



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 24, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4-19-13 TIME 4:20 pm

SERVED BY

RECEIVED BY

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 – April 10, 2013
9. PRESENTATIONS
 - a) Muchas Gracias – 2013 New Mexico State Science and Engineering Fair Award Recipients. (5 minutes)
 - b) Proclamation – April 27, 2013, Keep America Beautiful – Great American Clean Up Day. (Gilda Montano) (5 minutes)
 - c) Proclamation – Jim Montman, Aviation Division Director, Transportation Department. (5 minutes)
 - d) “Santa Fe Watershed Association Presentation of Community Education and Outreach Work as Part of the Santa Fe Municipal Watershed Investment Program”. (Dale Lyons) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 13/20/B – Equipment Procurement for Phase II Annexation: One (1) Front-Loading Collection Unit; One (1) Automated Side-Loading Collection Unit and One (1) Top-Loading Recycling Collection Unit for Environmental Services Division; Bruckners/Amrep, Inc. (Cindy Padilla)



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- b) Request for Approval of Amendment No. 3 to Professional Services Agreement – Northwest Well, Task 5 Permit Application; Lee Wilson & Associates, Inc. (Claudia Borchert)
- c) Request for Approval of Procurement Under State Price Agreement – Phase II Annexation: 11,000 Recycling Containers for Environmental Services Division; Cascade Engineering. (Cindy Padilla)
- d) Request for Approval of Grant Agreement – Santa Fe Trails New Freedom Grant; Department of Transportation Federal Transit Administration. (David Chapman)
- e) Request for Approval of Purchase Agreement – Acquisition of Real Estate at Santa Fe Place Mall for Development of Transit Center Improvements; Trademark Property Company. (Jon Bulhuis)
- f) Request for Approval of Cooperative Agreement – NM 599/Jaguar Interchange Project; New Mexico Department of Transportation. (John Romero)
- g) Request for Approval of Supplemental Lease Agreements No. 2 and No. 3 - Office Space Occupied Within the Montoya Federal Building at 120 S. Federal Place; United States of America. (Edward Vigil)
- h) Request for Approval of Change Order No. 3 – Santa Fe River Repairs and Improvements for Items Not in Original Bid; Lockwood Construction Company. (Brian Drypolcher)
 - 1) Request for Approval of Budget Adjustment – Project Fund.
- i) Request for Approval of Professional Services Agreement – Auditing Services for City of Santa Fe (RFP #11/22/P); Atkinson & Co. (Teresita Garcia)
- j) Notification of the Use of Emergency Procurement for Material/Supply Acquisition and Construction Services to Temporarily Replace 2,500 Feet of 24-Inch Diameter Raw Water Pipeline Between Nichols Reservoir and Canyon Road Water Treatment Plant (CRWTP) to Ensure CRWTP is Operational to Meet City's Water System Demands. (Mike Gonzales and Bill Huey)



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- k) Request for Approval of Findings of Fact and Conclusions of Law for Case #2013-14, Appeal of the January 22, 2013 Decision of the Historic Districts Review Board in Case #H-12-077 Denying an Application for an Exception to Remove Historic Material from a Retaining Wall at 1148 San Acacio in the Downtown and Eastside Historic District. (Kelley Brennan)
- l) CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss)
A Resolution Relating to the Practice of Human Trafficking; Endorsing, Supporting and Joining the Efforts of the New Mexico Attorney General's Office and The Life Link in Establishing a Hotline to Facilitate Support for Victims of Human Trafficking; and Authorizing the Designation of Funding for Creation and Placement of Signs Within the City of Santa Fe to Inform the Public of the Hotline. (Melissa Byers) **Note: This Title May be Amended in Accordance With the Amendments Provided in the Packet.**
- m) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Trujillo, Mayor Coss, Councilor Calvert, Councilor Wurzbarger, Councilor Rivera, Councilor Dimas, Councilor Ives, Councilor Bushee and Councilor Dominguez)
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. (John Romero)
- n) Pursuant to State Audit Rule 2012, 2.2.2 NMAC Presentation of the City of Santa Fe Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2012 by Atkinson & Co.



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- o) Request to Publish Notice of Public Hearing on May 29, 2013:

Bill NO. 2013-22: An Ordinance Approving a Lease and Services Agreement Between the City of Santa Fe and the Boys and Girls Clubs for Lease of City-Owned Building and Improvements Located at the 730 Alto Street, Santa Fe, New Mexico, for the Boys and Girls Clubs to Use and Occupy the Building and Improvements to Operate After School and Summer Community Services Programs for City Youths Ages Six Through Eighteen and Other Related Purposes. (Councilor Trujillo and Councilor Calvert) (David Chapman)

11. CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss, Councilor Bushee, Councilor Trujillo and Councilor Calvert)
A Resolution Recognizing that Same-Sex Marriage is Legal in New Mexico; Encouraging New Mexico's County Clerks to Issue Marriage Licenses to Same-Sex Couples; Encouraging the New Mexico Attorney General to Issue an Opinion Regarding Marriage Licenses for Same-Sex Couples; and Supporting Efforts to Enforce the Marriage Laws of New Mexico. (Geno Zamora)
12. Bid No.13/10/B – Citywide Security Video Camera Surveillance System with Initial Installations of 34 Cameras at 15 Sites that Consist of Parks, Trails and Parking Facilities; Chavez Security. (Thomas Williams)
13. Concept Approval of Phase II Annexation and Related Agreements. (Marcos Martinez)
14. MATTERS FROM THE CITY MANAGER
15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe Is a Participant, Qwest Corporation v. City of Santa Fe, Cases No. 10-CV-00617 in the U.S. District Court for the District of New Mexico and No. D101CV2011-1131 in the First Judicial District Court for the State of New Mexico.



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- b) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending or Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant, Consideration of Possible Settlement of Potential Litigation Between the City and Cameron Construction, Inc. Relating to Gross Receipts Tax Refund Amounts.
 - c) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending or Threatened Litigation in Which the City of Santa Fe is or May Become a Participant, Consideration of Potential Joinder in Pending Federal Litigation Filed by Numerous Small Cities Throughout the United States Regarding the Federal Aviation Administration's Planned Closure of Aviation Towers in Municipal Airports.
- 16. Action Regarding Consideration of Possible Settlement of Potential Litigation Between the City and Cameron Construction, Inc. Relating to Gross Receipts Tax Refund Amounts. (Geno Zamora)
 - 17. Action Regarding Consideration of Potential Joinder in Pending Federal Litigation Filed by Numerous Small Cities Throughout the United States Regarding the Federal Aviation Administration's Planned Closure of Aviation Towers in Municipal Airports. (Geno Zamora)
 - 18. MATTERS FROM THE CITY CLERK
 - 19. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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G. APPOINTMENTS

H. PUBLIC HEARINGS

- 1) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Rivera, Councilor Calvert, Councilor Bushee, Councilor Ives, Councilor Dimas, Councilor Trujillo)
A Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe and Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Chief Salas)
- 2) Request from Los Alamos National Bank for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Los Alamos National Bank, 301 Griffin Street, Which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for a Client Appreciation Reception to be Held on May 15, 2013 from 6:00 p.m. to 8:30 p.m. (Yolanda Y. Vigil)
- 3) Request from Kristin Johnson Fine Art for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Kristin Johnson Fine Art, 323 East Palace Avenue, Which is Within 300 Feet of The Church of the Holy Faith, 311 East Palace Avenue. The Request is for a Grand Opening, to Benefit the Santa Fe Symphony, to be Held on May 10, 2013 from 5:00 p.m. to 7:30 p.m. (Yolanda Y. Vigil)
- 4) Request from Mountain Trails Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Mountain Trails Gallery, 200 Old Santa Fe Trail, Which is Within 300 Feet of The Church of Antioch at Santa Fe (at the Loretto Chapel), 207 Old Santa Fe Trail. The Request is for a Cocktail Reception to be Held on April 25, 2013 from 5:00 p.m. to 6:30 p.m. (Yolanda Y. Vigil)

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.



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

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
April 24, 2013**

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BOUNDARIES OF SANTA FE ARE IN COMPLIANCE
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CONTROL DEVICES ("MUTCD") AND CLEARLY
VISIBLE TO MOTORISTS, PEDESTRIANS AND
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SIGNALS AT INTERSECTIONS ON ROADS WITHIN
THE MUNICIPAL BOUNDARIES OF THE CITY
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A VEHICLE TO CLEAR THE INTERSECTION

Approved

7-8

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OPINION REGARDING MARRIAGE LICENSES
FOR SAME-SEX COUPLES; AND SUPPORTING
EFFORTS TO ENFORCE THE MARRIAGE LAWS
OF NEW MEXICO

Approved

8-26

BID NO. 13/10/B – CITYWIDE SECURITY VIDEO
CAMERA SURVEILLANCE SYSTEM WITH INITIAL
INSTALLATIONS OF 34 CAMERAS AT 15 SITES
THAT CONSIST OF PARKS, TRAILS AND PARKING
FACILITIES; CHAVEZ SECURITY

Approved w/condition

26-30

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REQUEST FROM MOUNTAIN TRAILS GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT MOUNTAIN TRAILS GALLERY, 200 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE (AT THE LORETTO CHAPEL), 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR A COCKTAIL RECEPTION TO BE HELD ON APRIL 25, 2013, FROM 5:00 P.M. TO 6:30 P.M.	Approved	41-42
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 24, 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, April 24, 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 AGENDA

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve the agenda as published.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, 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) **BID NO. 13/20/B – EQUIPMENT PROCUREMENT FOR PHASE II ANNEXATION; ONE (1) FRONT-LOADING COLLECTION UNIT; ONE (1) AUTOMATED SIDE-LOADING COLLECTION UNIT AND ONE (1) TOP LOADING RECYCLING COLLECTION UNIT FOR ENVIRONMENTAL SERVICES DIVISION; BRUCKNERS/AMREP, INC. (CINDY PADILLA)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – NORTHWEST WELL, TANK 5 PERMIT APPLICATION; LEE WILSON & ASSOCIATES, INC. (CLAUDIA BORCHERT)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PHASE II ANNEXATION; 11,000 RECYCLING CONTAINERS FOR ENVIRONMENTAL SERVICES DIVISION; CASCADE ENGINEERING. (CINDY PADILLA)**
- d) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – SANTA FE TRAILS NEW FREEDOM GRANT; DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)**
- e) **REQUEST FOR APPROVAL OF PURCHASE AGREEMENT – ACQUISITION OF REAL ESTATE AT SANTA FE PLACE MALL FOR DEVELOPMENT OF TRANSIT CENTER IMPROVEMENTS; TRADEMARK PROPERTY COMPANY. (JON BULTHUIS)**
- f) ***[Removed for discussion by Councilor Trujillo]***
- g) **REQUEST FOR APPROVAL OF SUPPLEMENTAL LEASE AGREEMENTS NO. 2 AND NO. 3 – OFFICE SPACE OCCUPIED WITHIN THE MONTOYA FEDERAL BUILDING AT 120 S. FEDERAL PLACE; UNITED STATES OF AMERICA. (EDWARD VIGIL)**
- h) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – SANTA FE RIVER REPAIRS AND IMPROVEMENTS FOR ITEMS NOT IN ORIGINAL BID; LOCKWOOD CONSTRUCTION COMPANY. (BRYAN DRYPOLCHER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**

- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – AUDITING SERVICES FOR CITY OF SANTA FE (RFP #11/22/P); ATKINSON & CO. (TERESITA GARCIA)**
- j) **NOTIFICATION OF THE USE OF EMERGENCY PROCUREMENT FOR MATERIAL/ SUPPLY ACQUISITION AND CONSTRUCTION SERVICES TO TEMPORARILY REPLACE 2,500 FEET OF 24-INCH DIAMETER RAW WATER PIPELINE BETWEEN NICHOLS RESERVOIR AND CANYON ROAD WATER TREATMENT PLANT (CRWTP) TO ENSURE CRWTP IS OPERATIONAL TO MEET CITY'S WATER SYSTEM DEMANDS. (MIKE GONZALES AND BILL HUEY)**
- k) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2013-14, APPEAL OF THE JANUARY 22, 2013 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-077, DENYING AN APPLICATION FOR AN EXCEPTION TO REMOVE HISTORIC MATERIAL FROM A RETAINING WALL AT 1148 SAN ACACIO IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (KELLEY BRENNAN)**
- l) **CONSIDERATION OF RESOLUTION NO. 2013-42 (MAYOR COSS). A RESOLUTION RELATING TO THE PRACTICE OF HUMAN TRAFFICKING; ENDORSING, SUPPORTING AND JOINING THE EFFORTS OF THE NEW MEXICO ATTORNEY GENERAL'S OFFICE AND THE LIFE LINK IN ESTABLISHING A HOTLINE TO FACILITATE SUPPORT FOR VICTIMS OF HUMAN TRAFFICKING; AND AUTHORIZING THE DESIGNATION OF FUNDING FOR CREATION AND PLACEMENT OF SIGNS WITHIN THE CITY OF SANTA FE TO INFORM THE PUBLIC OF THE HOTLINE. (MELISSA BYERS) NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENTS PROVIDED IN THE PACKET.**
- m) ***[Removed for discussion by Councilor Trujillo]***
- n) **PURSUANT TO STATE AUDIT RULE 2012, 2.2.2 NMAC, PRESENTATION OF THE CITY OF SANTA FE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2012, BY ATKINSON & CO.**
- o) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 29, 2013: BILL NO. 2013-22: AN ORDINANCE APPROVING A LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE BOYS AND GIRLS CLUBS FOR LEASE OF CITY-OWNED BUILDING AND IMPROVEMENTS LOCATED AT 730 ALTO STREET, SANTA FE, NEW MEXICO, FOR THE BOYS AND GIRLS CLUBS TO USE AND OCCUPY THE BUILDING AND IMPROVEMENTS TO OPERATE AFTER SCHOOL AND SUMMER COMMUNITY SERVICES PROGRAMS FOR CITY YOUTHS AGES SIX THROUGH EIGHTEEN AND OTHER RELATED PURPOSES. (COUNCILOR TRUJILLO AND COUNCILOR CALVERT). (DAVID CHAPMAN)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 10, 2013

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of April 10, 2013, as presented.

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

9. PRESENTATIONS

a) MUCHAS GRACIAS –NEW MEXICO STATE SCIENCE AND ENGINEERING FAIR AWARD RECIPIENTS.

Mayor Coss assisted by Councilor Bushee presented Muchas Gracias Certificates to the New Mexico State Science and Engineering Fair Award recipients.

Councilor Bushee said this is an important accomplishment for these students, noting this was brought to her attention by Councilor Heldmeyer

b) PROCLAMATION – APRIL 27, 2013, KEEP AMERICA BEAUTIFUL – GREAT AMERICAN CLEAN UP DAY. (GILDA MONTANO)

Mayor Coss read the proclamation into the record declaring April 27, 2013 as *Keep America Beautiful – Great American Clean Up Day*, and presented a copy to Ms. Montano.

Gilda Montano asked the Board to join her and thanked them for their hard work. She encouraged everyone to participate on Saturday, noting there will be registration at their offices on Siler Road from 7:00 to 9:00 a.m., and will clean up until noon. She said there will be great food following the event.

c) PROCLAMATION – JIM MONTMAN, AVIATION DIVISION DIRECTOR, TRANSPORTATION DEPARTMENT.

Mayor Coss read a proclamation into the record proclaiming April 24, 2013, as Jim Montman Day, and gave the original to Mr. Montman.

Mayor Coss said, "When I first got on the City Council in 2002, there was this guy finishing a Master Plan for the Santa Fe Airport. A very controversial subject. And he was going to bring three commercial airlines to Santa Fe. That was one of the main things I remember about the Master Plan, and

he did that while he was working for the City. The third commercial airline comes in this May. And now Jim is going on to his second retirement. We have to thank him for his service in the U.S. Air Force as well."

Mr. Montman said, "The first thing I've got to say is it's also my daughter's birthday and I'm missing her birthday party, and if I don't get there pretty soon, it's no longer going to be Jim Montman Day in Santa Fe. First, what I'd like to do is thank the Mayor and members of the Council, the City Manager Robert Romero and all the staff, engineers, my staff and everyone who helped make all of this possible. It's been interesting to say the least, 12 plus years here, but I charged every minute of it. And I hope that some of the things we've been able to do at the Airport have contributed to the economy and to the well being of the City of Santa Fe. And so, that's really all I wanted to say other than thank you for your support, and thank you all, especially the members of the Council that have been so supportive throughout this time."

Councilor Wurzbarger said, "I'll see you later to celebrate, but I want to say that your legacy over the long while in the City and the impact that you've had on, not just our economy to date, but that will happen in the future, because of your hard work will not be forgotten. Thank you so much."

Councilor Calvert said, "Jim, thank you for all your hard work. Jim is a consummate professional and he quite literally put the Santa Fe Airport on the map, and for that we are most appreciative now and into the future."

Councilor Bushee said, "There are not enough words to thank you for saving our airport. I hope you can also save our tower. Somehow I have hope. But really, I know, this is well deserved. I think this might be your final retirement. I think your family might not allow for any other service, but I know that you helped select our new director, so I'm very hopeful that she'll follow in your shoes, but thank you again for all your efforts."

Councilor Dominguez said, "Congratulations, and I'd also like to thank your family for sharing you with us and all the work you've done, so a big thank you to them. I have to tell you that when I first heard we were going to get commercial airlines at the airport and living relatively close to the Airport, I was like, what. But I have to tell you that after I talked to you and you assured me that wasn't going to be much if any noise impact, it's unnoticed just about. So thanks for all your hard work and good luck in the future."

Councilor Trujillo said, "Thank you for all the work you've done here for the City of Santa Fe, and the Santa Fe Airport is a better place and the City is a better place. And just enjoy your retirement, because you really deserve it."

Councilor Ives said, "Jim, obviously, I just want to echo the thanks of all the Council and the Mayor. I am hoping that after a week of retirement, you're contemplating going to Air Traffic Controller School so that, while you might not solve the problem of sequestration, you can at least help us solve that problem here."

Councilor Rivera said, "Thank you Jim for your years of service. I had the honor of working with you shoulder to shoulder, getting firemen out there, firefighters out there as part of what it took to bring commercial airlines out here. So, you did a good job convincing me that that was a good thing and you definitely deserve a great retirement. Enjoy your family, enjoy your time away, and good luck."

Councilor Dimas said, "Jim, I never really had an opportunity to work with you, but I want to congratulate you on your retirement, and wish you the very best of luck. And I'm going to go along with Councilor Ives and say that we're always looking for volunteers for Air Traffic Controllers. I'm sure that you'll fit the role very well, and we look forward to seeing you in the future. Best of luck to you and congratulations on your retirement."

Mayor Coss said, "Well Jim, we'll let you get to your daughter's birthday party. Thanks so much for all your service to the City."

d) SANTA FE WATERSHED ASSOCIATION PRESENTATION OF COMMUNITY EDUCATION AND OUTREACH WORK AS PART OF THE SANTA FE MUNICIPAL WATERSHED INVESTMENT PROGRAM. (DALE LYONS)

A packet of information entered for the record by the Santa Fe Watershed Association, is incorporated herewith to these minutes as Exhibit "1."

Dale Lyons gave a brief overview of this matter, and introduced Felicity Brennan, Executive Director, and Eileen Everett, Education Director, of the Santa Fe Watershed Association, noting the focus of the education and outreach component is to educate the community about where water comes from and the threats posed by wildfires to our water supply, primarily, among other things.

Felicity Brennan and Eileen Everett presented information via power point. Please see Exhibit "1" for specifics of this presentation.

Eileen Everett said this is a 3-part program, which culminates in a hike in the watershed. She thanked the Governing Body for its support of this program. She said there is a letter from her in the packet with information on the program and schedule, noting this program has reached more than 1,000 students. She invited the Governing Body to go on one of the field trips to see what these students are experiencing.

CONSENT CALENDAR DISCUSSION

10 (f) REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – NM 599/JAGUAR INTERCHANGE PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)

Councilor Trujillo said he pulled this item to say "I do work for the New Mexico Department of Transportation. I used to oversee the Cooperative Agreements back in the days. I no longer do that. I see no conflict of interest so I would move for approval."

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

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

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

Against: None.

Absent for the vote: Councilor Bushee and Councilor Wurzbarger.

10 (m) CONSIDERATION OF RESOLUTION NO. 2013-43 (COUNCILOR TRUJILLO, MAYOR COSS, COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR RIVERA, COUNCILOR DIMAS, COUNCILOR IVES, COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ). 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. (JOHN ROMERO)

Councilor Trujillo said he spoke with Isaac Pino and John Romero, and he removed this item to be sure that it is a Mag study where we look at all the signs and the reflectorization of it, and it is on record that we do that study.

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

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 Trujillo.

Against: None.

Absent for the vote: Councilor Wurzbarger.

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2013-44 (MAYOR COSS, COUNCILOR BUSHEE, COUNCILOR TRUJILLO AND COUNCILOR CALVERT). A RESOLUTION RECOGNIZING THAT SAME-SEX MARRIAGE IS LEGAL IN NEW MEXICO; ENCOURAGING NEW MEXICO'S COUNTY CLERKS TO ISSUE MARRIAGE LICENSES TO SAME-SEX COUPLES; ENCOURAGING THE NEW MEXICO ATTORNEY GENERAL TO ISSUE AN OPINION REGARDING MARRIAGE LICENSES FOR SAME-SEX COUPLES; AND SUPPORTING EFFORTS TO ENFORCE THE MARRIAGE LAWS OF NEW MEXICO. (GENO ZAMORA)**

Mayor Coss asked Geno Zamora to summarize his opinion.

Mr. Zamora said, "As has been described, there are four purposes to this Resolution, recognizing that New Mexico law already allows the freedom to marry regardless of gender, that marriage is not defined as between a man and a woman, that same sex marriage in New Mexico is not contained in the prohibitions. The second purpose is to encourage County Clerks to recognize that freedom to marry, regardless of gender and to issue marriage licenses to all couples, regardless of gender. The third purpose is to encourage the Attorney General, who has the authority, to weigh in and issue an opinion, and who has been asked for an opinion by a State Representative, to address the issue of the freedom to marry, regardless of gender. Finally, the resolution, and I'll get into the Memo in a moment here, relates to the City as a policy matter, supporting efforts to enforce New Mexico's marriage law as currently written and the freedom to marry that is allowed pursuant thereto."

Mr. Zamora continued, "You have in your packets, a Memo dated March 19, 2013. It is from myself as City Attorney and Jamison Barkley, Assistant City Attorney. There are four main conclusions contained in this Memo. One, that New Mexico does not define marriage as between a man and a woman. The marriage statutes, when defining marriage, is gender neutral, stating that marriage is contemplated by the law as a civil contract, for which the consent of the contracting parties, capable in law of contracting is essential. So it's defined as parties, number one."

Mr. Zamora continued, "Number two. New Mexico already recognizes same sex marriages from other states. §40-1-4 recognizes that all marriages celebrated beyond the limits of this State, which are valid, are recognized as valid in New Mexico, and New Mexico Attorney General Opinion 11-01 reaffirms that applies to same gender marriages."

Mr. Zamora continued, "Third. The third point of the Memo is that there are prohibitions contained within the general marriage statute that prohibits certain types of marriage. Nowhere within that statute is there a prohibition of same gender marriage."

Mr. Zamora continued, "Finally, the New Mexico Constitution guarantees equal rights on the basis of sex, on the basis of gender, and it is not permissible to discriminate solely based on gender. And therefore the argument is, that if you are discriminating because of the gender of at least one of the two parties, those genders being the same, and that is discrimination in violation of the Constitution."

Mr. Zamora continued, "Mayor, members of the Governing Body, I have listened to the public comments that have been made on both sides of the issue, and some of those comments address legal issues. If you'll give me a moment, I'll address that. One of the statements is that there are statutes that describe the rights between a husband and wife; that is correct. That is in a separate section, not in the Chapter containing the general marriage statutes which define marriage, but in a subsequent Chapter, entitled *Rights of Married Persons Generally*. When describing those rights, the words husband and wife are used within those sections."

Mr. Zamora continued, "The other thing that was mentioned was the concern about what effect this would have upon religious entities. Currently, marriage is defined without regard to gender, but if you assume for a moment that previous Legislative attempts that have failed to define it as between a man and a woman, if you imagine for a moment that that had passed, and that the current statute said between a man and a woman. It would be problematic for some churches who currently deny some marriages, either because they're not a member of the church, they haven't gone through classes of the church, or with some religions, a previous divorce, would preclude a man and a woman from marrying within their church. That is already addressed in the statutes, specifically §40-1-3 which states that it is lawful for any religious society to celebrate marriage conformably with its rites and customs. So religious entities are protected from the imposition of the definition. Also, in §40-1-16 it says nothing in this Chapter, and I'm paraphrasing, shall be construed in any manner to interfere with the ceremony or regulations of a religious society or church organization."

Mr. Zamora continued, "Final point of legal issues relating to comments from the public. The Supreme Court Case of Baker v. Nelson, from 1972, was raised in that context, stating that in 1972, the Supreme Court stated that same sex marriage was not legal. Typically, if I read you a Supreme Court Decision, I could be here for hours. I will read to you the entirety of the text of Baker v. Nelson. Opinion: The appeal is dismissed for want of a substantial federal question. That's the entirety of that federal case, and what it recognized, which continues to be recognized to this day, is that the issue of marriage is a State question to be governed by the States and it deferred to the decision of the Supreme Court of

Minnesota in that instance. With that as a context, Mayor, Members of the Governing Body, I stand for any questions."

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Resolution No. 2013-44.

DISCUSSION: Councilor Ives said, "Given the pathways down which this issue has taken me, I urge everybody to just settle in for a moment. I apologize. I probably will be as long as I ever have been at any meeting of this Governing Body. For those of you who don't know me, I'm a Parishioner at the Cathedral Basilica of St. Francis of Assisi, I am a member of the New Mexico State Bar, in that capacity, sworn an oath to support the Constitution and the laws of the United States and the State of New Mexico. And I am a City Councilor, and as a City Councilor, I have also taken an oath which reads, 'I will support the Constitution of the United States, the Constitution and laws of the State of New Mexico and the Ordinances of the City of Santa Fe, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God.'"

Councilor Ives continued, "My pathway in looking at this issue has been rather lengthy. I, of course, as the City Attorney has pointed out, consulted the U.S. Constitution, reviewing the establishment clause, the free exercise clause, the Fourteenth Amendment as well as a well developed notion of the separation of church and state in our society. I have, in connection with that review of federal law, reviewed the DOMA Case, the Defense Of Marriage Act case, as well as the case of Hollingsworth v. Perry, and have read a number of the briefs, primarily *amicus* briefs filed on behalf of various parties in both pieces of litigation which, needless to say, developed these issues far more eloquently, and far more extensively than we could ever hope to accomplish here tonight."

Councilor Ives continued, "I would note that there are cases currently before the Supreme Court that are being considered, and on which we anticipate rulings in June. I have reviewed and considered the laws of the State of New Mexico. I have reviewed the New Mexico Constitution, where Article 2 Section 18 calls for the State to provide every person with due process and equal protection of the law. I have read Article 2, Section 18 which also provides that the equality of rights under law shall not be denied on account of the sex of any person. I have reviewed Article 2, Section 4, which provides that all persons are born with certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty and of seeking and obtaining safety and happiness."

Councilor Ives continued, "I have review New Mexico Statutes and Executive Orders. The Governor's Office issued an Executive Order in 2003, requiring that the health care and other benefits for spouses of public employees be provided to the same sex partners of public employees, and that was Executive Order 2003-010, dated April 9, 2003. I have reviewed the Human Rights Act in New Mexico, which makes it unlawful for a multitude of persons and entities to discriminate in the provision of their respective services or benefits on the basis of sexual orientation. I have reviewed the Code of Judicial Conduct where it prohibits judges from manifesting bias against any persons on the basis of their sexual orientation. I have reviewed the New Mexico Criminal Statutes that provide enhanced penalties for anyone committing crimes motivated by a prejudice against a victim's sexual orientation. I have reviewed Section 32A-5-11, which

provides that same sex couples are permitted by law to adopt children, including the children of their partner. New Mexico law, on its face, already recognizes, as the City Attorney pointed out, same sex marriages in that it recognizes that all marriages celebrated beyond the limits of this State, which are valid according to the laws of the country wherein they were celebrated or contracted, shall be likewise valid in this State."

Councilor Ives continued, "I have looked at a number of cases as well as Attorney General Opinions. In re. Bivins Estate that New Mexico applies the rule of comity that the laws of the place of contract governs the validity of marriage, which supports that §40-1-4. We have New Mexico AG Opinion No. 11-01, which provides that a valid same sex marriage performed in another state is valid in New Mexico. In State ex rel Human Services Department, it was held that New Mexico law does not permit the State to refuse to let a family member take custody of a child from foster care because of the sexual orientation of that family member. In the case of Chatterjee v. King, it was held that even where there had been no adoption, a same sex partner could seek a declaration of the petitioner that the petitioner was a legal parent of a child where both partners had been raising that child together."

Councilor Ives continued, "I have tried to consider the position and teachings of the Roman Catholic Church. The Church has had a number of doctrinal pronouncements over the course of many years. One was considerations regarding the proposals to give legal recognition to unions between homosexual persons which was promulgated or issued by the Congregation for the Doctrine of the Faith, dated June 3, 2003. And of note in that decision, from my perspective, there was the following language, 'Furthermore, the marital union of man and woman has been elevated by Christ to the dignity of a sacrament. The Church teaches that Christian marriage is an efficacious sign of the covenant between Christ and the Church. This Christian meaning of marriage [inaudible] from diminishing the profoundly human value of the marital union between man and woman confirms and strengthens it.'"

Councilor Ives continued, "I can certainly attest, in my own case, having been married to my wife Patricia, 28 years ago in the Cathedral, that notion of the sacrament in the presence of God in our marriage enriched our lives immeasurably through the process of having children and moving on into an empty nest with each other, something that has kept us together and sees us going to Mass every morning, or most mornings I should say, over at the Cathedral Basilica."

Councilor Ives continued, "There is a tangible difference in my mind between civil law, specifically §40-1-1, which defines marriage as a contract, and the marriage which I experienced with my wife in the sacramental union in the Church. So part of my struggle has been to understand those different relationships, and I think the civil law is tangibly different in what it provides and offers in terms of a marital union, in terms of that sacramental and nature of that relationship which certainly, in my life, has defined marriage."

Councilor Ives continued, "I have read the statements, several other doctrinal notes from the Congregation for the Doctrine of the Faith, a corresponding response, a letter on pastoral care of gay and lesbian persons by Dignity USA's response to the Vatican letter to the Bishops of the Catholic Church, on the

pastoral care of homosexual person. I have read the statement of marriage on marriage of the New Mexico Conference of Catholic Bishops. That statement which was issued, I believe in March, provided that we recall the words of the catechism of the Catholic Church. Homosexual persons must be accepted with respect, compassion and sensitivity. Every sign of unjust discrimination should be avoided. Indeed, civil rights, in these instances, are transgressed, mainly the right to live in peace and tranquility, without fearing violence. However, they went on to say, the redefinition of marriage to include same sex couples cannot be classified as a civil right, as it would infringe upon other important rights, such as the right of children to a mother and father as well as the right to religious freedom. The millions of people who believe that marriage must be between one man and one woman, would be compelled to accept the redefinition."

Councilor Ives continued, "I have considered the various studies, based upon comments we have received in the Governing Body on children in same sex unions. I have looked at the non-traditional families and childhood progress through school, a report by Michael J. Rosenthal, with the Department of Sociology of Stanford University. I have looked at the Childrens' Gender Identity in Lesbian-Heterosexual Two Parent Families by Henry Voss and Theo M. Stanford. I have reviewed also *The Journal of Pediatrics* U.S. National Longitudinal Lesbian Family Study, Psychological Adjustment of 17 Year Old Adolescents. As part of that, I would note that those studies, while not uniform in their determination on the issue, have noted that, to the extent the normal progress through primary school is a useful and valid measure of the child development, the results confirm that children of same sex couples appear to have no inherent development disadvantage. Heterosexual married couples of the most economically prosperous, the most likely to be white and the most legally advantaged in advantaged type of parents. Their children have the lowest rates of grade retention, where a child is held back. Parental SES [Socio-economic status] accounts for more than one-half of the relatively small gap in grade retention between of children of heterosexual married couples and children of same sex couples. When one controls for parental SES in the characteristics of students, children of same sex couples cannot be distinguished with statistical certainty from children of heterosexual married couples."

Councilor Ives continued, "Additionally, children not living in group quarters, including children in households headed by same sex couples are dramatically more likely to make normal progress through schools than students living in group quarters. Any policy that would deny gay and lesbian parents the right to adopt our foster children, would force some children to remain in group quarters. A longer stay in group quarters would be seem to contrary to the best interests of the children."

Councilor Ives continued, "I have also considered and tried to be cognizant of what has been accomplished in other states, reading the various statutes from a number of states that do allow same sex marriage, that do allow, instead of same sex marriage, civil unions, such as the law recently passed in the State of Colorado as well as states that prohibit it."

Councilor Ives continued, "I have considered also, in terms of all that brings us here tonight, why this, why here and why now. We know there are cases before the U.S. Supreme Court currently that we have been told will see decisions by that Supreme Court sometime in June of this year, some 37 days away. We

know that the case filed in the Second Judicial District, and I don't have that title to that case in front of me, but was brought, it was a same sex couple that brought a case alleging violations of both the New Mexico Constitution and Statutes and trying to compel the Bernalillo County Clerk to issue a marriage license to a same sex couple. We know that case was filed, and presumably was brought to compel consideration of these issues by the New Mexico Courts in hopes of a definitive ruling on these issues. We know that this a Resolution that is before the City Council, not an Ordinance, and that it's passage or non-passage will not affect the law affirmatively in any one way or other. We don't have that authority. It is, again as the City Attorney pointed out a state-based predicate."

Councilor Ives continued, "I would note that I have not in the past been opposed to consideration of non-impact issues to state the sense of our community on those issues. I would note that these other issues have not been issues that were intended to polarize or result in the polarization of our community in ways that this particular issue has done. I cannot imagine that anyone considering these issues was either unaware of, or did not in some measure, intend the polarization that has occurred. That polarization is amply seen in the various petitions from the floor that have been presented to this Governing Body during its past several meetings. I was going to go through a few of those with you, but the City Attorney has certainly covered some, and so I will dispense with that, in the interest of time."

Councilor Ives continued, "So we're told many things, and I have tried to pay attention to everyone who has appeared before this body, and take your remarks into consideration, considering the dictates of my Church as well as the dictates of the law in both of those worlds where I live and exist. Recently, before this Governing Body came through a many month long process, involving community workforce agreements. That measure was passed before I was elected. Many said that not enough consideration was given to that measure before it was passed, and this was one of its fatal flaws. I ended up voting in favor of certain modifications to that Ordinance that would have kept CWA's alive. I was not on the side which prevailed in that vote. I thought that exercise taught us, if it taught us nothing else, that where there are issues that deeply divide our community, we do not serve the people of Santa Fe well, as a Governing Body, when we do not give sufficient time and opportunity to consider those divisive issues. Sit down in community and seek common solutions to shared problems."

Councilor Ives continued, "I recognized that on this issue there are some that will always be opposed to the other side's point of view, but I also believe there are many from both sides that would bring an open mind to further discussion and consideration of these issues to seek that common ground. I think, as an example, of that possibly consideration of the recently passed Colorado statute. And again, I won't read extensively from that, but I can tell you, if you do read that statute, you will see that the State of Colorado's Legislature went exhaustively into a process to ensure that there was no discrimination under the law against any same sex couples or persons based on their sexual orientation."

Councilor Ives continued, "So in summary, it doesn't really strike me... this does not strike me... I'm sorry, let me start that one over. Closer to home, the City Council has been engaged in pursuing a number of policy changes to the City's ordinances to eliminate what the New Mexico Catholic Bishops describe as 'unjust discrimination in supporting the dignity of every person.' As just two examples, I have recently

cosponsored with Councilor Bushee, an anti-discrimination measure. That measure is here and has now been enacted and is entitled, 'Relating to requirements for City contractors, amending the City of Santa Fe Purchasing Manual, Establishing a new provision to prohibit discrimination.' As well as cosponsoring a 'Measure relating to benefits for domestic partners, creating a new section to require that the City of Santa Fe provide the best partner benefits for employees of the City of Santa Fe who are eligible to receive benefits.'

Councilor Ives continued, "We are functionally, in my mind doing our part to eliminate that invidious discrimination which has existed in our society, and which has left people of sexual orientation different than our own, or there is that some share from being discriminated in any way."

Councilor Ives continued, "In conclusion, where do I stand. I believe that we will likely hear from the U.S. Supreme Court and from the Courts of the State of New Mexico that same sex marriage is valid and not prohibited. That said, given my great concern for how this issue has been raised before the Council, especially given the other venues in which it is being considered, given the fact that we are moving as a City to eliminate discrimination on the basis of sexual orientation, given that our decision here will not advance the ultimate determination of this matter in the State of New Mexico, given that this issue divides our community in ways that are not conducive to civility and respect for all people, given the oaths that I have undertaken to uphold the law, given that other deliberative bodies with the power, jurisdiction and authority to determine these matters are already considering these matters."

Councilor Ives continued, "And I would take a note from the presentation of the City Attorney who said the argument is, and if it's settled, it's really not an argument, it's simply what it is. So I don't think these issues are fully developed in the State of New Mexico. I do think it is likely, given all those factors, and our law as it currently stands, both Constitutional, Statutory and case based, that while I think that is highly likely that in the near future we will find that same sex marriages are legal, I cannot vote for that at this time. And therefore, I am abstaining from voting on this issue here tonight. And thank you for your patience."

Mayor Coss advised Robert Romero that the sound isn't working in the hallway.

Councilor Dimas said, "My statement will be shorter, but it will be just as intense. I hope you don't mind me reading what I'm going to say, otherwise, my memory's not that long, so at my age, I'm the oldest one here on the Council by the way, so my memory isn't as good as the rest of them."

Councilor Dimas continued, "First of all, let me say that I will be abstaining from voting on this Resolution and here's why. First, I should share with you that I have a 37 year-old gay stepson. He and his partner have been together more than 10 years, and together they have a four-year old son through a surrogate mother, my grandson Archer, who I love very much. I have several friends who are gay and I don't have a problem with any of them getting married if it's legal."

Councilor Dimas continued, "For your information, I'm a fourth generation Santa Fean. I'm a lifelong Catholic. The problem I have with this Resolution is I don't feel the City Council has any business getting involved in an issue that is being decided right now in the United States Supreme Court. They may decide to let the states make the decision, which I suspect they will do. Whatever they say, will become the law of the land."

Councilor Dimas continued, "This City Council should be more concerned with the serious problems we have in our City and not issues we have no control over. This Council has no authority or jurisdiction to ask or encourage New Mexico's county clerks to issue marriage licenses to same sex couples, based on an opinion from the City Attorney that same sex marriage is legal in New Mexico. As I've said, many times in the past, and I think Geno can attest to this, that attorney's opinions are just that. Opinions. Ultimately, this is an issue for the United States Supreme Court to decide, not the Santa Fe City Council. We are not the New Mexico State Legislature, and in fact the New Mexico Legislature chose not to take action on this issue during the last Session."

Councilor Dimas continued, "Unfortunately, instead of trying to bring our community together for a good common cause, this Resolution has done nothing more than to polarize our community. Like all the Councilors sitting up here this evening, I have received lots and lots and more lots of emails and phone calls, both pro and con, regarding this Resolution. An email from one gentleman states, and I quote, 'For those of you who decide the LGBT community doesn't deserve marriage equality, I pledge to work diligently to campaign, raise funds and [inaudible] on behalf of anyone who challenges you in any future race.' Another email from a lady compared me to Pontius Pilate, stating 'he is forever remembered as a coward.' It goes on to say, 'You are copping out bro. Not voting is the easy way out.' These are just two examples of emails I have received. There are many others along the same vein."

Councilor Dimas continued, "In defense of myself, those who know me well, know that I am not, nor have I ever been afraid to make tough decisions. I made them every day for several years when I was a Judge, and I'm certainly not afraid to make them now. During my time on this Council, I have never abstained from voting until now. It was my opinion that this Resolution is not a City Council issue. Period. This City Council should be more concerned with bringing down our high crime rate. We're still No. 2 per capita in the nation for burglaries. We should also be concerned with fixing our streets, improving our parks and all of our City services."

Councilor Dimas continued, "Mayor Coss, you said one of the reasons you brought this forth, this Resolution was because you wanted to walk your daughter down the aisle. I, on the other hand, will never be able to walk my daughter, Brandi, down the aisle, because I lost her 2½ years ago as the result of drugs. She was 32 years old. She was able, as she told me, to get drugs at virtually any street corner here in Santa Fe. We have a very serious drug problem in Santa Fe, one of the highest in the nation, yet we are doing very little to get drugs off our streets. We should do something about that, instead of issues we have no control, jurisdiction or authority over. Once again, I will abstain from voting on this Resolution. Thank you so very much."

Councilor Rivera said, "Good afternoon. Thank you all for coming and thank you to everyone that has a voice and has contacted me, either by phone, email or during personal conversations. I have nothing but the utmost respect for all of you, regardless of which side of the issue you are one. Before this Resolution came up now, I looked over to Patti [Bushee] on my left and said, regardless of what happens tonight, I love you and I still respect you. And I hope at the end of this night, regardless of how the vote goes, we can all walk out of here respecting each other."

Councilor Rivera continued, "This is not an easy issue to discuss, and frankly, we should not be here right here discussing this. The City has many issues every day, and with the recent budget news, I think we should be focusing our attention on more important issues. Instead of focusing our attention on issues we have no control over, we should be focusing our attention of being the best city we can be. Again, we were elected by the people to represent them in City matters and this is not a City matter. Instead, we're discussing a social issue we have no authority to do anything about."

Councilor Rivera continued, "As my colleagues have said, the Supreme Court currently is considering this matter and they are the ultimate decision makers and we should trust them to do their jobs. May we look at and hopefully consider all of the repercussions that may arise from approval or denial of such a measure and how our nation should move forward."

Councilor Rivera continued, "On a local level, some of the people I have spoke to in the LGBT community have voiced their opinion against it. They said they want to just be left alone, they have their affairs in order. And if the Supreme Court allows them to get married, they will do so, and until that time, would prefer not to have all the attention."

Councilor Rivera continued, "So you have to ask yourself why. Why did this issue come up and at the time that it did. I can't answer that, but you are all intelligent enough to figure this out. I am very disappointed, because the only thing this Resolution has done is to set people at odds with each other. We, as policy makers, have created a division in a very peaceful community and are forcing people to choose one side over the other as is evident in the many emails and phone calls I have received from both sides. This is unfair to the residents of our community, both the LGBT community and the faith-based community, especially since we, again, have no jurisdiction over the matter. To try and argue that a marriage license which is gender specific is part of the law is a moot point, because again, we have no authority here. If it is that important, let's allow or ask the voters in this great state to decide."

Councilor River continued, "When I ran for office, one of my goals was to leave when my term was up with my integrity and character intact. I have already injured myself in several other controversial issues we have had and will continue to have tonight. I'm a Christian and I believe in the Bible. I took my oath on that Bible. I have read it. I believe in traditional families with traditional values. I have been against this since the beginning. You may not like my vote, but I hope you appreciate my consistency. With me, it's typically what you get. And with that, I will probably be voting no tonight."

Councilor Trujillo said, "I don't have a prepared statement. Once again, here we are, the City of Holy Faith and a divided community. I thought it was bad when I tried to bring a baseball team here how divided the community is. I see what's happening now. It's unfortunate. But you know, hearing both sides, one thing that really study out was when one gentleman came here and he made a comment that because a person cannot procreate they are non-productive members of society. That struck me, because I see not only procreation and homosexuality, I see that poor girl that probably can't give birth due to medical reasons. That girl, who probably has a degree who is giving to the community and the state is probably a non-productive member of society – that's what I read into this remark. I am a Catholic. I was brought up by loving parents, loving grandparents, not to hate. It amazes me. I don't want to bring in religion, I really don't, but that has been thrown at me every single day since this has brought up. That I'm a bad Catholic, I'm going to be in purgatory, burning in hell. Mean, evil things. And I've had conversations with my priest and other priests, and thank God for these priests when they tell me, 'Ron, that's not going to happen. You're a good person. And I was thankful that a man of God, a Priest, said those words to me.'"

Councilor Trujillo continued, "Yes, we do not agree on this. I took an oath on the laws of the Catholic Church. I took an oath on the laws in New Mexico. We create laws for the betterment of New Mexicans and Santa Feans. Things that I have received in my email talk about how children who are raised by same sex couples are going to hell and things cannot be good for them. And you know, I can read all these things that everybody sent to me. You can send me 100 more, and the one study that I will look at, is the one that I have seen with my own eyes. Because I have friends, a gay couple, raising children that, in my opinion, who probably never would have been adopted because of their race, and maybe because of the physical and bad things have happened to them. The bad things that happened to them were done to them by their heterosexual parents. Sometimes I feel that to be parents you should have to take a test, because I've seen so many things in my short 45 years. I see this couple taking care of child who has had a rough life. And the love and care they have given to this child, and the love and care they have given to their other children. These children are remarkable children. They are so smart and excel in everything they do, and yes, the father figure wasn't there. And the mother and father is very important, but I was very fortunate, but guess what. I lost my dad when I was 19. I did have for 19 short years and I took advantage of 19 years. And I was raised by my mother for the last 25 years. I was an adult, but still, I don't buy some of these statements."

Councilor Trujillo continued, "All I'm saying in my beliefs, is the right rights afforded to me. [inaudible] I was able to share that goal with all of our family, with all of my friends. To me, if you love someone, and you care about that person, why shouldn't you be able to marry that person, share your life with them. If you're really not going to have children, a lot of homosexual couples don't have children, that's just the way it is. There are a lot of things in federal government that probably need to be changed. I want to thank you for what you've done. I've gone back and forth with this, but because of who I am, how I was raised, and this is one thing I would say. You know what, you can throw the Bible at me, all the verses, but there's one thing you need to remember. The Bible isn't a la carte. We can't pick and choose when it is convenient to use it. If you look at the Bible, I see stuff about [inaudible]."

Councilor Trujillo continued, "I'm just trying to say that everybody should be afforded the opportunity that I was afforded to get married, and live happily in this City. Because you know what it says back there *La Villa Real de la Santa Fe de San Francisco de Asis*. The City of Holy Faith. One day, like all of you here, I will be judged by God. I know I will. And when I stand before him, if God says, 'Hey Ron, it was wrong, if that's what he says. If he tells me it is not, then good. The fact is he will judge me, nobody else will. I'm just stating that's how I feel. And because of that I'm going to support this because I think it is the right thing to do."

Councilor Wurzbarger said, "Thank you Ron. Several times over the past 11 years that I have served on this Council, I have faced the difficult task of having to address issues which divided the community along strongly held, indeed cherished, but indeed conflicting values. The testimony in person at the past two Council meetings and the literally hundreds of emails sent to us over the past two weeks, and I think 300 came in today, and there are hundreds of calls. It has been difficult, and I'm talking about the fact that I really appreciate the testimony we've had over the past two Council meetings, and the hundreds of emails sent to us over the past two weeks. And the hundred calls I got on my home phone today, which have definitely underscored the differences that surround the issue of gay marriage, which I consider the civil rights issue of our time."

Councilor Wurzbarger continued, "Now what is most difficult for me, with respect with my to decision tonight, is that this decision requires balancing my personal values about my responsibility as a Councilor with my own personal beliefs, regarding guaranteed Constitutional rights for all citizens. Three times I have taken the simple but powerful oath that says, 'I Rebecca Wurzbarger, having been elected to the office of Councilor, District 2, of the City of Santa Fe, State of New Mexico, do solemnly swear that I will support the Constitution of the United States, the Constitution and laws of the State of New Mexico, and the ordinances of the City of Santa Fe, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God.' And I take this oath very seriously."

Councilor Wurzbarger continued, "What the oath doesn't say, but what I believe, is that upholding the law does not always mean not challenging the law, and that for many issues in our society, which I'll talk about in a moment, it is the evolution of the law that also needs to be upheld. And, even more importantly for me, and one of my advisors says, people don't care about process. Well I care about process. I care about equity process, I care about transparent process, I care about inclusive process. And this also one of the reasons that I have had difficulty with how I have moved through this Resolution, so bear with me."

Councilor Wurzbarger continued, "For my first point, in terms of the difficulty, is that I do believe that the Resolution, I'm not a lawyer, I have spoken to Justices on the Supreme Court, I have spoken to my lawyer friends, and I have to come back to other reasons. But, from the legal perspective, I believe the Resolution undermines the assumption that gay marriage is indeed legal in the State of New Mexico. It would be very confusing to me, if it is legal, why does the Resolution ask for an AG Opinion, which I do support doing."

New Mexico has made some progress with respect to gay rights as a protected class, but from what I understand, and from the struggles that we've been through and failed, equal marriage is not included."

Councilor Wurzbarger continued, "As your elected official, I have always stood for policies that can actually effectuate change. I am most uncertain as to how aspects of this measure will accomplish the more important goal of eliminating marriage discrimination in our Civil Code. If it is the primary intention of the proponents to keep this issue in the public debate after it's recent repeated failure at the Legislature, this Resolution in that regard has succeeded."

Councilor Wurzbarger continued, "Certainly introducing a Resolution by press release, however, with only moments notice to the Governing Body, captured the attention of the media and also proponents and opponents. However, in my opinion, and what has made me very uncomfortable, is that the process was not a particularly transparent or inclusive one in the beginning, to either the Governing Body or the public, as shown by the fact that the first evening comments were primarily dominated by proponents of the measure who did have knowledge of its imminent consideration, or they would not have appeared for a vigil. While opponents, who dominated the discussion at the second meeting which I did not attend, but I did read the minutes of that meeting, they came to the second meeting with their positions on the issue, once the measure had been introduced at Council and once the newspaper revealed that the measure had been introduced"

Councilor Wurzbarger continued, "In short, I believe that the manner in which this was developed and introduced was unnecessarily sensation and divisive and I think we could have done a much better job at the Council. By the way, I do want to say on that, in terms of process, because I think it's important, and I know Geno, I really appreciated your information on the potential impact on the church, which was the first time I have heard that publicly. Again, I do agree with Councilor Ives that there is a much broader spectrum 'here,' than 'here' and 'here.' And it is our job to help find all the voices that need to be in this debate to make it not only more civil, but more effective."

Councilor Wurzbarger continued, "And I would comment on that, I will say, particularly from my gay friends, and the gay friends, the night we walked out of here. I learned about this Resolution when I was in Albuquerque, working on economic development issue for us, and received a call from the news media wanting to know why I didn't support it. And I had to say, 'What Resolution,' didn't feel good. Coming back with the Mayor on the night when there was the vigil, Councilor Bushee pulled me into the middle of the circle and people who came, whom I know, whom I consider friends who are gay, said, 'Councilor Wurzbarger, we don't understand why you're not supporting this.' To which I had to respond, 'I'm sorry, I do not take a position on a Resolution or issue which I have not read.' So, I want that as background. That's important for me for both sides of the debate."

Councilor Wurzbarger said, "The second, more difficult conflict for me which I face is that of my personal beliefs. I have just returned from my home state of Mississippi, which allowed me, by stopping in Memphis, my first visit to the National Civil Rights History Museum. There I was reminded of my frightening experience in 1954, when Brown v. Board of Education was passed. And teachers in the hall of

my primary school were wailing as though the world had ended. It was not funny. It was terrifying. But even at age 6, which I was then, I knew that such discrimination was grossly unfair, as was the fact that even though my favorite religious song, I was brought up a Southern Baptist, which I no longer practice, but my favorite religious song stated *Jesus loves the little Children of the world, all the children of the world. Red and yellow, black and white, they are precious in his sight.* Then, black children could not attend our white Sunday school, or go to our white school."

Councilor Wurzbarger continued, "I believe the painful truth today is that in Santa Fe, in New Mexico, in the United States, gays are not equal under the law and that is wrong. The Civil Rights Museum displays the long history of unrelenting struggle from the first ever vote in 1919, to the death of Martin Luther King in 1969. And finally, the elimination of restrictions against bi-racial marriages during that time."

Councilor Wurzbarger continued, "The tour culminates, and by the way, I love the way things come to me at the time that I need them. I was there just last week, and it did affect the way I am sharing with you my final decision. The tour culminates in the Legacy Room which displays the few civil rights to be addressed in this country. And the highlight of that room is the struggle of gays in the United States. It ends with a call to action 'for those of any age, race, gender, nationality or religion to continue the pursuit of freedom, justice and peace for all Americans'."

Councilor Wurzbarger continued, "Santa Fe and our country need to answer this call by demanding a change in the law to honor civil marriage in New Mexico, and in the country. This must be done in a manner that recognizes the Constitutional separation of church and state. As Geno pointed out tonight, which has not been widely discussed in the debate so far, churches will continue to have the right to marry whomever they believe can be married. States must accept the mandate of marrying whomever wishes to be married. And we in the community need to accept this, as well as we need to accept people who choose not to be married."

Councilor Wurzbarger said, "As your leader, and as citizens, we must participate in this public debate in a manner that results in enforceable civil rights changes by the jurisdictions that have the authority to do so. We may not have the authority to write the law, but we do have the authority and the power to influence the law. At the local level, we need to stay focused on what we have the authority to do, and that is to provide open, honest dialogue to continue working to eliminate all discrimination based on sexual preference and choice of [inaudible]. We need to be sure that New Mexico laws that prevent discrimination as a protected class on this, and we need to do more within our authority, especially to advocate. Despite my belief that this Resolution is questionable, with all due respect, Geno asserts that gay marriage is legal in New Mexico and despite my belief that it was introduced in an unnecessarily divisive manner, and my concern that it most likely will not effectuate immediate, meaningful change, I am adding my vote as a response to the call for making substantive policy change on the civil rights issue of our time. Let's move forward with supporting marriage equality. Let's do it together by building additional consensus around the fact that this is discriminatory as we have known, and let's end our country's discrimination of providing 1,138 marriage benefits to only some of our citizens. Thank you."

Mayor Coss said, "Not seeing any other hands, I'll go. And I want to thank everybody involved for all their involvement. And I want to thank Superintendent Boyd for being here this evening. And I hear some of the criticisms about how I introduced this Resolution. I worked with Geno on this and I think Geno's opinion is the correct opinion, and I think it advances the issue, which as Councilor Wurzburger said is about equal rights. It's about the freedom of members of my town that I represent to marry the person that they love, and to have equal rights in Santa Fe."

Mayor Coss continued, "And I have never believed... it's funny I was born in the year of Brown v. Board of Education, so I guess that marks my life, but I have never believed that separate can be equal, for equal isn't [inaudible]. So that's why I've introduced this Resolution, and I'm sorry it's hard, but the most important things always are hard. Mowing the grass and filling the potholes, that's pretty easy. That's something you're supposed to do too. But womens rights, immigrant rights, labor rights, gun safety – those are hard issues, but they are important for our communities to address. And that's why I introduced this Resolution. And I thank you Geno for your work. It's been 10 years that you've been working on this, not just while you were City Attorney."

Mayor Coss continued, "So I'm supporting the [inaudible] of everyone in my town to have equal rights and to marry the person that they love. I guess there's been a lot of talk, but I just wanted to read what the American Psychological Association said:

Allowing same sex couples to legally marry, will not have detrimental effect on children raised in heterosexual households, but it will benefit children being raised by same sex couples in at least 3 ways. First, those children will benefit from having a clearly defined, legal relationship with both of their de facto parents. Particularly for those families that lack the [inaudible] or wherewithal to complete a second parent adoption. Such legal clarity is especially important during times of crisis, ranging from school and medical emergencies involving the child, to the incapacity or death of a parent.

Second, children will benefit from the greater stability and security that is likely to characterize their parents' relationship where it is legally recognized through marriage. Children benefit when their parents are financially secure, physically and psychologically healthy and not subjected to high levels of stress.

Finally, they also benefit when their parents relationship is stable and likely to endure, plus the children of same sex couples can be expected to benefit when their parents have the legal right to marry.

Mayor Coss continued, "So, I just wanted to put that on the record. I am proud to introduce this. I'm sorry that it polarized. I've polarized folks with the gun safety, immigrant rights and labor rights for my whole career. And I did not take a religious oath when I took this office. I took an oath to represent everybody and uphold the Constitution. So, Geno, I appreciate your work on this. I think you've moved the ball

forward. I think this issue is going to be resolved in the near term, and your work has helped. So I was proud to sponsor this Resolution."

Councilor Rivera said, "Can I ask a question of Geno, and then I'll yield the floor to my other Councilors. But you said that churches could not be basically sued, based on the law, the way it stands today. Correct."

Mr. Zamora, "Mayor, Councilor Rivera, what I spoke about this evening... first of all, that answer is correct. Yes. Correct. What I referenced was the State Statutes that protected the Church, but also, Councilor Ives as he point out, raised the establishment clause in the U.S. Constitution which prohibits the imposition of this upon churches."

Councilor Rivera said, "So, even if this became a civil right, then those Churches would still have that right."

Mr. Zamora said, "Mayor, Councilor Rivera, that is, in my quick analysis in my mind of that, that answer is correct. I think it also needs to be thought of on the opposite side of that coin, in that there are churches and religious organizations that perform same gender marriages, and it also protect that religion's ability to perform those marriages. So the churches remain immune from being forced to perform marriages."

Mr. Zamora continued, "And the other thing I mentioned, also related to opposite sex marriages, the State cannot command a church to perform even the opposite sex marriages, because churches have their own restrictions on marriage."

Councilor Rivera said, "Thank you for that Geno."

Councilor Dominguez said, "Thank you Mayor. I'm going to be real brief, because there's a lot that's been said. First of all, I want to thank everyone who has come out over the last month or so to speak either for or against this issue. [I] thank everyone for all the emails and all the phone calls. It's taken quite a bit of time, but nonetheless, that's part of the democracy that we live in. You know, I'm not going to get into theological or religious component of this right now, because, right now at this moment, that's really my business and not anyone else's. And I'm not even going to get into the legal Constitutional argument that goes with this, because there's lots of things that can be said about that. There's lots of stories that can be told. Councilor Trujillo talked a little about that, and there's lots of studies that can be thrown out as well. I think Councilor Ives referred to that a little bit."

Councilor Dominguez continued, "This has been pretty difficult for me as a Catholic man who is married and heterosexual. I have to say that this is not about me as an individual or a person. This is about the position that I hold as an elected official. And I've thought about voting for this. I've thought about voting against this. I even thought about abstaining from the vote on this. And I think that's the proper process that an elected official should go through in debating some of these kinds of policies that come in front of us. I will say I've never abstained [from voting] on anything, I don't think. Maybe I should have on some things, but I haven't."

Councilor Dominguez continued, "And to be quite honest, I'm not necessarily happy about the way this has come about. I think it's divisive, it's polarizing, it's not healthy. But then again, maybe it is. Maybe it's about time we start talking about these sorts of things in our community. Either way, it's on the table. It's on the table for us to consider. It's gone through the proper process that has been mandated by this Governing Body and previous governing bodies, and so it is here right now. It is on the table for us to consider and take a look at. You know, we vote on things all the time that we have no control over, whether it's west shops in China, or gun locks for guns, we vote on things all the time that maybe we have no control over, but we have a voice. And that is part of what this is about, is providing that voice. And so, to end the speech I guess, and to let everyone know where I am, in case you don't already, I'll be voting in support of this Resolution."

Councilor Bushee said, "Okay. Last, but not least. I'm not someone that usually prepares any thoughts or words, I usually speak from my heart. So, but I have organized by thoughts because there have been many, many many thoughts throughout this process. So I want to start by thanking all of you that have contacted me. I've received wonderful messages of love and support, and I've also received messages expressing fear, anger and disappointment. The volume of calls and emails has been overwhelming. I'm sorry if I did not get back to you directly. I appreciate all of the input. This has been a very emotional issue for everyone."

Councilor Bushee continued, "Because I've always been honest and open about who I am, a few people have suggested on this issue, I'm pursuing a personal agenda. Those who have watched my work as a public servant for 19 years in this community, will recognize that my stance on the issue of marriage equality is no different than the positions I have taken over the years in defense for equal work for equal pay, equal rights for women, protection of children, the elderly, the disabled, the under-served and our immigrant population."

Councilor Bushee continued, "If I have a personal agenda, it is the hope that nobody will experience the pain of discrimination, bullying, personal attacks or actual physical violence. Nobody should be treated less than... I've always acted on my firm belief that everyone, with no exception, should be treated with fairness, dignity, respect and afforded the same opportunities to pursue personal happiness. When I have been confronted with injustices of any kind, I have always tried to do everything in my power to rectify that situation."

Councilor Bushee continued, "In my job as an elected official, I was elected to protect the health, safety and welfare of all of the citizens of Santa Fe. The message sent directly to LGBT population is that we are inferior or not deserving of the same rights as the rest of our community. It was the same message that was delivered 50 years ago to inter-racial couples. The impact of this message of inequality is evident in statistics like these. Nearly 9 out of 10 LGBT students experience harassment at school. LGBT youth are two times less likely to finish high school or pursue a college education, compared to the national average, due to bullying and harassment. They drop out. LGBT youth are over-represented in foster care, juvenile detention and among homeless youth. LGBT youth are seven and a half times more likely to experience acts of sexual violence than heterosexual homeless youth. LGBT's and young adults have one of the highest rates of suicide attempts, up to four times more than their heterosexual peers."

Councilor Bushee continued, "Marriage equality not only sends a positive message to our LGBT youth, but also reinforces the foundation that all marriages have, which is care, commitment, responsibility and love. It's difficult to understand how anybody could be against reinforcing these basic family values. Just like you, we want to grow old together and take care of our families."

Councilor Bushee continued, "Over the years, I've had the habit of calling my 85-year-old dad back in Maine when I'm presented with a complex or difficult issue, when I'm up here on the Council. Like many families that I've had the privilege to get to know here in Santa Fe, my dad came from a large Catholic family. He was one of 15 children who were brought up Catholic, living down the street from the Most Blessed Sacrament Church. My mom and dad will be married 58 years this October. This past Sunday, when I asked my dad what he thought about the idea of me one day marrying my partner, I said you were a very strict Catholic when we were young. And I wondered if you find this idea in any way offensive. He replied that the world is changing, and that anything that made me happy, made him happy. And the end of the call was, you know I will always love you."

Councilor Bushee continued, "Santa Fe has a rich tradition of diversity, equality and acceptance. The passage of this Resolution in support of the freedom to marry for all of our citizens is in keeping with that rich tradition. Santa Fe needs to be a leader for New Mexico. The freedom to marry will be coming soon across the nation. The time is now to show support for all of our community. Let's be on the right side of history."

Councilor Bushee continued, "As one of the Boston Marathon finishers, and I'm from those parts, said when he just finished the race and ran across a woman just sitting there in a daze after the bombing, and she was unable to finish the race, and he bent over and he put his medal on her and said, 'You're a finisher and he ended with Love wins, Game over.'"

Councilor Bushee continued, "I want to thank a few people, because this has been difficult for the past couple of months. But I will tell you that there are many people in this room that have endured the kind of difficulty and duress and oppression for their whole lives because they are different. They are other. we

need to end that now. So I have a personal hero up here. I respect and love all of my colleagues. Chris and I will continue to be dear friends. We don't have to agree on this issue. But what I will say is that Ron Trujillo and his wife Amber have become my heroes on this issue."

Councilor Bushee continued, "And I don't mean to take anybody else's support for granted, and of course, the Mayor is always there for us. And I also want to thank, in particular Superintendent Boyd for showing up this evening. I really appreciate that. And I want to thank the members of the faith community, in particular Reverend Talitha Arnold and Pastor Harry Ebert. I know there are others with their congregation here, and I'm sorry I didn't single you out, because I am unaware of who exactly is here this evening. I see a sea of red which I'm happy about."

Councilor Bushee continued, "And just so you understand our procedures up here, an abstention means no for the purposes of this Resolution, so you can count now. And it takes five yes votes to pass this Resolution, and by my counting so far, I think we have five yes votes. Thanks again."

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

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

Against: Councilor Rivera.

Abstain: Councilor Dimas and Councilor Ives.

Explaining his vote: Councilor Calvert said, "Yes. I'm voting against fear and prejudice and for equality, inclusiveness, and most of all love. I vote yes."

Break 7:00 to 7:15 p.m.

12. BID NO. 13/10/B – CITYWIDE SECURITY VIDEO CAMERA SURVEILLANCE SYSTEM WITH INITIAL INSTALLATIONS OF 34 CAMERAS AT 15 SITES THAT CONSIST OF PARKS, TRAILS AND PARKING FACILITIES; CHAVEZ SECURITY. (THOMAS WILLIAMS)

Councilor Dominguez asked what exactly is this contract.

Mr. Williams said initially, it does not include monitoring as specified in the bid document. However, Chavez Security has made several recommendations for enhancing the bid specifications and they are looking to include monitoring and close patrol to layer it with the technology within the dollar amount that was bid.

Councilor Dominguez said then it is 34 cameras at 15 sites. He asked what protections do we have against faulty installation and cameras not being up and running.

Mr. Williams said the bid document specifications specify that all of the installation of the equipment, including cameras, equipment, servers, monitoring software have to be installed by certified technicians, whether with Chavez Security or the manufacturer, and they have assured us they will do it. He said it includes three-year warranties.

Councilor Dominguez asked how long we are giving them to install this, because they could install it correctly and they could take two years which wouldn't do us much good. He wasn't able to find this in the packet.

Mr. Williams said a timeline for installation isn't specified. He said because of its relationship with the City with respect to monitoring, Chavez has assured us that if this is approved this evening, we are looking to having everything installed within two months.

Councilor Dominguez asked how we mandate that of the contractor. He wants these cameras to be installed and operative.

Mr. Zamora said, "Prior to a legal answer, I'm going to defer to Robert Romero who can give you a procedural answer."

Mr. Romero said the reason this was brought straight to Council is for that reason, and the summer season is coming quickly. He said he doesn't think it will take long for the contractor to install these, and is unsure if we can amend the contract. He said the intent all along is to get them installed before the summer season, and guesses they will be installed in 6-8 weeks.

Councilor Dominguez said, "With all due respect I appreciate that, I understand that, but I want to make sure. I'd like to somehow... not that I would want the contract to come back in front of us to be renegotiated, but some sort of checks and balances, some sort of update even to the Governing Body. They could come back and say well, we're doing this, but if we could get X, Y and Z we could do it faster or better or whatever. I just want to make sure that it's done timely, and well."

Robert Rodarte said, "The approved to form PSA in the back here, we can go back and make some milestone adjustments which you're looking for, to ensure that they do each area on a timely basis. However, there are quite a few sites here. How do we prioritize it. Some are a little different than others, especially.."

Councilor Dominguez said, "I'll let staff prioritize it. I just want to make sure it's done in a timely manner, and as Councilor Calvert said, done well."

Mr. Rodarte said they will do an amendment to the contract to make that change to ensure it is done within a certain period of time.

Councilor Dominguez asked how we would do this, commenting he doesn't want to hold up the contract.

Mr. Rodarte said the approved to form contract is approved through the City Attorney's Office. He said, "We can go back and we can add that information in there, and get it resigned by Geno's staff. We can do that, and after that, then you get the signatures."

Mr. Romero said, "The only thing I could offer is that we approve the contract as it is, if we can get a timeline from the contractor that is within the budget, we can move forward. If not, and we can't negotiate something, we can bring it back to the next meeting. If we approve the contract now, then he can order the equipment. That could be a factor in how quickly we could get them installed, so we could meet with them as soon as tomorrow, find out what his timeline is."

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, with "the condition that a timeline be brought to the Governing Body, not for approval, but just for review, and that language be incorporated into the contract that if the timeline is not going to be met, that the Governing Body is updated with that information."

DISCUSSION: Councilor Rivera asked, if a contract were to be amended, would it not have to go back then to all, or at least the company that won the bid and probably be reviewed by their attorneys and any other additional changes made at that point, and then ultimately brought back, which would create weeks of delay.

Mr. Rodarte said, "There's a couple of things. This particular PSA you have in front of you, if you approve this to move forward, we can go in and make Amendment No. 1 to this contract, assuring that there will be no monetary changes. All we'll be looking for is a timeframe to get it done. So basically I believe that, because of our good relationship with this contractor, and they know the importance of getting this thing up in the air, we can amend the contract with a simple agreement between them and us quite quickly. It does not have to back to the various committees, because we're not talking about a monetary deal here. It's under \$50,000. It's more verbal. It's more language. If there is going to be a financial impact, then we have to talk about it again, but I don't think we'll see that."

Responding to Councilor Dimas, Mr. Williams said it is his understanding it would be the City. "If we have to replace equipment due to some type of vandal, and we have spares in the proposal, if that's what you're asking me."

Councilor Dimas said he wonders how secure the cameras will be and what safeguards we have in place. *[Note: Councilor Dimas' complete question here is inaudible because his microphone was off.]*

Mr. Williams said these are vandal-resistant cameras, located in enclosures, vandal resistant to the extent you can with something like that. It is important to know that the cameras and software are event-driven, noting they are not constantly streaming, but if there is a detection of movement it starts recording which lends itself also to being vandal resistant.

Councilor Dimas asked if they are similar to the casino cameras.

Mr. Williams said yes, noting those are dome cameras which are fairly vandal resistant. He said the camera location in terms of height is important. He said in most installations there are two cameras which can monitor one another. He said the entire system was designed, Chavez Security and the patrol they want to layer on top of the technology, with the concept of 350 degrees.

[Councilor Dimas' question here is inaudible because his microphone was turned off.]

Councilor Dimas said there were concerns about the wireless antennas and causing harm, such as the cell towers, and asked if there are studies.

Mr. Williams said, "It's another one of those topics where you'll have 50% on one side and 50% on the other."

Councilor Ives said the Chavez bid is \$250,000, the next lowest was \$500,000, and the third bid was just more than \$1 million, with a final bid of \$1,250,000, which because of local preference was \$1 million. He said the spread between the winning bid and the highest bid was a factor of 5. He said in looking at the bid sheets, there is a tremendous difference in terms of the bid amount on particular items referenced in the bids submitted. He wonders what we estimated as a City, and asked if it is improper to ask the internal estimates of the project.

Mr. Zamora said, "As a general practice of doing so, it could be problematic to ask prior a final contract being signed, in case the final contract isn't signed for some reason and it has to back to bid. For example, if some of the milestones aren't agree up. Now, that being said, it may be public record, but broadcasting what exactly that number is, with the potential to back to the bid."

Councilor Calvert said he doesn't think there is anything improper and we do this all the time on Public Works Projects, and the engineering information is part of the bid packet and is available to anybody.

Mayor Coss asked if staff is going to give Councilor Ives the number or not.

After receiving a nod of assent from the City Attorney, Mr. Williams said the estimate we gave to the Council in July 2012, with a few more sites, was approved up to \$390,000, based on 20 sites and 38 cameras.

Councilor Ives said he is concerned given the spread, although it is good to get this at such a good price, if we can keep it at that price. He hopes we're getting full warranties on equipment and won't be coming back because something wasn't included.

Mr. Romero said, "I did see that as well. I talked to the contractor, we actually hired someone to develop the specifications. They're very stringent. And I think the technology in this area is changing rapidly and the prices of these cameras are coming down very quickly, so we think we have the backbone, and it will be easy to add more cameras as we move along. So I did speak to the contractor about this to be sure he can deliver. He satisfied me. I know Thomas, you had a strong team, a consultant that we hired to develop the specs and review the bid, so we're confident."

Councilor Ives said, "I've known Peso for a long time and found him to be straightforward, and that he lives up to what he promises, so yes, I was just impressed by the numbers, so thank you."

Councilor Dominguez thanked staff for their work on this, commenting he doesn't know all the technical details that are part of the contract, so we are relying on staff to ensure that this equipment and service of the equipment is adequate. He asked about the monitoring.

Mr. William said, "Whatever we come up with.... because as part of the bid package, we asked the contractors to give us other suggestions and ideas for how they would do it differently. And as part of that, Chavez Security submitted a very detailed alternative plan, understanding that whatever we come up with has to be done within the bid amount and that would include some degree of monitoring and patrol as well, because they already actively patrol a lot of these areas."

Mr. Romero said, "Chavez has developed the new technology and the security guards they have now will have a box or computer with them and these cameras I understand, if it is a secure area like in the watershed area, somebody crosses a setup, a kind of a laser beam, somebody crosses that, it pops up on the Security Guard screen immediately. Over there, the technology is they have a speaker there, so the security guard can be looking at his camera and see somebody, and he can get on his mike and say, you're in a secure area we're on the way."

Councilor Dominguez asked if the contract includes that ability.

Mr. Romero said that is what they're going to work out with the contractor to determine if there will be additional costs and how much that would be.

Councilor Dominguez said there may be the need for additional technology to get that done, and we need to have an understanding of how it is working. It speaks to our ability to communicate with the constituency about what's going on, why it's happening and why things are not happening. That's why he wants to have that in the contract.

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to provide that “any monitoring concept or agreements come back to the Governing Body as well, just so we understand better how things are working and there may be the need for additional technology to get that done, and how quickly, so we understand how it’s working. It speaks to our ability to communicate with the constituency about what’s going on, why it’s happening, why things are not happening. So that’s really why I want to have that in there.” **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Wurzburger said, “I just want to say thank you for District 2, because the trailheads are really where we need this. I know we’ve talked about it for a long while, and I’m most grateful that we are proceeding with it.”

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

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

Against: None.

Absent for the vote: Councilor Bushee.

**13. CONCEPT APPROVAL OF PHASE II ANNEXATION AND RELATED AGREEMENTS.
(MARCOS MARTINEZ)**

Mayor Coss welcomed Commissioners Mayfield and Anaya from Santa Fe County, and thanked them for being here this evening, and said he appreciates all of their work on this effort.

Marcos Martinez noted his Memorandum of April 18, 2013, with attachments, in this matter which is in the Council packets, which contain the overview of the various agreements which are proposed to help facilitate Phase 2 Annexation. He said he will stand for any questions the Governing Body might have for him.

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

DISCUSSION: Councilor Calvert said on page 1 of the Memo where it discusses Fire & EMS, the 4th and 5th bullet say “Maintain,” but they don’t say who and in 4 and 5, he believes one is the County and one is the City. He believes it would be appropriate to specify to whom we are talking about maintaining something, especially since they are different in these two instances.

Councilor Bushee said Bullet #2 says, “The County will consider a donation or sale of Agua Fria Station 1.”

Councilor Calvert asked how that will be decided.

Mr. Martinez said, "That decision clearly hasn't been made. However, the County, at least through the representatives we've spoken to, have expressed that there is a spectrum of possibilities in the acquisition of that fire station. This is just a bullet point that I wanted to express the possibility in the future. The doorway has been opened. We can certainly begin negotiations by seeing whether a donation is possible and then proceeding to a sale. But because there is no formality to that agreement, I just wanted to merely memorialize it, I guess."

Councilor Calvert noted the title, "Agreements to facilitate Phase 2 Annexation," and asked if this is just a conceptual framework, and if we're still going to get something very itemized as far as voting on it for this."

Mr. Martinez said, "Included in the packet is the agreement itself on Fire and EMS, and it does explain who will maintain, for example, in bullet 5 that you specified wasn't clear, who was going to do the maintaining, development review and investigations, that is clear who has the obligation. The donation is just a memorialization and recital of the possibility of donation or sale. It's merely memorializing a recital in that case. And as you know, recitals are not binding. If you feel that it is superfluous, we can propose to have it taken out, but it does express the background of the parties, some of the intentions of the parties, but it is not a binding obligation that appears in the Fire and EMS Agreement."

Councilor Calvert said that seems sort of vague at best, and he would like a little more specificity on that and try to nail something down as to what we're agreeing to. He said we're very specific in terms of utilities, and he would like that same level of detail here – decided one way or another.

Councilor Calvert said, with regard to the Phasing Agreement, it says, "Area 12 and Area 1 south of Alameda in former Phase 3 of annexation will occur during phase 2. That, I understand means that Phase 3 will be limited to the remainder of Area 1 north of Alameda. That I wasn't even sure that we were considering or that we were actually going to be doing, so that one is somewhat of a surprise to me."

Mr. Romero said that was a request from the County after the last meeting. The only concern staff had was fire and in the last bullet it says, because we don't have hydrants or tankers, the agreement as I understand it is in the last bullet which says, 'County will continue to provide Fire & EMS service in Area 1, north of Alameda even after annexation through a mutual aid agreement.' That was the big concern. He said any new home in that area will be required to be sprinkled, because we don't have the infrastructure for hydrants, so again, that's a very rural area. It did come up after our last meeting."

Councilor Calvert said the last he heard is all we were going to annex in that area was south of Alameda. He said if this is going to become part of the annexation, it is even more important to resolve the issue of the fire station because it will be a factor in our ability to do that. It shouldn't be we'll consider whether they will or will not negotiate or sell, the only question should be whether it's going to be a donation or a sale, not whether they'll do either one. He thinks that needs to be ironed out. He would rather have it donated, but thinks it is fair in terms of some of the utility infrastructure we will be transferring as well.

Councilor Wurzbarger said she was going to suggest as this moves forward, we might consider having a process, rather than saying donation, we should put a timeline on making a decision with respect to what direction we're going. She asked if this addresses his concern.

Councilor Calvert said yes, reiterating his concerns.

Councilor Wurzbarger agreed, asking if it would help to have a timeline and if that would be acceptable to the County, and say we will come up with a proposed plan collaboratively so this can move forward on that particular point.

Mr. Martinez said the language is on page 14 of the packet, Paragraph , which provides, "[The County agrees to the following] Negotiate a lease, sale or other arrangement if the City requests to provide use of Agua Fria Station 1." He said, "I think the difficulty has been, it's not clear whether the City would want to use Agua Fria 1. I think there's been some question as to whether Agua Fria 1 is up to the standards of other City Fire Stations. So I think the purpose of this was to give the City as many options as possible. So if the City then expressed interest in Agua Fria Station 1, this document was meant to memorialize the fact that the County would be open to that negotiation."

Mayor Coss said so you're saying, the City Fire Department might not want that Fire Station, and Mr. Martinez said, "Yes. We don't know."

Councilor Wurzbarger said, "But the County has agreed that they will talk about it."

Mr. Martinez said it is a request and it's hard to memorialize that in a more definitive way until we know what the needs of the City are.

Councilor Ives noted the Memo didn't have any recommendations associated with it, noting the caption indicates "Concept approval of Phase 2 Annexation and related agreements," and the memo set forth some of the provisions in each of the agreements – but there are fully drafted agreements attached. He asked what the Council is being asked to do here vis a vis those agreements and what happens next.

Mr. Romero said the direction from Council that the agreements would be approved at each governing body level, and the request from the County Manager to him, was that we jointly approve them, but each body would do what we're doing tonight, so when we meet together to jointly approve, we would vet any issues. He said the request is for concept approval to ensure the Council had seen the agreements and was okay with them. He said he could have requested approval tonight, but it was his understanding that the County wanted to do a joint meeting to approve. The County will meet next week and if they approve, after our action tonight, we can meet with them or come back and official approve at the next Council meeting. He said these are the final agreements and the reason we requested concept approval.

Councilor Dimas said he is for the annexation. He is still concerned about the law enforcement aspect of it. He said he has a question of Chief Rael.

Councilor Dimas said, "I know that you and Sheriff Garcia have gone over this numerous times and I know that we had it at our other joint meetings. I just want to ask one more time. Are you comfortable with the agreement that you have, knowing that we're going to have to hire a lot of officers by 2015 and 2016, in order to give adequate police protection to those additional 10,000 people that are going to be in that annexed area and you know, I just want to hear it from you if you're comfortable with the way it stands right now."

Chief Rael said, "Yes, I am comfortable. I think we've built enough lead time, if approved quickly, we can gear up our recruiting and hiring, and I think we should be able to meet the deadlines with that one year lead in to absorb half and then the other half in subsequent years. So I'm reasonably comfortable that we'll meet the majority of the goals, if not all of them, as outlined. And I think we can provide the coverage moving forward."

Councilor Dimas asked Robert Romero, "Do you think that the funding, by 2015, knowing the position we're in now with the City, do you think the funding will be adequate to fund the 17 additional officers?"

Mr. Romero said, "Based on the information in the BBER Report, the additional tax revenue will cover the police costs. It will not cover future fire costs, so that's something we need to figure out within the next 5 years, but it will cover the additional Police costs."

Councilor Dimas said, "I guess that satisfies me."

Councilor Ives said, on packet page 25, there is a statement in Section 1(A), "...The Ordinance shall prohibit refuse collection and collection of recyclable materials within the presumptive City limits (and other areas) by any hauler except from those designated specifically in the Ordinance." He asked, "Are we really going to draft an Ordinance to designate the actual haulers, or do we do contracts for those haulers?"

Councilor Calvert said, "If it's referring to the Ordinance, it says the City Department is the only one allowed to do that in the City limits."

Councilor Ives said that isn't how he reads the language, because it says, "by any hauler except those designated specifically in the Ordinance." He said it would seem inappropriate if we're proposing to designate specifically individually identified haulers in the Ordinance, and could limit collection to haulers approved by the City. He said, "Hopefully, we'll go through a distinct and different contracting process to identify those haulers."

Councilor Ives said, "There are a number of issues like that in there, and when I saw the reference to concept approval, I didn't think it was necessarily the final act of this body, as a body, to approve these contracts, as opposed to providing what I would generally call concept approval, which in my mind is something substantially different."

Mr. Romero said, "This isn't the final act Councilor."

Councilor Ives said, "I understand we'll get together with the County and presumably do a final act, but based upon what was just being said about what we were asked to do here tonight. You said these are final agreements that we're basically approving at the City level, recognizing that we'll have the joint meeting to do a final approval."

Mr. Romero said, "Again, if it's the wishes of the Council that we bring it back for another round, that's fine. This is a very big decision."

Councilor Ives said, "I'm happy to resolve and work through any questions I have with staff between now and any meeting with the County, assuming that meeting isn't next week. I don't know if we're talking dates yet or not."

Councilor Ives said, "Another quick question in regards to water. What's intended with regard to transfer of water rights as we separate infrastructure."

Mr. Martinez said, "I believe Brian [Snyder] is in the audience, but my understanding is we have looked at all of the developments that are outside of the presumptive City limits. It includes infrastructure that will be conveyed to the County, and made our own determination of whether there needs to be water rights that would be transferred."

Mr. Martinez continued, "To answer your question, we're not varying from the procedure that was set up in the Settlement Agreement. And that is memorialized on page 24, the last Whereas, as follows:

"WHEREAS, paragraph 2(0) also provides that '[i]f either party assumes a water delivery obligation for which the customer transferred water rights to the City or County, the City or County shall transfer those water rights along with the customers, to the other party....' So basically, it requires us to look at whether the customer had transferred any water rights and then transfer those accordingly. And I believe that we have that information. I don't know the information off the top of my head, but there is a process. We would be being consistent with what was already decided in Settlement Agreement and not varying from that process."

Councilor Ives said, "I hadn't understood the relationship to water rights transferred in by the customer being those that are being transferred out, as opposed to any and all water rights which might be made available to a customer by the City, whether or not transferred into the City by the customer. So, with that clarification, I don't have any problem with that."

Mr. Martinez, "To emphasize that, it is repeated not just in the recitals, but on page 29, under Water Rights, Section V(A). I think that's still verbatim of what was stated in the Settlement Agreement."

Councilor Ives said, "Thank you for pointing that out, that's the paragraph I had missed."

Councilor Rivera asked Mr. Martinez to explain how the MRC would factor into this, the golf course and the ball fields since they're outside the presumptive City limits – how that factors into the language that we just read.

Mr. Martinez said, "My understanding is that the MRC is a City-owned or managed property, so it's not going to be transferred to the County. We provide the water there through a domestic well actually, to the MRC. There may also be services lines. Do you know."

Councilor Rivera asked if that is specific in the language anywhere.

Mr. Martinez said, "The MRC specifically is not addressed in this agreement, but I think that City owned land, even though it's not going to be within the municipal boundaries, I don't think it's going to be changing hands."

Councilor Rivera said, "So it would be similar to the County property that was within the City limits."

Mr. Martinez said, "I believe so, yes."

Brian Snyder said, "That's my understanding as well. I agree with Marcos's statement, that I don't believe the MRC is specifically addressed in the agreement. As well as, we have the Buckman Well Field with booster stations and transmission lines which also reside in the County, that is not specifically mentioned in the agreement, but it's City-owned land and City-owned infrastructure that will not be transferred to the County."

Councilor Rivera asked Geno Zamora if he agrees with that.

Mr. Zamora said, "Regarding the MRC, we worked very closely with the County, especially through the Attorney's Office, Steve Ross as County Attorney and myself as City Attorney. We meet on a monthly basis. With regard to MRC, the way it has been established is that it is City property governed by the City, managed by the City, permitted by the City, etc., that the City has full authority over the MRC."

Councilor Rivera said, "And none of the language in this contract contradicts that."

Mr. Zamora said he would defer to Mr. Martinez to answer this question.

Mr. Martinez said, "Councilor Rivera, the purpose of this contract is to transfer customers, and since neither the MRC nor the Buckman Wells really reflects a customer, it is really a City property and service of the City. This agreement wouldn't affect them. But, in an abundance of caution, we could always insert a sentence that specifically addresses City service infrastructure and City service. I think it's implicit in this agreement already because, again, the purpose of this was to transfer customers who are being served outside of the presumptive City limits, and neither the MRC nor the Buckman Wells are customers."

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

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

Against: None.

Absent for the vote: Councilor Bushee.

Explaining his vote: Councilor Calvert said, "Yes, on concept approval."

Explaining his vote: Councilor Dominguez said, "Yes. Just real quick, I want to thank staff. I want to thank the County. I want to thank everyone for working on this, because it's not for 4 years. It's really for me, a matter of addressing, collectively with the County, a way to improve peoples' quality of life. And I think that's the bottom part for me, is moving forward so that we can make collectively some of those improvements. And so thank you to staff, thank you to the County. There's always going to be work that needs to be done and improvements that are going to need to be made, especially with regard to language, because the devil is in the details, but we'll get there when we get there."

Explaining his vote: Councilor Ives said, "Yes. And I would echo those thanks to both staff and the County for all the hard work on this. I know it's been challenging."

Mayor Coss said, "With support of the Council, I would propose that we go into the evening session for the public that's waiting here, and come back and do the Executive Session after we've finished the public's business."

MOTION: Councilor Dimas moved, seconded by Councilor Wurzbarger, to go directly into the evening session, and do the Executive Session after we've finished the public business."

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

Mayor Coss moved Items 14, 15, 16, 17, 18 and 19 to the end of the Evening Session.

End of evening session at 8:05 p.m.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:05 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

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

Mayor Coss gave everyone 3 minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrada, said he is here tonight to petition the Council to request from the proper federal authority. There has been a continuous debate of violation of the civil rights, specifically the disable. I affirm in part the Plan Review Committee meeting of February 20, 2013, where the Governing Body was [inaudible] and I quote, "it is recommended that for this project not be accepted. Period. End quote." This refers to the plans for curb cuts in conjunction with a pavement project. He said by federal regulation, "You must include all intersections within the segment of roadway that is overlaid. That is where this comes in. Some of the [inaudible] non-existent for access. An example, the section of Alameda from St. Francis to Guadalupe, the crossings that were there or should be there at intersections for persons of disability, mobile disability are not included. They are not there. They are leaving them out. That is flat discrimination against persons of disability, and I am one of those people. I cannot climb a curb. Remember when we were children our parents taught us to pause at intersections after we looked

both ways. The engineers decided that persons of disability should be able to cross and should not be out in public because they are barefoot apparently. All of us disabled feel that way. [Inaudible] And I'm going to further say that I am recommended the project not be funded. If they're used [the funds], you're in direct support of discrimination. I advise this Governing Body not to use the public money for discrimination."

Councilor Trujillo said the City passed a Resolution this evening, which looks at all intersections in the City to make sure there is adequate time for people to cross. He said, "I can guarantee you that we will be looking at the curb cuts and that, and making sure that all these intersections are accessible for disabled people. That's the whole intent of this is making every curb cut, every intersection in the City a safer place so that everybody, able and disabled, gets safely across the intersections."

Mr. McQuarie said, "That I know, because I was here for it. But also, in the past, I have repeatedly asked our City Engineers for specifications why they deviate. I have yet to hear anything in the last 14 years I've been on this Committee."

Councilor Trujillo said, "I'll ensure that our Engineer lets you know if certain things happen. Okay. That's my promise to you."

Mr. McQuarie said, "If I don't hear anything from the federal authority, which is the FBI, about certain investigation, I will contact Mr. [inaudible] to swear out a whatever it takes to get them to investigate, because it is past the point of [inaudible]. Just get something done. Earlier you passed a Resolution affecting marriage. Well I'm still on the [inaudible] of all people. That's where it stands. Thank you."

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF RESOLUTION NO. 2013-45 (COUNCILOR RIVERA, COUNCILOR CALVERT, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR TRUJILLO) A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (CHIEF SALAS)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to adopt Resolution No. 2013-45.

DISCUSSION: Councilor Rivera said this Resolution has to be approved every 30 days by law, and this is the initial adoption. He said they estimate by the first part of May it will go into effect, and depending on wind conditions and dryness, it's probably appropriate to start now, and see how the moisture levels and the rain and the monsoons come up in the later months. He said we should anticipate seeing this Resolution monthly, and deciding whether we want to maintain these conditions, depending on the weather.

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

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

Against: None.

Absent for the vote: Councilor Dominguez.

- 2) **REQUEST FROM LOS ALAMOS NATIONAL BANK FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT LOS ALAMOS NATIONAL BANK, 301 GRIFFIN STREET, WHICH IS WITHIN 300 FEET OF CARLOS GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE REQUEST IS FOR A CLIENT APPRECIATION RECEPTION TO BE HELD ON MAY 15, 2013, FROM 6:00 P.M. TO 8:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting there is a letter in the packet from the Carl Gruenler, Chief Business Officer, Santa Fe Public Schools, stating that the District will refrain from issuing a decision regarding opposition or non-opposition to the waivers for events held within 300 feet of District property.

Mayor Coss asked, "What does that mean."

Ms. Vigil said, "What his letter says is that they adopted a policy saying they won't oppose any of these liquor requests and refer the City to their policy which is they aren't going to make a decision.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Trujillo, to grant the request for a waiver of the 300 foot location and approval to allow the dispensing/consumption of beer and wine at Los Alamos National Bank, 301 Griffin Street, for a client appreciation reception on May 15, 2013, 6:00 p.m. to 8:30 p.m.

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

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

Against: None.

Absent for the vote: Councilor Dominguez.

Explaining his vote: Councilor Ives said, "Yes, and I would note that the event is scheduled for 6:00 p.m. to 8:30 p.m."

- 3) **REQUEST FROM KRISTIN JOHNSON FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT KRISTIN JOHNSON FINE ART, 323 EAST PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUEST IS FOR A GRAND OPENING TO BENEFIT THE SANTA FE SYMPHONY TO BE HELD ON MAY 10, 2013 FROM 5:00 P.M. TO 7:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting there is a letter of no opposition in the packet from Bob Grurule, Facilities Manager, The Church of Holy Faith.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a waiver of the 300 foot location restriction and to allow the dispensing/consumption of wine at Kristin Johnson Fine at the grant opening to benefit the Santa Fe Symphony on May 10, 2013 from 5:00 p.m. to 7:30 p.m.

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

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

Against: None.

- 4) **REQUEST FROM MOUNTAIN TRAILS GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT MOUNTAIN TRAILS GALLERY, 200 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE (AT THE LORETTO CHAPEL), 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR A COCKTAIL RECEPTION TO BE HELD ON APRIL 25, 2013, FROM 5:00 P.M. TO 6:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting there is a letter of no opposition in the packet from The Most Rev. Daniel P. Danganan, D.Min, Pastor and Bishop, The Church of Antioch at Santa Fe.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at Mountain Trails Gallery, 200 Old Santa Fe Trail, for a cocktail reception to be held on April 25, 2013, from 5:00 p.m. to 6:30 p.m.

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

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

Against: None.

Explaining his vote: Councilor Ives said, "Yes, though I'd like to ask a question when we're done."

Councilor Ives asked, regarding the interpretation under the law, with regard to Loretto Chapel which is not a facility owned by any faith based organization, and asked if the rules apply when there is a physical location used for religious services.

Mr. Zamora said, "The interpretation is where there are regular religious services, and therefore those do take place through The Church of Antioch at Santa Fe at that location.

Councilor Ives asked, "Concurrent with those church services, I'm thinking of something like the Women's Club which has in the past, has a Church of Antioch service there on a somewhat regular basis, but which also.... No. I'm seeing no by..."

Councilor Calvert said, "A long time ago."

Councilor Ives asked, "And when we say regularly held, is that every Sunday, at least 30 Sundays. I'm just curious as to the parameters there."

Councilor Calvert said, "Every Sunday."

Councilor Ives said, "Okay. If the City Attorney concurs."

Mr. Zamora said, "Mayor, Councilor Ives, as I understand, the services are there every Sunday."

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, QWEST CORPORATION V. CITY OF SANTA FE, CASES NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO AND NO. D101CV2011-1131 IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO; AND.
- b) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, CONSIDERATION OF POSSIBLE SETTLEMENT OF POTENTIAL LITIGATION BETWEEN THE CITY AND CAMERON CONSTRUCTION, INC., RELATING TO GROSS RECEIPTS TAX REFUND AMOUNTS; AND
- c) IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, CONSIDERATION OF POTENTIAL JOINDER IN PENDING FEDERAL LITIGATION FILED BY NUMEROUS SMALL CITIES THROUGHOUT THE UNITED STATES REGARDING THE FEDERAL AVIATION ADMINISTRATION'S PLANNED CLOSURE OF AVIATION TOWERS IN MUNICIPAL AIRPORTS.

Councilor Wurzbarger departed the meeting

MOTION: Councilor Trujillo moved, seconded by Councilor Ives, that the Council go into Executive Session for:

- a) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7) NMSA 1978, discussion regarding pending litigation in which the City of Santa Fe is a participant, *Qwest Corporation v. City of Santa Fe*, Cases No. 10-CV-00617 in the U.S. District Court for the District of New Mexico and No. D-101-CV2011-1131 in the First Judicial District Court for the State of New Mexico; and
- b) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7) NMSA 1978, discussion regarding pending or threatened litigation in which the City of Santa Fe is or may become a participant, consideration of possible settlement of potential litigation between the City and Cameron Construction, Inc., relating to Gross Receipts Tax refund amounts; and
- c) In accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7) NMSA 1978, discussion regarding pending or threatened litigation in which the City of Santa Fe is or may become a participant, consideration of potential joinder in pending federal litigation filed by numerous small cities throughout the United States regarding the Federal Aviation Administration's planned closure of aviation towers in municipal airports.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Wurzbarger

The Council went into Executive Session at 8:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 9:00 p.m., Councilor Calvert moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo voting for the motion, no one voting against, and Councilor Wurzbarger absent for the vote.

16. ACTION REGARDING CONSIDERATION OF POSSIBLE SETTLEMENT OF POTENTIAL LITIGATION BETWEEN THE CITY AND CAMERON CONSTRUCTION, INC., RELATING TO GROSS RECEIPTS TAX REFUND AMOUNTS. (GENO ZAMORA)

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to accept staff's recommendation on the settlement with Cameron Construction, Inc.

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

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

Against: None.

Absent for the vote: Councilor Wurzbarger.

17. ACTION REGARDING CONSIDERATION OF POTENTIAL JOINDER IN PENDING FEDERAL LITIGATION FILED BY NUMEROUS SMALL CITIES THROUGHOUT THE UNITED STATES REGARDING THE FEDERAL AVIATION ADMINISTRATION'S PLANNED CLOSURE OF AVIATION TOWERS IN MUNICIPAL AIRPORTS . (GENO ZAMORA)

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to accept staff's recommendation to join in the pending federal litigation filed by numerous small cities.

DISCUSSION: Jim Montman introduced Frances "Francey" Jesson, the Airport Manager, who comes from Roanoke, Virginia, and will be on board April 29, 2013. He said he will be around until May 3, 2013.

Mayor Coss thanked Mr. Montman and Ms. Jesson for helping to educate him on this issue and to understanding a path forward to challenge this decision. He said it must have been frustrating to get the third airline and then have the FAA close the tower. He welcomed Ms. Jesson to the City.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo.

Against: None

Absent for the vote: Councilor Wurzbarger.

Councilor Ives said, "Mr. Mayor, before going there, I just wished to put on the record that I had recused myself from any participation and consideration on Item 15(a) for my oft stated reasons."

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. 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 April 24, 2013, is incorporated herewith to these minutes as Exhibit "2."

Councilor Dimas

Councilor Dimas introduced the following:

1. A Resolution supporting the Santa Fe Rail Trail, retaining wall and slope stabilization 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 "3."
2. A Resolution supporting the City of Santa Fe safe routes to school 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 "4"

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution adopting the "Reclaimed Wastewater Resource Plan" and directing staff to develop a program to implement the actions identified in the Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5"
2. A Resolution relating to newspaper boxes; directing staff to explore the options for enhancing the City's current ordinance for the purpose of establishing guidelines regarding the placement of newspaper boxes and maintenance requirements for newspaper boxes. A copy of the Resolution was not available at the time of introduction.

Councilor Rivera

Councilor Rivera had no communications.

Councilor Ives

Councilor Ives said he signed on as a cosponsor the Resolution on the Reclaimed Water Resources Plan which will be considered by the Water Conservation Committee. He also would like to cosponsor the Resolution supporting the City's Safe Routes to School Project.

Councilor Ives introduced an Ordinance relating to water conservation; amending Section 25-4.2 SFCC 1987, to remove the expired commercial water rate adjustment provisions; and creating a new Section 25-4.3 SFCC 1987, to establish commercial water user rebate regulations. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert asked to cosponsor the Ordinance on water conservation.

Councilor Dominguez

Councilor Dominguez thanked all of those, City staff, members of the Governing Body and members of the public who extended their love, support, condolences and sympathies on passing of his mother. He said, on behalf of the family, they sincerely appreciate it. He said it is difficult. He said, although his mom would allow him to grieve for a little while, she would say, "You have take care of business and you've got to move on. She will always be in my thoughts and my memories."

Councilor Dominguez reminded everyone that the Budget Hearings will resume tomorrow morning at 9:00 a.m., noting it will be a heavy day and we will be very close to approving the budget. He said all members of the Governing Body are welcome to attend.

Councilor Trujillo

Councilor Trujillo said he will be on the Plaza on Saturday with the brand new Fuego mascot, McGee, and Coach Moore, noting they will be at the bandstand with the Children's Symphony. He said they had trials this past week at Fort Marcy.

Mayor Coss

Mayor Coss said he will be throwing out the first pitch for Little League on Saturday morning.

Mayor Coss introduced the following on behalf of staff:

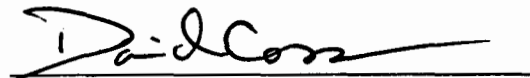
1. A Resolution authorizing publication of a notice of sale of \$12,000,000 City of Santa Fe, New Mexico General Obligation Tax Exempt Bonds, Series 2013, and authorizing the City Council, City Officers and City Employees to take further action necessary in connection with the sale of the bonds. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. An Ordinance authorizing the issuance and sale of City of Santa Fe, New Mexico, General Obligation Tax-Exempt Bonds, Series 2013, in the principal amount of \$12,000,000, payable from *Ad Valorem* taxes levied on all taxable property within the City, levied without limit as to rate or amount; providing for the form, terms and conditions of the bonds, the manner of their execution, and the method of, and security for, payment; providing for the award and sale of the bonds to the purchaser and the price to be paid by the purchaser for the bonds; and providing for other details concerning the bonds. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Mayor Coss introduced the following on behalf of Councilor Bushee: A Resolution directing staff to terminate the agreement between Service Line Warranties of America (SLWA) and the City as soon as the contract permits. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

I. ADJOURN


There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:15 p.m.

Approved by:

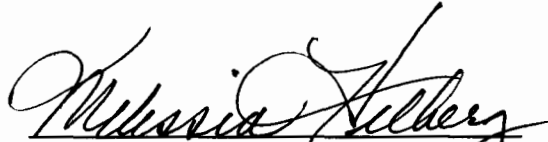


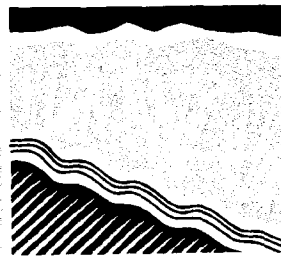
Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer



Santa Fe
WATERSHED
ASSOCIATION

**A copy of the Santa Fe Watershed Association packet is available at the City Clerk's Office*



CITY COUNCIL MEETING OF
APRIL 24, 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 PUBLICATION OF A NOTICE OF SALE OF \$12,000,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS.	Finance – 4/29 Council – 5/8/13
	AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$12,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.	Finance – 4/29 Council (request to publish) – 5/8/13 Council (public hearing) – 6/12/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO TERMINATE THE AGREEMENT BETWEEN SERVICE LINE WARRANTIES OF AMERICA (SLWA) AND THE CITY AS SOON AS THE CONTRACT PERMITS .	Public Utilities – 5/1/13 Finance – 5/20/13 Council – 5/29/13

Exhibit "2"

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO NEWSPAPER BOXES; DIRECTING STAFF TO EXPLORE THE OPTIONS FOR ENHANCING THE CITY'S CURRENT ORDINANCE FOR THE PURPOSE OF ESTABLISHING GUIDELINES REGARDING THE PLACEMENT OF NEWSPAPER BOXES AND MAINTENANCE REQUIREMENTS FOR NEWSPAPER BOXES.	Public Works – 5/6/13 Finance – 5/20/13 Council – 5/29/13
	A RESOLUTION ADOPTING THE “RECLAIMED WASTEWATER RESOURCE PLAN” AND DIRECTING STAFF TO DEVELOP A PROGRAM TO IMPLEMENT THE ACTIONS IDENTIFIED IN THE PLAN.	Public Utilities – 5/1/13 Finance – 5/20/13 Council – 5/29/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Rivera Calvert Bushee Dominguez	A RESOLUTION SUPPORTING THE SANTA FE RAIL TRAIL RETAINING WALL AND SLOPE STABILIZATION PROJECT FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.	Public Works – 5/6/13 Finance – 5/20/13 Council – 5/29/13
Rivera Calvert Bushee Dominguez	A RESOLUTION SUPPORTING THE CITY OF SANTA FE SAFE ROUTES TO SCHOOL PROJECT FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.	Finance – 4/29/13 Public Works – 5/6/13 Council – 5/8/13
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
	AN ORDINANCE RELATING TO WATER CONSERVATION; AMENDING SECTION 25-4.2 SFCC 1987 TO REMOVE THE EXPIRED COMMERCIAL WATER RATE ADJUSTMENT PROVISIONS; AND CREATING A NEW SECTION 25-4.3 SFCC 1987 TO ESTABLISH COMMERCIAL WATER USER REBATE REGULATIONS.	Public Utilities – 5/1/13 Finance – 5/20/13 Council (request to publish) – 5/29/13 Council (public hearing) – 6/26/13

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

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-_____

INTRODUCED BY:

Councilor Bill Dimas

Councilor Chris Rivera

Councilor Chris Calvert

Councilor Patti Bushee

Councilor Carmichael Dominguez

A RESOLUTION

**SUPPORTING THE SANTA FE RAIL TRAIL RETAINING WALL AND SLOPE
STABILIZATION PROJECT FUNDED THROUGH A COOPERATIVE PROJECT
AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.**

WHEREAS, the City of Santa Fe ("City") has taken the lead role in the study, design and construction of the Santa Fe Rail Trail Retaining Wall and Slope Stabilization Project ("Project") located along the Rail Trail near I-25; and

WHEREAS, the Santa Fe Metropolitan Planning Organization through the Transportation Policy Board approved the Project for placement in the 2012 Santa Fe Metropolitan Bicycle Master Plan and FY 2012-2015 Transportation Improvement Program; and

WHEREAS, the Project is currently programmed in the New Mexico Department of Transportation's FY 2012-2015 Statewide Transportation Improvement Program approved by the New Mexico State Transportation Commission and Federal Highway Administration for federal and state funding in the amount of \$165,000 with a 25% local government or city match requirement of \$55,000, for a total funding appropriation of \$220,000.

1 **WHEREAS**, the Project is currently programmed in the 2012 General Obligation Bond Parks
2 & Trails Implementation Plan approved by the Governing Body on January 30, 2013 for funding in
3 the amount of \$55,000, and can be used to satisfy city match requirements.

4 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that the Governing Body supports the Santa Fe Rail Trail Retaining Wall and
6 Slope Stabilization Project, funded through a cooperative project agreement with the NMDOT.

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

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

11
12
13 _____
14 DAVID COSS, MAYOR

15 ATTEST:

16
17 _____
18 YOLANDA Y. VIGIL, CITY CLERK

19
20 APPROVED AS TO FORM:

21
22 _____
23 GENO ZAMORA, CITY ATTORNEY

24
25 *M/Melissa/Resolutions 2013/ Rail Trail*

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

2 **RESOLUTION NO. 2013-_____**

3 **INTRODUCED BY:**

4 Councilor Bill Dimas

5 Councilor Chris Rivera

6 Councilor Chris Calvert

7 Councilor Patti Bushee

8 Councilor Carmichael Dominguez

9
10 **A RESOLUTION**

11 **SUPPORTING THE CITY OF SANTA FE SAFE ROUTES TO SCHOOL PROJECT**
12 **FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW**
13 **MEXICO DEPARTMENT OF TRANSPORTATION.**

14
15 **WHEREAS**, the New Mexico Department of Transportation ("NMDOT") administers the
16 Safe Routes to School ("SRTS") Program and solicited a call for project proposals to local agencies
17 for Federal Fiscal Year 2013 funding for eligible projects; and

18 **WHEREAS**, the City of Santa Fe ("City") in coordination with the Santa Fe Metropolitan
19 Planning Organization ("SFMPPO") submitted a proposal requesting funds for various citywide
20 infrastructure projects eligible for funds under the SRTS Program; and

21 **WHEREAS**, proposed improvements include pedestrian enhancements including sidewalk,
22 crossing and traffic calming improvements of various city streets around K-8 schools in the City; and

23 **WHEREAS**, the NMDOT awarded the City \$500,000 in SRTS project funding for Federal
24 Fiscal Year 2013 and the City must enter into a cooperative project agreement with the NMDOT to
25 receive this funding; and

1 **WHEREAS**, the SFMPO through the Transportation Policy Board approved the Project for
2 placement in the FY 2012-2015 Transportation Improvement Program; and

3 **WHEREAS**, the Project is currently programmed in the New Mexico Department of
4 Transportation's FY 2012-2015 Statewide Transportation Improvement Program approved by the
5 New Mexico State Transportation Commission and Federal Highway Administration for federal and
6 state funding in the amount of \$500,000 with no local government or city match requirement.

7 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the Governing Body supports the Safe Routes to School Project, funded
9 through a cooperative project agreement with the NMDOT.

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

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

14
15
16 ATTEST:

DAVID COSS, MAYOR

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/Safe Routes to School*

1 downstream irrigation needs; and

2 **WHEREAS**, the City's wastewater treatment plant continues to produce high water
3 quality reclaimed wastewater; and

4 **WHEREAS**, the City recognizes that there is less reclaimed wastewater available than
5 demand, especially during the summer; and

6 **WHEREAS**, the Governing Body approved the Master Plan of the Southwest Area Node
7 Park in December 2011 and identified reclaimed wastewater as the park's water supply source;
8 and

9 **WHEREAS**, the assumptions in the previous Treated Effluent Management Plan,
10 adopted in 1998, projected that the available reclaimed wastewater would be twice as much as is
11 currently available; and

12 **WHEREAS**, the City is under no current obligation to deliver reclaimed wastewater to
13 the Santa Fe River beyond the amount needed to offset the depletion effects caused by pumping
14 the ground water of the Buckman well field.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that the Governing Body hereby adopts the "*Reclaimed Wastewater*
17 *Resource Plan*" in its entirety.

18 **BE IT FURTHER RESOLVED** that City staff is directed to develop a program to
19 implement the actions identified within the Reclaimed Wastewater Resource Plan and to revise or
20 amend the Plan as necessary as conditions concerning reclaimed wastewater change significantly.

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

22
23 _____
24 DAVID COSS, MAYOR
25

25

M/Melissa/Resolutions 2013/Reclaimed Wastewater Plan

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-__

INTRODUCED BY:

Councilor Peter Ives

AN ORDINANCE

RELATING TO WATER CONSERVATION; AMENDING SECTION 25-4.2 SFCC 1987 TO REMOVE THE EXPIRED COMMERCIAL WATER RATE ADJUSTMENT PROVISIONS; AND CREATING A NEW SECTION 25-4.3 SFCC 1987 TO ESTABLISH COMMERCIAL WATER USER REBATE REGULATIONS.

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

Section 1. Section 25-4.2 SFCC 1987 (being Ord. #1995-19, §1, as amended) is amended to read:

25-4.2 Rates and Charges Adopted.

[A.] Rates and charges related to water service by the Santa Fe municipal water system are hereby adopted by reference and incorporated as part of this chapter as Exhibit B. **

****Editor's Note:** The exhibits referred to herein may be found at the end of this chapter.

~~[B.] The water division director may approve an adjustment to the rate schedule set forth in Exhibit B, located at the end of this chapter, as follows:~~

~~(1) Only commercial customers with meters that are one (1") inch or less may~~

1 apply.

2 (2) ~~The customer shall submit an application by May 12, 2010 (thirty (30) days~~
3 ~~from the effective date of this amended subsection), to the water division demonstrating:~~

4 (a) ~~That there are unique circumstances regarding the type of business~~
5 ~~resulting in water delivered to the applicant from the city's water distribution system~~
6 ~~being a substantial part of the finished product and/or service offered by the applicant~~
7 ~~at the service address in question.~~

8 (b) ~~That the customer's previous water use exceeded the established Tier~~
9 ~~I allotment for the applicant's meter size by at least ten percent (10%) in each of the~~
10 ~~preceding twelve (12) months; and~~

11 (c) ~~That the customer has made a reasonable attempt to minimize water~~
12 ~~use and eliminate water waste.~~

13 (3) ~~Upon receipt of an application staff shall:~~

14 (a) ~~Review the application;~~

15 (b) ~~Conduct an inspection of the customer's service address to evaluate~~
16 ~~the extent of the customer's conservation efforts and to verify the efforts claimed by~~
17 ~~the customer in the customer's application. Staff shall evaluate customer's water~~
18 ~~conservation efforts based on the following criteria:~~

19 (i) ~~The customer has installed certified low-flow fixtures,~~
20 ~~appliances, equipment, and devices such that eighty percent (80%) of all~~
21 ~~fixtures, appliances, equipment, and devices at the service address are low-~~
22 ~~flow, consistent with Uniform Plumbing Code and industry standards.~~

23 (ii) ~~Customer fixtures as well as primary service connection at~~
24 ~~the meter are free of leaks.~~

25 (iii) ~~Any irrigation equipment located at the service address is~~

1 equipped with rain gauge cut offs, smart controllers, or other similar
2 technology to prevent irrigation when such irrigation is unnecessary due to
3 favorable weather conditions.

4 (iv) — Water processing equipment or processes at the customer's
5 service address are free of leaks, including water lost to evaporation.

6 (c) — Review the customer's previous twelve (12) month water use history
7 and costs to determine if usage has exceeded the Tier I allotment by ten percent
8 (10%) or more for the entire previous twelve (12) months.

9 (d) — Compare the customer's water demand with the water division's
10 engineering criteria to determine if a larger size meter is appropriate.

11 (e) — Present a written recommendation to the water division director
12 regarding the options set forth in paragraph (4) below.

13 (4) — The water division director may decide one of the following options:

14 (a) — A change in the actual meter is not warranted, but rather a rate
15 adjustment is appropriate establishing a commercial water rate eliminating the high
16 water use charge; or

17 (b) — A change in the meter is warranted and the corresponding rate
18 change with all applicable fees shall be paid; or

19 (c) — A change in the meter is warranted with all applicable fees paid with
20 a rate adjustment eliminating the high water use charge; or

21 (d) — No rate adjustment is warranted because:

22 (i) — The customer has not met the criteria provided for in
23 paragraph (3)(b) to minimize water use and eliminate water waste; or

24 (ii) — The customer's usage does not exceed the established Tier I
25 allotment by ten percent (10%) or more for each of the previous twelve (12)

months.

~~(e) — No meter change is warranted because the customer's water demand does not exceed the water division's engineering criteria.~~

~~(5) — If a rate adjustment is approved, staff shall monitor the customer's water use and water conservation efforts and if the water use is not consistent with the initial application, recommend to the water division director revocation of the adjusted rate.~~

~~(6) — Appeals of decisions of the water division director may be heard by the public utilities committee as per Rule 22. Customer Complaint Procedures of Exhibit A located at the end of this chapter.]~~

Section 2. A new Section 25-4.3 SFCC 1987 is ordained to read:

25-4.3 [NEW MATERIAL] Commercial Water User Rebate Regulations.

A. *Purpose.* The purpose of this Section is to provide rebate incentives for commercial water users to lower water consumption through the installation and use of high-efficiency water-saving equipment or technology.

B. *Commercial Water User.* For purposes of this section, a commercial water user is a city of Santa Fe water division customer with a commercial sector designation within the current billing system that has installed high-efficiency water-saving equipment. Commercial water users include schools and governmental entities.

C. *Applicability of Commercial Water User Rebate.*

(1) The city water conservation office shall apply the one-time rebate to an applicant's bill after one year of water use monitoring and an evaluation of water savings. For new commercial customers, the one year monitoring period will begin after the water saving equipment or technology is installed, not at the time water service is established.

(2) The rebate shall be applicable to water saving hardware or systems and for complex or untested measures which shall be verified by the city.

1 (3) An applicant shall coordinate with the water conservation office prior to the
2 installation of retrofits or high efficiency water saving equipment.

3 (4) The rebate amount shall be based on the amount of water the high efficiency
4 water saving equipment has saved.

5 D. *Application for Commercial Water User Rebate.* A new or existing commercial
6 water user may apply for a rebate, regardless of meter size. An applicant for a commercial water user
7 rebate shall provide the following information on the application:

8 (1) The address and account of the commercial water user to show that the
9 commercial water user is a city of Santa Fe water utility customer;

10 (2) The high-efficiency water-saving measures, including hardware or systems
11 that relate to the commercial water user's commercial water processes that minimize water
12 use and eliminate water waste;

13 (3) Data to show that at least 80% of water fixtures are water efficient and free
14 of leaks; and

15 (4) An estimate of the amount of water the commercial water user has saved as a
16 result of the high-efficiency water-saving measures.

17 E. *Application Evaluation.*

18 (1) An applicant for a commercial water user rebate shall:

19 (a) Participate in a pre-application meeting with the water conservation
20 office for a water use evaluation prior to installation of the equipment or technology.

21 (b) Participate in a post-installation inspection of the high efficiency
22 water saving equipment with the water conservation office.

23 (c) Provide original receipts for the purchase of the equipment that the
24 rebate is being applied for.

25 (2) The city water conservation office shall monitor water consumption of the

1 applicant over the course of the first year after the application has been submitted to
2 determine whether the overall water consumption per unit is has decreased. If after one year
3 an applicant's water consumption shows no indication of water savings then the rebate shall
4 not be applied to the account.

5 F. *Administrative Procedures.*

6 (1) The city shall establish administratively minimum standards of water-use
7 efficiency for qualifying rebates for commercial fixtures, appliances and landscape
8 efficiencies, which include, but are not limited to:

9 (a) Replacement of water-cooled equipment with new air-cooled
10 equipment

11 (b) Process water reclamation systems

12 (c) Elimination of water intensive phases of industrial processes

13 (d) Cooling Tower modifications

14 (e) Industrial laundry equipment upgrades or reuse

15 (f) Large scale irrigation improvements (when applying under this
16 category, monitoring of water savings will be two watering seasons).

17 (2) All rebates are given in the form a credit that is applied to the customer's
18 water bill.

19 (3) The city shall also establish administratively the quantity of water conserved
20 by each piece of high-efficiency water-saving equipment and the amount that the water bill
21 will be rebated.

22 APPROVED AS TO FORM:

23
24
25 _____
GENO ZAMORA, CITY ATTORNEY

CAO/M/Melissa/Bills 2013/Commercial Water Rebate Ordinance

Draft – April 19, 2013

AN ABSTRACT OF PROCEEDINGS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The City Council (the "Council") of the City of Santa Fe (the "City") in the County of Santa Fe, State of New Mexico, met in regular session in full conformity with law and ordinances and rules of the City, at City Hall, being the regular meeting place of the Council, at the hour of 7:00 p.m., on Wednesday, the 8th day of May, 2013.

Upon roll call the following were found to be present, constituting a quorum of the Council:

Present:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Absent:

Also present:

Exhibit "74"

Councilor _____ thereupon introduced and moved the adoption of the following resolution:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-_____

A RESOLUTION AUTHORIZING PUBLICATION OF A NOTICE OF SALE OF \$12,000,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS.

WHEREAS, at a general obligation bond election duly called and held for the City of Santa Fe, New Mexico (the "City") on the 6th day of March, 2012, the electors of the City authorized the City Council to contract bonded indebtedness on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City to secure funds for the following purposes in the following amounts (the "Projects"):

<u>Purpose</u>	<u>Amount Authorized At Election</u>	<u>Amount Previously Issued</u>	<u>Amount To be Issued</u>
To acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure.	\$14,000,000	\$0	\$9,200,000
To acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects.	\$3,800,000	\$0	\$2,800,000

WHEREAS, the City Council has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that a portion of the general obligation bonds authorized at the election (the "Bonds"), be issued at this time, provided, however, that a satisfactory price be obtained therefor upon a public sale; and

WHEREAS, as of the date hereof, there are no funds of the City that are, or are reasonably expected to be, allocated on a long-term basis, reserved or otherwise available pursuant to the budget of the City to finance the Project;

WHEREAS, after receipt of bids for purchase of the Bonds, the City Council will consider for adoption an ordinance authorizing issuance of the Bonds in accordance with law; and

WHEREAS, Section 3-17-3, NMSA 1978, requires that publication of the title and general summary of this subject matter of any proposed ordinance be made in a newspaper of general circulation within the City at least two weeks prior to the meeting of the City Council at which the ordinance is proposed for final passage;

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

Section 1. The Mayor of the City and the City Clerk are hereby authorized and directed to have published once, at least one week prior to the date of sale, a notice of sale of the Bonds in the form set forth below in Section 2 in *The Santa Fe New Mexican*, a newspaper of general circulation in the City, and the Mayor of the City is hereby authorized and directed to give such other notice of the bond sale as he shall determine, including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a Preliminary Official Statement relating to the Bonds.

Section 2. The notice of sale of the Bonds shall be published in substantially the following form:

(Form of Notice for Publication)

NOTICE OF BOND SALE AND PUBLIC MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the City of Santa Fe, New Mexico (the "City") will receive and publicly open bids at the offices of the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201 at the hour of 11:00 a.m., prevailing Central Time, on the 12th day of June, 2013, for the purchase of City of Santa Fe, New Mexico General Obligation Tax-Exempt Bonds, Series 2013 (the "Bonds"). The City Council will meet in regular action to award the Bonds.

The Bonds will be issued as fully registered Bonds in the principal amount of \$12,000,000 and will mature on August 1 of each year commencing on August 1, 2014, and ending no later than August 1, 2032, in amounts to be determined by the City.

The Bonds shall constitute the City's general obligation bonds and shall be payable solely out of general (ad valorem) taxes which shall be levied against all taxable property in the City without limitation as to rate or amount.

Each bidder must submit an unconditional, written and sealed or electronic transmission bid on the Official Bid Form for all of the Bonds, specifying the lowest rate or rates of interest and premium, if any, at or above par at which such bidder will purchase the Bonds. The maximum net effective interest rate is 10% per annum and the maximum stated interest rate permitted is 10% per annum. Further limitations and information concerning the interest rates which may be bid for the bonds and otherwise concerning bidding are set forth in the Official Notice of Bond Sale, of which this notice is a condensation. None of the Bonds will be sold at less than the principal amount thereof. Copies of the Official Notice of Bond Sale, Preliminary Official Statement and the Official Bid Form may be obtained from the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, TX 75201, telephone (214) 953-8705. All bids must comply with the terms of the Official Notice of Bond Sale.

The validity and enforceability of the Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., 500 Fourth Street, NW, Albuquerque, New Mexico 87102, and a certified transcript of the legal proceedings will be furnished to the purchaser without charge.

DATED at Santa Fe, New Mexico this 8th day of May, 2013.

CITY OF SANTA FE, NEW MEXICO

By _____
Mayor

ATTEST:

City Clerk

(End of Form of Notice for Publication)

Section 3. The Official Notice of Bond Sale shall be in substantially the following form with such changes as are not inconsistent herewith and approved by the Mayor of the City:

**OFFICIAL NOTICE OF BOND SALE
CITY OF SANTA FE, NEW MEXICO**

\$12,000,000

GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013

NOTICE IS GIVEN that the City of Santa Fe (the "City"), County of Santa Fe, State of New Mexico, will receive and publicly open sealed or electronic transmission (at the option of the bidder) bids at the offices of the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201, at the hour of 11:00 a.m., prevailing Central Time, on the 12th day of June, 2013, for the purchase of the City's General Obligation Tax-Exempt Bonds ("Bonds"). Bids may be submitted as a sealed bid or as an electronic bid using the facilities of PARITY as further provided herein. The City will meet at 7:00 p.m. on June 12, 2013, at 200 Lincoln Avenue, Santa Fe, NM 87504-0909, to take action to award the Bonds.

This Notice is not a disclosure document. Prior to submitting a bid to the City for the Bonds, a full review should be made of the entire Preliminary Official Statement for the Bonds (the "Preliminary Official Statement"). The offering of Bonds to potential investors is made only means of the Preliminary Official Statement.

DESCRIPTION OF ISSUE. The Bonds were authorized at a general obligation bond election held on March 6, 2012.

SECURITY. The Bonds will be general obligations of the City payable as to both principal and interest from property taxes levied against all taxable property within the City, without limitations as to rate or amount, and the full faith and credit of the City will be pledged for payment of the Bonds.

RATINGS. The City has applied and will pay ratings from Moody's Investor's Service, Inc. ("Moody's") and Standard & Poor's Ratings Services, a Division of the McGraw-Hill Companies, Inc. ("S&P").

MATURITY SCHEDULE. The Bonds will be issued in the aggregate amount of \$12,000,000, in denominations of \$5,000 or any integral multiple thereof, will be dated their date of issuance, and will be payable to the registered owner thereof as of the record date at his address as it appears on the registration books kept by the Wells Fargo Bank, N.A., as registrar and paying agent for the Bonds (the "Registrar/Paying Agent"). The Bonds will be issued in book-entry only form through the facilities of the Depository Trust Company, New York, New York. The Bonds will mature on August 1 of each year as follows:

<u>Amounts Maturing</u>	<u>Years Maturing (August 1)</u>
\$500,000	2014
515,000	2015
525,000	2016
535,000	2017
545,000	2018
560,000	2019
570,000	2020
580,000	2021
595,000	2022
605,000	2023
620,000	2024
645,000	2025
670,000	2026
695,000	2027
725,000	2028
745,000	2029
765,000	2030
790,000	2031
815,000	2031

The Bonds will be fully registered bonds in the denomination of \$5,000 each, or any integral multiple thereof. Interest on the Bonds will be payable on February 1, 2014 and semiannually thereafter on August 1 and February 1 of each year.

OPTIONAL REDEMPTION. Bonds maturing on and after August 1, 2024, are subject to prior redemption prior to their maturity on or after August 1, 2023, at the option of the City, in whole or in part at any time, at par value.

SERIAL BONDS AND/OR TERM BONDS. Bidders may provide that all of the Bonds be issued as serial bonds or may provide that any two or consecutive annual principal amounts be combined into one or more term bonds.

ADJUSTMENT OF PRINCIPAL AMOUNTS, MODIFICATION OR CLARIFICATION PRIOR TO THE EXAMINATION OF BIDS. The City may, at the City's sole discretion and prior to the examination of bids, (i) adjust the aggregate principal amount set forth herein; (ii) adjust individual maturities; (iii) change the principal and interest payment dates and/or (iv) modify or clarify any other term hereof by issuing a notification of the adjusted amounts, modification or clarification via Thomson Municipal News ("TM3") and/or Bloomberg Financial Services no later than 8:30 a.m., prevailing Central Time, on the Bid Date.

RESCHEDULING OF BID DATE AND DEADLINE. The City Finance Director may, after consultation with the City's financial and bond advisors, in the City Finance Director's sole discretion on notice given at least twenty-four (24) hours prior to June 12, 2013 (the "Original Deadline"), reschedule the bid date and Original Deadline, and may, at that time or a subsequent time on at least twenty-four (24) hours prior notice, in each case via TM3 and/or Bloomberg Financial Services, establish a rescheduled bid date and rescheduled deadline and a place where electronic bids will be publicly examined.

For purposes of the written sealed bids, and bids received through the electronic bidding process, the time as maintained by PARITY shall constitute the official time.

BIDS DELIVERED TO THE CITY'S FINANCIAL ADVISOR. Sealed bids, plainly marked "Bid for Bonds," should be addressed and delivered to: City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201, prior to 11:00 a.m., prevailing Central Time, on June 12, 2013, the date of the bid opening. Such bids must be submitted on the Official Bid Form, without alteration or interlineation or through the electronic bidding process described below.

ELECTRONIC BIDDING PROCEDURES. Any prospective bidder that intends to submit an electronic bid must submit its electronic bid through the facilities of PARITY. Subscription to i-Deal's BIDCOMP Competitive Bidding System is required in order to submit an electronic bid. The City will neither confirm any subscription nor be responsible for the failure of any prospective bidder to subscribe.

An electronic bid made through the facilities of PARITY shall be deemed an irrevocable offer to purchase the Bonds on the terms provided in this Official Notice of Bond Sale ("Notice"), and shall be binding upon the bidder as if made by a signed, sealed bid delivered to the City's Financial Advisor. The City and First Southwest Company ("City's Financial Advisor") shall not be responsible for any malfunction or mistake made by or as a result of the use of the facilities of PARITY, the use of such facilities being the sole risk of the prospective bidder.

If any provisions of this Notice conflict with information provided by PARITY, as the approved provider of electronic bidding services, this Notice shall control. Further information about PARITY, including any fee charged, may be obtained from BIDCOMP/PARITY, 1359 Broadway, 2nd Floor, New York, New York 10018, i-Deal Prospectus: (212) 849-5024 or (212) 849-5025; BidComp/Parity: (212) 849-5021.

For information purposes only, bidders are requested to state in their electronic bids the true interest cost to the City's Financial Advisor, as described under "BASIS OF AWARD" below. All electronic bids shall be deemed to incorporate the provisions of this Notice and the Official Bid Form.

PAYMENT OF PURCHASE PRICE. The purchaser will be required to make payment of the balance of the purchase price of the Bonds (after credit for the purchaser's good

faith deposit, without interest to the purchaser) in immediately available funds at a depository designated by the City.

TYPE OF BIDS AND INTEREST RATES. The Bonds will be sold in one block on an "All or None" basis, at a price of not less than 100.80% par value, and not more than 105.00% of par value. Bidders are invited to name the rate(s) of interest to be borne by the Bonds, provided that each rate bid must be in a multiple of 1/8 of 1% or 1/100 of 1% and the net effective interest rate must not exceed 10%. The highest rate bid may not exceed the lowest rate bid by more than 2% in rate. For Bonds having stated maturities on and after _____ 1, 20____, no reoffering yield producing a dollar yield price less than 98.50% for any individual maturity will be accepted. The high bidder will be required to submit reoffering yields and dollar prices prior to award. No limitation is imposed upon bidders as to the number of rates or changes which may be used. All Bonds of one maturity must bear one and the same rate. No bids involving supplemental interest rates will be considered.

BASIS FOR AWARD. Subject to the City's right to reject any or all bids and to waive any irregularities except time of filing, the sale of the Bonds will be awarded to the bidder or syndicate account manager whose name first appears on the Official Bid Form (the "Purchaser") making a bid that conforms to the specifications herein and which produces the lowest True Interest Cost rate to the City. The True Interest Cost rate is that rate which, when used to compute the total present value as of the Dated Date of all debt service payments on the Bonds on the basis of semi-annual compounding, produces an amount equal to the sum of the par value of the Bonds plus any premium bid, if any (but not interest accrued from the Dated Date to the date of their delivery). In the event of a bidder's error in interest cost rate calculations, the interest rates, and premium, if any, set forth in the Official Bid Form will be considered as the intended bid.

GOOD FAITH DEPOSIT. All bids shall be sealed, except bids received by electronic transmission, and, a good faith deposit of \$240,000 for the Bonds, representing 2% of the par amount (in the form of a [financial security bond], cash, cashier's or treasurer's check of or by certified check drawn on a solvent commercial bank or trust company in the United States of America and payable to the "City of Santa Fe, New Mexico") must accompany any bid or be submitted prior to the submission of such bid, except for any bid of the State of New Mexico, if one is received. If a financial security bond is used, it must be from an insurance company that is licensed to issue such a bond in the State of New Mexico and that has a long term rating by a nationally recognized rating agency of one of the two highest rating categories for long term obligations. The financial security bond must identify each bidder whose good faith deposit is guaranteed by such bond. If the Bonds are awarded to a bidder utilizing a financial security bond, then that successful bidder is required to submit the amount of the good faith deposit to the City in the form of a cashier's, treasurer's or certified check as provided in the first sentence of this paragraph (or wire transfer such amount as instructed by the City or its Financial Advisor) not later than 2:30 p.m., local time, on the next business day following the opening of the bids for the Bonds. If such good faith deposit is not received by that time, the financial security bond may be drawn upon by the City to satisfy the good faith

deposit requirement. No interest on such good faith deposit will accrue to the successful bidder. If the financial security bond is drawn against or the winning bidder wire transfers to the City the amount of the good faith deposit, such cash deposit will be applied to the purchase price of the Bonds.

The good faith deposit shall be returned for all non-successful bids or if no bid is accepted. If the successful bidder fails or neglects to complete the purchase of the Bonds within forty-five (45) days following the acceptance of the bid or within ten (10) days after the Bonds are offered for delivery, whichever is later, the amount of the deposit shall be forfeited to the City as liquidated damages, and, in that event, the City may accept the bid of the one making the next best bid. If all bids are rejected, the City shall re-advertise the Bonds for sale in the same manner as herein provided for the original advertisement. If there are two or more equal bids and such bids are the best bids received, the City shall determine which bid shall be accepted.

TIME OF AWARD AND DELIVERY. The City will take action awarding the Bonds or rejecting all bids not later than 24 hours after the expiration of the time herein prescribed for the receipt of the bids. Delivery of the Bonds will be made to the successful bidder through the facilities of The Depository Trust Company, New York, New York, within 60 days of the acceptance of the bid. If for any reason delivery cannot be made within 60 days, the successful bidder shall have the right to purchase the Bonds during the succeeding 30 days upon the same terms, or at the request of the successful bidder, during said succeeding 30 days, the good faith deposit will be returned, and such bidder shall be relieved of any further obligation. It is anticipated that the delivery of the Bonds will be on or about July 23, 2013.

FURTHER INFORMATION. Information concerning the Bonds, information regarding electronic bidding procedures, bid submission and other matters related to the Bonds, including printed copies of this Notice, the Official Bid Form, and the Preliminary Official Statement ("Preliminary Official Statement"), may be obtained from the City's Financial Advisor, First Southwest Company, 325 N. St. Paul Street, Suite 800, Dallas, Texas 75201. This Notice, the Official Bid Form and the Preliminary Official Statement is available for viewing in electronic format at www.i-dealprospectus.com. The City has prepared the accompanying Preliminary Official Statement for dissemination to potential purchasers of the Bonds, but will not prepare any other document or version for such purpose except as described below. In addition, any NASD registered broker-dealers or dealer banks with The Depository Trust Company clearing arrangements who bid on the Bonds are advised that they may either: (a) print out a copy of the Preliminary Official Statement on their own printer or (b) at any time prior to the sale date, elect to receive a photocopy of the Preliminary Official Statement in the mail by requesting it from the City's Financial Advisor. All bidders must review the Preliminary Official Statement, and by submitting a bid for the Bonds, each bidder certifies that such bidder has done so prior to participating in the bidding.

The City will agree in a separate agreement to provide certain periodic information and notices of material events in accordance with Securities and Exchange

Commission Rule 15c2-12 ("Rule"), as described in the Preliminary Official Statement under "Continuing Disclosure of Information." The Preliminary Official Statement is deemed final by the City for purposes of Rule 15c2-12(b)(1) except for the omission of the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, any other terms or provisions required by an insurer of such securities to be specified in the winning bid, ratings, other terms of the securities depending on such matters, and the identity of the purchaser. The City will furnish to the successful bidder or bidders, acting through a designated senior representative, in accordance with instructions received from such successful bidder(s) in order to comply with the Rule, within seven (7) business days from the sale date an aggregate of 50 copies of the final Official Statement, reflecting interest rates and other terms relating to the initial reoffering of the Bonds. The cost of preparation of the Official Statement shall be borne by the City except for the cost of any final Official Statement in excess of the number specified shall be borne by the successful bidder(s).

TRANSCRIPT AND LEGAL OPINIONS. The legality of the Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., Albuquerque, New Mexico, whose opinion approving the legality of the Bonds will be furnished to the successful bidder at no cost to the successful bidder. The opinion will state in substance that the issue of the Bonds is valid and legally binding upon the City, that all of the taxable property in the City is subject to the levy of a tax to pay the same and that interest on the Bonds is excludable from gross income for purposes of federal income tax. The successful bidder (without cost to such bidder) will also be furnished with a complete transcript of the legal proceedings, including a no-litigation certificate stating that to the knowledge of the signer or signers thereof, as of the date of the delivery of the Bonds, no litigation is pending affecting their validity or the levy or collection of such taxes for their payment.

BOOK-ENTRY ONLY OBLIGATIONS. The Bonds will be issued in book-entry only form through the facilities of the Depository Trust Company (see Preliminary Official Statement).

CUSIP NUMBERS. CUSIP identification numbers may be typed or printed on the Bonds, but neither the failure to provide such number on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and to pay for the Bonds in accordance with the terms hereof. All expenses in relation to the CUSIP Service charge for the assignment of said numbers will be the responsibility of and will be paid for by the purchaser.

BLUE SKY LAWS. The City has not investigated the eligibility of any institution or person to purchase or participate in the underwriting of the Bonds under any applicable legal investment, insurance, banking, or other laws.

By submitting a bid, the initial purchaser represents that the sale of the Bonds in states other than New Mexico will be made only under exemptions from registration, or, wherever necessary, the initial purchaser will register the Bonds in accordance with the

securities laws of the state in which the Bonds are offered or sold. The City agrees to cooperate with the initial purchaser, at the initial purchaser's written request and expense, in registering the Bonds or obtaining an exemption from registration in any state where such action is necessary but will not consent to service of process in any such jurisdiction.

DATED this 8th day of May, 2013.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By: _____
Mayor

ATTEST:

City Clerk

Section 4. The City Council and the appropriate officers and employees of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, but not limited to, determining the exact maturity schedule for the Bonds. In order to obtain and preserve the exemption from federal income tax of interest on the Bonds, the City Council further covenants it will take all actions that may be required of the City and the City Council, and will not take any actions which would adversely affect such exemption, under the provisions of any federal tax law that applies to the Bonds, whether presently in effect or enacted subsequent to the date of issuance of the Bonds, and the City Council hereby authorizes the Mayor of the City, the City Clerk, and other appropriate officers and employees to take such actions and give such certifications as may be appropriate for the purposes aforesaid.

Section 5. The Mayor of the City and City Clerk are hereby directed, in accordance with Section 3-17-3, NMSA 1978, as amended, to publish in *The Santa Fe New Mexican*, a newspaper of general circulation within the City, a title and general summary of the ordinance relating to and authorizing issuance of the Bonds at least two weeks prior to the meeting at which the City Council will consider such ordinance. The Mayor of the City and City Clerk may undertake such publication upon their own initiative and submittal of any necessary documents related to the proposed ordinance and may also post such notice of intent to adopt the ordinance in the places within the City and at the times deemed appropriate.

PASSED AND ADOPTED this 8th day of May, 2013.

CITY OF SANTA FE, NEW MEXICO

By _____
Mayor

[SEAL]

ATTEST:

City Clerk

Councilor _____ then seconded the adoption of the foregoing resolution introduced and moved for adoption by Councilor _____. The motion to adopt the resolution upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

After transaction of other business not related to the bond issue, upon motion duly made, seconded and carried, the meeting was adjourned.

CITY OF SANTA FE, NEW MEXICO

By _____
Mayor

[SEAL]

ATTEST:

City Clerk

STATE OF NEW MEXICO)
COUNTY OF SANTA FE) ss.
CITY OF SANTA FE)

I, Yolanda Y. Vigil, the duly qualified and acting Clerk of the City of Santa Fe, (the "City"), State of New Mexico, do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the City Council of the City of Santa Fe (the "City Council"), constituting the governing board of the City had and taken at a duly called, regular, open meeting held at 200 Lincoln Avenue in Santa Fe, New Mexico, commencing on the 8th day of May, 2013, at the hour of 7:00 p.m., insofar as the same relate to the Resolution relating to the Notice of Bond Sale, a copy of which is therein set forth as recorded in the regular book of official records of the proceedings of said City kept in my office.

2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly held, and the persons therein named were present at said meeting, as therein shown.

3. Notice of such meeting was given in accordance with the open meetings standards of the City presently in effect, i.e., City Resolution No. 2013-1.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City this ____ day of May, 2013.

City Clerk

[SEAL]

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AN ABSTRACT OF PROCEEDINGS

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The City Council (the "Council") of the City of Santa Fe (the "City") in the County of Santa Fe, State of New Mexico, met in regular session in full conformity with law and ordinances and rules of the City, at City Hall, being the regular meeting place of the Council, at the hour of 7:00 p.m., on Wednesday, the 12th day of June, 2013.

PRESENT:	Mayor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____
	Councilor:	_____

ABSENT: _____

Exhibit "8"

Thereupon the following proceedings, among others, were had and taken:

PUBLIC HEARINGS

CONSIDERATION OF BILL NO. 2013-_____

ADOPTION OF ORDINANCE NO. 2013-_____

Issuance of General Obligation Tax-Exempt Bonds, Series 2013

Mr. Marcos Tapia, Finance Director, presented Bill No. 2013-_____

The Mayor announced that the City Council would take action awarding the City of Santa Fe General Obligation Tax-Exempt Bonds, Series 2013 in the amount of \$12,000,000 in conformity with the Notice of Sale issued by the City Council on May 8, 2013.

Councilor _____ thereupon moved that the City Council accept the bid of _____ for the purchase of the Bonds, said bid being the best bid received for said Bonds.

Said bid is as follows:

<u>Amounts</u> <u>Maturing</u>	<u>Years Maturing</u> <u>(August 1)</u>	<u>Interest Rate</u> <u>(Per Annum)</u>
\$500,000	2014	%
515,000	2015	
525,000	2016	
535,000	2017	
545,000	2018	
560,000	2019	
570,000	2020	
580,000	2021	
595,000	2022	
605,000	2023	
620,000	2024	
645,000	2025	
670,000	2026	
695,000	2027	
725,000	2028	
745,000	2029	
765,000	2030	
790,000	2031	
815,000	2032	

plus a premium of \$_____.

The motion was duly seconded by Councilor _____ and carried on a vote of ____ for and ____ against.

Councilor _____ thereupon introduced and moved the adoption of the following ordinance:

CITY OF SANTA FE, NEW MEXICO
ORDINANCE NO. 2013-___

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$12,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

WHEREAS, at the general obligation bond election held for the City of Santa Fe (the "City"), State of New Mexico, on the 6th day of March, 2013, the electors of the City authorized the City Council of the City (the "City Council") to contract bonded indebtedness on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City (the "Bonds") to secure funds for the following purpose (the "Project"), in the following amount:

<u>Purpose</u>	<u>Amount Authorized At Election</u>	<u>Amount Previously Issued</u>	<u>Amount To be Issued</u>
To acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure.	\$14,000,000	\$0	\$9,200,000
To acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects.	\$3,800,000	\$0	\$2,800,000

WHEREAS, the City Council has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that the entire amount of the general obligation bonds authorized at the election (the "Bonds"), be issued at this time, provided, however, that a satisfactory price be obtained therefor upon a public sale; and

WHEREAS, the City Council has received and publicly opened sealed bids for the purchase of the Bonds and the City Council has determined and hereby does

determine to accept the bid and award the Bonds to _____, the best bidder for the Bonds;

WHEREAS, the City Council has determined and does hereby determine that the Bonds shall be issued at this time under the authority of the New Mexico Constitution and applicable law as hereinafter set forth, and desires to fix the form and details of the Bonds and to provide for the levy of taxes for the payment of the principal of and interest on the Bonds; and

WHEREAS, the net effective interest rate on the Bonds is not more than ten percent (10%) a year; and

WHEREAS, no action or suit has been commenced by any person or corporation contesting the validity of any of the proceedings directed toward the issuance and sale of the Bonds heretofore taken by the City Council and the officers of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA FE:

Section 1. All actions heretofore taken by the City Council and the officers and employees of the City directed toward the issuance and sale of the Bonds to secure funds for the purposes stated above be, and the same hereby are, ratified, approved and confirmed, including the awarding of the Bonds in the amount of \$12,000,000 to _____.

Section 2. In order to provide funds for the purposes stated above, the City Council, on behalf of the City and upon the full faith and credit thereof, shall issue the City's general obligation bonds maturing and bearing interest as follows:

<u>Amounts</u> <u>Maturing</u>	<u>Years Maturing</u> <u>(August 1)</u>	<u>Interest Rate</u> <u>(Per Annum)</u>
\$500,000	2014	%
515,000	2015	
525,000	2016	
535,000	2017	
545,000	2018	
560,000	2019	
570,000	2020	
580,000	2021	
595,000	2022	
605,000	2023	
620,000	2024	
645,000	2025	
670,000	2026	
695,000	2027	
725,000	2028	
745,000	2029	
765,000	2030	
790,000	2031	
815,000	2032	

The Bonds shall be dated the date of delivery (herein the "Series Date"), will be issued in one series and shall consist of bonds numbered consecutively from R-1 upward, issuable in the denomination of \$5,000 each or integral multiples thereof (provided that no individual bond will be issued for more than one maturity); shall bear interest from the Series Date to maturity at the rates per annum set forth above for the Bonds, payable to the registered owner thereof, or registered assigns, on February 1, 2014, and semiannually thereafter on August 1 and June 1 in each year in which the Bonds are outstanding and shall mature on August 1 of each year set forth above.

The Bonds maturing on or after August 1, 2024, are subject to prior redemption at the City's option on and after August 1, 2023, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent, as defined below, in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date.

If less than all of the outstanding Bonds are to be redeemed at any one time, the Bonds to be redeemed shall be selected by the Registrar in the manner designated by the City. If a Bond to be redeemed is of a denomination larger than \$5,000, a portion of such

Bond may be redeemed, but Bonds will be redeemed only in the principal amount of \$5,000 or any integral multiple thereof.

Notice of redemption shall be given by the Registrar/Paying Agent by sending a copy of such notice by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar/Paying Agent on the fifth day prior to the mailing of notice on the registration books kept by the Registrar/Paying Agent. The City shall give notice of redemption of the Bonds to the Registrar/Paying Agent at least fifteen (15) days prior to the date the Registrar/Paying Agent is required to give the bond owners notice of redemption specifying the Bonds and the principal amount thereof to be called for redemption and the applicable redemption date. If the City has not designated the Bonds to be called for redemption on the dates specified above, the Registrar/Paying Agent is to select the Bonds to be redeemed by lot.

Neither the City's failure to give such notice, the Registrar/Paying Agent's failure to give such notice to the registered owner of any Bonds, or any defect therein, nor the failure of The Depository Trust Company ("DTC") to notify any registered owner, of any such redemption, will affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. All notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full amount of any Bond is to be redeemed, the amount of such Bond to be redeemed, the date fixed for redemption, the redemption price, the series and CUSIP number, and that on such redemption date there will become due and payable upon each Bond to be redeemed at the office of the Registrar/Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount.

Unless money sufficient to pay the principal of and premium, if any, on the Bonds to be optionally redeemed is received by the Registrar/Paying Agent prior to the giving of notice of redemption, that notice is to state that the redemption is conditional upon the receipt of that money by the Paying Agent by 2:00 p.m. on the redemption date. If an amount sufficient to redeem all Bonds called for redemption is not received by that time (i) the Registrar/Paying Agent is to redeem only those Bonds for which the redemption price was received, (ii) the Bonds to be redeemed are to be selected in the manner set forth in this Ordinance and (iii) the redemption notice will have no effect with respect to those Bonds for which the redemption price was not received and those Bonds will not be redeemed. The Registrar/Paying Agent is to give notice to the registered owners of the Bonds previously called for redemption which will not be redeemed in the manner in which the notice of redemption was given, identifying the Bonds which will not be redeemed and stating that the redemption did not take place with respect to those Bonds and is to promptly return any Bonds previously delivered by the registered owners of the Bonds. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem all Bonds called for redemption shall on the redemption date be on deposit with the Registrar/Paying Agent,

the Bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Registrar/Paying Agent on or after the redemption date, or, so long as the book-entry system is used for determining beneficial ownership of the Bonds, upon satisfaction of the terms of any other arrangements between the Registrar/Paying Agent and DTC, the Registrar/Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Registrar/Paying Agent by the City.

The principal of and interest on the Bonds due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by BOKF, N.A., dba Bank of Albuquerque, as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any interest payment date shall mean the 15th day of the month preceding the interest payment date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such interest payment date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

Section 3. The Bonds shall constitute the general obligation bonds of the City, payable from general ad valorem taxes which shall be levied without limitation as to the rate or amount. The full faith and credit of the City shall be, and hereby is, irrevocably pledged to the payment of the principal of and interest on the Bonds.

Section 4. The Bonds shall bear the facsimile or manual signature of the Mayor of the City and shall be attested by the facsimile or manual signature of the City Clerk and shall bear the facsimile or original seal of the City. The Bonds shall be

authenticated by the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds bearing the signatures or facsimile signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City, notwithstanding that before the delivery of the Bonds and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose signatures appear on the Bonds shall have ceased to fill their respective offices. The Mayor and City Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Mayor and City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds. If facsimile signatures are to appear on the Bonds, the Mayor and City Clerk, pursuant to Sections 6-9-1 through 6-9-6, inclusive, NMSA 1978, shall each forthwith file his or her manual signature, certified by him or her under oath, with the Secretary of State of New Mexico, provided that such filing shall not be necessary for any officer where any previous filing shall have application to the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 5.

A. Books for the registration and transfer of the Bonds shall be kept by the Registrar/Paying Agent, which is hereby appointed by the City as registrar and as paying agent for the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each

interest payment date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each interest payment date but such transfer will not include transfer of interest payable on such interest payment date.

B. The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided in this ordinance with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

D. Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been fully paid or provided for in full or, if no interest has been paid, from the Series Date.

E. The officers of the City are authorized to deliver to the Registrar/Paying Agent fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar/Paying Agent pending use as herein provided.

F. Whenever any Bond shall be surrendered to the Registrar/Paying Agent upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be furnished by the Registrar/Paying Agent to the City.

G. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership effected on the books of the depository and its participants ("Participants").

As a condition to delivery of the Bonds in book-entry form, the purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the depository, registered in the name of the depository or its nominee. Principal, premium, if any, and interest will be paid to the depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the depository, (ii) the depository determines to discontinue providing its services with respect to the Bonds or (iii) the City determines that a continuation of the system of book-entry transfers through the depository ceases to be beneficial to the City or the Beneficial Owners, the City will either identify another depository or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the City shall mail an appropriate notice to the depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Authorized Officers of the City are authorized to sign agreements with the depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this ordinance, so long as all of the Bonds are registered in the name of the depository or its nominee, all payments of principal, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Registrar/Paying Agent or the City to the depository as provided in this ordinance and by the depository to its Participants or Indirect Participants and to the Beneficial Owners of the Bonds.

Section 6. If the Registrar/Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar/Paying Agent has become incapable of fulfilling its duties hereunder, the City may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor registrar/paying agent. Every such successor registrar/paying agent shall be a bank or trust company located in and in good standing in the United States and having shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 7. Subject to the registration provisions hereof, the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 8. The Bonds shall be in substantially the following form:

[Form of Bond]

REGISTERED

REGISTERED

NO. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO
GENERAL OBLIGATION TAX-EXEMPT BONDS
SERIES 2013

Registered Owner: _____

Principal Amount: _____ DOLLARS

Interest Rate	Maturity Date	Series Date	CUSIP
_____% per annum	_____	_____, 2013	_____

The City Council of the City of Santa Fe (the "City Council"), on the faith, credit and behalf of the City of Santa Fe, Santa Fe County, New Mexico (the "City"), for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount hereof on the Maturity Date and to pay interest on the principal amount at the Interest Rate on February 1, 2014, and thereafter on August 1 and February 1 of each year (the "Interest Payment Date") from the Series Date to its maturity. The principal of the bonds of the series of which this is one (the "Bonds") and interest due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by BOKF, N.A., dba Bank of Albuquerque, as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each Interest Payment Date (or, if such Interest Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any Interest Payment Date shall mean the 15th day of the month preceding the Interest Payment Date. The person in whose name any Bond is registered at the close of business

on any Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable thereon on such Interest Payment Date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

The Bonds are fully registered and are issuable in denominations of \$5,000 and any integral multiple thereof (provided that no individual bond may be issued for more than one maturity).

The series of Bonds of which this bond is one is limited to the total principal amount of \$12,000,000 of like tenor except as to number, denomination, maturity date, and interest rate, issued by the City of Santa Fe, Santa Fe County, New Mexico, for the purposes of providing funds in the amount of \$9,200,000 to acquire land for, and to plan, design, build, equip, renovate and improve public parks, bike-pedestrian trails and related infrastructure in the City of Santa Fe and \$2,800,000 to acquire, install, construct, upgrade and improve sustainable environment projects, including renewable energy, arroyo drainage and watershed security projects. The Bonds are issued under the authority of and in full conformity with the Constitution and laws of the State of New Mexico (particularly Sections 3-30-1 through 3-30-9 NMSA 1978, the provisions of Sections 6-15-1 through 6-15-22 NMSA 1978, and acts amendatory and supplemental thereto), and pursuant to an ordinance of the City Council duly adopted and made a law of the City prior to the issuance of this bond (the "Bond Ordinance").

The Bonds maturing on or after August 1, 2024, are subject to prior redemption at the City's option on and after August 1, 2023, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date, without any premium.

The Registrar/Paying Agent will maintain the books of the City for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of

the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each Interest Payment Date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each Interest Payment Date but such transfer will not include transfer of interest payable on such Interest Payment Date.

The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

For the punctual payment of the principal of and interest on this bond as aforesaid and for the levy and collection of taxes in accordance with the statutes authorizing the issuance of this bond, the full faith and credit of the City is hereby irrevocably pledged. The City Council has, by the Bond Ordinance, ordered the creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be held in trust for the benefit of the owner or owners of the Bonds.

It is hereby certified, recited and warranted that all the requirements of law have been complied with by the proper officials of the City in the issuance of this bond; that

the total indebtedness of the City, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that provision has been made for the levy and collection of annual taxes sufficient to pay the principal of and the interest on this bond when the same become due. This bond shall not be valid or obligatory for any purpose until the Registrar/Paying Agent shall have manually signed the certificate of authentication hereon.

IN TESTIMONY WHEREOF, the City Council of the City of Santa Fe, in Santa Fe County, New Mexico, constituting the governing board of the City, has caused the seal of the City to be hereto affixed and this bond to be signed and executed with the facsimile or manual signature of the Mayor of the City and subscribed and attested with the facsimile or manual signature of the City Clerk, all as of the Series Date.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

[Form of Certificate of Authentication]

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Ordinance and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication and
Registration: _____

BOKF, N.A., dba Bank of Albuquerque,
as Registrar/Paying Agent

By _____
Authorized Officer

[End of Form of Certificate of Authentication]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto
_____ whose social security or tax identification number is
_____ the within bond and irrevocably constitutes and appoints
_____ attorney to transfer such bond on the books kept for registration
thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 9. When the Bonds have been duly executed and authenticated, they shall be delivered to the lawful purchaser thereof named in Section 1 of this ordinance. The funds realized from the sale of the Bonds shall be applied solely to the specified purposes for the Bonds, but the purchaser of the Bonds shall in no manner be responsible for the application of or disposal by the City, or any of its officers, of any of the funds derived from the sale thereof.

Section 10. In order to pay the principal of and interest on the Bonds as they become due and, at the option of the City, to reimburse the general fund or other funds for the payment of principal of or interest on the Bonds for which property taxes were not available, there shall be an annual assessment and levy upon all of the taxable property of the City subject to taxation which provides an amount sufficient to pay the principal of and the interest on the Bonds as they become due and payable. However, the City may, at its option, apply any other funds lawfully available for the purpose to the payment of principal or interest on the Bonds as they become due, and the levies required by this Section may be reduced to the extent other revenues are or will be available and used for payment of the Bonds. To the extent property taxes are not available for the purpose, the principal of and interest accruing on the Bonds shall be paid from the City's general fund or from any other fund lawfully available for that purpose. The taxes shall be assessed, levied and collected annually at the time and in the manner as other City taxes are assessed, levied and collected. Annually, the City Council shall take all reasonable action to insure the levy and collection of taxes by the governmental authority charged with legal responsibility to levy and collect taxes in amounts sufficient at the time to pay the principal of and interest on the Bonds. The money produced by the levy of taxes provided in this Section to pay the principal of and interest on the Bonds is appropriated for that purpose and that amount shall be included in the annual budget adopted and passed by the City Council each year. The taxes collected shall be maintained in an interest and sinking fund, which is hereby created, and kept for and applied only to the payment of the principal of and interest on the Bonds when due and as otherwise required or permitted by law.

Section 11. The Mayor, City Clerk and other officers of the City be and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the deposit of \$12,000,000 of the proceeds of the Bonds, plus premium if any, into an acquisition fund for payment of the costs of the Project and the costs of issuance of the Bonds, the execution and delivery of a continuing disclosure undertaking to enable the purchaser of the Bonds to comply with Securities and Exchange Commission Rule 15c2-12(b)(5), the printing of the Bonds, the execution of an official statement of the City relating to the Bonds and the execution of such certificates as may be required by the Bond purchasers relating to the signing of the Bonds, the tenure and identity of City officials, the receipt of the purchase price of the Bonds from the purchasers and the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof and the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

Section 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Mayor, City Clerk and any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The City covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield, as required, on investment property acquired with those proceeds, (iii) make timely rebate payments, if required, to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Mayor and City Clerk and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Section 13. Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") hereunder when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity, upon redemption, or other) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to a qualified depository for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Government Obligations which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment (as verified by a certified or registered public accountant), and when proper arrangements have been made by the City with a qualified depository for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the ad valorem taxes herein levied and pledged as provided in this ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

Any moneys so deposited with the qualified depository may, at the written direction of the City, also be invested in Government Obligations, maturing in the amounts and times required to make payments when due on the Defeased Bonds, and all income from such Government Obligations received by the qualified depository which is

not required for the payment of the Defeased Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City for deposit in the interest and sinking fund for payment of principal and interest on the Bonds. The term "Government Obligations" means direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America which may be United States Treasury Obligations such as its State and Local Government Series, which may be in book-entry form.

Section 14. Moneys in any fund not immediately needed may be invested as provided by state law and applicable federal statutes and regulations, provided that the City Council and the City hereby covenant to the purchasers and the holders of the Bonds from time to time that the City will make no use of the proceeds of the Bonds or any funds reasonably expected to be used to pay the principal of or interest on the Bonds which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which would adversely affect the tax status of interest on the Bonds under the Code. This covenant is for the benefit of the purchasers and the holders of the Bonds from time to time.

Section 15. After any of the Bonds have been issued, this ordinance shall constitute a contract between the City and the holder or holders of the Bonds and shall be and remain irrevocable and unalterable until the Bonds and the interest thereon shall have been fully paid, satisfied and discharged, defeased or until such payment has been duly provided for.

Section 16. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 17. The following notice shall be published one time in a newspaper having general circulation in the City as soon as is practicable following the adoption hereof and this ordinance shall be effective five days after such publication as provided by law.

[Form of Notice]

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Fe, Santa Fe County, New Mexico, did on the 12th day of June, 2013, adopt an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$12,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

The Ordinance directs and authorizes the issuance of City of Santa Fe, General Obligation Tax-Exempt Bonds in the aggregate principal amount of \$13,000,000; awards the sale of the bonds to the best bidder therefor and provides for the delivery thereof; provides for the form of the bonds; provides for levy of taxes to pay the principal of and interest on the bonds; makes certain covenants with the bond purchaser; and provides other details concerning the bonds. Complete copies of the Ordinance are available for public inspection during normal and regular business hours at the offices of the City of Santa Fe, New Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

DATED this 12th day of June, 2013.

CITY OF SANTA FE, NEW MEXICO

By _____
City Clerk

Section 18. All acts and resolutions in conflict with this ordinance are hereby rescinded, annulled and repealed.

PASSED, ADOPTED AND APPROVED this 12th day of September, 2013.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

Councilor _____ then seconded the motion to adopt the foregoing ordinance introduced and moved for adoption by Councilor _____.

The motion to adopt said ordinance upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye:

_____ r _____

Those Voting Nay:

Those Absent:

_____ (____) members of the City Council having voted in favor of said motion, the presiding officer declared said motion carried and said ordinance adopted, whereupon the Mayor and City Clerk signed the foregoing proceedings and ordinance upon the records of the minutes of the City Council.

After transaction of other business not related to the bond issue, the City Council, upon motion duly made, seconded and carried, adjourned the meeting.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

STATE OF NEW MEXICO)
COUNTIES OF SANTA FE) ss.
CITY OF SANTA FE)

I, Yolanda Y. Vigil, the duly qualified and acting Clerk of the City of Santa Fe (the "City"), State of New Mexico, do hereby certify:

1. The foregoing pages are a true, perfect and complete copy of the record of the proceedings of the City Council of the City of Santa Fe (the "City Council"), constituting the governing board of the City had and taken at a duly called regular meeting held at 200 Lincoln Avenue, Santa Fe, New Mexico, commencing on the 12th day of June, 2013, at the hour of 7:00 p.m., insofar as the same relate to the proposed bond issue, a copy of which is set forth in the regular book of official records of the proceedings of the City Council kept in my office. None of the action taken has been rescinded, repealed or modified.

2. The proceedings and the meeting were duly held and the persons therein named were present at said meeting, as therein shown.

3. Notice of such meeting was given in accordance with the open meetings standards of the City presently in effect, i.e., City Resolution No. 2013-1.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City this 12th day of June, 2013.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
City Clerk

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

2 **RESOLUTION NO. 2013-__**

3 **INTRODUCED BY:**

4
5
6 Councilor Patti Bushee

7
8
9
10 **A RESOLUTION**

11 **DIRECTING STAFF TO TERMINATE THE AGREEMENT BETWEEN SERVICE LINE**
12 **WARRANTIES OF AMERICA (SLWA) AND THE CITY AS SOON AS THE CONTRACT**
13 **PERMITS .**

14
15 **WHEREAS**, on January 11, 2012, the Governing Body unanimously approved Resolution
16 No. 2012-5 which directed staff to explore the National League of Cities (NLC) Service Line
17 Warranty Program and determine whether such Program would be a viable option for property
18 owners in the city of Santa Fe; and

19 **WHEREAS**, the resolution further directed staff to make a presentation of to the Governing
20 Body, within 90 days from the date of adoption of the resolution to present staff's findings; and

21 **WHEREAS**, after researching the NLC program, staff presented its findings and made a
22 recommendation to the Public Utilities Committee, the Finance Committee and the Governing Body
23 for approval of the NLC Service Line Warranty Program, as a viable option for property owners in
24 the City of Santa Fe to purchase water and sewer line protection; and

25 **WHEREAS**, staff's recommendation was unanimously approved by the Public Utilities

1 Committee and the Finance Committee and on April 25, 2012, the Governing Body unanimously
2 approved staff's recommendation; and

3 **WHEREAS**, on January 14, 2013, the City entered into a one year agreement with Service
4 Line Warranties of America ("SLWA") to offer external sewer and external water line warranties to
5 the residents of Santa Fe; and

6 **WHEREAS**, the term of the agreement is for one year and will automatically renew on an
7 annual basis unless the City or SLWA gives 90 days advance notice to the other party that it does not
8 intend to renew the agreement.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that staff is directed to exercise the City's option to terminate the agreement
11 between the City of Santa Fe and SLWA and staff is directed to provide notice to SLWA that the City
12 will not renew the agreement.

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

14
15
16 _____
17 DAVID COSS, MAYOR

18 ATTEST:

19
20 _____
21 YOLANDA Y. VIGIL, CITY CLERK

22 APPROVED AS TO FORM:

23
24 _____
25 GENO ZAMORA, CITY ATTORNEY

CAO/M/Melissa/Resolutions 2013/Sewer Line Protection Repeal