock. I think the unions have worked with us in very good faith. They've agreed to every amendment we've asked for, except to violate their principles and take a right-to-work bill. But, they guaranteed us 100% local workers on these jobs. We know we're not getting that now. We know we're not getting anywhere near that now. Here's an opportunity on 10 projects, 10 out of the dozens and dozens we do, to give it a try. And I hope we're going to do that, but I'm afraid probably we're not. "

Mayor Coss continued, "But I just have a philosophical difference in that I think unions are essential to a strong middle class, and I resent the fact that people want me to apologize, refrain from voting or what have you because I'm close to the unions. And I support the unions. I always have, and I always will. Thank you guys."

Councilor Calvert said, "Ever since I've been on this Council, for 7 years now, we've been trying, through local preference to stimulate the local economy, local businesses and workers. And I think we've had some limited success, but not a whole lot of what I would call real tangible results. Now, we have an

opportunity with the Community Workforce Agreement ["CWA"] to change that. The objective of the CWA is to give preference and to further a public purpose. That's what they've been used for across the country. In some areas, to give preference to veterans or to minorities or to disabled people. Here, all we're trying to give preference to is our local workers. If we don't take this opportunity, we're stuck at the *status quo*, and I'm sure there are some people here that are fine with that."

Councilor Calvert continued, "Many of those that are opposing this want the *status quo*, or worse, they would like to whittle away at some of these things that we already enjoy. Like the Mayor said, a lot of the Albuquerque firms don't really care whether we employ Santa Fe workers or not. They talk about... I guess the thing that aggravates me the most, is they talk about how they are paying the prevailing wage and they follow the safety rules. Yet these are the same people that lobbied against these things when they were established, and continue to lobby against them and whittle away at them, and decrease them. Not only decrease them by trying to get them repealed, but also by trying to get funding for the agencies that support these things to enforce these rules. They trot these things out and say, oh yeah, we do these things. Of course, they don't mention that they opposed them in the first place. And they don't say that they're trying to undermine them at every step of the way when they have a chance when they go lobby Congress, but they're to say, well OSHA provides the safety. Yes, well OSHA provides the safety and how many inspectors do we have in New Mexico. Who do we expect to be on the job and really doing that. And if we go through sequester, there'll probably be even less people out there inspecting jobs in terms of OSHA violations."

Councilor Calvert continued, "And then, I've heard people say the reason why we don't have more local workers and better paying jobs is because of the high cost of housing. Well, I think Councilor Wurzbarger at budget time is always reminding us there are two sides of the equation, there's the cost side of the equation, and yes, housing does cost a lot here, and we've spent a lot of time on affordable housing in this community trying to make that better. But, there's the other side of the equation, which is the revenue side, which Councilor Wurzbarger is constantly reminding us about. And what that means, is that if we have people that make more money and get better paying jobs, then they would be able to afford the houses in this community, and we would be able to afford to live here."

Councilor Calvert continued, "And I heard the recession was one of the causes why we don't have more local workers. Well, this problem we have, of not being able to hire local workers, well predates the recession. We've been trying for the 7 years I've been on the Council, and I know Councils before me hired more local workers, but not a whole lot of success. And what has the result been from the people who've had their way up until now. In other words, we haven't had a CWA, we're proposing one now, but these people that come and say, everything's fine, don't mess with it. Well, I haven't seen the results of how you've helped the local workers, how we've got more Santa Feans employed, how you're training more. You've had your ways for 20 or 30 years, and I don't see the results of that. Why should we take your word for that."

Councilor Calvert continued, "I also wanted to speak a little bit about commitment. One, the Council did pass this over a year ago. And now, I think we have to give it a chance to work. And one of the proposals

is, do one project, evaluate it and vote up or down. We're don't do that on any other legislation that we pass. We always, the standard vision is, look at it after a year and evaluate it. And anybody that knows anything about reviews and testing and all that, knows that one case is not a valid sample. You can't make your decision based on one project. It may be typical, it may not, but it isn't a good test of whether it works, or it doesn't work."

Councilor Calvert continued, and I guess I would also ask the Council to do, in terms of commitment, what we require of our own employees. Our own employees, whether they belong to the unions or not, have to pay the equivalent of the union dues. For sure, why would we require something of our own employees, and not say that's right for the general population. I think that's a double standard and I don't understand it."

Councilor Calvert continued, "Also, in terms of individual commitment, I realize that the age we live in, is sort of a new generation and people want instant gratification. But how about honoring the debt for those that have gone before and would come after you. The rights and benefits that everybody enjoys right now and doesn't want to pay for – how do you think they came about, they just sprung up in somebody's beneficence. I don't think so. People that... the 40 hour work week, paid sick leave, paid vacation, where do you think those came from. The people that had to organize and fight for those, they had to make a commitment and a sacrifice because they probably weren't going to benefit from those things, but they were willing to fight for those things so that others could. And I think it's incumbent on us to keep fighting for those, so that those that come after us will also enjoy those same benefits. And I think right now, the biggest effort on a lot of peoples' part is trying to whittle away at those. One of the speakers mentioned Michigan. Wisconsin's another one where they did away with your ability for collective bargaining. So that's just gradually whittling away at those things. I don't think this is right direction and I don't think this is serving the public interest."

Councilor Calvert continued, "So I think on an individual level, I think it's a small commitment for somebody to make to pay union dues and if they don't stay in, they also might think about making the commitment to staying in and preserving those rights for other people."

Councilor Calvert continued, "The other thing I've heard lot about is people having choice as an issue, and I understand that. People like to have choices, but there's also a greater principle involved here too. It's called the greater public purpose. And there's been many an intersection between public good and individual rights. To name just one, to name a couple recently, I will mention Obama Care. People may differ whether they support it or not, but people are required to purchase insurance now. Maybe, as an individual they don't want to do that, but in the greater public good, the greater public purpose, that was the legislation that was passed, and so I think often we have to look at what is the greater public purpose."

Councilor Calvert continued, "Another one that's out there and getting a lot of publicity right now is gun control. People are claiming individual rights, and other people are claiming the greater public good from putting some restrictions on those individual rights. One of the things that I look at when I look at this whole thing, is what is in the greater public interest. And that sort of gets us back to the CWA and the

reason we're doing this. It has a public purpose of getting a lot more local works employed, with better paying jobs that will help the economy. I don't understand why the Santa Fe Area Homebuilders and the Realtors are opposed to the CWA. If there are more people with better paying jobs, then there are going to be people that can afford the homes that they want to sell and they want to build. So I think they're fighting against their own interest."

Councilor Calvert continued, "....Not willing to commit or to make a sacrifice for some of these things that we take for granted, these employment rights and business rights. If everybody took that stance, well that's okay, they can fight for that, but I still want to enjoy those benefits. What if we did that with our freedoms and our rights. What if the military... everybody said I want those rights, but I don't want to fight for them or I don't want to defend them. How would that work in terms of protecting our freedoms and our rights in the country as a whole. And some people have said to me, well you don't have any personal stake and it's easy for you to make this kind of a decision. And I would say, 'Well, I think I beg to differ on that, because the job I work in, I've got half of Congress trying to eliminate my job on a daily basis.' So I think I know a little bit about commitment, and honoring those that have gone before us, and also trying to work for those that are going to come after us. I could retire today, but I plan on retiring in two years. I've got nothing to lose, but I'm still fighting for the rights of my fellow Letter Carriers to have a good job, and to earn a decent pay, or to have decent benefits. So, I'm sorry that there's been a lot of disagreement and arguments. I'm glad that people are working together on some issues, but on this one, I think there's a bigger principle involved, and why I support the CWA. Thank you."

Councilor Dominguez said, "I guess in true political fashion, I'll agree with everyone. Will that work. No, seriously, this has been... well first of all, let me start off by thanking all of the public for showing up tonight and voicing their opinions and their concerns. And thanks to all of the people that have taken the time to meet with me over the last, however many months. I also want to thank the Governing Body, because we are up here on a pretty consistent basis, constantly doing what we think is in the public's good, whether it's raising or reducing Impact Fees, or whatever the case may be, we're constantly doing all of that stuff, and so thanks to the Governing Body. And certainly Mayor, I'm not going to recuse myself and I'm a union member. I'm a paying union member. I pay my dues, so I certainly wouldn't expect for you to do the same thing."

Councilor Dominguez continued, "This experience has been very educational and I'm humbled by it, and I have even approached it with some humility, because it's something I see that has its pros and its cons. It's got its good and its bad, but I want the public to know that I have absolutely done my homework. I've met with probably 2 dozen employees at both large and small job sites, and have actually talked to those folks that would be impacted by this the most."

Councilor Dominguez continued, "I read the reports. Cornell and others, and I just want to point out, Cornell even says local hire is the fourth, not even the top, reason to do a CWA. The first one is hard hats to helmets, the second is for minorities and the third is for women, or women and then minorities. So, local hire isn't even in the top 3. And in fact, local hire has been decreasing in terms of why it is that

communities are imposing CWA's. I've met with those opponents and those proponents of this initiative. And like I said, it's been enlightening. I've even had the opportunity to meet with other elected officials throughout the country who have said, quite frankly, if you are going to do this, you need to make sure that you do it right."

Councilor Dominguez continued, "And then the other thing that I wanted to say, is the biggest thing that I've been interested in is the apprenticeship and the pre-apprenticeship program. I've made that clear from the very beginning, that that was the one thing that really interested me in this whole initiative. And I just want to also say that I've been an advocate of work force training for a long long time. I was the main proponent for the small learning communities and career pathways when I was on the Board of Education, which is a component of workforce training. A lot of people probably don't know this, but I worked with Dr. Rendon and the Santa Fe Community College to strength dual enrollment with the Community College, and lobbied to get money for the medical career pathway at Capital High School where you have close to a 90% graduation rate."

Councilor Dominguez continued, "In 2007, after I became a City Councilor, I worked with the Santa Fe Public Schools, and for one complete year, we worked to define what technical education is. We worked to define what workforce training is in this community, so I think I'm a little bit qualified to talk about workforce training and how important it is to this sort of initiative. And when you look at the Cornell Report, it says that workforce training or apprenticeship and pre-apprenticeship programs, those are not a result of CWA's, but those are very critical to the success of CWA's. And so, that's something that needs to be recognized. And the other thing is that when you look at workforce training, it's not just the union that needs to be able to advocate for this. The entire community needs to advocate for it, all stakeholders, public, private, everyone."

Councilor Dominguez continued, "I just want to talk a little about this Governing Body. This Governing Body and previous Governing Bodies value human dignity. We value choice. And I think about the Triangle District in 1911, and the women who died in New York on that day when that fire broke out. They were fighting for the things that this Governing Body supports – fair wages, the right to organize, all of those things. That's what this Governing Body is about. They didn't die so that we could owe them anything. They died and they fought for the right reasons. And we've come a long way since those days, that's for sure. Is there work to be done? Yes. Philosophically there is definitely work to be done, but this is a community or a Governing Body that cares about worker safety, wages and quite frankly, local everything. We subject ourselves to lots of things, because we love this community. Whether we agree with each other or not, the fact is that we love this community and we do it for that reason. So I just want to make sure that that's something that's recognized."

Councilor Dominguez continued, "This is a fact. There are no pre-apprenticeship programs in Santa Fe, and the apprenticeship program that is in place, Santa Fe students or Santa Fe apprentices would have to go to Albuquerque. And so, conceivably, those union members that could potentially become union members via a CWA, are going to be paying property tax, they're going to be paying dues, and they may

be paying their dues so that people from Albuquerque could be participating in some of these CWA programs."

Councilor Dominguez continued, "I have asked what kinds of resources can be provided to establish apprenticeship and pre-apprenticeship programs in Santa Fe, and the reality is, that the increase in dues is not going to pay for the resources needed to create those programs in Santa Fe, at least now. I'm committed to working to make sure that we do more for the local employer and for workforce training. That's something I'm passionate about, something that I believe in. And as I've said before, I've been working for, for a long long time. It's not only going to help reduce the dropout rate, but it's going to help with our local economy as well, but I don't think that this current law is going to get us there, so I think we need to do what we can to come up with a better law, and that's why I'm in support of the motion. Thank you Mayor."

Councilor Trujillo said, "As everyone knows, this has never been a union/non-union thing for me. What this issue has always been for me is treating everyone fairly and equally. The money that comes to pay for these projects, comes from everyone in the City of Santa Fe. All of the taxes they pay, not only union, not only non-union, not only Democrat, not only Republican, not only Independent – everyone. It's about treating everybody fairly. That has been the biggest thing, and I've told everyone here, we take that little clause out about being union, having to pay dues, I'm fine with it, but that's not what's happening. Let me ask a question of you. What if we as a City were to approve the CWA, and the way we vote it up would say, okay, only non-union workers will be allowed to work on this job. Would I be hearing you guys cry foul. Probably yes, because it's not treating you fairly. This is not treating everybody in the City fairly. That's why I have the problem with it."

Councilor Trujillo continued, "When I was elected, when we all were elected, it wasn't for one group, one person, it was to treat everybody in the community fairly. That is what I have tried for the past 7 years, being elected up here, is to treat everybody in this City fairly. I'm going to keep it quick. That's my whole reason for not supporting this. I'm not here to make a big speech. Those speeches have already been made. I'll just leave it at that. Thank you, Mayor."

Councilor Rivera said, "Thank you Mr. Mayor. First I'd just like to just reiterate my utmost respect for the Mayor. We have similar histories, I guess. I too was a union member for a majority of my career and spent time in management. I served as the President of Local 2059, back when the City was just a labor force without any union representation. We voted in the union. All the laborers got together, they voted in who they wanted to be their exclusive representative and for the Fire Department, that was Local 2059. That's one of the differences between the CWA and the City unions. The CWA does not give choice whether you want to be in the union or not. If you want to work, you have to be in the union. City employees voted for who they wanted to be their exclusive representative. "

Councilor Rivera continued, "I spent several years in management and was the project manager on the Fire Department side for a couple of Fire Stations, went to those projects daily, visited with people daily. Never saw a project that was unsafe, that appeared as though laborers were not happy, they were not getting paid fair wages. They were doing a great job, they did a great job on the Fire Department projects that we worked on."

Councilor Rivera continued, "I was elected last March and had found out about the CWA being passed in February. I went to the first bid process. It was at the Post Office, on the second floor. And it was clear to me, clear, that many of the contractors were hearing about the CWA for the first time. And I'm sure that there wasn't a whole lot of effort made to include those contractors. In the initial public hearings, I'm sure it was out there, but unless you're specifically looking for it, it probably just goes over your head. It was clear to me at our first bid process, that was the first time any of the contractors had hear about what was happening, what was going on with the CWA. I think if there had been a collaborative effort initially between everybody involved, the contractors, labor the community colleges, even the local high schools, this thing might work a little bit differently than it does tonight."

Councilor Rivera continued, "I think if there had been a collaborative effort initially, some of the respect shared between Mr. Baca and Ms. Rivera-Wiest, again this might look a little bit differently. I wish everyone had that same respect toward this Council that Mr. Baca and Ms. Rivera-Wiest share with each other. I'll speak for myself when I say I did not appreciate some of the tactics and the lack of respect from those that were in favor of the CWA toward myself, and, from what I've heard, members of this Council."

Councilor Rivera continued, "This is not a union versus non-union issue. I support unions. Will continue to support unions. Just because I'm not in favor of this CWA the way it is today, doesn't mean that I am a non-union person that will never vote for anything union again. That is ridiculous. This is about representing a constituency who do not know anything about the CWA. I'm working at a project now at my office, and speak to all the sub-contractors there – never heard of the CWA. Don't know what it's about. Don't know what it means. And it's been in place for over a year. The people in my District, the people that I represent, in this economy in this time, simply want to work. And because of the people I represent, I cannot support the CWA as it stands today. Thank you."

Councilor Ives said, "I too, would like to extend thanks to all who have participated now in the many meetings on this particular topic. And while I share the sense of, probably, and I can't remember exactly how it was expressed, joy at the fact that we have had these many meetings and had such a turnout in terms of participants, my joy is not so much focused for those same reasons that were expressed, but simply because it has been an issue which has actively engaged our community and resulted in significant participation before this Council. I wish there were more topics that we considered that bring out people in Santa Fe to consider those issues, as this has done."

Councilor Ives continued, "I have almost completed my first year on the Council and I must admit that during that year, I heard many complaints, both from this side of dias as well as out from the audience

about not doing it right, about wanting more local hiring, about looking for better and more trained workers in Santa Fe. And for me, there is a telling remark in one of our earlier proceedings when the Mayor did mention well, we've had these issues around for the last 20 years. And so it made sense to do something different than what we had been doing, and I think the CWA is a *bona fide* effort to do that. A lot of folks have mentioned, well, we've had the CWA for a year, but where are the apprenticeship programs, but not a single project has yet been done under the CWA. So if you're looking for the programs before there's even a project is done, I think the better question is do a CWA and let's see what programs ensue. It's a little bit of a false predicate in my mind to argue that it has been here if we have not even had a single project that has moved forward under its auspices."

Councilor Ives continued, "I think it is a very worthy effort to try and change what we've been doing. There are metrics that folks have called for if we move these forward, that are designed to try and assess their impact. To some degree, I think the debate has turned into a union non-union, and of course, that's a bigger national debate which I've certainly been a little disappointed that we've had to focus so much time and effort on, because I don't think that's where the heart of the matter lies here in Santa Fe. I do think that allowing the CWA to go forward, so we can see how our projects will run, makes sense. So, in that sense, I approve it and would like to see what it produces for our community."

Councilor Ives continued, "I will say that, as a result of the CWA being considered, the call for hiring of Santa Fe workers has gone out more strongly than at any other time that I've been sitting here, and certainly, there's been a great deal of talk about it over the years, but this was the first instance where in an Ordinance there was a that requirement, and would certainly take a moment to say that #7 on the agenda states that "CWA covered projects shall hire 100% Santa Fe County resident workforce, and must grant a variance in accordance with the City's CWA policies and procedures manual, and that was to account for circumstances in which there might not be any workers from Santa Fe who could do those particular jobs. I have never heard anything offered up from the other side, that suggests they would be looking for that type of commitment to engage a 100% workforce. So, for those who oppose the CWA, I hope you will readily admit that the debate has been very strongly moved forward. And before I finish speaking, I will propose potentially a friendly amendment. While I'm not in favor of #9, to at least perhaps address some of the issues that I believe Ordinance #7 really does address, which at least I think I've heard everybody sitting up here say, that's a great thing and we'd like to see more of it. So, I'll come back to that in just a moment."

Councilor Ives continued, "And the fact of the matter is, as we put this project forward, we've started to ask what the metrics are that we, as a Council should be looking for, for monies that are expended by this City in Santa Fe. I think that is a great debate that we have been having, and I don't want to lose that thread, regardless of what happens here tonight. I will say, the only proposal currently, that carries that thread forward is proposal #7 for the reasons that I have expressed. And honestly, I suppose, recognizing that #7 may not carry the day, I'm certainly inclined to come forward with proposals to put in force and in place in the provisions similar to those in #7, with regard to the hiring from the Santa Fe community as well as taking the metrics of these projects as folks wanted to apply to the CWA's, to monies that are expended by Santa Fe. So I realize that folks may not be ultimately in favor of it. I do think it is worthwhile to try it here

in Santa Fe to see what the results are. Again, the only promise of results we've had are from the CWA and as a result of bringing that forward."

Councilor Ives continued, "Again, I support it. I would like to try it. #7 does have a provision that calls for a review in one year, a reasonable period of time, taking account of Councilor Calvert's desire to see it work across a number of projects. A number of folks have also spoken about, well it's a matter of free will, it's a matter of free choice. I can only say that our regulated society is rife with so many examples in which the capacity to do whatever you want to do, at any point in time, is so curtailed that... what the focus here has been on particular ones, but so many exist out there."

Councilor Ives continued, "As a practicing attorney, I have to be a member of the State Bar of New Mexico. I have to pay my dues, otherwise I don't get to practice here. So, I don't hear anybody say, well gosh, those poor attorneys, they shouldn't have to do that. It's just against their expression of their free will and the free market. There are reasons we have these things in place, and given the history of the union movement, anybody who denies the value of that to American society, should go back to school and open the history books again, because the 8 hour work day, the 5 day work week, so many things, decent wages, no children in the factories, so many things came out of the union movement that it really holds a special place in American History."

Councilor Wurzbarger said, "Okay. My favorite quote, 'I seek not to find the answer but to understand the question.' This question for me, and again I defer to my younger colleagues who have more eloquently stated than I, this is not about this Council supporting the unions. It is not about this Council being progressive. This is not about this Council caring about workers. This is not about this Council not supporting the living wage. This is not about this Council supporting film. It is not about this Council supporting unions. Now, having said that, when we view and I would hope we can respect one another as I'm doing this thank you. I want to summarize the process by which I arrived to my own decision and what I have seen happen with this Council over the past 11 months."

Councilor Wurzbarger continued, "After 11 months of Council deliberation and introduction of competing amendments to the CWA, it is obvious to me, as others have suggested, that this ordinance process as well as the Ordinance itself, has been flawed from the very beginning. There has been little evidence on what the economic and social benefits would be for Santa Fe, nor have the potential consequences to our recession-decimate construction industry been satisfactorily quantified for me. Rather, our debate has been guided by a passionate pro and anti-union positioning that has confused consideration of this bill. Over time, many constituents, workers, owners of businesses, people in construction, not in construction, small business owners, have expressed confusion over the many different proposals. And even this morning, Councilor Ives and I were trying to figure out two of the proposals that we thought we had put on the table, and weren't quite clear whether they were on the agenda tonight. Many constituents have expressed this confusion."

Councilor Wurzbarger continued, "In October... and I have two things here that I want to share. Like all of

the Council members here, I have done my homework on this, I have read this bill more times than I would like to remember. But in terms of process, if you just go through the articles in the newspaper, back in September, Mayor Coss and [inaudible] the allegations from the article, said that the City should test the Ordinance now with the construction project at the interior office space in the Santa Fe Railyard. And for months, I've worked with the Mayor to try to work up a compromise which would not come back and say yes, no, as it's been stated. But it said, let's look at that project, let's take a break and then let's determine what happened, so that we could move the public discussion and debate from pro union and anti-union, to discuss what are the actual elements of this proposal and how might they affect our community."

Councilor Wurzbarger continued, "It was not until October until we actually saw, as a Council, the administrative procedures, and that's one of the things that was waved by Mr. Lockwood earlier. I think it's twenty something pages. And we did a hold a lengthy and substantive date, and including extensive questions of the promises made and the actual mechanics of how it would work. With respect to the stated intentions of CWA, the new projects on time and on budget, providing worker safety and ensuring prevailing wage payment, no evidence was presented that the City of Santa Fe has failed to meet these goals. And this is substantiated by the on time, on budget, safe delivery of the \$200 million Buckman Diversion Project, and our \$80 million Community Convention Center in which both union and non-union and contract workers participated. My recollection of those numbers were around 52% local at the Buckman Diversion Project."

Councilor Wurzbarger continued, "Now, as I've gone through this process, the conception of CWA is what public policy critic with whom I once studied, Donald Scheem, called a memorial to old problems. We shouldn't formulate policy that is not relevant to existing or emerging conditions in their own community. And I think this is true for some of the original premises of this bill. Given the lack of a problem for which there is a solution, caused me to start thinking, how can the CWA with the benefit of the doubt, address the City's objectives that we have discussed tonight are indeed important to us, and that is buy local and to redevelop the construction workforce."

Councilor Wurzbarger continued, "Over the weeks we worked with Public Works, we probed the CWA's promises of creating a more qualified, local work force, it became clear that the definition of Local was not what the Council expected, but also the promised apprenticeship programs would be the responsibility of the contractors. To use one of Councilor Bushee's most famous phrases on this Council for years, 'The devil is in the details.' If you go through the 29 pages and look at it, it's not a question now of where are the apprenticeships, but what the process would be by which the apprentices would be identified. Are they in Santa Fe. How many are there. Where are they coming from. How were they beginning to work. None of this could be answered. Additional questions on how workers would benefit from union membership after a CWA project, revealed that workers would lose the investment if they did not find other union jobs. Questions regarding how many members live in Santa Fe, were answered in only vague terms. The more questions we asked, the more apparent it became to me, that the details and procedure did not add up to what was promised. And it is not the legislation that many of us believed we were voting for."

Councilor Wurzbarger continued, "It wasn't a matter of suddenly deciding we didn't support unions. It was

a matter of analyzing how was this bill going to deliver what was promised, particularly to the key questions of local employment and also apprenticeships. Keeping constructions local is priority by the Council. It was a priority for the previous Council and I know we can do better, having helped to craft ordinances and guidelines which promote local hiring and reduce barriers to bidding. I also believe personally, that the major reason that we do not and have not had as many local workers and we would like to have is a multi-dimensional problem. It is related to affordable housing. People who work here, whether they work for the City or the State or the County or in construction or in local banks, cannot afford to leave here. The recession has significantly reduced construction jobs in Santa Fe County. And I don't have the number here, but it was less than 50%."

Councilor Wurzbarger continued, "Also the level of paperwork which this project adds, has been a major barrier. When the economy was really strong and we were building left and right, we were primarily a residential building community. It makes sense to try to change this, but the question is how do we go about. I believe the CWA as we heard in testimony will increase paperwork, it will also ultimately burden the citizens with unnecessary costs. You can't add on these requirements without making it cost more. Many constituents have independently assessed the CWA as unfair and noncompetitive. And I have to say I've also been disappointed as was expressed by Councilor Rivera with proponents, particularly with the Democratic party, who argued that it was only people.... because I talked about District 2 people, and District 2 is not just wealthy people. But the statement was made to me, well, they've never earned a wage and that's simply not true in District 2, and that was another disconnect for me."

Councilor Wurzbarger continued, "I think we need to look at the possibilities of what CWA could do in a modified form, but would it address the problems that we do have. And I believe the way to do this is by creating a collaboration of both non-union and union providers of apprenticeships locally. When you say we don't have apprenticeship programs in Santa Fe at all, that's simply not true. One of the major programs that we tout as a Council is the amazing program that we have in green energy and green building that is at the Community College."

Councilor Wurzbarger continued, "Mr. Baca, I truly appreciate the perspective that you've taken tonight. As I told you before this meeting and I'm telling other members in the community now who support the CWA as is, without any changes, I remain personally committed to collaborate on such an effort. With respect to metrics, the CWA format will apply to the Railyard Market Station. I think we have some very important work to do with respect to looking at how that's implemented. I am hopeful that I know, from the pre-bidding conference, that only two local contractors showed up. I am hopeful that by bringing the resources of Santa Fe together, rather than by dividing them in a process that pits union against pro-union that we can create a better approach for solving the problem of building and rebuilding a local construction industry in Santa Fe and building a long term career path for youths who would like to go into this."

Councilor Wurzbarger continued, "With respect Councilor Ives, to your observation on the metrics, in fact, if I'm remembering correctly with all the changes, Item #9, we did add, not just the idea that there would be an evaluation, but we added the section from, I guess ours was #7 or whatever it was, but I want to read these into the record, because it wasn't just a matter of saying that we will evaluate this, but it says that,

'The Governing Body shall no later than the completion of the Market Station Project review the following data related to the project. The number of works employed on the Market Station Project, the number of works that reside in the City of Santa Fe and Santa Fe County, with evidence of the worker's name and residential address, the number of hours Santa Fe County and the City workers actually worked, the number of workers employed by the contractor who were union members prior to the award of the contractor, compared to the number of workers employed by the contractor for the duration of the Market Station, the number of workers who reside in the City of Santa Fe who are participating in apprenticeship or pre-apprenticeship program, and identify the provider of the apprenticeship program involved, and the actual construction cost of the Market Station Project compared to the projected budget of the project."

Councilor Wurzbarger continued, "Again, in my summary, I think we have an opportunity to move beyond where we've been. I too wish that we had started this process with having union/non-union, the Community College, workers, managers sitting down together to craft something that would address the critical problem of buying local, working local and living local, and I don't think that's what happened here, and why I am voting, at this point, to rescind this project."

Councilor Dimas said, "Actually, my speech is no speech at all. I gave my speech the last time that we met in these chambers and I really don't want to speak any further. So I want to let everyone go home early. So I said, my speech is no speech at all. I'm just going to vote."

Councilor Bushee asked Councilor Ives if he offered a friendly amendment.

Councilor Ives said he actually conceived several. He said, "There are many statements about trying to increase the workforce, and the only measure currently here that does that is Item #7.

FRIENDLY AMENDMENT: Councilor Ives proposed a friendly amendment to the bill to require 100% Santa Fe Workforce on the Market Station Condominium project, with an eye toward extending it to other City funded projects with a variance as described in #3 from Item #7. He said he would also ask about Item #5 from that same #7 potentially being incorporated in #9, which includes a review of new apprenticeship programs created in collaboration with local education entities and the County residents enrolled in such programs as the result of any CWA's. He would like this to be extended across all City-funded projects for which we can capture such information. Part of his problem in dealing with these issues is that #7 is what does something different. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

CONTINUATION OF DISCUSSION: Councilor Bushee said, "Many of you have been here to hear similar sentiments throughout. I don't know who said this is fun, because this has become a lot of chest beating, a philosophical polemic, that I don't think really reached the point of why we were wanting to revisit the original vote. Of course, the Mayor's version was that ABC came and riled us all up. Honestly, other than the few times they showed up here to Council, that's the last time I've heard from them or had a

discourse with them. And what piqued my interest was the report from Sean Moody that said this could potentially cost the citizens of Santa Fe \$3 to \$5 million, and also because eventually the lawyers allowed us... the language I put in the first CWA was that we could strive for 50% local work force. I'd been trying to find a mechanism to achieve the strengthening of our local workforce, which has been my mantra throughout this. And for me, it's never been a philosophical divide. I have been considered to be on both sides of the issue of union or non-union throughout various votes in this part of the world."

Councilor Bushee continued, "I grew up, my dad was an apprentice since he was 17 as a mason in plastering. He didn't do that as a union member, he did that as a very small businessman, usually employed my uncle or my brothers in the summer. And I, on the other hand worked in a large retail store in high school and started a union with my best friends while in high school. But I also have been a small business owner for my time here in Santa Fe, along with my having to be, I guess, considered part of management up here in my elected capacity, so I can't say that my philosophical bent has been really accurately defined by either one of those aspects of my life."

Councilor Bushee continued, "But what I can say. It's interesting, the only other time that I have felt this kind of us versus them, kind of chest beating was when 6 of the members of the last Council and the Mayor came forward with a proposal to increase property taxes to give the local union, AFSCME, a raise. And the union guys stood up and said, I'm going to stick it to the rich north siders. And what I then proceeded to do was bring the people that would be affected that were trying to hold onto their homes, the actual middle class, that we're going to have to pay more taxes. It was not a good timing on that effort, and I believe this one has suffered a bit from the timing of our economy right now. But there are a few disappointments throughout this process for me, personally. I was really saddened by the partisan effort that took place, when the Democratic Party decided that this was an issue that they needed to go out... and I felt a lot of misinformation was put forward."

Councilor Bushee continued, "I had a lot of folks who contacted me, and some that even showed up here who had no idea what the CWA really did or what it was all about. And in fact, when some of us finally looked into the finer details and saw that local was defined as New Mexicans, and we were sick of seeing jobs being sent to Albuquerque for years. Social engineering has its downfalls. Believe me, I'm not always... the downside of some of the social engineering. Even maybe our affordable housing programs. We used to have small contractors. The Rob Gibbs of the world used to bid on projects. And the next thing you know, all of those projects became Cen-Tex or some other big company and they did hire locals. And so how do you stop this. We have supported a living wage in trying to put more money in the pockets of the local worker so they can afford to stay here. That's also been a very disheartening effort. I have to say we've not been successful. We've been given, but we haven't been successful on that front."

Councilor Bushee continued, "So really a lot of what Bill Roth said resonated with me. He's been in the trades. I'm a contractor. I really.... but what I did try to do... you know it's funny because I've been the main sponsor of both of these at certain points of this debate. Initially I wanted to study this issue of what we passed, because I really felt like we've got to figure out.... nobody ever had an accurate percentage of union workforce. I wanted to raise the threshold because I really was concerned that if a lot of projects

came on line, we did not have the trained workforce that was in the union. I thought it would cause more of a problem and add more cost to projects."

Councilor Bushee continued, "And so, all of the things that I had concerns about, I made sure were in a bill, and I think we've got a better bill because of it. It's been a painful process, but I think bumping up the threshold, making the requirement now sanctioned by the attorneys, to be 100%. And I added the domestic partner piece because I think it's just a fair thing. One of the main lures of having well paid union jobs was that they provided good benefits. Well they should be for everybody, and so I'm severely disappointed by that. And I hope by the next time... I'm sure this will be back in another form in another life, and I hope the next time this debate comes forward, the trade unions are prepared at the national level to get into this century, because that's kind of a dark ages position from my perspective."

Councilor Bushee continued, "On top of that, I guess I just want to come back to the strengthening the work force of Santa Fe is what we're here to do. This is what we're elected to do. It doesn't matter what party we're from. What we have is a philosophical bent. And I think that's what everybody up here wants to do. So I am going to be disappointed that the efforts we've made will go down, most likely this evening, but I will bring back some other things right after that, that I hope everybody can get behind. So I thank everybody for their patience. I know that it's been trying at times, and again, I am not beholding to the unions. I ran a publicly funded campaign of \$15,000 in my last election. I hope that's the wave of the future for all of us, including the Mayor's race. I would love to see a mayoral race where the candidates are actually just going to limit themselves to the \$60,000 that we can offer publicly and go out and knock on doors and have this be grass roots rather than what we've had lately. So again, we'll see where this goes, but I have a feeling that all the work, at least that's out there. We've made some bigger efforts, in terms of the local hire effort and hope that goes forward."

Councilor Calvert asked Mr. Zamora if the CWA applies to the Market Station project, if the local preference will be included because we passed a resolution specifying that with the contract.

Mr. Zamora said, "The Resolution prioritizing local workers was passed at the end of January, so as any form of the CWA goes forward, it would include those provisions as mandatory."

Mayor Coss asked if the Market Station is out to bid right now.

Mr. Romero said, "I believe the process has started. I'm not sure if it's actually out to bid, but I believe we are pre-qualifying contractors."

Mayor Coss said a contractor mentioned she was looking at one, and asked if that the McClure and Nichols Reservoirs.

Mr. Romero said that is correct.

Mayor Coss said, "So that project is also out. How big is that – \$2 million."

Mr. Romero said, "I believe so. Yes."

Councilor Bushee said, "So if this repeal goes through, what happens to those projects – they proceed"

Mr. Zamora said, "Councilor Bushee, the projects that have moved forward under the existing law that continues in effect through tonight, continue to proceed under the CWA. And then those projects will move forward under any law passed this evening, or revoked this evening, or otherwise, would proceed forward under the new law."

Councilor Bushee asked how many projects there are.

Mr. Zamora said he isn't familiar with the projects.

Councilor Bushee said, "Robert Rodarte is here. Mayor, I'm just trying to ascertain how many projects are already out there."

Mayor Coss said, "Yes. I have that same question. I thought it was Market Station and McClure and Nichols."

Mr. Romero said, "That's what I understand. I received that information from Robert, and maybe he can clarify that."

Robert Rodarte said, "Currently, to go back a little bit, the question on the Market Station. All of the information as far as the final documents are going to be ready the first week of March. We plan on closing that bid on the 28th of March, so that one would go through with the CWA information in place. The McClure/Nichols Reservoir infrastructure is currently out there, and it has the provisions of the CWA in there. So what is the question you're asking me here. You're asking me to..."

Councilor Bushee said, "I asked that, because if there is a study now going to be done on the one project, I don't know why you wouldn't collect the data from both, or none for that matter, if you're getting rid of it. I'm trying to understand what exactly is out there."

Mayor Coss said, "I think if we do two of them, it makes sense to collect data on two, but if we can't..."

Mr. Rodarte said, "If that's the wishes of the Committee we can continue with it, adding the CWA information as it sits. I think there's some clarifications going around here with Geno right now, so..."

Councilor Wurzbarger said, "The amendments which I proposed at the last meeting, when we added the amendments to the rescind, if you'll note on [packet] page 2 of the Legislative Summary, the first amendment says, 'Establish a new CWA Section in the Purchasing manual that would only apply to the

Market State Condominium project.' And it does tie the evaluation Mayor, as you're saying. Now, when I introduced this, it was based on almost daily conversations I feel, with you Robert, and I know you feel the same way, I did not understand that McClure was already out. As we talked about at what point, if we did rescind the bill, would it cut it off and I understood it to be Market Station."

Councilor Wurzbarger continued, "My assumption would be, and I would ask direction from the City Attorney, that if that is indeed out, then this would need to be modified to say those two projects, if that is the interpretation of it being in effect, or not in effect. We had a lot of conversation, and I'm seeking clarification from the City Attorney on that issue, and I'm fine with that."

Mr. Zamora said, "Mayor, Councilor Wurzbarger, the best approach would be to include those projects that are out as of the date of the passage of this."

Councilor Wurzbarger said, "I've been working every other day on this and thought there was one, so now I'm hearing there's two. So are there more than two."

Mr. Rodarte said, "Currently, there's only the two projects out there."

Mayor Coss said, "I think the other option for the Council is just to stop those projects and wait for the Ordinance to expire, and then go again. And I'll point out, the ones that I got from the City Manager that are ready to go in the next few months: Market Station \$1.4 million, McClure-Nichols \$2 million, Wastewater Effluent Line \$1.5 million, Buckman parallel pipeline construction \$1.3 million, CIP high speed internet broadband \$1 million, St. Francis Drive main extension \$763,000, so that wouldn't have been counted. So, there's about \$10 million worth of projects that are going to go through the door under *status quo* when this is repealed. But, I don't think it makes sense to do one or do two and then stop. That's a lot of work for the union. I would just recommend the Council delay those projects if they don't want to have a CWA, don't have a CWA, and just take our chances and see if we get any local workers on this \$10 million worth of projects."

Councilor Dominguez said, "I guess if we can ask you Robert to write us a memo on Market Station, because I think it's been 3 weeks since I last asked about what the status of Market Station was. And at that time, and I don't want to put words in your mouth Robert, but it sounded like, at that time, that it was already out to bid. And so if we can get an official memo, this was at a Finance Committee meeting. So if we could just get an official memo stating the actual status of Market Station, I think that would be helpful, because right now, it doesn't seem clear to me. There seems to be some confusion, not only with this, but other projects. And I think that the public and the Governing Body needs to see that in its entirety."

Councilor Wurzbarger said, "I think, even doing one... I understand statistical measurement. I understand how many would be ideal to have, but I do believe, that since you've already had the pre-meeting, rather than slowing down the project, and slowing down income going out into the community, we go ahead with the one, which is where I thought we were. And we do collect the information, and we see what we can learn that would be instructive about forming an apprenticeship program and for the local buying in Santa

Fe. It's not a BBER study, but we will have actual experience that says, how did this work and the details which you've already worked out with a test. So I have no trouble learning something from one experience. For those who don't want this at all, they may not agree. But I am surprised to hear about the second or the third or the fourth or the fifth. And I'm not interested in pursuing that until we can understand at least, what happened in one, and can move our debate into a level based on the experience of actually trying to implement this in Santa Fe."

Councilor Dimas said, "I was also at that meeting, and it was my understanding that it was just one project that was going forward. I never heard anything about these other projects that are all of a sudden on the board. My motion, and it still pertains, is for the one project. Period. And that's the way the Ordinance reads and it doesn't say anything about McClure, and it doesn't say anything about anything else. It talks about strictly the Railyard the Market and that's it. And then at that point, it sunsets, 3 months after that."

Mayor Coss said, "I'm sorry, I missed your point Councilor Dimas."

Councilor Dimas said, "I just keep my motion in place as it was made for the one project.."

Councilor Wurzbarger added, "With the amendment as stated."

Mayor Coss said, "So any project that is out to bid should just be pulled back."

Councilor Dimas said correct.

Mayor Coss said, "I think that's well within the authority of the Governing Body."

Mr. Rodarte said, "I'd like to add one thing here. I think this McClure-Nichols Reservoir infrastructure project needs to move forward. With the language in place as of February, we have to put that blurb into our bid packet. Depending on how you vote tonight, if the CWA does get repealed, why can't we go in there and just do an amendment to the project packet that's out there, taking that language out, so we can continue this project forward. I'd hate to slow it down, just put it to the wayside."

Councilor Wurzbarger, "Mayor, if I may, I hear no direction from the Council to say, okay, let's take a break and let's stop everything. It's like this rescinds. We do it on the one, and you go forward, wherever you are, with the other projects. Quote *status quo* as has been described somewhat pejoratively."

Mayor Coss said, "But we've had a pre-bid meeting on Market Station, but we haven't actually issued bid documents, so if we repeal the Ordinance, why would we issue bid documents with the CWA requirement in it, and why would the unions do that."

Mr. Rodarte said, "I think it's totally up to you."

Mayor Coss said, "My personal feeling, and I think Councilor Dimas should make this part of his motion is, 'when you're done, you're done,' and we'll just do these \$10 million of projects and hope for the best, but we need to these projects, we need to get some money into the economy, even if we're getting it into the Albuquerque economy, let's not stop projects for this."

Councilor Wurzbarger said, "And Mayor, I appreciate your speaking for the union. I would like to hear from Mr. Baca and those.... whether they would be willing to try the one project, which they, at least I would presume, were geared up to start on, because it's imminent, or if that's a problem for you. If it's the preference to have quote, all or nothing, and walk away from the one case of seeing what might happen."

Mayor Coss said, "Mr. Baca."

Mr. Baca said, "As I said in my opening statement and with all due respect, I really don't think that one project will do the CWA justice. I think it would be extremely difficult to measure things off of one project. It would even be challenging to measure something after a year. I think a year would be a better timeframe to try to look at measurement. With one project, we certainly can't fulfill the items that we signed off on when we signed the CWA last year. Part of what we signed on for, was a series of projects and our ability to go ahead, at that point in time, to work with the City Council to try to improve all of the things that have been discussed tonight."

Mr. Baca continued, "So, again, with all due respect, I appreciate the effort, but I think a single project would not really be in anybody's best interest. And so if there was a way we could find, if this goes and is repealed, and that's what it sounds like is going to happen this evening, I think it would best for everybody if the first project was somehow amended and was not considered as part of the CWA."

Councilor Wurzbarger said, "Thank you Mr. Baca, I appreciate that."

Mayor Coss said then we are ready to vote.

FRIENDLY AMENDMENT: Councilor Wurzbarger said, "No. We are not. I think our motion needs to change, if I may, which would be the motion would change to the way that it was originally, which was very short. And it's a motion to immediately repeal the CWA." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CLARIFICATION OF THE FRIENDLY AMENDMENT: Responding to Councilor Bushee, Councilor Wurzbarger said, "There's no study. There's nothing to study, because they just said they can't do it if it's not more than one. So, that's what I'm inferring from the discussion."

VOTE: The motion to adopt Ordinance No. 2013-10, as amended, was approved on the following Roll Call vote:

For: Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Bushee, Councilor Calvert and Councilor Ives.

Mayor Coss asked if Items #7 and #8 are now moot, and Mr. Zamora said yes.

- 7) **CONSIDERATION OF BILL NO. 2013-7: ADOPTION OF ORDINANCE NO. 2013- ____ (COUNCILOR BUSHEE AND MAYOR COSS). AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,000,000; TO MANDATE HIRING 100% OF SANTA FE COUNTY RESIDENTS UNLESS GRANTED A VARIANCE TO REQUIRE THAT BENEFITS SHALL BE PROVIDED TO WORKERS AND THEIR DOMESTIC PARTNERS IN ACCORDANCE WITH THE CITY ORDINANCES; AND TO REQUIRE AN ANNUAL REVIEW OF THE CWA ORDINANCE. (NICK SCHIAVO AND ROBERT RODARTE).**
- 8) **CONSIDERATION OF BILL NO. 2013-6: ADOPTION OF ORDINANCE NO. 2013- ____ (COUNCILOR WURZBURGER AND COUNCILOR IVES). AN ORDINANCE RELATING TO COMMUNITY WORKFORCE AGREEMENTS SECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ("PURCHASING MANUAL"); CREATING A NEW SUBSECTION 28.8.5 OF THE PURCHASING MANUAL TO ESTABLISH THAT THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, ORD #2012-12, SHALL FOR A LIMITED TIME, ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT, UNTIL NO LATER THAN 90 DAYS FROM COMPLETION OF THE PROJECT, THE GOVERNING BODY REVIEWS AND ASSESSES AND VOTES ON WHETHER TO KEEP THE ORDINANCE IN PLACE, AMEND THE ORDINANCE OR REPEAL THE ORDINANCE. (NICK SCHIAVO AND ROBERT RODARTE)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2013- ____ (COUNCILOR WURZBURGER AND COUNCILOR IVES). A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING THAT THE BIDDING PROCESS FOR THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT COMPLY WITH THE CWA ORDINANCE; AND DIRECTING STAFF TO COLLECT DATA RELATED TO THE CWA FOR THE MARKET STATION PROJECT AND PRESENT AN ASSESSMENT TO THE GOVERNING BODY. (NICK SCHIAVO AND ROBERT RODARTE)**

- 10) **CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-____ (MAYOR COSS). AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(c) CORRECT REFERENCE; 14-2-8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; REPEAL 14-3.17(E)(3); 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 - R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(D) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (GREG SMITH) (Postponed to March 27, 2013 City Council Meeting)**

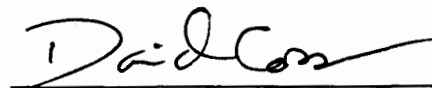
Councilor Bushee introduced the following immediately before adjournment:

1. An Ordinance creating a new subsection in the City of Santa Fe Purchasing Manual to establish that City contractors who are awarded public works contracts in excess of \$1,000,000, shall be required to hire 100% Santa Fe County residents and shall extend benefits to domestic partners, in accordance with City ordinances. *A copy of the Ordinance was not available at the time of introduction.*
2. A Resolution directing staff to explore options in which the City of Santa Fe can partner with New Mexico businesses, the Santa Fe Community College, the Santa Fe Public Schools and other institutions of education to create, enroll and graduate Santa Fe High School students and Santa Fe residents in Apprenticeship Programs in all trades. *A copy of the Resolution was not available at the time of introduction.*

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 10:20 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer



THE CITY OF SANTA FE
ARTS COMMISSION

UPCOMING GALLERY PROGRAMS

Art is CORE: 2nd Annual ArtWorks WORKS!

Exhibit Opening: March 1, 5 – 6:30 pm

Public Viewing, March 4-9, 2013

Cumulous Skies: The Enduring Modernist Aesthetic in New Mexico

Exhibit Opening: March 22, 5-7 pm

Public Viewing, March 22-June 7, 2013

Botanicals: Viva Flora! – Treasured Plants of New Mexico

In partnership with the Santa Fe Botanical Gardens

Exhibit Opening: June 21, 5-7 pm

Public Viewing, June 21 – August 23, 2013

InVisible Borders: New Mexico Photographers

Exhibit Opening: November 22, 5-7 pm

Public Viewing, November 22, 2013 – January 25, 2014

Exhibit "19



THE CITY OF SANTA FE
ARTS COMMISSION

Media Release

For Immediate Release: January 31, 2013

Contact: Rod Lambert, rdlambert@santafenm.gov, 505-955-6705

“CUMULOUS SKIES: THE ENDURING MODERNIST AESTHETIC IN NEW MEXICO”

CURATED BY

LAWRENCE FODOR

OPENING, FRIDAY, MARCH 22ND, 5-7 PM

Santa Fe, New Mexico—The City of Santa Fe Arts Commission’s Community Gallery announces “Cumulous Skies: The Enduring Modernist Aesthetic in New Mexico,” an exhibition exploring the lasting impacts of the Modernist movement in New Mexico. In the early 1900’s numerous Modernists artist such as, John Marin, Andrew Dasburg, Georgia O’Keeffe, Mabel Dodge Luhan, Willard Nash, Josef Bakos, Will Shuster, Walter Mruk, George Bellows, Cady Wells, Rebecca Salsbury James and others, came to New Mexico. They were seeking fresh inspiration through the exploration of the diverse landscape, vivid color and clear light of the high desert. The legacy of these avant-garde artists had a direct impact on the arts, culture and aesthetics of New Mexico’s population, creating a regional movement that expanded within, and far beyond, the borders of New Mexico. The exhibit is curated by Santa Fe artist Lawrence Fodor and is presented with a grant from the National Endowment for the Arts.

“Cumulous Skies” will run from March 22nd, 2013 through June 7th, 2013 and features artists working in New Mexico whose artwork reflects, translates and sustains the traditions of the New Mexico Modernist Movement. The work of these living artists celebrates the environmental and aesthetic conditions that continue to draw artists to the region today. The public is invited to an opening on Friday, March 22nd, 2013 from 5:00 PM to 7:00 PM. The Community Gallery is located inside the Santa Fe Community Convention Center, 201 West Marcy Street, at the intersection of Sheridan Street. The Community Gallery is open Tuesday through Friday, 10:00 AM to 5:00 PM and Saturdays from 9:30 AM to 4 PM. For more information call 505-955-6705.

“There are strong connections between certain artists who came to New Mexico in the early 20th century and the contemporary artists working here today,” states curator Lawrence Fodor, “The correlations and influences are not always direct nor obvious, but there is a definite tenor of aesthetic sensibility based on the environment that is New Mexico and the continuum of artistic freedom that has made New Mexico a locus for inventive and highly creative people.”

The exhibit will include essay material by art historian, artist and independent curator Dr. Sharyn Udall. Of the theme of the exhibit, Udall states, “The best modernist art—whether in 1900 or 2013—sharpens memories of the past and whets our appetites for the future.”

"The legacy of Modernism in New Mexico is so ubiquitous that I think New Mexicans take it for granted states Rod Lambert, Community Gallery Manager. "Through comparison, it becomes abundantly clear not only how Modernism, as an aesthetic movement, has influenced New Mexico, but perhaps more significantly, the ways in which New Mexico helped define Modernism. The culture, traditions, light, color and 'sense of place' of New Mexico nurtured the development of a visual vocabulary that continues to be spoken today, far beyond our state line."

The exhibit includes work by: Tony Abeyta, John Andolsek, Susanna Carlisle & Bruce Hamilton, Susan Contreras, Constance De Young, Addison Doty, Danae Failiers, Deborah Fleig, Tammy Garcia, Darren Vigil Grey, Bob Hauzous, Tom Joyce, Dara Mark, Arlo Namingha, Nora Naranjo Morse, Ilona Pachler, Chris Richter, Johnnie Winona Ross, Paul Shapiro, Jennifer Schlesinger, Mokha Laget, Lonnie Vigil, Phillip Vigil, Emmi Whitehorse, Michael Wright, Karen Yank and Susan York.

The Community Gallery promotes, sells and exhibits the work of New Mexico artists and artisans, with the emphasis on Santa Fe, through exhibitions, professional training and community involvement in the arts. Community Gallery programming provides a range of services, exhibitions and activities that engage the public as well as support the efforts of local artists and artisans. As a result, the gallery is a hub for viewing and exhibiting exciting artworks and brings the community to art as well as art to the community. For more information about the Community Gallery, visit www.SantaFeArtsCommission.org, send an email to rdlambert@santafenm.gov or call 505-955-6705.

This exhibit is partially funded by the National Endowment for the Arts.

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The City of Santa Fe Arts Commission (SFAC), an agency within the municipal government of the City of Santa Fe, provides leadership by and for City government in supporting arts and cultural affairs. The SFAC also recommends programs and policies that develop, sustain and promote artistic excellence in the community. For more information contact the SFAC at 505-955-6707, email artscommission@santafenm.gov, or by fax 505-955-6671

Lawrence Fodor moved to New Mexico in 1989 from Santa Barbara, California. He studied painting, printmaking and art history at Orange Coast College and completed graduate work at Otis Art Institute in Lox Angeles. In addition to his studio practice, he worked as a master printmaker at Grey Arrow Press in Santa Barbara and Black Mesa Studio in La Mesilla, New Mexico, directed the contemporary department of Linda Durham Contemporary Art at national and international art fairs. For the past ten years he has focused his full time attention to his studio practice, which includes painting and photography, and actively exhibits in galleries, museums and institutions throughout the United States.

Dr. Sharyn Udall is an Art Historian, author, and independent curator who has written, taught and lectured widely on 19th and 20th century American and European art. The author of eight books, as well as many exhibition catalogs and scholarly articles, her special research interests include the art of the Southwest, American modernism, women in the visual arts, and the creative connections among visual artists, performing artists and writers. She has lived in Santa Fe most of her adult life.



The Santa Fe Arts Commission
Community Gallery presents:



THE CITY OF SANTA FE
ARTS COMMISSION

Art is CORE:

2nd Annual WORKS Exhibit

Featuring the Work of
Students in the Santa Fe Public Schools

Opening Reception

5:00 pm to 6:30 pm

Friday, March 1st

Fun Activities for All Ages

Refreshments

Remarks by Mayor David Coss

The Exhibit will be on display for the public

March 4 - March 9, 2013

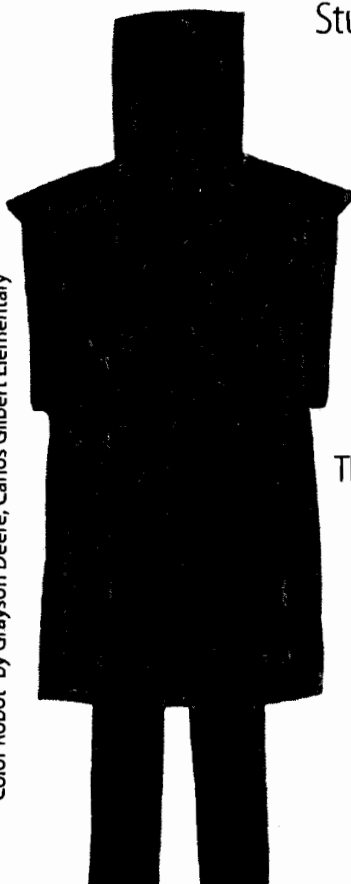
Community Gallery 201 W. Marcy

Gallery Hours: 10am to 5pm Tuesday - Friday

Saturday - 9:30am to 4pm

For more information call: 505-955-6705

"Color Robot" by Grayson Deere, Carlos Gilbert Elementary



Work in the exhibit was produced by public school students ages 5 - 12 through ArtWORKS,
a program of the Partners in Education Foundation for the Santa Fe Public Schools.

ArtWorks' mission is to make the arts personally meaningful to children and elementary school teachers through an integrated program of arts-making, viewing live performances and exhibitions, and achieving understanding through inquiry and reflection. The program stimulates collaborative learning between Santa Fe students, educators, artists and arts organizations.

Started by the Santa Fe Arts Commission in 2001, ArtWorks is now a program of the Partners in Education Foundation for the Santa Fe Public Schools. ArtWorks uses a teaching methodology adapted from Lincoln Center Institute in New York City which involves hiring and training teaching artists to present classroom workshops around 'live' experiences with works of art—a poetry reading, opera, concert, play, dance performance or tour of a museum exhibit.

The art work and poems in the exhibit ArtWorks WORKS! were produced by public elementary school students in Santa Fe. Inspiration for the student art came from exhibits at the Museum of Indian Arts and Culture, the New Mexico Museum of Art and the Georgia O'Keeffe Museum which the students toured with teaching artists this year, and from a poetry reading Diné Poet Luci Tapahonso gave at the American Institute of Indian Arts on Feb. 3, 2012.



City of Santa Fe, New Mexico

memo

DATE: February 26, 2013

TO: Mayor and City Council

VIA: Robert Romero, City Manager 


Isaac J. Pigo, PE - Public Works Department Director

Eric Martinez, PE - Roadway & Trails Engineering Division Director 

FROM: Leroy N. Pacheco, PE - River, Watershed & Trails Section Supervisor

ITEM & ISSUE:

CIP # 414A - LA TIERRA TRAILS: CAMINO DE LOS MONTOYAS URBAN TRAIL FROM NM 599 UNDERPASS CONNECTION TO MILAGRO ROAD: REQUEST FOR APPROVAL TO CONTRACT FOR CONSTRUCTION USING ON CALL CONSTRUCTION SERVICES AGREEMENT WITH H.O. CONSTRUCTION, INC. AND APPROVAL OF CHANGE ORDER #2 IN THE AMOUNT OF \$450,371.00 (EXCLUSIVE OF NEW MEXICO GROSS RECEIPTS TAX)

FEBRUARY 18, 2013 FINANCE COMMITTEE MEETING CONSENT AGENDA ITEM #7: REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 - ON CALL CONSTRUCTION SERVICES FOR LA TIERRA TRAILS: CAMINO DE LOS MONTOYAS URBAN TRAIL; H.O. CONSTRUCTION, INC.

- FOLLOW UP TO COUNCILOR BUSHEE'S APPROVED MOTION: "...TO APPROVE THIS REQUEST WITH DIRECTION TO STAFF TO MAKE IT CLEAR HOW WE MIGHT ACHIEVE A BICYCLE LANE ON CAMINO DE LOS MONTOYAS SO THERE IS AN ACTUAL URBAN TRAIL, INCLUDING THE COST."

BACKGROUND & SUMMARY:

City Council is considering approval of the referenced project that will connect the La Tierra Trails area north of NM 599 to the intersection of Milagro Road and Camino de los Montoyas on the south side of NM 599, via an existing trail underpass that was built by NMDOT during the construction of NM 599.

This urban trail improvement is identified in the La Tierra Trails Master Plan which was adopted by city Resolution 2011-46 on September 14, 2011. The adopted master plan also proposes the urban trail continue from Camino de los Montoyas to the Frank Ortiz Dog Park on Camino de las Crucitas providing access to the La Tierra Trails area from city neighborhoods. While the alignment for the southern segment of Camino de los Montoyas Trail from Milagro Road to the Frank Ortiz Dog Park has not yet been designed, it is identified in the Trails Master Plan Projects List as a 0.65 mile trail connection with a planning level estimated budget of \$300,000. Based upon recent trail projects, staff feels engineering and construction costs combined could range between \$300K and \$450K. Since every project is unique due to site conditions, costs would be reevaluated at such time a project is properly scoped to adequately capture drainage, ADA and other engineering considerations.

As the term "bicycle lane" is usually defined as a portion of the roadway designated for bicycle use and the term "urban trail" refers to a shared-use paved surface facility adjacent to but physically separated from the roadway and motor vehicle traffic, it is staff's understanding the intent of the motion is that they are one in the same, meaning the latter definition. Therefore, the costs above also reflect the latter definition.

Previous direction provided by BTAC regarding the La Tierra Trails system included utilizing remaining funds as a contingency for currently programmed projects, then report back to BTAC regarding fund balances to prioritize unfinished projects on the Master Plan Projects List for subsequent city council direction. Staff proposes to return to BTAC as previously requested in March or April 2013 to present this information and obtain recommendations which will also include discussion of the project referenced in the motion.

Exhibit "2"

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Rebecca Wurzbarger

Councilor Peter Ives

AN URGENT RESOLUTION

SUPPORTING PROPOSED STATE LEGISLATION, HOUSE BILL 75 ("HB 75"), RELATING TO
AN APPROPRIATION OF \$880,000 FROM THE GENERAL FUND TO THE ECONOMIC
DEVELOPMENT DEPARTMENT FOR THE PURPOSE OF SUPPORTING A PROGRAM
TO ATTRACT AND RETAIN BUSINESSES AND TO CREATE JOBS IN NEW MEXICO.

WHEREAS, the 60 day session of the 2013 Legislative Session began on January 15, 2013;
and

WHEREAS, HB 75, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, HB 75 would appropriate \$880,000 from the general fund to the Economic
Development Department for expenditure in fiscal year 2014 to support a program to attract and
retain businesses and to create jobs in New Mexico.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE that the Governing Body hereby supports HB 75.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this



**CITY COUNCIL MEETING OF
FEBRUARY 27, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING THE DONATION OF "LA REALIDAD DE LAS CAPITULACIONES" TO THE FRAY ANGÉLICO CHÁVEZ HISTORY MUSEUM.	Council – 3/13/13
	A RESOLUTION AUTHORIZING CVB FUNDS FOR FY 2013/14 BUDGET AND, SUBJECT TO AVAILABLE APPROPRIATIONS MADE BY THE GOVERNING BODY IN SUBSEQUENT YEARS, FOR AGREEMENTS WITH SANTA FE FIESTA, THE LENSIC AND THE SANTA FE BANDSTAND PROGRAM.	Finance – 3/18/13 Council – 3/27/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO EXPLORE THE LEGAL OPTIONS FOR PROVIDING RELIEF FROM WATER UTILITY BILLING FOR 501(C)(3) LOCAL NON- PROFIT ORGANIZATIONS THAT USE WATER TO PROVIDE SERVICES TO THE HOMELESS POPULATION IN THE CITY OF SANTA FE.	Public Utilities – 3/6/13 Finance – 3/18/13 Council – 3/27/13
	A RESOLUTION AUTHORIZING AN ANNUAL AGREEMENT FOR THE RODEO de SANTA FE AND THE NEW MEXICO GAY RODEO ASSOCIATION'S ("NMGRA") ZIA REGIONAL RODEO; SUBJECT TO AVAILABLE APPROPRIATIONS.	Finance – 3/18/13 Council – 3/27/13
	A RESOLUTION ACCEPTING THE EARTH HOUR CITY CHALLENGE OF THE WORLD WILDLIFE FUND ("WWF") AND ENCOURAGING GOVERNMENTAL ENTITIES, BUSINESSES AND THE RESIDENTS OF THE CITY OF SANTA FE TO PARTICIPATE IN EARTH HOUR ON MARCH 23, 2013 AT 8:30 P.M., WWF's ANNUAL CAMPAIGN TO RAISE AWARENESS OF ENVIRONMENTAL CHALLENGES.	Council – 3/13/13

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
Ives Bushee Coss	A RESOLUTION ADOPTING " <i>CLIMATE CHANGE AND THE SANTA FE BASIN: A PRELIMINARY ASSESSMENT OF VULNERABILITIES AND ADAPTATION ALTERNATIVES</i> " AND DIRECTING STAFF TO INCLUDE PROJECTED CLIMATE CHANGE IMPACTS IN SUBSEQUENT WATER SUPPLY AND DEMAND PLANNING, POLICIES, AND PRACTICES.	Public Utilities – 3/6/13 Finance – 3/18/13 Council – 3/27/13
	A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT TO AUTHORIZE RECEIPT OF A GRANT FROM THE NEW MEXICO ENVIRONMENT DEPARTMENT, AIR QUALITY BUREAU IN THE AMOUNT OF \$114,670 FOR THE PURCHASE OF A COMPRESSED NATURAL GAS RECYCLING COLLECTION UNIT THROUGH FUNDING RECEIVED PURSUANT TO THE FEDERAL DIESEL EMISSIONS REDUCTION ACT (DERA).	Public Utilities – 3/6/13 Finance – 3/18/13 Council – 3/27/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO HEALTHY LIFESTYLES AND A CLEAN ENVIRONMENT; DIRECTING STAFF TO DESIGN A BUS PASS REBATE PROGRAM FOR RESIDENTS OF SANTA FE WHO PURCHASE A BICYCLE AND/OR BICYCLE EQUIPMENT; AND DIRECTING TRANSIT STAFF TO LOCATE A FUNDING MECHANISM FOR SUCH PROGRAM.	Public Works – 3/11/13 Finance – 3/18/13 Council – 3/13/13
	A RESOLUTION SUPPORTING PHASE IIC OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT, FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.	Finance – 3/4/13 Public Works – 3/11/13 Council – 3/13/13
Councilor Peter Ives		

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
	<p>A RESOLUTION RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF SANTA FE; DIRECTING TRAFFIC ENGINEERING STAFF TO PERFORM AN INSPECTION OF CROSSWALKS AND TRAFFIC SIGNALS AT INTERSECTIONS THROUGHOUT THE CITY TO ENSURE THAT THERE IS ADEQUATE TIME AND A SUFFICIENT NUMBER OF CROSSWALKS FOR PEDESTRIANS TO CROSS; COLLABORATE WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION ("NMDOT") TO ENSURE THAT SIGNAGE ON ROADS WITHIN THE MUNICIPAL BOUNDARIES OF SANTA FE ARE IN COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES ("MUTCD") AND CLEARLY VISIBLE TO MOTORISTS, PEDESTRIANS AND BICYCLISTS AND TO ENSURE THAT TRAFFIC SIGNALS AT INTERSECTIONS ON ROADS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY PROVIDE A SUFFICIENT AMOUNT OF TIME FOR A VEHICLE TO CLEAR THE INTERSECTION.</p>	<p>Public Safety – 3/19/13 Public Works – 3/25/13 Finance – 4/1/13 Council – 4/10/13</p>
Councilor Wurzburger		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-_____

3 INTRODUCED BY:

4 Councilor Chris Calvert

5 Councilor Peter Ives

6 Councilor Patti Bushee

7 Mayor David Coss

8
9
10 A RESOLUTION

11 ADOPTING "*CLIMATE CHANGE AND THE SANTA FE BASIN: A PRELIMINARY*
12 *ASSESSMENT OF VULNERABILITIES AND ADAPTATION ALTERNATIVES*" AND
13 DIRECTING STAFF TO INCLUDE PROJECTED CLIMATE CHANGE IMPACTS IN
14 SUBSEQUENT WATER SUPPLY AND DEMAND PLANNING, POLICIES, AND
15 PRACTICES.

16
17 WHEREAS, the City completed the 2008 Long Range Water Supply Plan (Water Plan)
18 to secure a reliable and sustainable water supply for the City's residents and water customers; and

19 WHEREAS, the Water Plan charts ways in which the City can plan to meet its water
20 needs for the next forty years; and

21 WHEREAS, the impacts of climate change were not considered in the 2008 Water Plan;
22 and

23 WHEREAS, Resolution 2011-17 directs staff to revise the Water Plan with a specific
24 emphasis on climate change; and

25 WHEREAS, the Bureau of Reclamation Western Wide Climate Risk Assessment

1 identified several increased risks to western United States water resources in the 21st century
2 including a temperature increase of 5-7 degrees Fahrenheit; a decrease in precipitation over the
3 Southwest; a decrease in the April 1 snowpack; and a 8-20 percent decrease in an average annual
4 stream flow in the Rio Grande basin; and

5 **WHEREAS**, the City, Santa Fe County (County) and the Bureau of Reclamation
6 (Reclamation) (collectively the Cooperating Agencies) are cooperating on a Santa Fe Basin Study
7 under the Department of Interior's WaterSMART Program Initiative, which will include
8 Reclamation's analyses set forth in the "*Western Wide Climate Risk Assessment: Bias-Corrected*
9 *and Spatially Downscaled Surface Water Projections*"; and

10 **WHEREAS**, the Cooperating Agencies held a Santa Fe Watershed Climate Change
11 Workshop for the Santa Fe community in March 2012; and

12 **WHEREAS**, the input from the community workshop and contracted experts are
13 included in "*Climate Change and the Santa Fe Basin: A Preliminary Assessment of*
14 *Vulnerabilities and Adaptation Alternatives*"; and

15 **WHEREAS**, the City of Santa Fe Resolution 2013-12 confirms the City's membership
16 in and supporting the efforts of the Western Adaptation Alliance and directs the City's Green
17 Team to engage the public in addressing how the effects of climate change will impact citizens;
18 and

19 **WHEREAS**, the City of Santa Fe Resolution 2012-90 authorizes the City's participation
20 in Carpe Diem West's Healthy Headwaters Alliance and endorses the policy platform of the
21 Healthy Headwaters' Alliance to work with the United States Forest Service, water utilities,
22 elected officials, land managers, scientists, conservationists, recreationists, timber companies, and
23 business leaders to promote the health and resilience of the headwaters that provide clean, reliable
24 water supply.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 CITY OF SANTA FE that the Governing Body hereby adopts "*Climate Change and the Santa*
2 *Fe Basin: A Preliminary Assessment of Vulnerabilities and Adaptation Alternatives*" in its
3 entirety.

4 **BE IT FURTHER RESOLVED** that City staff is directed to continue to:

- 5 1. Work with the County and Reclamation to create a Santa Fe watershed water
6 supply plan incorporating the range of potential climate change impacts;
- 7 2. Analyze as part of the Santa Fe watershed water supply plan the range of
8 potential water demand scenarios; and
- 9 3. Achieve climate change resiliency by implementing the recommendations
10 identified within the Water Plan and/or recommend additional or alternative
11 policies and practices to promote resiliency in the City's water supply over time.

12 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

13
14 _____
15 DAVID COSS, MAYOR

16 ATTEST:

17
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21
22 _____
23 GENO ZAMORA, CITY ATTORNEY

24
25 *M/Melissa/Resolutions 2013/Climate Change*

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-____

3 INTRODUCED BY:

4 Councilor Chris Calvert

5
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10 A RESOLUTION

11 AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT TO
12 AUTHORIZE RECEIPT OF A GRANT FROM THE NEW MEXICO ENVIRONMENT
13 DEPARTMENT, AIR QUALITY BUREAU IN THE AMOUNT OF \$114,670 FOR THE
14 PURCHASE OF A COMPRESSED NATURAL GAS RECYCLING COLLECTION UNIT
15 THROUGH FUNDING RECEIVED PURSUANT TO THE FEDERAL DIESEL EMISSIONS
16 REDUCTION ACT (DERA).

17
18 WHEREAS, the New Mexico Environment Department (NMED) has received a one-time
19 Diesel Emissions Reduction Act ("DERA") federal grant from the U.S. Environmental Protection
20 Agency ("EPA") for the purpose of reducing diesel engine emissions; and

21 WHEREAS, the City of Santa Fe ("Grantee") is in the process of submitting a grant
22 agreement ("Agreement") to the NMED for funds in the amount of \$114,670, for the purpose of
23 purchasing a compressed natural gas recycling unit; and

24 WHEREAS, the New Mexico Legislature has enacted the Air Quality Control Act, NMSA
25 1978, §§ 74-2-1, et seq.; and

1 **WHEREAS**, Section 74-2-5.1(F) of the Air Quality Control Act authorizes NMED to accept,
2 receive and administer grants from the federal government; and

3 **WHEREAS**, the Agreement between the City and NMED is exempt from the provisions of the
4 Procurement Code in accordance with NMSA 1978, § 13-1-98A; and

5 **WHEREAS**, based upon the criteria established within the scope of work of the Agreement,
6 the City has a qualified program for the diesel emissions reduction retrofit project; and

7 **WHEREAS**, the City is a qualified entity to receive such a grant and the Governing Body is
8 authorized to borrow funds and/or issue bonds and/or receive financial assistance (e.g., grants) for
9 financing public projects for the benefit of the City and its citizens.

10 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE** that the Governing Body authorizes and approves the submission of an
12 executed agreement to authorize receipt of a grant from NMED, Air Quality Bureau, in the amount of
13 \$114,670, for the purchase of a compressed natural gas recycling collection unit through funding
14 received pursuant to the Federal Diesel Emissions Reduction Act.

15 **BE IT FURTHER RESOLVED** that:

16 **Section 1.** All action taken by the Governing Body and the officers and employees of
17 the City of Santa Fe directed toward the Agreement and the Project is hereby ratified, approved, and
18 confirmed.

19 **Section 2.** The completed and executed Agreement submitted to the Governing Body is
20 approved and confirmed.

21 **Section 3.** The officers and employees of the City of Santa Fe are hereby directed and
22 requested to submit the completed Agreement to the Air Quality Bureau of the NMED for its review
23 and are further authorized to take such other action as may be requested by the NMED in its
24 consideration and review of the Agreement and to further proceed with arrangements for providing
25 grant financing to the Project.

1 **Section 4.** The Governing Body adopts and passes this resolution authorizing the Mayor
2 to sign the Agreement for this grant and appointing the City Manager and/or the Public Utilities
3 Director or the Environmental Services Division Director as the Grantee Representatives authorized
4 to submit any documents pertaining to the project and act as the point(s) of contact.

5 **Section 5.** This resolution authorizes the City Manager and the Environmental Services
6 Division Director, as the Signatory Authority(s) authorized to sign reimbursement requests and other
7 documents requiring a signature for submittal to NMED.

8 **Section 6.** This resolution shall take effect immediately upon its adoption.

9 PASSED, APPROVED, and ADOPTED this ____ day of _____ 2013.

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11 _____
12 DAVID COSS, MAYOR
13

14 ATTEST:

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16 _____
17 YOLANDA Y. VIGIL, CITY CLERK
18

19 APPROVED AS TO FORM:

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21 _____
22 GENO ZAMORA, CITY ATTORNEY
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M/Melissa/Resolutions 2013/NMED Grant

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Ron Trujillo

A RESOLUTION

RELATING TO THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF
SANTA FE; DIRECTING TRAFFIC ENGINEERING STAFF TO PERFORM AN
INSPECTION OF CROSSWALKS AND TRAFFIC SIGNALS AT INTERSECTIONS
THROUGHOUT THE CITY TO ENSURE THAT THERE IS ADEQUATE TIME AND A
SUFFICIENT NUMBER OF CROSSWALKS FOR PEDESTRIANS TO CROSS;
COLLABORATE WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION
("NMDOT") TO ENSURE THAT SIGNAGE ON ROADS WITHIN THE MUNICIPAL
BOUNDARIES OF SANTA FE ARE IN COMPLIANCE WITH THE MANUAL ON
UNIFORM TRAFFIC CONTROL DEVICES ("MUTCD") AND CLEARLY VISIBLE TO
MOTORISTS, PEDESTRIANS AND BICYCLISTS AND TO ENSURE THAT TRAFFIC
SIGNALS AT INTERSECTIONS ON ROADS WITHIN THE MUNICIPAL BOUNDARIES
OF THE CITY PROVIDE A SUFFICIENT AMOUNT OF TIME FOR A VEHICLE TO
CLEAR THE INTERSECTION.

WHEREAS, crosswalks are designed to keep pedestrians together where they can be seen by

1 motorists, and where they can cross most safely across the flow of vehicular traffic; and

2 **WHEREAS**, signalized pedestrian crosswalks clearly separate when pedestrians or motorists
3 can use the crossing; and

4 **WHEREAS**, in the interest of the health, safety and welfare of the residents of the
5 City of Santa Fe, there is a need for the City to:

- 6 • Inspect the crosswalks and traffic signals at intersections throughout Santa Fe to
7 ensure that there is a sufficient amount of time for pedestrians to cross; and
- 8 • Collaborate with the NMDOT to review signs on roads within the municipal boundaries
9 of Santa Fe to ensure that such signs are in compliance with the MUTCD and are visible
10 to all motorists, pedestrians and bicyclists; and
- 11 • Collaborate with the NMDOT to ensure that additional marked crosswalks are not needed
12 between signalized intersections.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that in the interest of the health, safety and welfare of the residents of Santa Fe,
15 City of Santa Fe Traffic Engineering staff are directed to:

- 16 1. Perform an inspection of crosswalks and traffic signals at intersections throughout the
17 City to ensure that additional marked crosswalks are not needed between signalized intersections.
- 18 2. Collaborate with the NMDOT to ensure that signage on roads within the municipal
19 boundaries of Santa Fe are in compliance with the MUTCD and clearly visible to motorists,
20 pedestrians and bicyclists.
- 21 3. Collaborate with the NMDOT to ensure that traffic signals at intersections on roads
22 within the municipal boundaries of Santa Fe provide a sufficient amount of time for a vehicle to clear
23 the intersection.

24 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

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1 **WHEREAS**, the City of Santa Fe supports the efforts of local non-profit organizations that
2 provide a continuum of housing options for homeless individuals and families in need, including
3 emergency shelters, transitional housing and permanent housing; and

4 **WHEREAS**, the local economy has not recovered from the Great Recession, local non-
5 profits continue to struggle to make ends meet and homelessness is still a problem for many people in
6 Santa Fe.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that staff is directed to explore the legal options for providing relief from
9 water utility billing for 501(c)(3) local non-profit organizations that use water to provide services to
10 the homeless population in the city of Santa Fe.

11 **BE IT FURTHER RESOLVED** that within 60 days of adoption of this resolution, staff
12 shall present the options to the Public Utilities Committee and the Finance Committee for
13 consideration of such options along with the fiscal impact of implementing such options.

14 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

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17 ATTEST:

DAVID COSS, MAYOR

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19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22
23 _____
24 GENO ZAMORA, CITY ATTORNEY

25 *M/Melissa/Resolutions 2013/Water for Nonprofits*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**AUTHORIZING AN ANNUAL AGREEMENT FOR THE RODEO de SANTA FE AND THE
NEW MEXICO GAY RODEO ASSOCIATION'S ("NMGRA") ZIA REGIONAL RODEO;
SUBJECT TO AVAILABLE APPROPRIATIONS.**

WHEREAS, the Rodeo de Santa Fe remains one of the top 60 PRCA Rodeos in the nation
that draws local residents and visitors from around the Country to enjoy the rodeo, the carnival
midway, concessions and vendors which contributes to Santa Fe's economy and increases GRT; and

WHEREAS, NMGRA hosts the annual Zia Regional Rodeo and Rodeo School which is held
at the Rodeo de Santa Fe Arena; and

WHEREAS, attendance at the Zia Regional Rodeo has been at an all time high and has
generated many rodeo fans from around the world and brings together people from a wide range of
locations and from all walks of life; and

WHEREAS, both rodeo organizations pay for City services such as environmental services
and paramedic services; and

WHEREAS, the Governing Body desires to be a proud annual sponsor of the annual Rodeo

de Santa Fe and the annual Zia Regional Rodeo.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE** that subject to available appropriations, the Governing Body hereby
authorizes:

1. An annual agreement for the Rodeo de Santa Fe in an amount not to exceed \$10,000
in cash or in-kind services or a combination of both cash and in-kind services in
return for equal value provided to the City by the Rodeo de Santa Fe; and
2. An annual agreement for the Zia Regional Rodeo in an amount not to exceed \$10,000
in cash or in-kind services or a combination of both cash and in-kind services in
return for equal value provided to the City by the Rodeo de Santa Fe.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/Rodeo Sponsorship

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

ACCEPTING THE EARTH HOUR CITY CHALLENGE OF THE WORLD WILDLIFE
FUND ("WWF") AND ENCOURAGING GOVERNMENTAL ENTITIES, BUSINESSES
AND THE RESIDENTS OF THE CITY OF SANTA FE TO PARTICIPATE IN EARTH
HOUR ON MARCH 23, 2013 AT 8:30 P.M., WWF's ANNUAL CAMPAIGN TO RAISE
AWARENESS OF ENVIRONMENTAL CHALLENGES.

WHEREAS, cities across America are currently facing the staggering costs of weather
driven to extremes by climate change, and the resulting power outages, flooded roadways, shuttered
businesses, and damaged homes are becoming more and more frequent; and

WHEREAS, the WWF Earth Hour City Challenge is a year-long competition among cities to
prepare for increasingly extreme weather and promote renewable energy; and

WHEREAS, U.S. cities that participate will receive resources and gain recognition for their
efforts to curb carbon pollution and prepare their communities for the harmful consequences of
climate change; and

WHEREAS, on Saturday, March 23, 2013 at 8:30 p.m., thousands of cities around the world

1 will go dark for one hour during Earth Hour, WWF's annual campaign to raise awareness of the
2 environmental challenges, such as climate change.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body hereby accepts the WWF Earth Hour City Challenge
5 and directs staff to enter the City of Santa Fe in the WWF Earth Hour City Challenge.

6 **BE IT FURTHER RESOLVED** that staff is directed to:

- 7 1. Turn off all non-essential lights in and around City of Santa Fe government buildings
8 and facilities on March 23, 2013 at 8:30 p.m.
- 9 2. Promote Earth Hour through various media channels that are available to the City and
10 encourage governmental entities, businesses and residents to turn off their lights
11 during Earth Hour on March 23, 2013 at 8:30 P.M.

12 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2013.

13
14 _____
15 DAVID COSS, MAYOR

16 ATTEST:

17
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21
22 _____
23 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Earth Hour*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Carmichael Dominguez

A RESOLUTION

RELATING TO HEALTHY LIFESTYLES AND A CLEAN ENVIRONMENT; DIRECTING
STAFF TO DESIGN A BUS PASS REBATE PROGRAM FOR RESIDENTS OF SANTA FE
WHO PURCHASE A BICYCLE AND/OR BICYCLE EQUIPMENT; AND DIRECTING
TRANSIT STAFF TO LOCATE A FUNDING MECHANISM FOR SUCH PROGRAM.

WHEREAS, the continuing increase in gasoline prices has created an economic burden to
Santa Fe residents which has resulted in an increased use of bicycles and increased ridership on the
Santa Fe Trails transit system; and

WHEREAS, on January 9, 2013, the Governing Body adopted the Airport Road Overlay
District Ordinance, Ordinance No. 2013-1 ("Ordinance"); and

WHEREAS, the purpose and intent of the Ordinance includes the promotion of a healthy and
safe environment through less dependence on the automobile; and

WHEREAS, the City of Santa Fe is a bicycle friendly community and has been recognized
as such by the League of American Bicyclists; and

WHEREAS, the cost of purchasing a bicycle and safety and commuter equipment are often

1 barriers that keep people from using a bicycle as a means of transportation, however, over time using
2 a bicycle will far outweigh the cost of using an automobile; and

3 **WHEREAS**, establishing a bus pass program that will provide a free bus pass incentive in
4 exchange for a bicycle purchase and/or bicycle equipment purchase will encourage residents to live
5 automobile-free which is in the best interest of the public health and the environment of the city of
6 Santa Fe; and

7 **WHEREAS**, such an initiative will support local businesses help keep money circulating in
8 Santa Fe which benefits our local economy.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that staff is directed to:

- 11 • Design a bus pass rebate program for residents of Santa Fe who purchase a bicycle
12 and/or bicycle equipment; and
- 13 • Locate a funding mechanism for such program.

14 **BE IT FURTHER RESOLVED** that within 60 days of adoption of this resolution, staff shall
15 present the program to the Finance Committee and identify a funding source for such program.

16 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

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18 _____
19 DAVID COSS, MAYOR

20 ATTEST:

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

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4 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Bus Pass Program*

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

2 **RESOLUTION NO. 2013-_____**

3 **INTRODUCED BY:**

4 Councilor Carmichael Dominguez

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10 **A RESOLUTION**

11 **AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO A COOPERATIVE**
12 **PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF**
13 **TRANSPORTATION FOR PHASE IIC OF THE CERRILLOS ROAD RECONSTRUCTION**
14 **PROJECT.**

15
16 **WHEREAS**, the City of Santa Fe ("City") has taken the lead role in the study, design and
17 construction of the Cerrillos Road Reconstruction Project ("Project"); and

18 **WHEREAS**, the Santa Fe Metropolitan Planning Organization through the Transportation
19 Policy Board approved the Project for placement in the FY 2013-2015 Transportation Improvement
20 Program and 2005-2030 Metropolitan Transportation Plan Future Roads Network; and

21 **WHEREAS**, Project Phase IIC, from Camino Carlos Rey to St. Michael's Drive/Osage
22 Avenue, is currently programmed in the New Mexico Department of Transportation's FY 2013-2015
23 Statewide Transportation Improvement Program approved by the New Mexico State Transportation
24 Commission and Federal Highway Administration for federal and state funding in the amounts of
25 \$1.5 Million, \$4.75 Million, and \$4.75 Million in FY 2013, 2014 and FY 2015, respectively, for a

1 total funding appropriation of \$11 Million.

2 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that the Governing Body supports the Cerrillos Road Reconstruction Project,
4 funded through a cooperative project agreement with the NMDOT.

5 **BE IT FURTHER RESOLVED** that the City of Santa Fe shall accept responsibility for the
6 project; assumes the lead role in design development and construction of the project and agrees to the
7 terms, conditions, and certification and reporting requirements of the cooperative project agreement.

8 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

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11 _____
12 DAVID COSS, MAYOR

13 ATTEST:

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15 _____
16 YOLANDA Y. VIGIL, CITY CLERK

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18 APPROVED AS TO FORM:

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20 _____
21 GENO ZAMORA, CITY ATTORNEY

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24
25 *M/Melissa/Resolutions 2013/Cerrillos Phase IIC*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

**AUTHORIZING THE DONATION OF "LA REALIDAD DE LAS CAPITULACIONES" TO
THE FRAY ANGÉLICO CHÁVEZ HISTORY MUSEUM.**

WHEREAS, on the occasion of the 400th anniversary of the founding of La Villa Real de la Santa Fe de San Francisco de Asis, the City of Santa Fe received a gift from its Sister City, Santa Fe Spain entitled "La Realidad de las Capitulaciones"; and

WHEREAS, "La Realidad de las Capitulaciones" is a presentation case containing individual facsimile letters from 1492 as they pertain to Christopher Columbus's activities in the New World; and

WHEREAS, the case is currently in the possession of the New Mexico History Museum as the City does not have the ability to house such gift nor is the City set up to handle requests for access to the case by researchers and students; and

WHEREAS, the Governing Body desires to donate "La Realidad de las Capitulaciones" to the Fray Angélico Chávez History Museum, which is a non-circulating, closed stack research facility that preserves historical materials in many formats documenting the history of the state, the

Southwest, and meso-America from pre-European contact to the present; and

WHEREAS, the Fray Angélico Chávez History Museum has the ability to permanently house the case and its contents which will be preserved for the future and can be easily accessed by students and researchers.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body authorizes the donation of “La Realidad de las Capitulaciones” to the Fray Angélico Chávez History Museum.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2013.

ATTEST:

DAVID COSS, MAYOR

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-_____

3 INTRODUCED BY:

4 Councilor Chris Calvert

5 Councilor Peter Ives

6 Councilor Patti Bushee

7 Mayor David Coss

8
9
10 A RESOLUTION

11 ADOPTING "*CLIMATE CHANGE AND THE SANTA FE BASIN: A PRELIMINARY*
12 *ASSESSMENT OF VULNERABILITIES AND ADAPTATION ALTERNATIVES*" AND
13 DIRECTING STAFF TO INCLUDE PROJECTED CLIMATE CHANGE IMPACTS IN
14 SUBSEQUENT WATER SUPPLY AND DEMAND PLANNING, POLICIES, AND
15 PRACTICES.

16
17 WHEREAS, the City completed the 2008 Long Range Water Supply Plan (Water Plan)
18 to secure a reliable and sustainable water supply for the City's residents and water customers; and

19 WHEREAS, the Water Plan charts ways in which the City can plan to meet its water
20 needs for the next forty years; and

21 WHEREAS, the impacts of climate change were not considered in the 2008 Water Plan;
22 and

23 WHEREAS, Resolution 2011-17 directs staff to revise the Water Plan with a specific
24 emphasis on climate change; and

25 WHEREAS, the Bureau of Reclamation Western Wide Climate Risk Assessment

1 identified several increased risks to western United States water resources in the 21st century
2 including a temperature increase of 5-7 degrees Fahrenheit; a decrease in precipitation over the
3 Southwest; a decrease in the April 1 snowpack; and a 8-20 percent decrease in an average annual
4 stream flow in the Rio Grande basin; and

5 **WHEREAS**, the City, Santa Fe County (County) and the Bureau of Reclamation
6 (Reclamation) (collectively the Cooperating Agencies) are cooperating on a Santa Fe Basin Study
7 under the Department of Interior's WaterSMART Program Initiative, which will include
8 Reclamation's analyses set forth in the "*Western Wide Climate Risk Assessment: Bias-Corrected*
9 *and Spatially Downscaled Surface Water Projections*"; and

10 **WHEREAS**, the Cooperating Agencies held a Santa Fe Watershed Climate Change
11 Workshop for the Santa Fe community in March 2012; and

12 **WHEREAS**, the input from the community workshop and contracted experts are
13 included in "*Climate Change and the Santa Fe Basin: A Preliminary Assessment of*
14 *Vulnerabilities and Adaptation Alternatives*"; and

15 **WHEREAS**, the City of Santa Fe Resolution 2013-12 confirms the City's membership
16 in and supporting the efforts of the Western Adaptation Alliance and directs the City's Green
17 Team to engage the public in addressing how the effects of climate change will impact citizens;
18 and

19 **WHEREAS**, the City of Santa Fe Resolution 2012-90 authorizes the City's participation
20 in Carpe Diem West's Healthy Headwaters Alliance and endorses the policy platform of the
21 Healthy Headwaters' Alliance to work with the United States Forest Service, water utilities,
22 elected officials, land managers, scientists, conservationists, recreationists, timber companies, and
23 business leaders to promote the health and resilience of the headwaters that provide clean, reliable
24 water supply.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 CITY OF SANTA FE that the Governing Body hereby adopts "*Climate Change and the Santa*
2 *Fe Basin: A Preliminary Assessment of Vulnerabilities and Adaptation Alternatives*" in its
3 entirety.

4 **BE IT FURTHER RESOLVED** that City staff is directed to continue to:

- 5 1. Work with the County and Reclamation to create a Santa Fe watershed water
6 supply plan incorporating the range of potential climate change impacts;
- 7 2. Analyze as part of the Santa Fe watershed water supply plan the range of
8 potential water demand scenarios; and
- 9 3. Achieve climate change resiliency by implementing the recommendations
10 identified within the Water Plan and/or recommend additional or alternative
11 policies and practices to promote resiliency in the City's water supply over time.

12 PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

13
14 _____
15 DAVID COSS, MAYOR

16 ATTEST:

17
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21
22 _____
23 GENO ZAMORA, CITY ATTORNEY

24
25 *M/Melissa/Resolutions 2013/Climate Change*



Cerletti Park



**We the undersigned support the establishment of
Cerletti Park at Fountainhead Rock Place, Santa Fe,
NM.**

1. *Sen. Phil Trigo*
2. *Rebecca Wuyfuyr, Mayor Pro Tem
City of Camarillo Santa Fe*
3. *Dillon Mayor Santa Fe*
4. *Donna Meyer*
5. *Richard Czerbi*
6. *Robert Siqueiros*
7. *Jon Hendry President NMFL*
8. *Penelope North, NM Sen. #5*
9. *Sen. Lou M. By*
10. *Sen. Peter Wirth*

SUSANA MARTINEZ
GOVERNOR



CELINA BUSSEY
SECRETARY

JOHN SANCHEZ
LT. GOVERNOR

STATE OF NEW MEXICO
DEPARTMENT OF WORKFORCE SOLUTIONS
401 Broadway, NE
P.O. Box 1928
Albuquerque, NM 87103
(505) 841-8471 / FAX (505) 841-9024

February 27, 2013

Roxanne Rivera-Wiest, President
Associated Builders and Contractors, Inc.
New Mexico Chapter
2821 Broadway Blvd. NE
Albuquerque, NM 87107

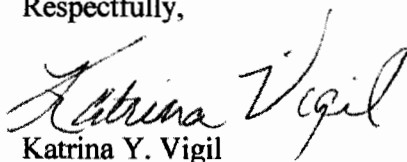
Dear Ms. Rivera-Wiest:

The letter serves as formal confirmation that Associated Builders and Contractors, Inc. (ABC)-New Mexico Chapter is a recognized and approved apprenticeship program in the State of New Mexico. The initial registration date by the New Mexico State Apprenticeship Council was February 26, 1988. ABC continues to be a registered apprenticeship program and remains in good standing with the New Mexico Department of Workforce Solutions, State Apprenticeship Agency. The following apprenticeship programs are currently being administered by ABC:

Craft/Trade	State Program Number
Sheet Metal	#542
Plumbing & Pipefitting	#548
Carpenters	#557
Electrical	#625
Drywall	#705

Please feel free to contact me at 505-841-8077 if you should have any questions or require additional information.

Respectfully,


Katrina Y. Vigil
State Apprenticeship Director

"AN EQUAL OPPORTUNITY EMPLOYER"

Exhibit "16"