



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 8, 2013
CITY COUNCIL CHAMBERS

Amended

Added Item 14-g

CITY CLERK'S OFFICE

DATE 5/6/13 TIME 3:50 pm

SERVED BY _____

RECEIVED BY _____

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – April 24, 2013
9. PRESENTATIONS
 - a) 10th Annual Children's Water Conservation Poster Contest Winners. (Caryn Grosse, Water Conservation Specialist) (5 minutes)
 - b) Employee of the Month for May 2013 – Judah Montano, Crimes Against Children Detective, Santa Fe Police Department, Investigations. (5 Minutes)
 - c) Proclamation – Henry Sanchez, Supply Inventory Clerk, Purchasing, Auto Parts Warehouse. (5 minutes)
 - d) Proclamation – Joyce Bond, Information Coordinator, City Manager's Office. (5 minutes)
 - e) Proclamation – Chief Barbara Salas, Fire Department. (5 minutes)
 - f) Muchas Gracias – Santa Fe High School Auto Body Program – Skills USA State Competition Medalists. (5 minutes)
 - g) Proclamation – Bike to Work Week – May 13-17, 2013. (5 minutes)



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- h) Proclamation – Celebrate: Santa Fe Tourism in Support of National Tourism Week; May 4 – 12, 2013. (Jim Lutjohann and Simon Brackley) (5 minutes)
- i) USS Santa Fe Committee of the Navy League of New Mexico Presentation Regarding Upcoming Visit by the Captain of the Boat and Sailors. (Rick Carver) (5 Minutes)

10. CONSENT CALENDAR

- a) Bid No. 13/14/B – Market Station Tenant Improvements and Agreement Between Owner and Contractor; Sarcon Construction Company. (Chip Lilienthal)
- b) Request for Approval of Professional Services Agreement – Cerrillos Road Reconstruction Improvements Project, Phase IIC (RFP #13/27/P); Parsons Brinckerhoff, Inc. (Desirae Lujan)
- c) Request for Approval of Professional Services Agreement – Update Regional Water Supply Plan to Incorporate Climate Change Basin Projections; CDM Smith. (Claudia Borchert)
- d) Request for Approval of Professional Services Agreement – Financial Advisor Services for City of Santa Fe (RFP #13/20/P); First Southwest Company. (Helene Hausman)
- e) Request for Approval of Professional Services Agreement – Arbitrage Calculation Services for City of Santa Fe (RFP #13/21/P); Bingham Arbitrage Rebate Services, Inc. (Helene Hausman)
- f) Request for Approval of Professional Services Agreement – Investment Advisory Services for City of Santa Fe (RFP #13/22/P); First Southwest Asset Management. (Helene Hausman)
- g) Request for Annual Approval and Revisions to City of Santa Fe Investment Policy. (Helene Hausman)
- h) Request for Approval of Amendment No. 4 to Professional Services Agreement – Security for Municipal Parking Facilities, Municipal Libraries, Municipal Court, City Hall and Santa Fe Community Convention Center (SFCCC) (RFP #11/21/P); Chavez Security Inc. (Sebastian Gurule)



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- i) Request for Approval of Amendment No. 2 to Professional Services Agreement – Increase in Contract Compensation Limits and Extension of Contract Term for On Call Engineering Services (RFP #8/19/P); Louis Berger Group, Inc. (Leroy Pacheco)
 - 1) Request for Approval of Budget Transfer – Project Fund.
- j) Request for Approval of Professional Services Agreement – Advertising Services on Santa Fe Trail Buses for Fiscal Year 2014-2017 (RFP #13/11/P); Templeton Marketing Services. (Jon Bulthuis)
 - 1) Request for Approval of Expansion of Advertising Services to Include Santa Fe Pick-up Vehicles for Fiscal Year 2014/2017; Templeton Marketing Services.
- k) Request for Approval of Amendment No. 3 to Professional Services Agreement – City of Santa Fe Utility Bills Printing and Mailing Services; Dataprint LLC. (Peter Ortega)
- l) Request for Approval of Memorandum of Agreement – Accept and Administer County Funds to City of Santa Fe and County Advisory Council on Food Policy; Santa Fe County. (Terrie Rodriquez)
 - 1) Request for Approval of Amendment No. 1 to Professional Services Agreement – Provide Personnel Services to City and County on Food Policy; Farm to Table.
 - a) Request for Approval of Budget Increase – Human Services Fund.
- m) CONSIDERATION OF RESOLUTION NO. 2013-_____. (Councilor Dimas, Councilor Bushee, Councilor Calvert, Councilor Rivera, Councilor Dominguez and Councilor Wurzbarger)
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. (LeAnn Valdez)
 - 1) Request for Approval of a Cooperative Project Agreement – City of Santa Fe Safe Routes to School Project Appropriations; New Mexico Department of Transportation for Appropriations. (LeAnn Valdez)
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- n) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Endorsing the Elimination of Fares for Certain Special Event Transit Services Provided by the City of Santa Fe and Funded by the North Central Regional Transit District ("NCRTD"), in Accordance with the NCRTD's Fare Free Service Policy. (Jon Bulthuis)
- o) CONSIDERATION OF 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. (Helene Hausman and Marcos Tapia)
- p) Request to Publish Notice of Public Hearing on June 12, 2013:
- 1) Bill No. 2013-23: 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. (Mayor Coss) (Helene Hausman and Marcos Tapia)
 - 2) Bill No. 2013-24: An Ordinance Approving Certain Leases Between the City of Santa Fe and the Santa Fe Civic Housing Authority for the Lease of Certain Real Property To Be Used for Public Housing Family Units Located at 1222-1265 Cerro Gordo Road, 1227-1265 Gallegos Lane, 1237-1246 Senda del Valle, 1209-1219 Senda Lane, 911 A-F Agua Fria Street, 1752-1788 Hopewell Street and 1750-1765 Mann Street; and Public Housing Senior Units Located at 664-670 Alta Vista Street and 1510-1520 Luisa Street. (Councilor Wurzbarger) (Alexandra Ladd)



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- 3) Bill No. 2013-25: An Ordinance Relating to the Municipal Recreation Complex (MRC), City Sports Fields and League Fees; Repealing Article 23-7 SFCC 1987 and Adopting a New Article 23-7 SFCC 1987 to Establish Regulations and Fees at the MRC; Adopting a New Section 23-4.12 SFCC 1987 to Establish Regulations and Fees for City Sports Fields, Other Than MRC Sports Fields; and Creating a New Section 23-4.13 SFCC 1987 to Establish a Voluntary Sports Field Maintenance Fund. (Councilor Dominguez, Councilor Dimas and Councilor Rivera) (Isaac Pino and Melissa Byers)
- q) One Year Review of Ordinance #2012-20: An Ordinance Amending Article 23-6 SFCC 1987 to Establish Regulations for Event Sponsors Who Have Been Authorized to Use a City Park When the Sale and Consumption of Alcohol is Permitted. (Alfred Walker)
11. CONSIDERATION OF RESOLUTION NO. 2013-____.
A Resolution Related to the Adoption of the City of Santa Fe Fiscal Year 2013/2014 Annual Budget and Organizational Chart. (Robert Romero and Marcos Tapia)
12. Presentation of Parking Audit. (Nancy Young, Moss Adams, LLP)
13. Pursuant to §23-3.4 SFCC 1987, Appeal of Driveway Permit Denial for 341 Magdalena Street; Brent and Jennifer Cline. (Jamison Barkley and John Romero)
14. Request for Approval of Agreements with Santa Fe County to Facilitate Annexation: (Marcos Martinez)
 - a) Memorandum of Understanding for Fire Protection and EMS Service.
 - b) Agreement Regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims.
 - c) Mutual Aid Agreement for Law Enforcement Services.
 - d) Memorandum of Understanding – Roadway Improvements.
 - e) Amendment No. 1 to the Annexation Phasing Agreement.
 - f) Amendment No. 2 to the Annexation Phasing Agreement.
 - g) Amendment No. 1 to the Water Resources Agreement.



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15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Parks and Open Space Advisory Commission
- H. PUBLIC HEARINGS:
 - 1) Santa Fe Culinary Academy, LLC has Requested the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Santa Fe Culinary Academy LLC, 112 W. San Francisco Street, Suite 310. (Yolanda Y. Vigil)
 - 2) Request from Level 2 Industries, LLC for the Following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages (Beer Only) at Duel Brewing, 1228 Parkway Drive, Units C & D Which is Within 300 Feet of La Petite Academy, 1361 Rufina Circle and Iglesia Renacer, 1225 Parkway Drive.
 - b) If the Waiver of the 300 Foot Restriction is Granted, Consideration of the Following Requests:
 - 1) Small Brewers Liquor License to be Located at Duel Brewing, 1228 Parkway Drive, Units C & D; and
 - 2) Beer Wholesalers Liquor License to be Located at Duel Brewing, 1228 Parkway Drive, Units C & D.



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- 3) Request from Elks BPOE Lodge #460 for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at the Elks BPOE Lodge #460, 1615 Old Pecos Trail, Which is Within 300 Feet of Christ Lutheran Church, 1701 Arroyo Chamiso. The Request is for a Car Show Fund Raiser to be Held on May 18, 2013 from 10:00 a.m. to 5:00 p.m. (Yolanda Y. Vigil)
- 4) Request from MIX for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing and Consumption of Alcoholic Beverages at Constellation Home Electronics, 215 North Guadalupe Street, Which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for a Mix Networking Event to be Held on Thursday, May 16, 2013 from 5:45 p.m. – 8:30 p.m. (Yolanda Y. Vigil)
- 5) CONSIDERATION OF BILL NO. 2013-17: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013A In An Aggregate Principal Amount of \$12,135,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging Certain Maturities of the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2006; Providing that the Bonds Will Be Payable and Collectible from the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement and an Escrow Agreement; Providing for Redemption of the Series 2006 Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection With the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Helene Hausman)
- 6) CONSIDERATION OF BILL NO. 2013-18: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2013B In An Aggregate Principal Amount of \$14,195,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the City's Outstanding New Mexico Finance Authority Loan (Parking Structure) Dated March 28, 2006, Providing that the Bonds Will Be Payable and Collectible from the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution



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and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement; Providing for Prepayment of the NMFA Loan; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection With the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Helene Hausman)

- 7) City of Santa Fe Five (5) Year Consolidated Plan 2013-2017 and the 2013 Annual Action Plan. (Kym Dicome and Alexandra Ladd)
 - a) Request for Approval of 2013 Community Development Block Grant Contracts (CDBG) for the Following Contractors: (Kym Dicome)
 - Homewise (Down Payment Assistance)
 - Santa Fe Habitat for Humanities (Down Payment Assistance)
 - Santa Fe Community Housing Trust (Down Payment Assistance)
 - Girl's, Inc. (Facility Improvements)
 - Santa Fe Community Housing Trust (Stagecoach Inn)
 - Youthworks!
 - Youth Shelters
 - Santa Fe Public Schools (Adelante Program)
 - Kitchen Angels
- 8) 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)
- 9) CONSIDERATION OF BILL NO. 2013-19: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Trujillo and Councilor Bushee)
An Ordinance Relating to the City of Santa Fe Fire Department; Amending Section 2-10.3 SFCC 1987 to Establish the Stated Purpose of the Fire Department Authority and Powers; to Authorize the Right of Ingress and Egress on All Public or Private Streets, Alleyways, Roads, Driveways and Thoroughfares; and to Grant the Fire Chief the Full Authority to Sign Agreements With Landowners for the Purpose of Implementing Fire Hazard Mitigation Activities. (Greg Gallegos)



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- 10) CONSIDERATION OF BILL NO. 2013-20: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee and Councilor Ives)
An Ordinance Relating to Requirements for City Contractors; Amending the City of Santa Fe Purchasing Manual to Establish a New Provision to Prohibit Discrimination. (Jamison Barkley)
- 11) CONSIDERATION OF BILL NO. 2013-21: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee)
An Ordinance Relating to Benefits for Domestic Partners; Creating a New Section 19-3.8 SFCC 1987 to Require that the City of Santa Fe Provide Domestic Partner Benefits for Employees of the City of Santa Fe Who Are Eligible to Receive Benefits, Including Benefits for Dependent Children of Domestic Partners. (Jamison Barkley)

I. ADJOURN

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

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

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



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 - c) Proclamation – Henry Sanchez, Supply Inventory Clerk, Purchasing, Auto Parts Warehouse. (5 minutes)
 - d) Proclamation – Joyce Bond, Information Coordinator, City Manager's Office. (5 minutes)
 - e) Proclamation – Chief Barbara Salas, Fire Department. (5 minutes)
 - f) Muchas Gracias – Santa Fe High School Auto Body Program – Skills USA State Competition Medalists. (5 minutes)
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 - h) Proclamation – Celebrate: Santa Fe Tourism in Support of National Tourism Week; May 4 – 12, 2013. (Jim Luttjohann and Simon Brackley) (5 minutes)

CITY CLERK'S OFFICE

DATE 5/3/13 TIME 5:35p

RECEIVED BY

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- 4) Request from MIX for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing and Consumption of Alcoholic Beverages at Constellation Home Electronics, 215 North Guadalupe Street, Which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for a Mix Networking Event to be Held on Thursday, May 16, 2013 from 5:45 p.m. – 8:30 p.m. (Yolanda Y. Vigil)
- 5) CONSIDERATION OF BILL NO. 2013-17: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013A In An Aggregate Principal Amount of \$12,135,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging Certain Maturities of the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2006; Providing that the Bonds Will Be Payable and Collectible from the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement and an Escrow Agreement; Providing for Redemption of the Series 2006 Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection With the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Helene Hausman)
- 6) CONSIDERATION OF BILL NO. 2013-18: ADOPTION OF ORDINANCE NO. 2013-____. (Mayor Coss)
An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2013B In An Aggregate Principal Amount of \$14,195,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the City's Outstanding New Mexico Finance Authority Loan (Parking Structure) Dated March 28, 2006, Providing that the Bonds Will Be Payable and Collectible from the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 8, 2013
CITY COUNCIL CHAMBERS

and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement; Providing for Prepayment of the NMFA Loan; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection With the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Helene Hausman)

- 7) City of Santa Fe Five (5) Year Consolidated Plan 2013-2017 and the 2013 Annual Action Plan. (Kym Dicome and Alexandra Ladd)
 - a) Request for Approval of 2013 Community Development Block Grant Contracts (CDBG) for the Following Contractors: (Kym Dicome)
 - Homewise (Down Payment Assistance)
 - Santa Fe Habitat for Humanities (Down Payment Assistance)
 - Santa Fe Community Housing Trust (Down Payment Assistance)
 - Girl's, Inc. (Facility Improvements)
 - Santa Fe Community Housing Trust (Stagecoach Inn)
 - Youthworks!
 - Youth Shelters
 - Santa Fe Public Schools (Adelante Program)
 - Kitchen Angels
- 8) 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)
- 9) CONSIDERATION OF BILL NO. 2013-19: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Trujillo and Councilor Bushee)

An Ordinance Relating to the City of Santa Fe Fire Department; Amending Section 2-10.3 SFCC 1987 to Establish the Stated Purpose of the Fire Department Authority and Powers; to Authorize the Right of Ingress and Egress on All Public or Private Streets, Alleyways, Roads, Driveways and Thoroughfares; and to Grant the Fire Chief the Full Authority to Sign Agreements With Landowners for the Purpose of Implementing Fire Hazard Mitigation Activities. (Greg Gallegos)



Agenda REGULAR MEETING OF
THE GOVERNING BODY
MAY 8, 2013
CITY COUNCIL CHAMBERS

- 10) CONSIDERATION OF BILL NO. 2013-20: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee and Councilor Ives)
An Ordinance Relating to Requirements for City Contractors; Amending the City of Santa Fe Purchasing Manual to Establish a New Provision to Prohibit Discrimination. (Jamison Barkley)
- 11) CONSIDERATION OF BILL NO. 2013-21: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee)
An Ordinance Relating to Benefits for Domestic Partners; Creating a New Section 19-3.8 SFCC 1987 to Require that the City of Santa Fe Provide Domestic Partner Benefits for Employees of the City of Santa Fe Who Are Eligible to Receive Benefits, Including Benefits for Dependent Children of Domestic Partners. (Jamison Barkley)

I. ADJOURN

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

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

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

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
May 8, 2013**

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**CONSIDERATION OF RESOLUTION NO. 2013- 48. 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**

Approved 13-14

**REQUEST FOR APPROVAL OF A
COOPERATIVE PROJECT AGREEMENT – CITY
OF SANTA FE SAFE ROUTES TO SCHOOL
PROJECT APPROPRIATIONS; NEW MEXICO
DEPARTMENT OF TRANSPORTATION FOR
APPROPRIATIONS**

Approved 13-14

**REQUEST FOR APPROVAL OF BUDGET
INCREASE – GRANT FUND**

Approved 13-14

END OF CONSENT CALENDAR DISCUSSION

**CONSIDERATION OF RESOLUTION NO. 2013- 49. A
RESOLUTION RELATED TO THE ADOPTION OF THE
CITY OF SANTA FE FISCAL YEAR 2013/2014 ANNUAL
BUDGET AND ORGANIZATIONAL CHART**

Approved [amended] 14-26

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[Moved from the Evening Session]

27-31

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**PURSUANT TO §23-3.4 SFCC 1987, APPEAL OF
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**REQUEST FOR APPROVAL OF AGREEMENTS WITH
SANTA FE COUNTY TO FACILITATE ANNEXATION**

Approved [amended] 42-57

**MEMORANDUM OF UNDERSTANDING FOR
FIRE PROTECTION AND EMS SERVICE**

42-57

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WASTEWATER AND SOLID WASTE
REQUIRED BY THE SETTLEMENT
AGREEMENT AND MUTUAL RELEASE
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42-57

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AMENDMENT NO. 1 TO THE WATER RESOURCES AGREEMENT	Removed from the agenda	42-57
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EVENING SESSION

CALL TO ORDER AND ROLL CALL	Quorum	58
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APPOINTMENTS

Parks and Open Space Advisory Committee	Postponed to 05/29/13	58
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PUBLIC HEARINGS

SANTA FE CULINARY ACADEMY, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SANTA FE CULINARY ACADEMY LLC, 112 W. SAN FRANCISCO STREET, SUITE 310	Approved	59-60
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REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR THE FOLLOWING: PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & D WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE AND I IGLESIA RENACER, 1225 PARKWAY DRIVE	Approved	60-61
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IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, CONSIDERATION OF THE FOLLOWING REQUESTS:

SMALL BREWERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & D; AND BEER WHOLESALERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & C	Approved	60-61
	Approved	60-61

**REQUEST FROM ELKS BPOE LODGE #460 FOR A
WAIVER OF THE 300 FOOT LOCATION RESTRICTION
AND APPROVAL TO ALLOW THE DISPENSING/
CONSUMPTION OF BEER AND WINE AT THE ELKS
BPOE LODGE #460, 1615 OLD PECOS TRAIL, WHICH
IS WITHIN 300 FEET OF CHRIST LUTHERAN CHURCH,
1701 ARROYO CHAMISO. THE REQUEST IS FOR A CAR
SHOW FUND RAISER TO BE HELD ON MAY 18, 2013
FROM 10:00 A.M. TO 5:00 P.M.**

Approved

61-62

**REQUEST FROM MIX FOR A WAIVER OF THE 300
FOOT LOCATION RESTRICTION AND APPROVAL TO
ALLOW THE DISPENSING AND CONSUMPTION OF
ALCOHOLIC BEVERAGES AT CONSTELLATION
HOME ELECTRONICS, 215 NORTH GUADALUPE
STREET, WHICH IS WITHIN 300 FEET OF CARLOS
GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN
STREET. THE REQUEST IS FOR A MIX
NETWORKING EVENT TO BE HELD ON THURSDAY,
MAY 16, 2013 FROM 5:45 P.M. TO 8:30 P.M.**

Approved

62-63

**CONSIDERATION OF BILL NO. 2013-17;
ADOPTION OF ORDINANCE NO. 2013-18.
AN ORDINANCE AUTHORIZING THE ISSUANCE
AND SALE OF THE CITY OF SANTA FE, NEW
MEXICO GROSS RECEIPTS TAX REFUNDING
REVENUE BONDS, SERIES 2013A IN AN
AGGREGATE PRINCIPAL AMOUNT OF
\$12,135,000 FOR THE PURPOSE OF DEFRAYING
THE COST OF REFUNDING, PAYING AND
DISCHARGING THE OUTSTANDING CITY OF
SANTA FE, NEW MEXICO GROSS RECEIPTS
TAX IMPROVEMENT REVENUE BONDS, SERIES
2006; PROVIDING THAT THE BONDS WILL BE
PAYABLE AND COLLECTIBLE FROM THE
GROSS RECEIPTS TAX REVENUES
DISTRIBUTED TO THE CITY; ESTABLISHING THE
FORM, TERMS, MANNER OF EXECUTION AND
OTHER DETAILS OF THE BONDS; AUTHORIZING
THE EXECUTION AND DELIVERY OF A BOND
PURCHASE AGREEMENT AND AN ESCROW
AGREEMENT; PROVIDING FOR REDEMPTION
OF THE SERIES 2006 BONDS; APPROVING
CERTAIN OTHER AGREEMENTS AND
DOCUMENTS IN CONNECTION WITH THE BONDS;
RATIFYING ACTION PREVIOUSLY TAKEN IN
CONNECTION WITH THE BONDS; REPEALING
ALL ORDINANCES IN CONFLICT HEREWITH;
AND RELATED MATTERS**

Approved

63-64

CONSIDERATION OF BILL NO. 2013-18, ADOPTION OF ORDINANCE NO. 2013-19. AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2013B IN AN AGGREGATE PRINCIPAL AMOUNT OF \$14,195,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE CITY'S OUTSTANDING NEW MEXICO FINANCE AUTHORITY LOAN (PARKING STRUCTURE) DATED MARCH 28, 2006, PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; PROVIDING FOR PREPAYMENT OF THE NMFA LOAN; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS

Approved

64-65

CITY OF SANTA FE FIVE (5) YEAR CONSOLIDATED PLAN 2013-2017 AND THE 2013 ANNUAL ACTION PLAN: REQUEST FOR APPROVAL OF 2013 COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS (CDBG) FOR THE FOLLOWING CONTRACTORS:

Approved

66-67

**HOMEWISE (DOWN PAYMENT ASSISTANCE)
SANTA FE HABITAT FOR HUMANITIES (DOWN
PAYMENT ASSISTANCE)**

Approved

66-67

**SANTA FE COMMUNITY HOUSING TRUST
(DOWN PAYMENT ASSISTANCE)**

Approved

66-67

**GIRL'S, INC. (FACILITY IMPROVEMENTS)
SANTA FE COMMUNITY HOUSING TRUST
(STAGECOACH INN)**

Approved

66-67

YOUTHWORKS!

Approved

66-67

YOUTH SHELTERS

Approved

66-67

**SANTA FE PUBLIC SCHOOLS (ADELANTE
PROGRAM)**

Approved

66-67

KITCHEN ANGELS

Approved

66-67

CONSIDERATION OF RESOLUTION NO. 2013-50. 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

Approved

68

CONSIDERATION OF BILL NO. 2013-19: ADOPTION OF ORDINANCE NO. 2013-20. AN ORDINANCE RELATING TO THE CITY OF SANTA FE FIRE DEPARTMENT; AMENDING SECTION 2-10.3 SFCC 1987, TO ESTABLISH THE STATED PURPOSE OF THE FIRE DEPARTMENT AUTHORITY AND POWERS; TO AUTHORIZE THE RIGHT OF INGRESS AND EGRESS ON ALL PUBLIC OR PRIVATE STREETS, ALLEYWAYS, ROADS, DRIVEWAYS AND THOROUGHFARES; AND TO GRANT THE FIRE CHIEF THE FULL AUTHORITY TO SIGN AGREEMENTS WITH LANDOWNERS FOR THE PURPOSE OF IMPLEMENTING FIRE HAZARD MITIGATION ACTIVITIES

Approved

68-69

CONSIDERATION OF BILL NO. 2013-20, ADOPTION OF ORDINANCE NO. 2013-21. AN ORDINANCE RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO PROHIBIT DISCRIMINATION

Approved [amended]

69-74

CONSIDERATION OF BILL NO. 2013-21: ADOPTION OF ORDINANCE NO. 2013-22. AN ORDINANCE RELATING TO BENEFITS FOR DOMESTIC PARTNERS; CREATING A NEW SECTION 19-3.I SFCC 1987, TO REQUIRE THAT THE CITY OF SANTA FE PROVIDE DOMESTIC PARTNER BENEFITS FOR EMPLOYEES OF THE CITY OF SANTA FE WHO ARE ELIGIBLE TO RECEIVE BENEFITS, INCLUDING BENEFITS FOR DEPENDENT CHILDREN OF DOMESTIC PARTNERS

Approved [amended]

74-76

MATTERS FROM THE CITY MANAGER

None

76

MATTERS FROM THE CITY ATTORNEY

Information

76

MATTERS FROM THE CITY CLERK

None

76

COMMUNICATIONS FROM THE GOVERNING BODY

Information/discussion

76-80

ADJOURN

80

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 8, 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, May 8, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

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

6. APPROVAL OF AMENDED AGENDA

Robert Romero said the agenda was amended to add Item 14(g) and staff now wants it removed, so we are back to the original agenda.

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to approve the amended agenda, as amended.

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

Councilor Dimas arrived at the meeting

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, 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 Wurzburger.

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, May 6, 2013, regarding Item 10(b) is incorporated herewith to these minutes as Exhibit "1."

A Memorandum dated April 22, 2013, with attachment, to the Finance Committee, from Robert Rodarte, Purchasing Officer, regarding Item 10(b) is incorporated herewith to these minutes as Exhibit "2."

- a) **BID NO. 13/14/B – MARKET STATION TENANT IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; SARCON CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
- b) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CERRILLOS ROAD RECONSTRUCTION IMPROVEMENTS PROJECT, PHASE IIC (RFP #13/27/P); PARSONS BRINCKERHOFF, INC. (DESIRAE LUJAN)**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – UPDATE REGIONAL WATER SUPPLY PLAN TO INCORPORATE CLIMATE CHANGE BASIN PROJECTIONS; CDM SMITH. (CLAUDIA BORCHERT)**
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FINANCIAL ADVISOR SERVICES FOR CITY OF SANTA FE (RFP #13/20/P); FIRST SOUTHWEST COMPANY. (HELENE HAUSMAN)**

- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ARBITRAGE CALCULATION SERVICES FOR CITY OF SANTA FE (RFP #13/21/P); BINGHAM ARBITRAGE REBATE SERVICES, INC. (HELENE HAUSMAN)**
- f) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – INVESTMENT ADVISORY SERVICES FOR CITY OF SANTA FE (RFP #13/22/P); FIRST SOUTHWEST ASSET MANAGEMENT. (HELENE HAUSMAN)**
- g) **REQUEST FOR ANNUAL APPROVAL AND REVISIONS TO CITY OF SANTA FE INVESTMENT POLICY. (HELENE HAUSMAN)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY FOR MUNICIPAL PARKING FACILITIES, MUNICIPAL LIBRARIES, MUNICIPAL COURT, CITY HALL AND SANTA FE COMMUNITY CONVENTION CENTER (SFCCC) (RFP #11/21/P); CHAVEZ SECURITY, INC. (SEVASTIAN GURULE)**
- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – INCREASE IN CONTRACT COMPENSATION LIMITS AND EXTENSION OF CONTRACT TERM FOR ON-CALL ENGINEERING SERVICES (rfp #8/19/P); LOUIS BERGER GROUP, INC. (LEROY PACHECO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – PROJECT FUND.**
- j) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES ON SANTA FE TRAIL BUSES FOR FISCAL YEAR 2014-2017 (RFP #13/11/P); TEMPLETON MARKETING SERVICES. (JON BULTHUIS)**
 - 1) **REQUEST FOR APPROVAL OF EXPANSION OF ADVERTISING SERVICES TO INCLUDE SANTA FE PICK-UP VEHICLES FOR FISCAL YEAR 2014/2017; TEMPLETON MARKETING SERVICES.**
- k) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – CITY OF SANTA FE UTILITY BILLS PRINTING AND MAILING SERVICES; DATAPRINT, LLC. (PETER ORTEGA)**

- l) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ACCEPT AND ADMINISTER COUNTY FUNDS TO CITY OF SANTA FE AND COUNTY ADVISORY COUNCIL ON FOOD POLICY; SANTA FE COUNTY. (TERRIE RODRIGUEZ)**

 - 1) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE PERSONNEL SERVICES TO CITY AND COUNTY ON FOOD POLICY; FARM TO TABLE.**

 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – HUMAN SERVICES FUND.**
- m) *[Removed for discussion by Councilor Trujillo]***
- n) CONSIDERATION OF RESOLUTION NO. 2013-46 (COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE ELIMINATION OF FEES FOR CERTAIN SPECIAL EVENT TRANSIT SERVICES PROVIDED BY THE CITY OF SANTA FE AND FUNDED BY THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT (“NCRTD”) IN ACCORDANCE WITH THE NCRTD’S FARE FREE SERVICE POLICY. (JON BULTHUIS)**
- o) CONSIDERATION OF RESOLUTION NO. 2013-47. 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. (HELENE HAUSMAN AND MARCOS TAPIA)**
- p) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 12, 2013:**

 - 1) BILL NO. 2013-12: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE 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.
(MAYOR COSS) (HELENE HAUSMAN AND MARCOS TAPIA)**

- 2) BILL NO. 2013-24: AN ORDINANCE APPROVING CERTAIN
LEASES BETWEEN THE CITY OF SANTA FE AND THE SANTA
FE CIVIC HOUSING AUTHORITY FOR THE LEASE OF CERTAIN
REAL PROPERTY TO BE USED FOR SECTION 8 PUBLIC
HOUSING FAMILY UNITS LOCATED AT 1222-1265 CERRO
GORDO ROAD, 1227-1265 GALLEGOS LANE, 1237-1246
SENDA DEL VALLE, 1209-1219 SENDA LANE, 911 A-F AGUA
FRIA STREET; 1752-1788 HOPEWELL STREET AND 1750-1765
MANN STREET; AND SECTION 8 PUBLIC HOUSING SENIOR
UNITS LOCATED AT 664-670 ALTA VISTA STREET AND 1510-
1520 LUISA STREET (COUNCILOR WURZBURGER).
(ALEXANDRA LADD)**
- 3) BILL NO. 2013-25: AN ORDINANCE RELATING TO CITY OF
SANTA FE SPORTS FIELDS; CREATING A DISTINCTION
BETWEEN MRC SPORTS FIELDS AND OTHER CITY OF SANTA
FE SPORTS FIELDS; AMENDING ARTICLE 23-7 SFCC 1987 TO
SEPARATE REQUIREMENTS FOR MRC SPORTS FIELDS AND
OTHER CITY SPORTS FIELDS AND MAKING SUCH OTHER
CHANGES AS ARE NECESSARY; CREATING A NEW SECTION
23-4.12 SFCC 1987, TO ESTABLISH REGULATIONS, FEES AND
RATES FOR CITY SPORTS FIELDS, OTHER THAN MRC
SPORTS FIELDS, INCLUDING A REDUCED FEE FOR YOUTH
LEAGUES AND SCHOOLS; AND CREATING A NEW SECTION
23-4.13 SFCC 1987 TO ESTABLISH A VOLUNTARY SPORTS
FIELD MAINTENANCE FUND (COUNCILOR DOMINGUEZ,
COUNCILOR DIMAS AND COUNCILOR RIVERA). (ISAAC PINO
AND MELISSA BYERS)**
- q) ONE YEAR REVIEW OF ORDINANCE #2012-20: AN ORDINANCE
AMENDING ARTICLE 23-6 SFCC 1987, TO ESTABLISH
REGULATIONS FOR EVENT SPONSORS WHO HAVE BEEN
AUTHORIZED TO USE A CITY PARK WHEN THE SALE AND
CONSUMPTION OF ALCOHOL IS PERMITTED. (ALFRED WALKER)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – April 24, 2013

MOTION: Councilor Wurzbarger moved, seconded by Councilor Ives, to approve the minutes of the Regular City Council meeting of April 24, 2013, as presented.

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.

9. PRESENTATIONS

a) 10TH ANNUAL CHILDRENS WATER CONSERVATION POSTER CONTEST WINNERS. (CARYN GROSSE, WATER CONSERVATION SPECIALIST)

Councilor Ives assisted by Councilor Wurzbarger and Councilor Calvert presented the 10th Annual Childrens Water Conservation Poster Contest Winners. Each winner was presented with a trophy featuring their poster and a gift bag, and their posters will be featured in the 2014 Water Conservation Calendar. The grand prize winner's poster will be featured on one of the City buses for a year.

b) EMPLOYEE OF THE MONTH FOR MAY 2013 – JUDAH MONTANO, CRIMES AGAINST CHILDREN DETECTIVE, SANTA FE POLICE DEPARTMENT, INVESTIGATIONS.

Mayor Coss read the letter of nomination into the record, and presented Officer Montano with a plaque and a check for \$100 from the Employee Benefit Committee.

Officer Montano thanked those who nominated him, and Chief Rael, Captain Williams and Officer Dobbins who have created a positive working environment for him and others in the Crimes Against Children Unit. He said there are a lot of people working hard every day to make sure the children of Santa Fe are safe.

c) PROCLAMATION – HENRY SANCHEZ, SUPPLY INVENTORY CLERK, PURCHASING, AUTO PARTS WAREHOUSE.

Mayor Coss read the Proclamation into the record declaring May 8, 2013, as Henry Sanchez Day in Santa Fe, and presented Mr. Sanchez with a copy of the proclamation.

Mr. Sanchez thanked Robert Rodarte, his co-workers, and said "just keep the City rolling."

d) PROCLAMATION – JOYCE BOND, INFORMATION COORDINATOR, CITY MANAGER'S OFFICE.

Mayor Coss read the proclamation into the record declaring May 10, 2013, as Joyce Bond Day in Santa Fe, and presented Ms. Bond with a copy of the proclamation.

Ms. Bond said when she started with the City in 1989, there was no public transportation, a convention center, GIS mapping. She said, "This is just the greatest place to work and I'm going to miss everybody so much."

Councilor Wurzbarger said Joyce is one of the first people she met when she moved to Santa Fe 22 years ago, and commented the long list of job descriptions didn't mean she got bumped around. It is because anything there was something to be done, Joyce was able to do it with professionalism and great spirit, commenting, "You are really going to be missed."

Councilor Bushee said Ms. Bond deserves this time to be with her family and her children, and thanked her for her efforts on behalf of the City.

Councilor Trujillo thanked Ms. Bond for everything she has done for the City and wished her an enjoyable retirement.

Councilor Dominguez thanked Ms. Bond for all of her work, and thanked her family for lending her to the City for all these years, and congratulated her on her retirement.

Councilor Ives congratulated Ms. Bond on her retirement, commenting "You've got a lot to enjoy."

Councilor Calvert thanked Ms. Bond for all of her hard work, and wished her the best in the future.

e) PROCLAMATION – CHIEF BARBARA SALAS, FIRE DEPARTMENT.

Mayor Coss read the Proclamation into the record, declaring May 31, 2013, as Barbara Salas Day in Santa Fe. Mayor Coss noted that Ms. Salas is the first female Fire Chief, and will be retiring at the end of the month.

Chief Salas thanked Mayor Coss for giving her the opportunity to be the Fire Chief, and all of the members of the Governing Body for their support.

Councilor Wurzbarger said, "I just want to say your legacy is amazing and you have left our City and the whole Department, and perceptions of the total City in such an amazing work. Personally, I'm grateful that you have proven that small and beautiful is very mighty and effective. So I thank you for that, as a role model for the women in Santa Fe. And I wish you the best, and I really hope you enjoy the time with your son – all those vacations you have planned. You deserve it."

Councilor Bushee said, "You really surprised everyone with your ability to take the reins and run with everything. Everybody references your size, but I've never noticed because you have been a giant in this Department. You've really take on yeoman's work and done a great job. And I'm so grateful that you are leaving us in good hands and good shape. It is a well deserved retirement. I'm sure your family is grateful we are going to let you go, but I have to see you go."

Councilor Rivera said, "Congratulations Barbara. I think everybody should agree that you had some big shoes to fill. When Barbara was first appointed to the Chief's position, a lot of people were making a big deal about the fact that she is a woman, and it is a great accomplishment. When I talked to you, I remember you saying, 'I don't really think that much of it. We're all firefighters. We all do the same job. We all do the same thing.' And I think that's why you have so much respect from everybody up here, from your peers, from the Police Department, Fire Department and everyone in the community. So, I appreciate all that you did and wish you the best of look. If you're anything like me, you'll do well for about 3 months and then you'll start going crazy. Good luck."

Councilor Calvert said, "Again, I'm jealous of all you retirees. I just wanted to thank the Chief for all of her fine work here in the City. She is a consummate professional, and she is a trailblazer here at the City and I'm sure she will continue doing that into retirement, so just enjoy yourself."

Councilor Dimas said, "Chief, I'm going to really will miss you. I think that we developed a really good relationship. And anytime I needed any information about the Fire Department, you were always right there and everything you did was so professional. And Councilor Wurzbarger, when you say 'small and beautiful,' I thought you were referring to me too. Anyone there can't be two beautiful ones in the room, so you're a lot more beautiful than I am, and that goes without saying. But I really, sincerely hope you enjoy your retirement, enjoy your children while they're small. There is no greater joy than being with your children while they are growing up. And my heartiest congratulations to you, and I hope you really enjoy your retirement. Congratulations. We are so fortunate to have had you as our Chief. Thank you."

Councilor Dominguez said, "There's really not much more to add Chief. I think my colleagues have expressed the gratitude that we all have for the service that you provided, not only to us, but really to the constituency out there. So thank you very much for all of your work. Thanks to your family as always, and as well as allowing us

to steal you whenever we could – they get you back now, so great for them. You made some history here at the City of Santa Fe, so thanks you for being a trailblazer as Councilor Calvert has said. And, on a personal note, my mom was a small lady just like you, but she was a tough lady, just like you, so there's some things in common there, so thank you very much for all of your work.

Councilor Trujillo said, "Congratulations. I'm going to miss you on the Public Safety Committee. I do want to thank you for all the different things we've collaborated on with public safety. A lot of what you've done has made this City a lot safer and you should be proud of that, and just enjoy your retirement. That's what we're all here working for, and one day Chris, you'll retire and it'll happen. Enjoy your retirement, enjoy your family and thank you for your service."

Councilor Ives said, "It has been a pleasure during my year on Council to work with you. The things I would note is that your Department, because of your leadership, has been a very cohesive group within the City that works exceedingly well together, and really does have each other's back in everything they do. And I know during the two budgetary processes I've been through, the first one you gave a presentation and you had a power point with slides of your entire budget, setting forth your needs, and the last year, how many calls which were made. And for those that don't know how many calls the Fire Department responds to on a daily basis, it's phenomenal across the City. It was very professionally done, and you've done a great job in terms of training and leadership, in terms of the Department you leave behind you. Because Erik, when he came in during the budget process had his power point and his slides, and walked us through it. I don't think there was a presentation to the Finance Committee that went any more smoothly than the Fire Department. Thank you for a job well done."

Mayor Coss said, "Thanks Chief. Enjoy your retirement."

f) MUCHAS GRACIAS – SANTA FE HIGH SCHOOL AUTO BODY PROGRAM – SKILLS USA STATE COMPETITION MEDALISTS.

Mayor Coss presented Muchas Gracias certificates to each of the USA State competition medalists, noting the four gold medalists will represent the State this summer at the national competitions where there will be 50,000 students competing. He noted that Mauro Salcido and Joaquin Caneja received \$10,000 scholarships to the Universal Technical Institute, which both plan on attending. He said Santa Fe High Vo-Tech has been a power house at this competition over the past 20 years, placing 2nd, 4th and 5th at the nationals in welding and automotive competitions.

Mr. Trujillo said this is the first time they have been recognized by the City, and said they appreciate it very much. He said they are very proud to be able to go to the national competition and represent Santa Fe and the State of New Mexico at the

competition in Kansas City, noting the gold medalists will be representing all of us at those competitions.

g) PROCLAMATION – BIKE TO WORK WEEK – MAY 13-17, 2013.

Mayor Coss, assisted by Councilor Bushee, read the proclamation into the record declaring May 13-17, 2013, as Bike to Work Week in Santa Fe.

Councilor Bushee said there is a great event at the Railyard Plaza on Friday, and on Saturday at 4:00 p.m.. She said there will be prizes and giveaways, and such, and invited everyone to join them. She said on Saturday at 9:00 a.m., starting and ending at the Railyard, there will be a bicycle ride.

Lanea Gonzales, Special Events & Marketing Administrator, said this is her first year doing this event, and she is looking forward to it and hoping to get a good crowd out this year.

Councilor Dominguez asked Ms. Gonzales to send the details about the events to the Governing Body.

h) PROCLAMATION – CELEBRATE: SANTA FE TOURISM IN SUPPORT OF NATIONAL TOURISM WEEK; MAY 4-12, 2012. (JIM LUTTJOHANN AND SIMON BRACKLEY)

Simon Brackley, CEO, Chamber thanked the Mayor for opportunity to talk about tourism today. Mr. Brackley and Mr. Luttjohan presented information via power point. Please see the power point presentation in the Council packet for specifics of this presentation.

Jim Luttjohan, CVB Director, spoke about the Community Convention Center, and introduced the staff in attendance.

Mr. Brackley asked all members of the hospitality industry in attendance today to stand. He noted that Ms. Delgado done an outstanding job in putting this event together, and thanked the volunteers for contributing their time in this effort. He invited the Governing Body to attend the expo tomorrow and the mixer following.

Paul Margetson, OTAB Advisory Board, asked the Governing Body to form a Committee to consider closing Plaza to vehicular traffic after 5:00 p.m. in the summer, especially during the Summer Concert Events. He said we need to find a way to not to charge 501(c)(3) organizations using the convention center – keep events in Santa Fe. He believes we can devise a way to raise the funds to do this.

Ben Tuck, Santa Fe Lodgers, said great things come with tourism, and spoke of the many ways tourism helps the community and the contribution to the economy through the lodging industry.

Kathryn Erickson, Gallery Association President, talked about the contribution of the arts to the economy, noting Santa Fe is the third largest art center in the US.

Mayor Coss declared May 4-12, 2012, Celebrate: Santa Fe Tourism in Support of National Tourism Week, and said he would read the proclamation tomorrow.

Councilor Trujillo said we hear you talk about tourism and when people come to visit we take them downtown which is great. However, there is another part of Santa Fe on the south side that is sometimes forgotten to the tourists. He said there aren't the "tourism things," but there are lot of beautiful wonderful restaurants along the corridor – Cerrillos Road, St. Michael's Drive and Airport Road. He wants to get the some of the tourist money on the south side.

Mr. Luttjohan said he already is working on itineraries off the beaten path, including the restaurants and wonderful cuisine in the southwest area of Santa Fe.

Councilor Bushee said she would like to get people on our trails and riding bicycles. She said we closed the Plaza for a short time, and it was very unpopular, although there is merit in looking at closing the Plaza for special events and at specific times. She said she will be there for the Expo.

Councilor Ives said the Knights of Columbus Convention was here over the weekend, and there were 340 knights and wives in attendance. He said one person from southern New Mexico said it had been 50 years since he had visited Santa Fe to Santa Fe. He said we need to work to include events in our planning to attract New Mexico residents to visit Santa Fe.

Councilor Wurzbarger said she is excited about the symposiums tomorrow, where people will be talking about how we can become ambassadors to support tourism in Santa Fe. She said there will be hands on experiences for people to test their own ability to do some of the artistic offerings that we have in Santa Fe.

Councilor Dominguez added his congratulations to the group and said he looks forward to some of the events tomorrow. He thanked everyone who put the presentation together, as well as those who work on a daily basis to encourage this industry.

i) USS SANTA FE COMMITTEE OF THE NAVY LEAGUE OF NEW MEXICO PRESENTATION REGARDING UPCOMING VISIT BY THE CAPTAIN OF THE BOAT AND SAILORS. (RICK CARVER)

Rick Carver, Chairman, newly-organized USS Santa Fe Committee, which is part of the Navy League that supports all sea services. He talked about the upcoming visit by Commander Timothy Poe and 9 sailors of the USS Santa Fe, who will be visiting Santa Fe over the Memorial Day weekend. He said his Committee is responsible for paying the air fare for the visitors. He said they were here a month ago for 3 days, and as a result of that visit, they decided to come back for Memorial Day. He said they are going to make this a positive experience for everyone concerned. He provided brochures and itineraries to the Governing Body.

Mr. Carver said we need to get something which can be framed and put on the boat, a document of some sort. He said there is something missing in the chambers which is the official USS flag.

Mayor Coss thanked Mr. Carver for his efforts. He noted the new sign we put up was on the submarine, so they have been carrying our name around the world for some time. He said during the

visit, we will be training the submarine cook to cook green chile, and other native cuisine, so they can have a New Mexico while sailing on our behalf.

Councilor Wurzbarger asked Mr. Carver if he has been able to raise all the needed funds.

Mr. Carver said, "I would say that I think we're there. It was sometimes very frustrating, and it was a challenge to say the least, but I'm going to the bank tomorrow and I think we've got it."

Councilor Wurzbarger said we are looking forward to the visit.

Councilor Ives thanked Mr. Carver for his work, and the visit of these Navy personnel is a real chance to honor our service men and women who are on board on behalf of our country putting themselves in harms way regularly. He hopes this is a continuing story "that will be long in the telling," as he recalls the ship's complement is about 130 sailors, and we will have many more visits to come. He looks forward to working with him to get them all to Santa Fe to "their namesake's City."

Mr. Carver said they will be involved in putting up flags at the cemetery, noting there are only a dozen of the 73 submarines in the Navy that have a supporting committee. New Mexico has 3 submarines: USS Albuquerque, USS Santa Fe and the USS New Mexico, and 3 of the 3 submarines have a committee similar to ours. He said they are trying to address that problem throughout the country.

CONSENT CALENDAR DISCUSSION

10(m) CONSIDERATION OF RESOLUTION NO. 2013- 48 (COUNCILOR DIMAS, COUNCILOR BUSHEE, COUNCILOR CALVERT, COUNCILOR RIVERA, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). 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. REQUEST FOR APPROVAL OF A COOPERATIVE PROJECT AGREEMENT – CITY OF SANTA FE SAFE ROUTES TO SCHOOL PROJECT APPROPRIATIONS; NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR APPROPRIATIONS. (LEANN VALDEZ)

1. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND

(LEANN VALDEZ).

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, May 6, 2013, regarding Item 10(m) is incorporated herewith to these minutes as Exhibit “3.”

Councilor Trujillo said, “The only reason I took this off is to say that I do work for the New Mexico Department of Transportation. I do not deal with this project at all, so I have no conflict, so I will move for approval.”

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Resolution No. 2013-48, Item 10(m), as presented.

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

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

Against: None.

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to approve Items 10(m)(1) and 10(m)(1)(a), as presented.

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2013-49. A RESOLUTION RELATED TO THE ADOPTION OF THE CITY OF SANTA FE FISCAL YEAR 2013/2014 ANNUAL BUDGET AND ORGANIZATIONAL CHART. (ROBERT ROMERO AND MARCOS TAPIA)

A Memorandum dated May 7, 2013, to the Finance Committee, from Robert P. Romero, City Manager, is incorporated herewith to these minutes as Exhibit "4."

Mr. Romero noted there is a revised Memorandum on the Councilor's desks, noting there is a change in the Memo that is in the packet. He said he has been working with Chief Salas and others in coordinating a Trails Volunteer Program. The difference in the packet is instead of spending \$100,000 on the Domestic Violence Coordinator it is proposed to do a \$50,000 contract with someone to provide that service, and \$50,000 to provide the Trails Volunteer Coordinator service.

Mr. Romero said two positions were brought to his attention that were shown in the books in the organization chart as not being funded, but they were not on the list. He said, "Our intention is indeed not to fund them. The positions are 1502 a vacant account tech at the GCCC and 1803 a vacant records specialist, part time classified. They have been omitted, but they are a part of the budget recommendation.

Councilor Bushee said, "Robert, again I thank you and your staff, the new Finance Director, and all involved for working so hard to get this budget where it was and is. Can I ask a quick question to clarify, since we all saw letters to the editor.... Tell us exactly what is being done with the libraries with this budget."

Mr. Romero said, "In the libraries, there are a few positions that are proposed to be not funded. As part of the memo here, we are asking direction on whether to fund 3 temporary positions at the library, so if Item #7 is approved, then those positions will be re-funded. There is no reduction in services at any of the libraries."

Councilor Bushee asked if item 7 is approved, if any positions will be cut at the library.

Mr. Romero said, "Let me go to the Library Org Chart. There will be a Library Supervisor position that would be cut, and two Librarians and one Library Technician part time."

Councilor Bushee said, "Then those are positions that can be considered at mid-year or if anything is improving." Mr. Romero said, "Sure."

Councilor Bushee said, "Also, it is not proposed that we close La Farge for a day. Correct."

Mr. Romero said, "That's correct."

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger for purposes of discussion, to approve the City Manager's recommended changes "the latest and greatest Memo that is on the desk, and this current budget, so that includes Item #7, #8, #9 and #10, and whatever else is in the Memorandum [Exhibit "4"]."

DISCUSSION: Councilor Wurzburger said, "Thank you Robert, you did a miracle here when you pulled us out of this hole again. I have a comment and a quick question, though. For purposes of total transparency with the public, I would like, and I know there were discussions about this through the budget process, I would like a statement regarding the sustainability of the kinds of cuts that we made and the kinds of accounts that we had to tap into in order to make this budget go forward. And again, this is not in terms of criticizing you at all that we need to do this, but if you could clarify that if you could. If not, then we will do a press release on it."

Mr. Romero said, "I believe this is all covered in the Memo dated April 22, 2013, in the blue book."

Councilor Wurzburger said, "But for purposes of... I doubt that the public has read that Memo, so could you just highlight that so that we, as a community, know what we're facing as we go forward."

Mr. Romero said, "Sure. To balance the General Fund Budget, we didn't fund various vacant positions. Those are listed at the back of the Memo. We transferred positions to comparable classifications or positions. We funded positions from another appropriate funding source. We converted vacant, part time, classified positions to temporary, part time status, resulting in a cost of benefits savings. We reduced spending. We restructured the health care budget. We reduced overtime and standby time. We reduced revenue projections as appropriate. All of the details are listed in these books which were presented to the Finance Committee."

Councilor Wurzbarger said, "And perhaps my question is not clear. That is where we got to where we needed to be. The question is, if we do not have a major change in our economy between now and next year, what will we face next year in terms of this. Will we have the same kind of hole to fill, and what resources can be addressed toward that in a sustainable fashion."

Mr. Romero said, "If the GRT holds steady and our other revenue projections hold steady, we won't have a hole to fill."

Councilor Wurzbarger said, "Then my only other comment, and what I'm concerned about is that we did cut a lot, but we added back since last week now, which is almost \$480,000, and I would just hope that, as I said at the budget hearings that we can collaboratively work toward generating more income. The money that we talked about in terms of tourism, if you get a 3 to 1 dollar, that is the only way that we will be able to continue to deal with flat budgets – to go forward and look at how we can generate income. And not continue to just have flat budgets."

Councilor Calvert said, "I want to thank Robert and all staff in the City for all their hard work on the budget, but we also know that any budget is our best estimate. And I guess I would prefer to be a little on the cautious side. I understand the wants for some of these positions. I definitely think that #8 and #10 deserve to be funded, but I think on ones like #9 and #7, I would like to take more of a wait and see attitude to see how the budget year progresses before we jump in 'whole hog' on all of these positions, because it's easier to add a little, rather than to try and undo things. It was, I think a struggle on staff's part to make this budget balance, and I don't want us to undo that sort of disciplined approach here at the very end with too many of these add ons at the last moment, just because we would like to."

Councilor Dominguez asked, "Can you talk at little bit... could you repeat what you said about what items you wanted to keep."

Councilor Calvert said, "I would be willing to go forward with #8 and #10 at this point, and then on #7 and 9, I'd like to take more of a wait and see attitude, get into the budget year and see how things are going before we fund those positions. I just think that adding all of these right at the beginning is not the most prudent and cautious way to proceed, but obviously that's my opinion"

Councilor Wurzbarger asked, "Does that include, in terms of eliminating for now the new items that were just introduced tonight, those debated on the Volunteer Coordinator for the trails."

Councilor Calvert said, "Do you have the numbers."

Mayor Coss said one is just called "new item."

Councilor Wurzbarger said, "That's what I'm calling it. New item. Thank you Mayor. I'm just asking him to clarify his position on it."

Councilor Calvert said, "I don't... I'm trying to figure out where the money is coming from."

Mr. Romero said, "We were able to cover some Police expenses out of the Police Safety Fund, so that position would be funded by.... we pulled that out of the General fund, so it would be covered by the General Fund – that \$50,000, plus the \$50,000 for the Domestic Violence Coordinator."

Councilor Calvert said, "I don't know, I'm not sure."

Councilor Ives said, "Robert, just so I'm clear and the Memo notes that in terms of paying for the new position, \$50,000 would be funded from General Fund resources by movement of Business Unit 12058 Patrol Division, to a new Business Unit to be established in the Police Property Tax Fund. I'm struggling to understand what those changes are and what that means."

Mr. Romero said, "That Business Unit is funded right out of the General Fund. The Police \$25 million budget is funded primarily from the General Fund and there \$2 million from the Police Property Tax and GRT fund, so we have enough room in that specific Police Public Safety Fund to cover these general fund costs, to cover this patrol group. So instead of using General Fund money, we would use specifically funds that we collect from property tax and GRT that go directly to police."

Councilor Ives said during the budget, we discussed that it would be good to have a police presence more focused on trails. He asked if this is a position which would be within the Department or is it in Parks.

Mr. Romero said, "That's not listed. It's not related to this. What we've done, is this patrol group is being paid out of the General Fund. We are proposing, if this is approved, that it would be paid out of the Police Safety fund, which is made up of GRT and property tax collected specifically for police use. It has nothing to do with Trails."

Councilor Wurzbarger said that is confusing.

Councilor Ives asked where the Trails Coordinator position would sit in the organizational chart.

Mr. Romero said, "This wouldn't be a position. It would be \$50,000 to work with a non-profit to provide the service for the City. We don't know yet which non-profit."

Councilor Bushee said, "I can answer that. The Conservation Trust, Fat Tire Society and one other, approached the City Manager. But during the budget process, we asked him to look at a collaborative effort. They approached him. This came out of that, as well as the approach we asked him to take with Solace to fund that position. We asked him to find a way that, if we provide funds, they could house them and provide support to them. And so at first it was going to be \$100,000 to Solace, but as it turns out, we can split the difference there and make the same arrangement, so it's not a City position. It's funds for collaborative efforts for both entities to try to continue the service and keep the City's stamp of approval, and have them actually, in the case of the Trails Coordinator, watch over our \$9 million or \$10 million of investment and collaborate with all the entities that are already out there as volunteers. And then they would provide some cash and some backup and support. The same with Solace and the other entities that he worked with to do the same."

Councilor Ives asked if there is any impact on the patrol division of the Police Department as the result of any of this.

Mr. Romero said, "No effect, other than instead of that group being funded by the General Fund, they're being funded by the Police Property Tax and GRT Fund. So there's no effect. No elimination. That fund is earning enough to cover those expenses and to cover all other expenses, so there would be no effect, other than it is to be paid by a different fund other than the General Fund, which frees up the General Fund money to cover these other two positions."

Councilor Ives asked about the power and authority given to the Trails Coordinator and if there is proposed to be any police powers. Are they supposed to be out on the Trails or what.

Mr. Romero said this is a group to coordinate volunteers to maintain the trails. He said, "I don't believe it has anything to do with Police or Public Safety."

Councilor Rivera said, "Robert, the budget you submitted includes all of the items in the Memo. Correct. So it's a balanced budget with those positions added back in."

Mr. Romero said, "The changes that will have to be made are listed in the Memo, so yes, it will be a balanced budget and the funding will come, as you see for each one, from the areas listed. So yes, it will be a balanced budget."

Councilor Rivera said, "I received some concerns again regarding the Recreation Division. Can you again fill me in on how many lifeguards you're losing, how many custodial staff we're losing in the process, or whatever changes you've made or recommended through the Recreation Division."

Mr. Romero said, "Recreation Org Chart is in the blue book... it's Org Chart 14(c). In regards to that, Councilor Rivera, there was a concern brought to Councilor Dimas's

attention, regarding custodians at the GCCC specifically. And one of the things we've worked on with the union to try to balance this budget, is we are eliminating custodians at Ft. Marcy and Perez. The custodians at the GCCC will be temporary, part time. The thought is that if we are short on custodians that lifeguards, fitness techs, account techs, anybody in the facility can aid with the custodial duties. I think this is really going to be a responsibility of Complex manager to assure that the resources they have to address the needs."

Mr. Romero continued, "So if you look at page 14(c), it does show what we're proposing to not fund. There are a few lifeguards for Bicentennial. As I understand they don't feel they need.... last year they did it with what we're funding. Other than that, we didn't eliminate any lifeguards at any facility. We did eliminate some account techs, or not fund some account techs. We are not funding a high level manager when that person retires in December. And you'll see that there was a part time Rec Tech, and they're all listed on page 14(c)."

Councilor Rivera said, "So we're not losing any lifeguards, and Bicentennial will be covered with existing staff."

Mr. Romero said, "Again, Bicentennial some are temporary, so yes, the recommendation was that last year we only had 10 lifeguards and 2 supervisors, and they feel like they can do that again this year."

Councilor Rivera said, "Now, with the extra duties, they're going to have to take on having to clean facilities I guess. Are we spreading those existing people too thin."

Mr. Romero said, "As we've looked at staffing levels and working with the Division Director, we think we'll be fine. Again, at mid-year we can look at it more closely, but we think with constant management and use of resources that we can make this work with the staff that we have."

Councilor Rivera said, "And one more question on the custodial staff. What was their job classification before. Were they full time, classified, or were they part time."

Mr. Romero said, "They are full time classified. Most of those currently in those positions right now are temporary, so they don't have benefits, but the previous positions were full time classified custodians. Yes."

Councilor Rivera said then they had benefits previously, and those are being taken away now.

Mr. Romero said, "Not the persons who are in the positions, but the positions were funded with benefits. They're not being funded with benefits in this budget."

Councilor Rivera asked if those positions currently are filled.

Mr. Romero said 2-3 are filled as temporaries, and nobody will lose their job, and they will continue to be temporary, and they are without benefits.

Councilor Rivera said, "And we're not cutting back on any services at any of the recreations facilities. Everything is still going to function as it has been."

Mr. Romero said, "Again, I think Debbie Jo and Isaac are here. They can speak to that, but as I understand, we're not reducing any services, not reducing hours."

Councilor Rivera said, "We're not losing hours and we're not losing services in any way."

Mr. Romero said, "As I understand, Ike and Debbie Jo can come and speak to that if I'm not correct."

Mayor Coss asked Councilor Rivera if he wants them to speak.

Councilor Rivera said, "I would like some assurances that we're going to continue to operate the same hours and still function as we have been, without any decrease in services."

Debbie Jo Almager said, "The hours are still going to be the same as the current hours at this time. And so this is, like I said... I'm sure that we'll know. What we have right now, we've been doing with the custodians as temporary under-fills, some of them are vacant positions."

Councilor Rivera said, "And the GCCC, as large as it is, can handle temporary custodial staff and you will have other staff to provide other cleanup of areas need."

Ms. Almager said, "Right. We have, like I said, we have staff in the gymnasium. We also have staff in the fitness center, lifeguards and building supervisors, we have 3 building supervisors as well. So we have Rec Section managers as well. We have lots of recreation supervisors in the swimming pool and lots of different positions that I feel can do the job."

Councilor Rivera said, "And it's expected that every one of those will participate in custodial duties as assigned."

Ms. Almager said, "Yes. With the expectation that were going to have to do a lot more with less, but I do feel it can be done."

Councilor Rivera said, "Again, I do have a serious concern about this, and will be watching it, and hoping for the best. Thank you."

Councilor Dominguez said, "First of all, I want to thank the Committee for participating in the budget hearings and for the other members of the Governing Body who also participated during the budget hearings. I also want to thank staff for the work they've done during the course of the budget hearings and really throughout the course of the year, in getting us these numbers, and generally speaking, the work that they do."

Councilor Dominguez said, "It is concerning to me, number one that we had this gap and that this gap was discovered to the tune of \$6.3 million. And I know that we talked a little about having some more checks and balances throughout the course of the year and making sure we didn't have this kind of situation again."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to direct staff that they shall prepare a mid-year budget for us this next fiscal year. Responding to Councilor Bushee, Councilor Dominguez said, "Just that it's mandated that they do a mid-year budget for us to review. Part of the reason this has come up is because I asked the City Manager to prepare a mid-year budget, and as he began to look into some of the things a little bit closer, that's where he began to find some of these discrepancies, and I just want to make sure that it's mandated. I don't think it's mandated in Code. It's just been a past practice. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said, "I'm sure there are other models we can use to make sure these checks and balances are in place, but nonetheless, that's one start – at least have a mid-year review."

Councilor Wurzbarger said, "Building on your point, what I personally would prefer is that the new mandate would be with respect to identifying, prior to mid-year, what those checks and balances will be, so that we have a mechanism for reviewing, on a spreadsheet what happened and what didn't. Again, that builds on the recommendation that was made by Robert, that I think we should follow, that for the benefit of Finance and the entire Council, that we soon learn what those checks and balances will be that are going to be put into place, and what can we expect from that, in terms of mid-year budget review. If that's what you meant."

Councilor Dominguez said, "The staff expressed the desire, if you will, to come up with some language on some things they could provide us in making sure that that happens."

Councilor Wurzbarger said that isn't in our requirements currently.

Councilor Dominguez said he thinks that needs to be something that is mandated, "I don't know how else to say it. Not just a past practice, but that it happens every year."

Councilor Bushee said, "I think after this budget, we could certainly work, as a Committee, on whatever you want."

Councilor Dominguez asked if this is a promise and Councilor Bushee said yes.

Councilor Dominguez said he is willing to work with whomever to make sure that happens.

Councilor Dominguez said, "To just speak on the budget itself, and to kind of... I guess to respond to Councilor Calvert. I would prefer that we keep all of these recommendations in, and that is because then we start to look at priorities. And to say that libraries, or anybody else maybe isn't a priority right now, I don't think is necessarily fair. So I would prefer, if we're not going to cut them all, that we keep them all in. And I have to know, just to piggy-back a little on Councilor Rivera's comments, I'm also concerned about some of the impacts that this could have on services, especially recreation and land use."

Councilor Dominguez continued, "Now, we've been told by the department or division directors that there will be no impact, and so we'll be looking at those sorts of things as the year progresses. But those are the things that I'm going to be concerned about, not the direct impact, but at some point the level of service that we provide is tied to the level of personnel that we have to provide these services. So I guess that's the one concern that I have, is that we're, I think at that threshold. And if we pass that threshold too much, it could have an impact on the services that we provide."

Councilor Dominguez continued, "Now, in terms of the balanced budget that is being presented to us today, we've been told that there are going to be no cuts in services, we're not closing any facilities, and there are no layoffs or furloughs. But, dare I say that we are as lean as I've ever seen. 196 positions over the last two years. And so again, I just say that, at some point, when do we become too lean. So this is one of the things that I'm going to be looking at."

Councilor Dominguez continued, "And, just in terms of the details of information that's been provided, I know Robert, you clarified the two positions, 1803 and 1502 in the Org Chart. And it kinds of begs the question, if the Org Chart is a part of the packet and the list that we have is a part of the packet, which one takes precedence. I assume it's going to be the Org Chart. But, some of those details, I don't want to say need to be flushed out, but they need to be.... the Committee or the Governing Body, needs to be aware of some of those things that can happen, whether it's oversight, or just didn't get included. The devil's sometimes is in the details, so without getting too deep into the weeds, does this budget reflect the priorities of the community. The Governing Body looks like it's saying they think it does."

Councilor Dominguez continued, "I think that the Governing Body is saying that it has some concern in the number of cuts and whether or not we're going to be able to provide those services. I think we're going to be able to do that, but you know, we'll see. We'll just have to keep on going, so I stand in support of this, but you know, I hope that I can just continue to keep a close eye on things."

Councilor Wurzbarger thanked Councilor Dominguez for his leadership on the Finance Committee.

FRIENDLY AMENDMENT: Councilor Wurzbarger would like to amend the motion to provide that, "The Finance Committee would, indeed, include as a formal part of the mid-year review, a process that gives information on whether services have or have not been reduced." **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Councilor Bushee said, "Rather than saying, Councilor Rivera said he'll watch it, you'll watch it, I'll watch it, I would like to not just watch it, I would like to have a process that procedurally becomes a formal part of the budgeting process this year – to both have the checks and balances, and also the report, however we get it, if it's even public put from the unions, whomever, how did it work. And we're halfway through the year. How have services been affected and how has staff morale been affected to be doing three jobs."

Councilor Bushee continued, "I am so aware that some of our directors now are wearing 3 hats, and I don't know how to have a meaningful review of whether or not services have been impacted. And what I don't want is to just create some busy work just to satisfy.... We all have that concern. I started off at the budget hearing saying I want some assurances you're not going to cut, in particular, recreation. But what happens always is the end of the season, when kids go back to college, lifeguards are short. I can almost predict that the season will end a little earlier than I would like, than my constituents like."

Councilor Bushee asked Mr. Romero his thoughts on such a process.

Mr. Romero said, "I think Nick said it well, we can manage better, and at that time of the year, it's not a factor of funding, it's more a matter of our lifeguards going back to school. So what we can do, we can coordinate better with the lifeguards at Ft. Marcy and Sal Perez and the GCCC. If we are short, we can pull everybody we have in. I think this is the intent of all of these changes at recreation – to make sure we all pitch in."

Councilor Bushee said, "Can you respond to how we would measure whether services are being impacted. I measure it by the calls and emails I get from constituents. How would you have your department heads to create a system."

Mr. Romero said, "I think we could measure it many ways. One, we could measure the number of hours the facilities are open, whether we had to close them because we had a lack of lifeguards, for example. We can evaluate how many programs we did this past fiscal year and how many we'll do next fiscal year, and keep track of what we're doing."

Councilor Bushee asked if there is a pro-active way to do that, commenting they always found out after a facility is closed.

Mr. Romero said yes, and believes that can be contracted. He said, "As managers, we're going to have to use all the resources we have to assure this doesn't happen."

Councilor Wurzbarger said, "We also could have a public meeting, rather than relying on individual Councilors and discuss that issue at Finance. Thank you."

Councilor Bushee said, "I just want to speak in general. I think everybody was concerned. We had a big gap to fill. I just have to say, Robert, I think you've worked your magic. I know nobody is happy, and so then you know that you've kind of maybe hit the mark. Nobody was thrilled, I'm sure the employees weren't thrilled that they weren't going to see raises, hopefully, at least helping on some of the health care increases. We keep expecting the peaks and we still end up in a valley. I really appreciate... and I feel very strongly that we need to fund the library positions. Robert brought forward an even leaner budget, and then got really creative because we asked him to. It would have been easy for him to say, 'I just went through the numbers, and this is the bare bones budget we need to balance things,' but he then got creative in two positions in particular – the Domestic Violence Position and the Trails Position. He reached out to the private sector and folks came through. They know how important it is to keep those initiatives moving forward."

Councilor Bushee continued, "So I really speak to passing this budget with the amendments and items the City Manager has brought forward to us. New measures to be sure we are communicating are fine. I can't say how much work they had to do in such a short time, given the circumstances. To me, it's remarkable. And again, nobody is happy about everything. I know Councilor Dominguez and I raised the issue of how we can get Parks, Recreation or at least more programming and providing more to the community. So we'll have to look at that and that's what I hope to do mid-year."

Councilor Dominguez said, "I want to respond a little to the measurements that have been talked about here. I think that you're right, Robert. It will have to be a department-by-department kind of analysis. Because Land Use, which is a concern of mine in the cuts, and I think they'll be okay, but at some point, hopefully as the economy gets better, we are going to need technical review specialists or whatever position it is that's being cut. So that's something that's relatively easy to measure, but when you look at Recreation, it's not just how many hours they are open and the revenue generated. It's maybe the overall quality of life that the community is experience. These kinds of things aren't so easy to measure. So I'm open to talking to

staff to come up with those measures, so we can have those kinds of discussions. Recreation is a very important division that speaks to the quality of life that we have in Santa Fe, and that is one of the things that makes Santa Fe so great.”

Councilor Dominguez continued, “There are some things brought up during the budget hearings that future Councils will have to deal with. Robert did a great job in providing us with an option of how to deal with our GRT-CIP issue, and the GCCC, and other enterprises and funds funded out of those sources of revenue. But that needs to be resolved, otherwise it will get pretty heavy.”

Councilor Dominguez continued, “And the other is something that Councilor Bushee talked about which is our Health Fund. We provide our employees with pretty great benefits, and that comes at a cost. And maybe that’s what we want to continue doing, and that’s fine, but nonetheless, we’re going to have to account for that at some point. So those are just two examples of two larger looming issues that we’re going to have to continue to contend with, certainly if the economy doesn’t get better, it’s going to get more difficult.”

Councilor Bushee reiterated one of her biggest disappointments is that we had to cut a battalion chief, with the drought situation we’re end. She hopes, if there is an opportunity mid-year, if a position that rises to the top as a priority for the immediate future, she hopes we would consider it even before mid-year.

Mayor Coss said, “I support this budget. I thank the Finance Committee for the work they did and all the staff, and especially you, Robert. I don’t think there ever was a City Manager that knows the budget as well as you do now. This is about your fifth austerity budget. I think Councilor Dominguez mentioned cutting 200 positions so far. The State’s cut positions. The federal government’s cut positions. And we wonder why we have an unemployment problem. So I’ll just point out that you’ve presented us with a lot of hard work, a balanced budget that again cuts jobs, and even more people are going to have cuts in health insurance. And this is what austerity looks like. And we’ve managed it, as *The New Mexican* said, better than a lot of cities. And I give you and the staff that credit, and I want to thank you.”

Mayor Coss continued, “And I’ll match our work force against any work force in the world and what they’ve gone through in the last 4 years, and now it’s going to be the fifth year, is really stressful for the workers. And I commend them and all 3 unions, and we don’t see a lot of union pickets out here, even though nobody’s getting a pay raise. And after you add in retirement and health insurance, they’ll probably be getting pay cuts this year. We have a great work force. This Council deals with issues that previous Councils voted on and thought would work out, and then the recession – it ain’t working out so good on some of those decisions made 10 years ago or so. It’s going to get harder when the hold harmless starts getting taken back. This could get harder for any number of reasons.”

Mayor Coss continued, "But I noticed today that *The New Mexican* put taxes off limit. We can't talk about tax increase. While we're here prioritizing libraries and recreation. I had an email saying don't cut libraries, cut something less important. And I would like to say figuring out what's less important is really going to be a challenge if we don't have revenues on the table. And I would like to second what our tourism friends said tonight, if we have to increase Lodger's Tax, maybe we should put it right back into advertising and see if we can get some more revenues into this City. I think the concerns about services are well founded, because we've been eliminating jobs now for 4 years in City government. And I commend our employees for the services they give. And I commend you especially Robert, for putting this budget together."

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

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

Against: None.

Explaining his vote: Councilor Ives asked, for clarification, if the Motion for Approval is with the analysis of the metrics on the delivery of services and Councilor Bushee said yes. Councilor Ives said, "Then I vote yes."

Explaining his vote: Councilor Trujillo said, "You know Robert, this may not be the budget everyone wants, but at least it's a budget that will Santa Fe for another year. Good job. So, I vote yes."

Explaining his vote: Councilor Dimas said, "Thank you for all the hard work that you do. Robert. I vote yes."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to reconsider the previous approval of the agenda to amend the agenda to go now to Petitions from the Evening Agenda, and then resume the Afternoon Agenda, and to approve the agenda as amended.

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

F. PETITIONS FROM THE FLOOR

A petition containing 9 pages with an estimated 350 signatures, with the heading *We Support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's Recycling Programs*, submitted for the record by Sophie Ortiz, are incorporated herewith to these minutes as Exhibit "5."

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

Tabitha Hurst said, "if we ban plastic bags, we would be the first City in New Mexico to do so and hopefully inspire other cities to ban them as well."

Sophie Ortiz said, "We have over 350 signatures to add to the ones we have already given you and we have many supporters who want the City Council to follow through on this plastic bag ban." Miss Ortiz provided the signatures to Mayor Coss for the record.

Tabitha Hurst said, "Humans have been harming the environment for far too long."

Sophie Ortiz said, "Plastic bags are one of the numerous problems for our environment and banning them would be a great first step in helping the earth."

Tabitha Hurst said, "We would all like to thank Councilor Wurzbarger for her support of the ban. We know this idea is still in Committee, but we would like the rest of the City Council to please start sharing it's support. "

Councilor Wurzbarger thanked them for being in support of this effort and said they will be voting on the bag proposal next Tuesday at BQL, and she is proud and happy that they came this evening and thanked them for their hard work.

Josette Gurule said we should ban plastic bags completely.

Destiny [inaudible] said the plastic bags should go because they are polluting the world and the State.

Councilor Bushee said it is always the youth that come to us and make us do better. She said we need to do better in recycling and taking care of the earth. She is so glad they came this evening and invited them to come back again.

Julio Rodriguez, representing the Convergence Project, said the Convergence Project is a collaboration of teens from different high schools that are brought together to give their input on how to bring more youth together. He said, "The

project is sponsored by The Story of Place Institute which is a Non-profit organization which works to build neighborhoods and empower locals. They are asking the Governing Body for support to create a more teen-friendly culture in the Railyard area. This area is considered to be Santa Fe's living room. We've asked many of the youth how they feel about that. They're not really sure on their stance of how to bring more youth to the area, as well as many of the youth don't even go to the Railyard area. We feel that Santa Fe has a lot of potential to bring more youth together and we could like to join a lot more of the neighborhoods and community to get more involved and bring the youth together. Thank you."

Cybele Osterman, Santa Fe Prep, Convergence Project said, "We would like to implement a City-wide youth research project on youth needs and wants, which would allow us to integrate youth more into the Santa Fe community. During our initial research stage, we found that youth complained there was nothing to do in the area, but had no input when asked what they wanted. So therefore, the Convergence Project hopes to conduct focus groups and surveys with over 700 youth from the high schools in Santa Fe, to gather a needs assessment, and more specifically, to understand what they would like to see created in the Railyard area. We will be using a similar tactic to one the University of California researchers use. From this research, we can begin to create and advocate for these needs and wants in the community. Our second goal is to change the stereotype centered around Santa Fe youth which will be introduced by Raquel Garcia.

Raquel Garcia said, "I'm a part of the Convergence Project from Tierra Encantada. There are limited researchers who have become aware that many adults in the Railyard area are unsure on how to interact with us teenagers. During the pilot study, we surveyed over 20 businesses in the Railyard area. We experienced many of the businesses to be less friendly than others. For example, a specific clothing boutique in the Railyard, we were going into there to survey the manager or employees to see how they feel about youth in the community. And right as we stepped in the building, they told us they did not want to be part of our survey, so we left. Impressions can be read in the Z Magazine we are producing about our pilot study. Our goal for the next year, is to educate the community focusing on the Railyard area to try and change stereotypes about teens. We will achieve the change through radio shows, art projects, community discussions and the creation of a teen friendly rating scale and a mentorship opportunity. Thank you."

Miss Osterman said they also are going to work with businesses, to create more teen friendly opportunities and resources for youth in this area applying our research, and then give each business a teen friendly rating, which will be designated maybe by a sticker on their door or mentioned in a resource guide we hope to create for youth about the area. When this is successful, we can then replicate this model to other neighborhoods in the City. The last program we hope to implement is a mentorship and job training program.

Martin Soto, Santa Fe Prep, said, "I'm part of the Convergence Project from Santa Fe Prep. Youth find it difficult to find jobs in the area, not only to occupy their time, but to provide a source of income. Of the few activities available for youth in Santa Fe, for example movies, concerts and food, most of them require money. We would like to match youth with mentorships, which if the participants successfully complete for 3 months, it will evolve into a paid position. This would create an intergenerational educational experience which will help youth to have jobs and activities in the area, which is a crucial step for Santa Fe to take in order to move forward as a community."

Mr. Soto continued, "To summarize, we hope to gain your support in the four main areas of the Convergence Project for next year. These four main areas are the Youth Led Research Study and Needs Assessment, Community Awareness Campaign to education the community on youth culture, teen rating system for businesses in the Railyard area, mentorship jobs and programs. This project will not only increase the sense of community between teenagers and adults in the Railyard, it will also increase the sense of community between youth that normally would not have the opportunity to meet."

Mr. Soto continued, "Next year, Santa Fe Prep, Tierra Encantada and the master's program will be part of this program. It is also a unique collaboration between many non-profit organizations in the Railyard, such as Story of Place, Site Santa Fe, Youth Media Project, El Museo Cultural, Boys and Girls Club and the Railyard Stewards, to name a few. Finally, this project will increase the economy of the area and help the Railyard to truly be a living room for Santa Fe and a safe haven for youth. Once we complete the first round of our project, we hope for youth to report that they do use the Railyard area and that they do feel welcome. Again, tonight, we are here on behalf of the Story of Place Institute, to formally request a meeting with the City Manager and Railyard staff about our project. Thank you so much for your time."

Mayor Coss suggested that the Convergence Project get in touch with the Mayor's Youth Advisory Board and perhaps also with the Business & Quality of Life Committee, especially around the mentorship program.

Councilor Rivera said shortly after retirement, he spent about half semester at Capshaw as an assistant, and one of his students was Julio Rodriguez. He said, "I just want to let you know how proud I am of you, the type of leader you've become. I knew you always had it in you, and I'm just glad that you're here today and let you know I am proud of you. Great job. Keep it up."

Councilor Trujillo said, "I want to take my hat off to you guys as well, because when I was growing up in Santa Fe, me and Carmichael used to say the same thing, there's nothing for us to do. And it's rough, because we would usually go to Albuquerque or something like that. We definitely need to find more things for the youth to have here in Santa Fe. So I'm glad you guys are doing this. It's unfortunate

that little story about the one boutique that didn't want to be part of your survey. I just don't like that. This is a City-funded place where they are selling their goods. They should welcome everyone, so I'm kind of disappointed on that, and I would really like to find out what boutique that was Mayor, because that kind of stuff shouldn't be happening. I comment you on what you guys are doing, and any help I can be. I've got a 14 year old and I've got an 11 year old, they are in the next generation as well, and always tell me the same thing too, 'Dad, we need to find more things for the youth to do in Santa Fe.' So keep up the good work."

Councilor Dimas said, "I have a few years on Ron and Carmichael, and I can tell you that we experienced the same thing for years here in Santa Fe. And it's been an ongoing challenge for our youth for a long, long time. I graduated from high school in Santa Fe, and being the oldest one up here, I can tell you this has been going on for a number of years. But, even when I was just out of high school, we formed what..... back then we used to enjoy dancing and going to dances, much like you do. And we had dances. We used to use Pallen Hall, which is no longer being used. And I know there is a lack of that activity now here in Santa Fe. What we did, was we formed what was called the Pit Club back then, which was a membership club for all of our teenagers here in Santa Fe, and you had to have a card to get because back then we had trouble, just like you do now, much like you do now. Much hasn't changed even though it's changed. So it was a good club. And it was a good club, and just some thoughts for ideas and stuff like that. And it was a dance club, and we never had any problems. We used to have probably 200-300 teenagers coming to our dances every Friday and Saturday night."

Councilor Dimas continued, "It was just an idea that we had and it was something that we did. If there's any way that I can help you with some ideas, I'd be more than happy to do that. The funding for these events came from the charge for the dances, but it was a minimal fee that everybody could afford back then. But it was very reasonable, we had reasonable fees and that paid for the band and everything we were doing. So, there are a lot of ideas that you can come up with on your own. I commend you for what you're doing because I think it's a great idea that you've formed this organization at the Schools. I can tell you that there are things you can do among yourselves, and you brainstorm and eventually you will come up with sponsors and different businesses and organizations that will be more than happy to help you. I know they helped us immensely back then. As the Mayor suggested, the Mayor's youth group is a good place to start and I know you're a member. I sit on that committee, I haven't been there for a while, but I know I'm one of the Councilors that sits on that Committee. My best of luck to you and commend you for doing a good job and for thinking for all of the youth in Santa Fe."

Councilor Bushee asked the reason they focused on the Railyard to create a more teen-friendly place. She said she hopes they are happy a movie theater is coming in, commenting she doesn't know what other businesses they would like to see in the Railyard, which of course is dictated more by the economy. She said the City

used to sponsor dances in the past, but funding has been tighter. We know we have an Advisory Board, but we don't give you a budget. She said, some day when things are a little better, that might be something that the Youth Advisory group actually asks for, so they actually conduct business like we do up here, like tonight when we passed our budget. She appreciates their attendance and would like to see them come back..

Councilor Wurzbarger invited the youth to attend the Business and Quality of Life Committee, and said, "If you will give us one your telephone numbers, we will invite you to our June meeting to talk about the jobs portion of it."

12. PRESENTATION OF PARKING AUDIT. (NANCY YOUNG, MOSS ADAMS, LLP)

A copy of *City of Santa Fe Parking Division Forensic Consulting Report*, dated April 30, 2013, prepared by Moss-Adams LLP, is incorporated herewith to these minutes as Exhibit "6."

Nancy Young, Senior Manager for Moss Adams, introduced Tom Downey, a data analyst for Moss Adams, who works with her on fund investigations. She said they were hired by the City to conduct a limited scope financial investigation of the Parking Division, specifically related to citations, for period January 1, 2005 through December 31, 2012.

Ms. Young, assisted by Mr. Downey, reviewed the report in detail. Please see Exhibit "6" for specifics of this presentation.

Ms. Young emphasized they focused their time and effort not on the citations which had been paid. She said, "We eliminated those because they had clearly been paid and there was no question there. The concern lies around those citations for which adjustments were made, where there was a lack of documentation supporting why that adjustment was made and specifically, those adjustments that appear to have been made by Parking Division employees themselves, whether it was maybe on a friend, a family member, another Parking Division employee or their own citation in and of itself. To reiterate, it wouldn't be appropriate then to project the results of that to the entire population, because it doesn't reflect the entire population. We found 25 instances in which the documentation did not support the adjustment that was made on that citation."

The Governing Body commented and asked questions as follows:

- With regard to the data sampling, Mayor Coss said, "You said they are representative. Is there a mathematical formula or something that says that this X percent of what we looked at, if you multiplied that across the ones you don't have data for, is that statistically valid."

Mr. Downey said, "The number 40 isn't just a magic number that we just pulled out of the air. The American Institute of Certified Public Accountants produces statistically based sampling methodology and that number is sufficient to give 95% competence over a population. Because of the way the population presented itself, it's really more of a yes/no question. Were these transactions appropriately handled, were they not appropriately handled. Therefore, we polled that type of methodology versus other methodology which might allow us to project mis-statement into the population. But since we were actually isolating the most risky transactions, that type of sampling methodology would not have been appropriate in this particular case.

- Mayor Coss said it would have over-estimated the series, and Mr. Downey said, "Exactly."
- Councilor Dimas said he has a question about the detailed work performed.

Ms. Young said she can go into the detailed work, or he can ask questions, whatever is best for him.

- Councilor Dimas said, "On the bottom of page 5 of the report, it states, '*We interviewed eleven individuals. We found employees were hesitant to disclose information in fear of retaliation. The results were mixed as several interviewees confirmed knowledge of alleged wrong doing, while other interviewees asserted that to the best of their knowledge, the allegations were false. Results of the interviews were sufficient for us to conclude that the allegations had some merit.*' I guess it's not really fully explained what the allegations were, or what the wrong-doing was in your eyes, or in your findings, so I would be curious to know what those were."

Ms. Young said, "So, very specifically, the allegation that we looked at and found, was that employees were taking action on their own parking citations, as well as those of other City employees, and friends and family. And so our procedures focused on individuals as Tom discussed early, individuals who specifically had access to the T-2 system and the authority, the system access authority to go in make those adjustments. So the answer is, is yes, we did. We found instances where an individual took an action on their own account. Now, did they take actions on friends and family. To get an exhaustive list of a person's friends and family would have been a pretty exhaustive approach. I think that the evidence is in the fact that the one individual, as we've clearly already discussed, took action on their own account and there's no supporting documentation to validate that those adjustments off were actually approved and appropriate."

Responding to Councilor Rivera, Ms. Young said, "There were 7 instances where the employee took and adjusted their citation down to zero. There is no documentation supporting that that adjustment was approved and should have been adjusted off. And so, with the lack of documentation, without that approval, we have to conclude that there is some merit that an employee was taking an adjustment to their own account."

- Councilor Rivera said, "And you're talking adjustments by the Municipal Court, by the Judge."

Ms. Young said, "No. These are adjustments that don't appear to have gone before the Judge."

- Councilor Rivera said, "Okay, and that was a violation of policy. Correct. There is a policy that states no employee shall make adjustments to fees, penalties or notices."

Ms. Young said, "Our understanding is that the intent is that all adjustments are done by the Judge, that the Judge is the only one who has that authority. So what we're saying is that we found instances where adjustments were made and we do not see that authorization by the Judge. So we do want to say that one answer could be that the document just isn't there. It's gone missing. What concerns me is the number of instances to the one employee where there's no documentation. It wasn't just one, it was seven."

- Councilor Rivera said, "Again, which is a clear violation of the policy that we have in the administrative manual."

Ms. Young said this is correct.

- Councilor Dimas said, "One further question, and I know you're not an investigative unit or any kind of a police investigative unit."

Ms. Young said, "We're not law enforcement."

- Councilor Dimas said, "Right. Right. And so you wouldn't have a determination then, because I know, being a former judge that you can't alter any kind of Court records or anything like that, because that, in itself, is a Fourth Degree Felony in this State. So, I don't know how to ask this, or what to really ask you, because you're not an investigative unit or authority, so, in your opinion, and I guess it's just your opinion period, in your eyes, was there anything criminal done in this particular matter."

Ms. Young said, "So Councilor Dimas, I think that when you look at that and, I think we need to define criminal. You know, if the City of Santa Fe's definition of that is, was there a violation of Statute, you know, was there a violation that only adjustments occur by the Judge and are authorized by the Judge. Did we find the approval in those 7 instances. No, we did not, therefore, it would be a violation of that Statute. If that is criminal according to your Statute, then it's criminal. So, I think it's up to you, to the City of Santa Fe and your legal team to determine that disposition, but we can say that no, it did not follow management's intent. The documentation isn't there."

Ms. Young continued, "I can say, without a shadow of doubt, Sev's group knocked themselves out. It was like a war room in there with them going through all of these documents. And they went through every single document trying to identify this documentation for us. And so, it was a pretty exhaustive search. I feel pretty confident that if it had been there, that Sev's employees and staff assigned to that would have identified that documentation. So, it's not there, and we have 7 instances that relate to specifically one employee."

- Councilor Bushee asked, "My questions are not so much to you as.... you know, procedurally, what do we do now to follow up with, a) that individual that seems to be the continued focus of the remainder of this study, and then, b) I guess the procedures that we'll get in place following this audit."
- Mayor Coss said, "Let's let them finish their report, and then we'll go into next steps with staff."
- Councilor Dominguez said, "The only question I have is, so there's... in the report, various individuals that have been named. I don't know if this is in line with Councilor Dimas's question, but did you interview each of those employees, or each of those people."

Ms. Young said, "Each of the..., if you're referring to the individuals on the page we've listed the 16..."

- Councilor Bushee said, "I'm referring to any individual that's been identified or named in the report."

Ms. Young said, "Yes. We've conducted numerous interviews. We interviewed the City manager, we interviewed the Administrative Manager. We interview individuals alleged to have information regarding this whole situation – current employees, former employees. We interviewed law enforcement. We did it from every angle."

- Councilor Dominguez asked, "What was the purpose of the interviews – was it just to obtain information about their knowledge of any procedures or policies that were in place, or..."

Ms. Young said, "Part of it was to understand, so what's the process. Here's some policy and procedure, so that's one thing."

- Councilor Dominguez asked, "Was it so that you could understand the process, or to understand how well they understood the process."

Ms. Young said, "No. Both. So, to understand, for our understanding how the process works, because part of our charge was to evaluate whether or not you had adequate internal controls in place as well as the policies. Part of it was to gain an understanding – what is everybody else's understanding of what the policies and procedures are. Because it's great to have good policy and procedure, but that doesn't mean that that's what's actually happening in actual practice. You can have a disconnect between the two. You can have an awesome policy, but if nobody follows it, what good is it."

- Councilor Dominguez asked, "What was the resolution on that one."

Ms. Young said, "Our resolution is that your policy, your stated policy and procedures don't completely reflect management's intent over this process."

- Councilor Dominguez said, "No, what was your conclusion in determining whether or not the employees or individuals understood the policies and procedures that were in place."

Ms. Young said there was a little bit of disconnect between what the policy was. The procedures were pretty consistent. What individuals described as, here's how the procedure worked, from the citation all the way through the Court process, although employees generally did not understand completely what happened once it went to the Court process and when something was dismissed, versus upheld, and that was documented with the full Court."

- Councilor Dominguez said, "I guess the question is, given their level of knowledge in the policies and procedures, it would be easy for any particular individual to manipulate it, I guess."

Ms. Young said, "If they have access to the system, if they had the system access rights to do that, then yes. That would be correct."

- Councilor Dominguez said, "I have to say it is confusing because I've gotten a couple of parking tickets and I'm wanting to call the Judge to let her know that I will get those taken care of, and it's referred back to parking. Is that, when you

looked at this... I guess, did you conclude it was a function more of the Court system or of the Parking Division's responsibility, initially, at the initial stages of dealing with a citation."

Ms. Young said, "It's the Parking Division's responsibility to accurately account for all citations and the disposition of those citations. Now, we're not auditing the Court side. Now there are some records over there on the Court side that helped us with our procedures, and we're very thankful for that, because if not, our excepting listing would have been much larger. So we supplemented our work with the information obtained for the Court. The Parking Division should be able to answer the disposition of the citation, whether it was paid in full, payment is pending or whether it went to Court and it was dismissed in Court or upheld in Court. They should be able to answer that question."

- Councilor Dominguez said, "Just the disposition, not necessarily the, well I guess, they should be able to answer how that citation was initiated as well, right, whether it was police, or..."

Ms. Young said, "Yes. And they can do that, within their system and the tracking that they have in the Parking Division, they can tell you through the codes whether or not it was law enforcement, whether it was a security officer, whether it was from the parking division, the hand helds. Yes. They can give you the initiation of the Citation. That's already in place, that piece is."

- Councilor Dimas said, "I was just talking to Judge Yalman about Police Officer citations, and you're indicating that a lot of them go to the Parking Division first for handicapped parking and that type of thing."

Ms. Young said this is correct.

- Councilor Dimas said, "And some go directly to the Judge from what I understand, too."

Ms. Young said this is correct.

- Councilor Dimas asked, "Wouldn't it be better served if they went one to one agency, rather than split up, depending on whoever is giving the citations – the regular certified Police Officer or one of the Safety Aides giving a citation, I understand goes to Parking. And then if it is given by an Officer it goes directly to the Court. I guess there would be better safeguards if it went directly to, especially for handicapped parking because it's considered a misdemeanor. So I would think that those should go directly to the Judge, rather than through the Parking Division. And I think it would provide a little better safeguard."

Ms. Young said, "That's a great observation and I would just expand on that a little bit, by saying that one of the concerns we had was that when law enforcement is issuing a citation and it's entered into their system and it's entered again into the Parking Division system, that dual entry poses some risk to you. If we step back from the whole thing, what I think we all want to know and have assurance on, is that if a citation is issued that it's captured, accurate, and if it needs to be collected on that it is."

Ms. Young continued, "Any adjustments need to be approved by management, and in that process, all along through that transaction stream, from the point that a citation is issued to the final disposition, whether it means it's paid or dismissed, there needs to be good internal controls throughout that whole entire system – preventive and detective controls, so you have the assurance that the right things are happening. Like I said earlier, you have some preventive controls in place. You're lacking significantly in the area of detective controls. And it's concerning that management can't answer to us the disposition of those citations that we flagged as more risky than the ones that were just paid. The ones that are paid are very clear, you've been paid and it's in there. It's the ones where there are adjustments that means you've elected not to collect revenue when there is an adjustment. And knowing whether or not that adjustment is valid is important."

- Councilor Trujillo said, "You mentioned that we need some kind of tracking software at the City."

Ms. Young said, "Correct."

- Councilor Trujillo asked, "Do you have something specifically that you would recommend."

Ms. Young said, "What we've talked with Sev about is specifically to work with your current vendor first, because if they have that within their tracking system, instead of starting over with a brand new system, it could be a simple enhancement. Another way is to have the tracking system external to the existing system through an Excel document that is reviewed periodically by management to make sure it's complete, accurate and valid. Another option is to go out and look at a brand new system, but that's a little spendy. I don't want to recommend you go do that. I think there are other options that could be looked at first and could work for you. Great question."

- Councilor Ives said, "One question and then one request, and on page, and this is in your cover letter to the City on page 4 of our packets. There is what I expect is simply a standard line in an audit report, but I want to make sure you didn't think was going to be the case, which said, *'This report should not be disclosed to, used or relied upon by any third party.'* I'm hoping you understood

this would be subject to a public records request, so the notion of not disclosing it to anybody was probably out the window before we me."

Ms. Young said, "It is your choice as to whom you disclose the report. That's completely up to you. We, however will not hand a report out to somebody. We'll hand it to you and you can hand to them."

- Councilor Ives said, "I did ask staff to go ahead, and I will introduce later tonight, a measure to address the various problems that you have identified."

Ms. Young said she has read it.

- Councilor Ives said, "Oh good. Well I was going to ask you if you would be willing to review it."

Ms. Young said, "Done."

- Councilor Ives continued, "... and make suggestions and comments so that we get it right. Having seen the problem I think it's incumbent on us to get the problem solved so everybody's confidence in this system is restored and we hopefully don't go down this pathway again."

Ms. Young said, "I would be happy to do that. Like I said, I've already read it, I did read through it, and I can communicated back to Sev if we have any others that we think you should consider. But, ultimately it is a management decision about what controls to have in place, or not to have in place."

- Councilor Ives said, "Understood."
- Mayor Coss said he wants to understand, "What you do mathematically or statistically with that number, because when you look at 2005 to 2012, there are 278,000 citations which was about \$1.5 million a year which over 5 years is \$6 or \$7 million of citations. And you found \$2,888 unaccounted for. Two thousand out of \$7.5 million. What I'm trying to understand is that statistically that's all there is, it's just what you found."

Ms. Young said this is correct.

- Mayor Coss asked if there is the possibility of making a statistical extrapolation, or because you were focusing on the worst, you just couldn't do that.

Ms. Young said, 'When you look at that population, the first thing you have to do is throw out anything that was paid, because we don't have a question about those. We did not test it if it was paid. No questions there. When we looked at the other transactions we felt were more high risk because they had certain

anomalies to them. In order to project that to the population, we have to go back into the system and find every transaction that had that same anomaly, and as we stated earlier, we found your system isn't treating all transactions the same. So we found like transactions that should have been the same. Maybe the citation itself was paid and the escalation was dismissed or removed, and sometimes was put in as a waiver, sometimes it's put in as an adjustment. When it's not handled the same, then we can't pull out just that body of citations that would be reflective of that particular bucket, because it would have inconsistencies in it. And so, for the safety of the report, we needed to not project that to any kind of population.

Ms. Young continued, "So, here's where I'm saying, that we tested 249 transactions which is a big sampling, in fact, I thought the City was going to push back on us a little bit, saying it's a pretty big sample.... we had no pre-determined sample size when we can in. We said we're going to look at all the transactions that have a high risk and we feel warrant review. That was based on the allegations that have been shared with us, based on the processes, based on the data analysis that Tom performed, and it ended up being 249 transactions, so predisposed sample size was set. In looking at that, we need to say that if we had looked at every single transaction, other transactions may have surfaced that would take the dollar amount up and that would increase our exception size from 25 to a larger number. It's a cost benefit relationship on saying, okay, we looked at 249 transactions. Do you want us to look at more and what is the cost benefit relationship. It's going to cost you X number of dollars to do that, and what benefit it might give you, when I think we've answered your questions about policies and procedures, the internal controls, the condition of the documentation and we've provided you some information on the condition of your electronic transactions as well."

Mayor Coss said, "I don't think it would be worth another \$40,000 to find the next \$3,000 of problem, but I think what you have identified of systematic things the City can fix is valuable. And I'm glad Councilor Ives is introducing something, because I'd like to see, not from you guys, but from City staff and our internal auditor and our audit committee, a review of these findings, how we're going to implement the recommendations as soon as we can, and then I would like to have Local Government, or the State Auditor, and I know there must be a national association of municipal parking, to look at these and get these controls in place. I think that could be the valuable thing coming out of this audit, not that we found \$3,000 missing in a \$7 million enterprise, but that we found some controls that we need to tighten up. That's what I would like to see happen. I'm glad Councilor Ives is introducing a resolution on that. I don't have anything more to you guys"

Mayor Coss said, I just want to say to Robert Romero, our City Manager, that I apologize that this started in a lot of ways as another accusation against you. If this

showed anything, it showed that that was completely unfounded. I was a series of, I just think, bogus accusations by people who don't like being held accountable, and I apologized that I didn't say that night that I have the fullest confidence in you and your integrity, and I think those accusations were bogus and I think they've been demonstrated to be bogus now. It demonstrated we've got work to do, but I think your name is cleared again Robert, and I appreciate it. And I'm sorry that we didn't stick up for you more when this was coming out in the media.

Ms. Young said, "We spent a lot of time with Sev, specifically talking about internal controls that are missing and some suggestions for internal controls to be put in place. And we appreciate that he took those suggestions and started working on changes while we were in the field before we were done with our testing. If at the end of the day, management doesn't embrace a new internal control system over this process, I'm afraid you might be back in another situation where there allegations."

Mayor Coss said, "That is the point of Councilor Ives' resolution, to make sure that we're not. Because I've been in City government a while now, and every place that there could be money stolen, whether it's the garages, the meters, the citations, there has been. It's a serious issue that the City needs to address."

Ms. Young thanked the Governing Body for their time this evening.

Mayor Coss thanked Sevastian Gurule and Robert Romero.

13. PURSUANT TO §23-3.4 SFCC 1987, APPEAL OF DRIVEWAY PERMIT DENIAL FOR 341 MAGDALENA STREET; BRENT AND JENNIFER CLINE. (JAMISON BARKLEY AND JOHN ROMERO)

A Memorandum, with attachments, dated April 29, 2013, to the City Council, from John Romero, Public Works Department, Traffic Engineering Division, in this matter, is incorporated herewith to these minutes as Exhibit "7."

*Mayor Coss was absent from the Chambers during this presentation
Mayor Pro-Tem Wurzbarger was presiding*

John Romero presented information in this matter from his Memorandum [Exhibit "7"], which is in the Council packet. Please see Exhibit "7" for specifics of this presentation.

Mr. Romero said the application for Permit to Access Public Right-of-way at 341 Magdalena Street, and in light of §23-3.3.A.1, of City Code, the City's Public Works Department/Traffic Engineering Division denied the permit. He said they are trying to convert the bottom of their house into garages, which is opposite of what most people do. They are trying to create more on site parking, noting there is parking on both

sides of the house. They are going to add these garages in the middle, so they need one big driveway to access all those parking spaces.

Mr. Romero said, "I've explained to the Applicant that we don't have administrative capability to grant a permit which would veer from what Code states. So we explained to them their best option would be to apply for the permit, we deny it, and then can appeal it to the Council, and then you guys can determine if their request is reasonable."

Councilor Bushee asked, "Is that the only way for them to achieve this, is to file for a permit, have it denied and then appeal."

Mr. Romero said, "Per current City Code, that is correct." Responding to Councilor Bushee, Mr. Romero said the driveway cannot be smaller than 12 feet or wider than 22 feet.

Councilor Bushee asked Mr. Romero if he would recommend a Code provision change, and Mr. Romero said, "I think that would be a good idea."

Councilor Ives said, an observation, "Actually, I think it's the pictures on page 10 that show the current solution to the parking conundrum that speak most highly in favor of granting the appeal in the instance. Those are the pictures that show the cars essentially pulled onto the sidewalk in front of the little fence in front of the house. So, thank you."

Mayor Pro-Tem Wurzbarger said, "I understand this, it's not a public hearing, and point of clarification, it's not a public hearing, correct."

Mr. Romero said, "No."

Mayor Pro-Tem Wurzbarger said, "I am tracking this piece Councilor Bushee, and then I'll come back to you. This is something that did not have to go to H-Board, because, why. Because it's not H-Board issue or District and changing the configuration of the side of your building from a door to a garage is not an issue."

Mr. Romero said, "My understanding is they have received all needed City approvals, with the exception of the curb cut."

Mayor Pro-Tem Wurzbarger thanked him for that clarification, "because this was not clear from the material to me."

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to grant the appeal, with direction to staff to bring forward a change to the provisions in this regard which are needed for a variance, so staff can deal with this administratively.

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

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

Against: None.

Absent for the vote: Councilor Dimas.

14. REQUEST FOR APPROVAL OF AGREEMENTS WITH SANTA FE COUNTY TO FACILITATE ANNEXATION. (MARCUS MARTINEZ)

- a) **MEMORANDUM OF UNDERSTANDING FOR FIRE PROTECTION AND EMS SERVICE.**
- b) **AGREEMENT REGARDING WATER, WASTEWATER AND SOLID WASTE REQUIRED BY THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS.**
- c) **MUTUAL AID AGREEMENT FOR LAW ENFORCEMENT SERVICES.**
- d) **MEMORANDUM OF UNDERSTANDING – ROADWAY IMPROVEMENTS.**
- e) **AMENDMENT NO. 1 TO THE ANNEXATION PHASING AGREEMENT.**
- f) **AMENDMENT NO. 2 TO THE ANNEXATION PHASING AGREEMENT.**
- g) ~~**AMENDMENT NO. 1 TO THE WATER RESOURCES AGREEMENT**~~

A copy of *Santa Fe County Roads Maintenance District*, is incorporated herewith to these minutes as Exhibit "8."

A copy of a memorandum, with attachments, dated May 3, 2013, to the City Council, from Marcos D. Martinez, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "9."

Councilor Dominguez asked, "I guess there haven't been any substantial changes since the last time we've seen this except for the Water Resources Agreement."

Mr. Martinez said, "I've tried to highlight the two changes since the Council last viewed this agreement. One of them is in the Fire and EMS, as is indicated in the Memo. And the other is in the Phasing Agreement. An additional amendment has been proposed. So, to answer your question, I would say that there's probably been two substantive changes. One is the proposal for an additional amendment to the Phasing Agreement, Amendment No. 2, and then there would be the Water Resources Agreement to which you alluded. But that has been withdrawn for further consideration before we bring it back to City Council."

Councilor Dominguez said, "And so Robert, the Fire Department looked at the first item and their response to that was..."

Mr. Romero said, "In essence, that first item would allow us to use the Agua Fria Fire Station, contingent upon a Mutual Aid Agreement being approved by the City and County, so I believe that's fine with the Fire Department. And there was a concern at our last meeting, with regard to this issue, whether the City could or could not actually use that facility if we chose to. I think this address addresses that."

*Mayor Coss returned to the meeting
and assumed the duties of the Chair*

Councilor Rivera said on packet page 5, in Item E, it says the County will *"Retain the right or the option to relocate all County career staff following the transition period."* He asked if this is an agreement when the City can actually take over the area in question, or what is the actual definition of transition period.

Mr. Martinez said, "I believe the transition period is defined on packet page 4 under 1(A), which would be, *'Maintain the current level of fire and EM service in Phase II of Annexation, areas 2 and 4 for a period of five (5) years following annexation Phase II.'* I believe that would be the transition period."

Councilor Rivera said then it would be the 5 years and Mr. Martinez said, "Yes."

Councilor Rivera said Item F on packet page 2, provides, *"Maintain the current level of fire and EMS service in Phase III, until such time as the annexation of Phase III is complete."* He asked what Phase III is.

Mr. Martinez said, "Phase III, because of the amendments to the Phasing Agreement, Phase III would be limited to either the remainder of Area 1, which would be the case if you adopted solely Amendment No. 1 to the Phasing Agreement. Phase III would go away in its entirety if you adopted Amendment No. 1 to the Phasing Agreement and Amendment No. 2 to the Phasing Agreement. In Amendment No. 1 to the Phasing Agreement, the City and County are already agreeing that Area 18 would go away, would not be annexed."

Councilor Rivera said, "Since they currently do not maintain Fire and EMS service in the Hyde Park area, I'm not sure how they could agree to continue to do that. I think right now, the City maintains Fire and EMS in that area, so should it be under the City Agrees to."

Mr. Romero said the intent is that the City would continue to serve that area. He said, "I'm not sure if it is articulated correctly, but I believe that is the intent and we need to address that Marcos if it's not. I think that the Fire Agreement does talk about a

current mutual aid agreement, and a future mutual aid agreement, and maybe that covers it, but we may need to add some language.”

Councilor Rivera asked Mr. Martinez if he agrees with this.

Mr. Martinez said, “I do agree with that. I would guess that the City is the primary responder in that area, but I would think, to the extent that the County provides backup response through any mutual aid agreements, this would be referring to that.”

Councilor Rivera said, “When you get into the Police Agreement, it references Fire several times in that agreement, and I’m not sure that needs to be in there. I think it probably would be more appropriate to keep it as law enforcement. So, for example on packet page 21, under Recitals #2, it provides, ‘*The Settlement Agreement provides that the “County shall provide law enforcement and fire protection services to all areas outside of the Presumptive City Limits...”*’ I would feel more comfortable if it were cleaner to say just ‘law enforcement’.”

Mr. Martinez said, “I understand what you’re saying Councilor. I think the only reason the reference to fire is there is because the parties were attempting to provide a complete quote from the Settlement Agreement, and the Settlement Agreement didn’t separate them as you’re suggesting. But we could always take out ‘fire protection’ and put in an ellipses, but I think the intent was just to basically provide the background in the recitals.”

Councilor Rivera said this is all he has for now.

Councilor Calvert said, “First of all let me preface these remarks with saying I do not wish to delay this agreement, and I want to thank the staff from both the City and the County for their diligent work on bringing an agreement that I think we’ve been tracking for the most part as this process has gone along. But I do have to, I guess, object somewhat to what I see as the County constantly moving the goal posts on this. When we first set out on this process last year, we set a July 1st date as an implementation date, but the practice of the County continually making changes and amendments came to a hear a couple of months ago, so much to the extent that the date had to be shifted to January 1st because we weren’t going to make that date when we tried to consider all the changes that kept coming our way.”

Councilor Calvert continued, “And to a certain extent, here we go again. Because about 3 weeks ago, I think we had a settlement. It wasn’t perfect in my mind, but it was acceptable, and I thought that’s where we finally had gotten to the end of this process. And basically it was saying there wasn’t going to be a Phase III. Area 18 was going to be out and Area 1 was to be split at West Alameda between a north and a south. But then at the last Council meeting, all of a sudden, Area 1 is back in and now, with the most recent amendment, not only is it in, but it’s in Phase II.”

Councilor Calvert continued, "It just seems it is sort of like a child and parents and the child is constantly testing the parents to see where the limits are, and if you get away with something, then you keep doing it until somebody says, 'enough.' For me, enough was about 3 weeks ago. The other thing is, I think we need to be clear that in the long term, the City is really assuming the burden and cost in providing services in these annexed areas. And I appreciate the short term, one time capital arrangements that the County is offering to soften the blow, but basically, we're assuming the burden and they are being able to unload a burden that will, in the long term, much lighten their general fund operation and maintenance budget."

Councilor Calvert continued, "In getting there, I would think that they would be bending over backwards to make this as attractive for us as possible, but instead, they keep making these changes, and seem to be trying to get just a little bit better deal for themselves. I go back to my original point. It just keeps changing. And at some point, I think we just need to say, this is enough change."

Councilor Calvert continued, "In terms of cost and public safety and fire, despite what we may have once thought when we first started down this road, these areas are not going to pay for themselves in the foreseeable future. The revenues we thought might balance the budget are a long ways off, and even the BBER study pointed out that public safety was our biggest concern. And as the City Manager pointed out at the last meeting, fire in particular, is our most vulnerable area. So where do we find ourselves at this point. I think the Police transition as defined in these documents seems doable, but Fire, although Area 18 is out as we've just hear, the City is still going to be the first responder in that area. In Area 1, north of West Alameda, they have no fire hydrants and we have one tanker truck."

Councilor Calvert continued, "And with regard to the Agua Fria Fire Station, if we take on Area 1 north of West Alameda, we will almost assuredly need that station. But the other thing is, if we do take over that fire station completely, then we will also become the first responders for the Village of Agua Fria. And I heard the County Commissioners discussing this in one of their work sessions, and they thought that that was a fine idea. So, I'm just trying to.... I think our reason for annexation all along is to provide better service to these areas, but I don't think we can necessarily do this if we spread ourselves too thin. In the area north of Alameda, we probably will be imposing some conditions on these folks that were not necessarily thought out."

Councilor Calvert continued, "I've discussed this with Matt O'Reilly, and currently what happens since they don't have fire hydrants, if they want to expand, like if they wanted to put an addition on their house, about the only way they can get that approved is they install sprinkler systems, which is not an inexpensive proposition. We have certainly heard from the people in that area that they didn't want to be annexed. We heard that from the people in are 18. I think we're heeding that. I don't know why we

aren't heeding it in this area. They don't want it and I think it's going to be a burden, especially on our fire resources to provide this service. So I think it's not something we should take on lightly."

Councilor Calvert continued, "I think that what we could do, in my opinion, but again my opinion, with the area north of West Alameda in Phase I is we could always allow for petition in the future to annex, if somebody in that area wanted to do it. But basically, it is developed like a County area is developed. It's not like a lot of the areas which we are annexing which are City density and make a whole lot of sense for us, where we go in and work like we do. That area is simply not that way. These are big lots, people have long driveways back from dirt roads. It is not anywhere close to a City type of development."

Councilor Calvert continued, "So I guess for all of these reasons, I would recommend that we stay with the Settlement Agreement we had about 3 weeks ago that calls for the partial annexation of Area 1 where we would do the area south of West Alameda to the River, and we would simply not do the Area 1. Again, we could allow for petition for annexation in the future, but I just don't think it's a wise choice, and I don't think it's good for those people. If our point is we're trying to provide better service, I don't think they think we're doing that. So anyway that's my more than two cents on where we are now on this arrangement."

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger for purposes of discussion, to approve this request, with a recommendation that we stay with the Settlement Agreement we had about 3 weeks ago, that calls for the partial annexation of Area 1 where we would do the area south of West Alameda to the River, and we would simply not do the rest of Area 1, and allow for petition for annexation from that area in the future."

DISCUSSION: Councilor Wurzbarger said, "I would ask for one clarification around this. I really appreciate your analysis. I'm confused, Marcos, by the statement in the Memo in the paragraph under Phasing Agreement. The 3rd paragraph says, ".... this change should be budget-neutral for the City." She said, "Having just listened to this discussion from Councilor Calvert, I'm questioning how could we have that statement and what analysis led to that comment."

Mr. Martinez said, "Councilor Wurzbarger, the beginning of that sentence is, *'From the County's perspective, since the County will provide police services for entirety of Area 1 until 2016, and fire/EMS service for five years and thereafter, this change should be budget-neutral for the City, and the additional road work which is being offered should*

be a net benefit.' It was merely intended to report what the County had offered from their perspective."

Councilor Wurzbarger said she understands.

Councilor Bushee asked what happened to the Water Agreement.

Mr. Romero said, "I believe the initial thought, or the way we understood it, that approving the changes to the Water Agreement will be integral to approving this Annexation Phasing Agreement and all the other agreements. Now, as I understand it, amending the Water Agreement does not have any bearing on this Annexation Agreement, so if we approve the Annexation Agreements, as you see them, the Water Agreement does not have to be approved. When we first received it, as part of the Annexation Agreement, we understood the County wanted us to amend the Water Resources Agreement. Now, I believe their position that can be either amended or not at a later date, and it doesn't affect these other agreements."

Councilor Bushee said then it will stay as it is.

Mr. Romero said, "Right, until it is amended maybe in the future, but it doesn't affect the annexation."

Councilor Bushee asked, "Please tell us the most substantive change from 3 weeks ago. Is it just the Fire stuff."

Mr. Romero said, "I think the biggest change is that when we met as staff, the idea was that Area 18 would go away indefinitely. Area 1 north of Alameda would go away, and it would come back, as Councilor Calvert is suggesting."

Councilor Bushee said, "Just make it clear for the record so I know what we are doing."

Mr. Romero said, "So I brought that to the Council, and the Council was fine with that. As I understand when the County Manager took it to the Commission they weren't. And they asked that this area 1 north of Alameda be included."

Councilor Bushee said, "Tell me again. Three weeks ago the area north of West Alameda was going to have what."

Mr. Romero said, "It was not going to be part of the annexation at all."

Councilor Bushee said, "So neither #18 nor that would be included."

Mr. Romero said, "Right. Again, this was a staff agreement, so I brought it to the Council. And the County Manager hadn't taken that to the Commission yet, so when she took it to the Commission, then they asked that Area 1 north of West Alameda be included."

Councilor Bushee said, "Okay. So that fire station we would not accept either."

Mr. Romero said, "With this agreement, if we chose to take on..."

Councilor Bushee said, "With Chris's motion."

Mr. Romero said, "No. I think that would be okay. Again, I think that would stand. I'm not sure how the County would feel, but the intent would be that this agreement regarding us maybe possibly taking over the station, dependent on a Mutual Aid Agreement to assure that all constituents in the area are served appropriately, I think that's something we could approve. And if we went with Councilor Calvert's motion, then the whole thing would have to go back to the County because that's not what they approved."

Councilor Calvert said, "On that specific question, I think that we have said, and they countered on, we said we would have the option on that fire station, and they countered with some of this other language. Correct."

Mr. Romero said, "That's correct. Again, what's on the table right now is Area 1 north of Alameda being annexed in 5 years, or Area 1 north of Alameda being annexed immediately. "

Councilor Bushee said, "And those are the folks that don't want to be annexed. So now this goes back and this is a ping pong match."

Mr. Romero said, "If we choose to go that way, it would go back. Yes."

Councilor Calvert said, "All I would say is, again, I think they've been testing us to see how far we'll keep going. And I think we needed to draw the line back then and it's time for us put our foot down and say, this is what we negotiated, staff negotiated, and I think this was a good agreement. And I think this is what we will agree to now. On Area 1 north of Alameda, we can always allow people to petition to be annexed in that area if they want to, so it doesn't foreclose that area, but it certainly isn't the wishes of those people who live there now. And I don't think we're going to ourselves any favors, especially from a fire protection standpoint of spreading ourselves even thinner by trying to cover that area."

Councilor Bushee said, "I'm concerned, because we never built the fire station we once talked about in the Northwest Quadrant area, we don't have.... you know, I want to response times to work for people. I'm less concerned about jurisdiction, but I also am concerned about infrastructure and lack thereof. So, Marcos were you going to tell us something."

Mr. Martinez said, "I do want to clarify one thing. The agreement that this Council saw 2 weeks ago, had Amendment #1 to the Phasing Agreement included in it. And that Agreement stated that said the remainder of Area 1 north of Alameda would be annexed in 5 years. So I just want that to be clear."

Councilor Calvert said, "On that point, that was a conceptual approval and we didn't know that until we saw it that night. That was another last minute amendment."

Mr. Romero said, "To be clear, 2-3 weeks ago, this amending Area 1 north of Alameda is what the County asked, but when we met maybe 2 months ago, or something, when staff met, the original idea that the Council talked about, I believe in executive session, was that Area 1 north of Alameda and Area 18 just not being part of annexation. So to clarify that, as staff, between City and County staff, our initial discussions were that Area 18 goes away and Area 1 north of Alameda goes away. And so I brought that to the Council, and you agreed. At the same time, the County Manager took it to the Commission and that's when they came back with saying, no, we want Area 1 north of Alameda to be annexed in 5 years. That's what we came forward with conceptually. And since then, we have that, plus another amendment they added in case we chose to annex Area 1 north of Alameda immediately as well."

Councilor Wurzbarger said, "I'd like to make a process observation, since you've explained it 3 times, Robert, the same way and I got it. So the question for me is not process, how we got here. The question is, let's have a considered discussion as a Council as to what are the benefits of our accepting this counter-proposal. And the first issue for me, is the one of questioning the assumption that it will neither cost us more nor, what I hear from Councilor Calvert, is that indeed it may reduce our ability to deliver the services that we need to deliver. And that's what I'm hearing, so I would be curious as to what the rest of you are hearing on how to debate this, rather than the process part, and putting our foot down and whatever else it's like. Okay, here's what we've got now, right, wrong or indifferent. We have this before us. What are the pros and cons, for costs to our current constituents, our ability to meet the needs of new constituents. How do we weigh in on that. That, to me, is the policy question."

Councilor Dominguez said, "I guess I'm not, as I said before, drawing the line in the sand is not something that's beneficial for the constituency that lives out there. And so I appreciate trying to practice the art of negotiation up here. My big question is, staff has looked at this agreement, Fire Department, everyone has obviously look at the agreement, does staff feel comfortable and confident with what is being proposed that we can still provide those services."

Mr. Romero said, "It seems like the area in question is really Area 1 north of Alameda. And right now, I've heard there's about 300 police calls a year, so in 5 years, when we ramp up our police, that's not going to be significant. Fire, as I understand, the County has agreed to address fire in that area until we develop a new Mutual Aid Agreement. Roads, I don't think it's issue in that area, so really, the big issue, as I understand it is police, and it's a call a day. Fire is going to be the responsibility of the County until we do a Mutual Aid Agreement. So again, I don't think it's not a significant fire impact, because they've agreed to take it on until we agree to something else in the future."

Councilor Dominguez said, "So staff feels comfortable with the agreement and being able to provide the services, given the time, I guess some of the technical language as it pertains to, you know, at the time of doing certain things. Staff feels comfortable right now in being able to fulfill the agreement."

Mr. Romero said, "Again, I think that the first option is we annex that area in 5 years, I think we feel very comfortable with that. Annexing it immediately, I don't believe we'd have to do that for police in about 3 years, because I think it would be covered by the police agreement. We don't think it's a significant impact for us."

Councilor Wurzbarger said, "Robert, please help. I'm not tracking money. Let's collate this. My understanding of how this would work is that we would need additional capacity to respond to that area, because we're not set up to do it, because it is different. It is more like a County area than a very dense City area. And it seems to me in 5 years, we are going to be right in the midst of the budget calamity with respect to hold harmless. So I don't understand where we're going to get the resources."

Mayor Coss said, "If I understand Robert, they will continue to be responsible for fire service."

Councilor Wurzbarger said, "Forever, or for 5 years."

Mayor Coss said, "Until we agree to take them over with a new Mutual Aid Agreement."

Councilor Wurzbarger said she doesn't see that, and asked where it says that.

Mr. Romero said, "Marcos, that's correct, right."

Councilor Wurzbarger said, "Please show me the language where it says that they will do this forever if we can't afford it. For fire. Is that what it says. I don't even see it in attorney language."

Mr. Martinez said, "Councilor Wurzbarger on packet page 5, Item G provides, '*Continue to provide fire and EMS services in Area North of Alameda even after annexation through implementation of a mutual aid agreement*'."

Councilor Wurzbarger said, "Well then I don't follow the logic of why we're being asked to do something now, as opposed to later, and we're going to get roads in return, but if it doesn't work out, they'll continue to do it. I'm not getting it. So please help me with this. Is that not the logic flow on this."

Mr. Romero said, "Councilor, on the fire issue, they're better served to, just like we're better served right now, to serve Area 18. They're better served to serve Area 1 right now. I think that's the logic. They'll continue to do that until, in the future, we develop a new Mutual Aid Agreement that defines... maybe it stays the same, maybe it doesn't,

but a new Mutual Aid Agreement will have to be approved by both our Fire Department and theirs for anything to change. So I think like I said, we're going to continue to provide service in Area 18, and their commitment is to continue to provide service there until we can figure something else out. So, I think our feeling is that nothing's really going to change there in regards to fire. Maybe in the future, if that area develops more densely and we have hydrants, maybe it won't be a big deal for us, but right now that's not the case. And I think that's the compromise that we've come up with, if you call it, and that's why we're saying, again, for Police in 5 years, it's one call a day. It's not significant really either."

Councilor Calvert said, "On that point. Again, it's one of those [things] where if they are going to continue to provide the fire [protection], then why do we even need to annex it, because it has consequences for the people that live there in other ways, in terms of building. It's sort of [inaudible] on us doing this. And we can put that, as a part of the agreement, and if we don't like [inaudible] on very good water, we annex. I understand that a certain Commissioner would like this, but that isn't an argument for me. Rather, for me, it's not going to serve the people there any better. If they're going to continue to provide fire, why don't they just continue to provide fire. And the people that are sort of in limbo when it comes to building permits and stuff like that can still live in the County and still do the things they were able to do in the past and not be subject to.... because we were operating under a Fire Code that it is at least 10 years newer than a lot of the County is. It just doesn't work for those people out there, given the timing of development."

Councilor Rivera said, "Marcos. On Item E again, you said the County retains the option to relocate their staff after the transition period which is 5 years. If they chose to do that at the end of 5 years and vacated the Agua Fria Fire Station, then we would revert to the current Mutual Aid Agreement which says that the closest fire station, closest ambulance responds to any emergency. So would that then throw us into a situation where we're having to respond to Area 1, regardless of Item G."

Mr. Martinez said, "It's difficult for me to answer that question, except to say that you are thinking of good, practical questions and that we would have to consider that in the Mutual Aid Agreement that we negotiate with the County. These kinds of ideas, I think I would seek that kind of expertise when we do negotiate that Mutual Aid Agreement so we don't just fall back to the existing one."

Councilor Rivera asked the Mayor if we can ask the Fire Chief to come up and ask him to weigh in on this issue, and Mayor Coss said yes.

Councilor Rivera thanked Deputy Chief Erik Litzenberg for staying. He said, "Obviously, you've heard the discussion. If you can weigh in on the Fire Station in Agua Fria and any concerns you may have with respect to the area in question."

Deputy Chief Litzenberg said, "I think the City Manager made a point a few minutes ago was that Area 18, we will always be, at least from the fire perspective, more capable of serving. And I do believe in terms of Area 1, or at least the northern portion of 1, for a while the County would be more capable of serving. I think that was the intent behind this writing. The point that was just made about how if we take over the Agua Fria Station it might change how you interpret the Mutual Aid Agreement, I think that's an interesting point that's worthy of consideration in recrafting a Mutual Aid Agreement. The biggest concern for us 5 years out is the higher call volume area which we haven't been talking about, moreso than either Area 1 or Area 18 and how it plays into our response, because I think those two really are maintaining what we are doing currently."

Deputy Chief Litzenberg said, "So the 5 year plan. What happens 5 years from now is certainly the most concerning from the fire perspective, not as much as the fine tuning of Area 1 and Area 18."

Councilor Rivera said, "I know this is going to be a tough question. Projecting 5 years out if they dd vacate that station, we would now be responsible for the whole Agua Fria Traditional Village, as well as Area 1 and continue probably with Area 18. Pretty significant takeover there."

Deputy Chief Litzenberg said, "I think again, we would go to the original plan for annexation from the Fire side. We said we needed to build a station that is fully functional like our current stations with an engine, an ambulance and a tender [?]. I think that's what we're really looking at in 5 years. That was what was presented in our budget presentation, because it's something that has to be planned for, for now. But the immediate transition is not as concerning from the Fire perspective, as what happens in 5 years."

Councilor Rivera asked if he has visited the current Agua Fria Station, and Deputy Chief Litzenberg said he has.

Councilor Rivera asked, "Would it be adequate for us to take over, even on a temporary basis."

Deputy Chief Litzenberg said, "Adequate is a good word. It's not up to the standards that we're used to in our stations. When we were thinking that the transition for Phase II more immediate than it appears that it will be now, we did look at the facility. We came to an agreement with our union on how we could staff it with fewer people than we're used to. Not ideal, but adequate again is a good word to describe that."

Councilor Calvert said, "I don't mean to put words in your mouth Chief, but it sounded like you are more concerned in the next 5 years with what was, until recently, Phase II and how we would cover that over time. And I think that's part of the argument I'm making. I think we're going to have... again, the County has made certain short term arrangements to buffer the immediate transition, but we are still going to have

difficulties in the long run in meeting our obligations. And again, I don't know why we want to spread ourselves too thin in this area. I think his concerns wouldn't work in Area 18 and Area 1 north of West Alameda, but would work in Area 2. Given that this would be on top of that, I just don't understand why we would want to go there."

Councilor Dominguez said, "I appreciate this discussion we're having. It's a discussion we've had for a number of years now, and the question has always been, can we afford it. And the question that I always ask, is can we afford not to. I can tell you, living in the area we're talking about, on a daily basis, we cannot afford to not take action on this, because the quality of life and the lack of services that the County is providing right now is not conducive to a healthy society and a healthy community. Now, having said that, I will also say that doing nothing is not acceptable. And as I said before, drawing a line in the sand is not going to serve the constituency well. In terms of short changing people, or running ourselves thin, unless we go forward with this annexation or a version of a similar annexation, we're not going to be able to plan the area very adequately, and that's going to further diminish the quality of life for people who already are living in urban type environments, or any type of environment."

Councilor Dominguez said, "So the question I have is, the new School that is being built, is it in the City or in the County. Robert."

Mr. Romero said he doesn't know.

Councilor Dominguez said, "The new Agua Fria School, the one they broke ground on 3-4 months ago."

Matthew O'Reilly, Land Use Director, asked if he is referring to the school on South Meadows, and Councilor Dominguez said yes. Mr. O'Reilly he believes that is not yet part of the City. It is part of the presumptive City limits.

Councilor Dominguez said, "There you go. You have a situation where... let me continue with another question. Who is providing water in that area."

Brian Snyder, Director, Public Utilities, said, "Similar to Matt's answer, it's in the presumptive City limits, and the County is in charge of that area, but the City is involved in anticipation that we eventually will take over those services."

Councilor Dominguez said, "So, here you have a situation, because we have not been able to annex, we have not annexed, you have a school that is being built where children will be attending, that is in the presumptive [City limits], technically in the County, that the City is involved with in providing water, and who is going to provide fire in that area, to that school. Chief."

Deputy Chief Litzenberg asked the location of the school.

Councilor Dominguez said it is on South Meadows, south of Agua Fria just before you get to 599.

Deputy Litzenberg said the primary response currently would be the County's.

Councilor Dominguez said, "So that just furthers my point. Is that we have a situation that is happening right now where, without this annexation agreement, there is no consistency, there is no plan, there is no established set of guidelines to determine how it is that the City... yes we are taking on more responsibility."

Councilor Calvert said, "On that point, I specifically prefaced my remarks by saying I'm not trying to hold up this agreement, and it certainly wouldn't affect that area we're talking about. Where I focused my remarks was on Area 1 north of West Alameda, and that's the only area that I'm debating with what the County is proposing. I'm not trying to hold up this agreement. But I'm also trying to look at the interest of the people that are being served as well, and we won't be able to serve them any better, especially with all the other stuff we're taking on. So I think it's noble that we want to serve them better, but wanting to and being able to, are two different things."

Councilor Trujillo said, "With all this discussion, what I'm seeing happening, we're going to come with a solution, we're going to say this, we're going to kick it over to the County. The County's going to have its discussion again, and guess what. They're going to punt it back to us. This is all we've been doing. Back and forth, back and forth. We were supposed to have a meeting with the County a few months ago. I remember getting the call, we're not having it any more. I was all ready. So you know what, I don't know what's going to have to happen. Do we have to set up a meeting, and do we as City Councilors, and the County Commissioners be it in these chambers, their chambers. If we've got to lock ourselves in there and stay there until 3-4 in the morning. Get this done. This is ridiculous that we're going back and forth. I agree with Councilor Dominguez – these people aren't getting the services, and we're doing is we're tossing back and forth. So do we need to talk with the County Manager, the County Commissioners. This is going to play out – we're going to throw it to them and they're going to throw it back to us and nothing's ever going to get done."

Mayor Coss said, "I think we have some options tonight that would settle this. Unfortunately, if I'm understanding Councilor Calvert's motion right, it will send it back for another iteration. I think we could approve it with Area 1 south of Alameda and not take the rest for 5 years, which will not be exactly what Councilor Calvert is wanting, because he wants to just take it off the table and not do it. The second motion the County made was to take it all now, but they would continue to do fire service in Area 1."

Mayor Coss continued, "And I have been working on this since I had Councilor Dominguez's Council seat in the southwest area. I'm still unclear how Area 1 got into our discussions, but I think it was the City that asked for it, and not the County. And

what we did since then was put in Rural Protection Zoning which our Planning Commission, and Matt was the Chairman, who told it was just a crazy thing to do, but we did it. And I think that's why that County Commissioner, first Commissioner Vigil and now Commissioner Chavez, want to keep Area 1 in the annexation story because of that Rural Protecting Zoning that the City put there."

Mayor Coss continued, "But I would say to get this done and not play ping pong for another couple of months. A better way would be to take... one County position is we take Area 1 south of Alameda now, and we don't take the rest for at least 5 years, because it's 5 more years to work on that piece with that part of the population. In the meantime, we don't keep playing ping pong with the southwest area where we need to act – we've needed to act for about 20 years now. And we're finally getting there. So, if I understood Councilor Calvert's motion, it is to take out Area 1 entirely, rather take out Area 1 north of Alameda entirely."

Councilor Calvert said, "That was my motion. Yes."

Mayor Coss said, "I think a better way to look at it would be to take Option A from the County, which is we take out Area 1 south of Alameda now, and we don't take the rest for at least 5 years, and we can continue the discussion on just that little area for 5 more years, without it really impacting fire or police or any of the other agreements we've worked out. That would mean we would have to ask Councilor Calvert to change his motion, or vote down his motion."

Councilor Calvert said, "You could amend the motion."

Councilor Bushee said we could amend the motion to have it just to be for a 5 year period. She said, "I have a question. So if the Commission is so interested in having a Rural Protection Zone, why don't they pursue their own version of that."

Mayor Coss said, "Because they could, and a landowner will petition us for annexation, saying they want to do an affordable housing project and we'll say yep, come on in. And I think that's the concern there, and I don't know that that's ironclad anyway. But I think if it's just subject to annexation on petition, what you'll get is some landowner or landowners coming together, going to a group like Homewise, saying, you know, instead of R-1, let's make it R-7 and get some affordable housing which Santa Fe really needs. I think that's the tension that the County is looking at, and Steve Ross is really smiling now, so I shouldn't say too much about what the County's thinking. But if it gets around, this has been stuck with just the County Commissioner that represents that area, which just changed, but they have the same position on it."

Councilor Bushee said she knows the position of the people who live out there right now, but the delivery of services really is what we're debating. She said if they have no concerns about the level of services they are receiving currently, then they're not likely to petition the City for annexation, and the reason she doesn't mind asking the

Councilor to change his motion. She said, "But I am concerned that we continue to punt on this. I would really like to stop the negotiations back and forth. This has taken up an inordinate amount of time tonight. And maybe we could have one publicly advertised joint meeting. I really would like to see that."

Mayor Coss said if we changed the motion to affect 5 years for the north side of Alameda, we would be done. The County would agree to it and the City would as well.

Councilor Bushee said, "This has been a long process, and I would ask to commemorate this all and have one public meeting where we jointly say okay, uncle, or whatever we say, and get this thing done."

Councilor Rivera said he is concerned about having any additional meetings, because that just means more changes, different ideas and then we're back to going back and forth again all day. He said, "What I would like to know is if we agree to this tonight, is it a done deal. Is it over with. The County's already approved it, we would approve it tonight, and would that be it. It wouldn't have to go back, is that correct."

Mr. Martinez said, "The way the County... my understanding is the way the County approved these was they approved the service agreements that you've reviewed, and Amendment No. 1 to the Annexation Phasing Agreement, which proposes to do what the Mayor has outlined. That is to annex the southern part of Area 1, and then within 5 years, to annex the northern part of Area 1, the area north of Alameda. And so, separately, as a separate proposal for the City Council to ponder, they also approved Amendment No. 2 to the Phasing Agreement, which would annex all of Area 1 at one time. But, because they designed it that way, if we just accept Amendment No. 1, and the service area agreements, this would be done. It would be clear that we hadn't ratified or approved Amendment No. 2. Steve is that your understanding. So it would be done tonight if you approved Amendment No. 1 as it's written."

Councilor Rivera said, "And disapprove Amendment No. 2."

Mr. Martinez said, "Well, you wouldn't have to take action on No. 2."

FRIENDLY AMENDMENT: Councilor Calvert said, "I will amend my motion to approve Amendment No. 1 as recommended by the County. He said, "This means we will annex the area north of West Alameda in 5 years." **THE AMENDMENT WAS FRIENDLY TO SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said, "We would have to do it by petition."

Councilor Dominguez said it would be by petition anyway.

Councilor Calvert said, "We can't make anybody do that."

Councilor Dominguez said, "Well no, but they can do it themselves."

Councilor Rivera said, "If we did that, it would have to go back, correct, to the Board of County Commissioners."

Councilor Wurzbarger said, "Don't do that."

Mayor Coss said, "I think it's kind of like our agreement that we're not going to annex outside of the presumptive City limits for 20 years."

Councilor Bushee said, "We've delayed a lot of things, anyway."

Mayor Coss said, "We have a motion and a second that would end a 20 year annexation saga, for now."

Councilor Dominguez said, "I just wanted to thank Councilor Calvert for amending his motion. For me, it's, in terms of the ping pong, I just always.... and because we've been working on this for so long, and there are so many people that are affected by this, the rhetoric that we give sometimes can be the difference between providing people with a high quality of life and not. And so, I just wanted you to be cognizant of that. I don't mean to be so passionate about it either, but it's pretty important. Thank you Mayor."

Councilor Bushee said it has taken so long that Councilor Chavez has been able to transform into Commissioner Chavez.

CLARIFICATION OF THE MOTION BY THE CITY CLERK: Ms. Vigil said, then this motion, as amended, would be approving Items 14(a) through (e)." Mayor Coss said this is correct.

VOTE: The motion, as amended, 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.

Mayor Coss thanked Robert Romero and Marcos Martinez for their work on this item.

There was a break from 9:20 to 9:30 p.m.

END OF AFTERNOON SESSION AT APPROXIMATELY 9:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 9:30 p.m. There was the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Christopher Calvert
Councilor Peter N. Ives

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

This item was moved up on the Amended Agenda, as amended, to be heard immediately after Item #11, on the Afternoon Agenda.

G. APPOINTMENTS

PARKS AND OPEN SPACES ADVISORY COMMITTEE

This item is postponed to the next City Council meeting on May 29, 2013.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Rivera, to reconsider the previous approval of the Amended Agenda as amended, to go straight to the Public Hearings, and following that, to go back and finish the rest of the Amended Agenda as amended, and to approve the Amended Agenda as further amended.

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

H. PUBLIC HEARINGS

- 1) SANTA FE CULINARY ACADEMY, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SANTA FE CULINARY ACADEMY LLC, 112 W. SAN FRANCISCO STREET, SUITE 310. (YOLANDA Y. VIGIL)**

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

Public Hearing

Everett Andrew "Rocky" Durham was sworn. Mr. Durham said he will be the resident agent, noting he is the Executive Chef and co-founder of the Santa Fe Culinary Academy, and they are really hoping to get this Restaurant License. He said they will be drawing individuals from all over the nation and eventually the world, to come to Santa Fe to learn at the Academy. He said they have a departure from any curricula that exists right now in the world of the culinary arts, and hope in the future, the Academy will be a positive attribute to Santa Fe, his home. They want to re-inject excellence back into the restaurant community.

The Public Hearing was closed

Councilor Bushee gave a mini restaurant review, saying the food is wonderful, noting Mr. Durham is a native son, the son of gallery owner Linda Durham. She thinks what they are doing is wonderful and this is a real boon to our tourist based economy.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve the issuance of a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Santa Fe Culinary Academy, LLC, 112 W. San Francisco Street, Suite 310.

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

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

Against: None.

2) REQUEST FROM LEVEL 2 INDUSTRIES, LLC, FOR THE FOLLOWING:

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER ONLY) AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & D WHICH IS WITHIN 300 FEET OF LA PETITE ACADEMY, 1361 RUFINA CIRCLE AND IGLESIA RENACER, 1225 PARKWAY DRIVE.**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, CONSIDERATION OF THE FOLLOWING REQUESTS:**
 - 1) **SMALL BREWERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & D; AND**
 - 2) **BEER WHOLESALERS LIQUOR LICENSE TO BE LOCATED AT DUEL BREWING, 1228 PARKWAY DRIVE, UNITS C & C.**

(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, noting there are letters in the Council packet from Terrance Gandert, La Petite Academy Director and Elio Galaviz Parra, Pastor of Iglesia Renacer Ministerios, stating they have no opposition to this request. Ms. Vigil said 3 motions will be needed for the request: 1) granting the waiver of the 300 foot location restriction, and if approved; 2) approval of a Small Brewers Liquor License and 3) approval of a beer wholesales liquor license. She said staff is recommending that this business be required to comply with all of the City's ordinances.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Trujillo, to grant the waiver of the 300 foot restriction to allow the sale of beer and wine only.

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

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

Against: None.

MOTION: Councilor Wurzburger moved, seconded by Councilor Trujillo, to approve the request for a Small Brewers Liquor License to be located at Duel Brewing, 2338 Parkway Drive, Units C & D.

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

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

Against: None.

MOTION: Councilor Wurzburger moved, seconded by Councilor Bushee, to approve the request for a Beer Wholesalers Liquor License to be located at Duel Brewing, 2338 Parkway Drive, Units C & D.

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

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

Against: None.

- 3) **REQUEST FROM ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT THE ELKS BPOE LODGE #460, 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THE REQUEST IS FOR A CAR SHOW FUND RAISER TO BE HELD ON MAY 18, 2013 FROM 10:00 A.M. TO 5:00 P.M. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Vigil, noting there is a letter of approval for this request from the Rev. Kate Schlechter, Christ Lutheran Church.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Wurzbarger, to grant the request for a waiver of the 300 foot location restriction, and to allow the dispensing/ consumption of beer and wine at the Elks BPOE Lodge #460, 1615 Old Pecos Trail for a car show fundraiser to be held on May 18, 2013, from 10:00 a.m. to 5:00 p.m.

DISCUSSION: Councilor Trujillo said this is being held at the Elks, and they already serve alcohol, and asked why is this waiver needed.

Mayor Coss said the Elks serve alcohol only to its members.

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

For: Councilor Bushee, Councilor Dimas, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Dominguez.

- 4) **REQUEST FROM MIX FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT CONSTELLATION HOME ELECTRONICS, 215 NORTH GUADALUPE STREET, WHICH IS WITHIN 300 FEET OF CARLOS GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE REQUEST IS FOR A MIX NETWORKING EVENT TO BE HELD ON THURSDAY, MAY 16, 2013 FROM 5:45 P.M. TO 8:30 P.M. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Vigil, noting there is a letter from Carl Gruenler, Chief Business Officer, Santa Fe Public Schools, stating the School District

will not issue a decision regarding opposition or non-opposition to these kinds of special events within 300 feet of District property.

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 Dominguez, to grant the request for a waiver of the 300 foot location restriction, and to allow the dispensing and consumption of alcoholic beverages, at Constellation Home Electronics, 215 North Guadalupe Street, for a Mix Networking event to be held on May 16, 2013 from 5:45 p.m. to 8:30 p.m.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2013-17; ADOPTION OF ORDINANCE NO. 2013-18 (MAYOR COSS). AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2013A IN AN AGGREGATE PRINCIPAL AMOUNT OF \$12,135,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2006; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; PROVIDING FOR REDEMPTION OF THE SERIES 2006 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY**

TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (HELENE HAUSMAN).

Items #H(5) and #H(6) were combined for purposes of presentation and discussion, but were voted upon separately.

A copy of the bond book regarding Items H(5) and H(6), prepared by First Southwest, is incorporated herewith to these minutes as Exhibit "10."

Marcos Tapia said this gives us a savings on our interest. He said, "When we pulled the trigger yesterday on some of these, we ended up saving an additional approximately \$50,000 for first 5 years, so that is another \$250,000 by pulling the trigger that we did yesterday on it."

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Dimas, to adopt Ordinance No. 2013-18, as presented.

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

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

Against: None.

- 6) CONSIDERATION OF BILL NO. 2013-18, ADOPTION OF ORDINANCE NO. 2013-19 (MAYOR COSS). AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2013B IN AN AGGREGATE PRINCIPAL AMOUNT OF \$14,195,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE CITY'S OUTSTANDING NEW MEXICO FINANCE AUTHORITY LOAN (PARKING STRUCTURE) DATED MARCH 28, 2006, PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE**

GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; PROVIDING FOR PREPAYMENT OF THE NMFA LOAN; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (HELENE HAUSMAN).

Mr. Tapia said it is the same scenario as the previous one, and by refunding we will have significant savings in the first 5 years.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2013-19, as presented.

DISCUSSION: Councilor Rivera said in the packet the aggregate principal amount is \$14,195,000, and in what was just handed out [Exhibit "10"] indicates an amount of \$13,780,000.

George Wiliford, First Southwest, Financial Advisors to the City, said, "In the Ordinances, or in the packet, those were the maximum not to exceed amounts, and the actual size of the issues took into account premium that was produced, so the amount of the issues are actually smaller than the not to exceed amounts. The actual amounts are in the book."

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

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

Against: None.

7) CITY OF SANTA FE GIVE (5) YEAR CONSOLIDATED PLAN 2013-2017 AND THE 2013 ANNUAL ACTION PLAN. (KYM DICOME AND ALEXANDRA LADD)

- a) REQUEST FOR APPROVAL OF 2013 COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACTS (CDBG) FOR THE FOLLOWING CONTRACTORS: (KYM DICOME)**
- HOMEWISE (DOWN PAYMENT ASSISTANCE)**
 - SANTA FE HABITAT FOR HUMANITIES (DOWN PAYMENT ASSISTANCE)**
 - SANTA FE COMMUNITY HOUSING TRUST (DOWN PAYMENT ASSISTANCE)**
 - GIRL'S, INC. (FACILITY IMPROVEMENTS)**
 - SANTA FE COMMUNITY HOUSING TRUST (STAGECOACH INN)**
 - YOUTHWORKS!**
 - YOUTH SHELTERS**
 - SANTA FE PUBLIC SCHOOLS (ADELANTE PROGRAM)**
 - KITCHEN ANGELS**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, May 6, 2013, regarding Item (H)(7) is incorporated herewith to these minutes as Exhibit "11."

The staff report was presented by Kym Dicome.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee asked, "How many public venues, how many hearings did you have and how did you try to receive public comment. You never receive public comment."

Ms. Dicome said they have not received public comment since she has been with the City. She said, "We did [seek comment] in a various variety of ways. There is a 30 day review period from April 8th to May 7th. We put copies out to all the Senior Centers, the libraries, the website. We put an ad in the paper two times. We also had a public meeting at the Finance Committee and at the CDC and now this public hearing."

Councilor Bushee asked if the Affordable Housing Roundtable exists. She said she thought we were continuing to fund some kind of contracts.

Ms. Dicome said, "I don't know, not through CDBG."

Councilor Bushee said, "It seems we ought to have more than us review it."

Ms. Dicome said, "We give an opportunity for the public."

Councilor Bushee said, "I know there's a Committee, but [inaudible]."

MOTION: Councilor Wurzbarger moved, seconded by Councilor Rivera, to approve Item #7, the City of Santa Fe Five (5) Year Consolidated Plan for 2013-2017 and the 2013 Annual Action Plan.

DISCUSSION: Councilor Wurzbarger said, "I would like to take this opportunity to thank Kym, first of all. This is a bear to go through, and the CDC members are John Padilla, Christopher Graeser, Rusty Tambasco, Silas Peterson and Annette Martinez-Thompson. And they do read it and they've been long serving and we really appreciate their help in bringing this before us, and we just hope they actually fund it."

Ms. Vigil asked if the motion is for approval of Item H(7) and Item H(7)(a), or if they would like to do 2 motions.

Mayor Coss said we will do two motions.

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

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

Against: None.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve item 7(a), the 2013 Community Development Block Grant Contracts for the contractors as presented by staff.

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

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

Against: None.

- 8) **CONSIDERATION OF RESOLUTION NO. 2013-50 (COUNCILOR RIVERA, COUNCILOR CALVERT, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS AND COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). 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)**

Responding to the Mayor, Ms. Vigil said the Council adopts this Ordinance every 30 days, but because of the way the meetings are falling, we have to do it again within the two weeks.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to adopt Resolution No. 2013-50, as presented.

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "Yes, and sign me on."

- 9) **CONSIDERATION OF BILL NO. 2013-19: ADOPTION OF ORDINANCE NO. 2013-20 (COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO THE CITY OF SANTA FE FIRE DEPARTMENT; AMENDING SECTION 2-10.3 SFCC 1987, TO ESTABLISH THE STATED PURPOSE OF THE FIRE DEPARTMENT AUTHORITY AND POWERS; TO AUTHORIZE THE RIGHT OF INGRESS AND EGRESS ON ALL PUBLIC OR PRIVATE STREETS, ALLEYWAYS, ROADS, DRIVEWAYS AND THOROUGHFARES; AND TO GRANT THE FIRE CHIEF THE FULL AUTHORITY TO SIGN**

**AGREEMENTS WITH LANDOWNERS FOR THE PURPOSE OF
IMPLEMENTING FIRE HAZARD MITIGATION ACTIVITIES. (GREG
GALLEGOS)**

A representative of the Fire Marshal was in attendance to answer any questions.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2013-20, as presented.

DISCUSSION: Councilor Bushee asked when we as a Council will discuss what kinds of restrictions will be on the trails as we move forward in the summer.

The Deputy Fire Marshal said that will come up every 30 days when we renew the Resolution for the fire restrictions that the Council just approved.

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

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

Against: None.

- 10. CONSIDERATION OF BILL NO. 2013-20, ADOPTION OF ORDINANCE NO. 2013-21 (COUNCILOR BUSHEE AND COUNCILOR IVE AND COUNCILOR TRUJILLO). AN ORDINANCE RELATING TO REQUIREMENTS FOR CITY CONTRACTORS; AMENDING THE CITY OF SANTA FE PURCHASING MANUAL TO ESTABLISH A NEW PROVISION TO PROHIBIT DISCRIMINATION. (JAMISON BARKLEY)**

A proposed amendment sheet submitted by staff is incorporated herewith to these minutes as Exhibit "12"

The staff report was presented by Jamison Barkley, noting the amendment sheet on the Councilor's desk replaces the words "physical or mental handicap" with

“disability,” on page 1, line 21, noting she was informed by Joe Lujan that is a much better way to address that topic, and a typographical error on page 2.

Ms. Vigil noted there is also an amendment sheet in the Council packet from Councilor Calvert.

Ms. Barkley said, “I believe everyone knows that this is new language that would be added to the Purchasing Manual that would prohibit discrimination based on those classes prohibited already by the State.”

Councilor Bushee asked what Councilor Calvert’s amendment does.

Ms. Barkley said it removes a typographical error, noting it was a drafting error.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2013- 21, with Councilor Calvert’s Amendment in the packet and the staff amendment [Exhibit “12”].

DISCUSSION: Councilor Bushee thanked Melissa Byers and Jamison Barkley for their diligence in following up on all of these issues that we have been pursuing.

Councilor Rivera asked how we are going to keep track of potential issues. He said, “If we work with a large company, such as AT&T on something, and they have something anywhere within an area that they work, does that then disqualify them to bid on any contracts within the City.”

Ms. Barkley said, “The way that it work, under this Ordinance, we wouldn’t have an affirmative duty to go out and do background checks or diligence on contractors with regard to their discrimination history if you will. But what this would do, would essentially create a mechanism for an employee who is working on a City contract to make a complaint to the City Manager, and then it would be handled by staff in-house, in terms of the enforcement mechanisms listed on page 2.”

Councilor Rivera asked who would handle that – Robert Romero.

Mr. Zamora said, "Just to clarify. What would happen is this language would be included in the contract, and if there is a violation, a discrimination that takes place in the implementation of the City's contract, that would then be a breach of the contract, and the City may terminate the contract."

Councilor Rivera said, "We would have to investigate, would we not."

Mr. Zamora said, "We may. We may. Or if there is a termination... we may have to investigate. There may be an outside Court case. There may be a finding from the State's EEOC against the employer, so we could be provided with direct evidence of discrimination that would cause a breach, or we could be presented with an allegation that may require further investigation."

Councilor Rivera said, "That's my question. Who is going to be responsible for investigating it on behalf of the City to make a determination if there was discrimination or not."

Mr. Zamora said, "Depending on the type of claim, this generally would fall into the expertise of our EEOC investigator within the City, within H.R."

Councilor Rivera said, "And that person would go out to the site and start investigating employees."

Mr. Zamora said, "...collect the necessary information to either validate that a breach of contract has occurred, or establish that one hasn't or sufficient information doesn't exist to then terminate the contract."

Councilor Rivera said, "Aren't contractors already bound by discrimination laws. They already have discrimination laws that they have to abide by."

Ms. Jamison said, "Sure. There are State laws and there are federal laws as well. As Geno stated, this could essentially raise the burden or obligation not to discriminate to a civil matter between the City and the contractor."

Councilor Rivera said, "I know a lot of these details, that we ironed out, but as Councilor Bushee says, the devil is in the details. So when they go out to investigate, obviously that takes time. I've seen investigations in this City sometimes last a year. By that time projects are complete, possibly complete. Is there anything that would happen to the employee if the employee was found out to be at fault, or making a false accusation. Again, the devil is in the details. And I think in some ways... I understand what Councilor Bushee is trying to do, but I think this makes more burdensome on behalf of

the City as far as trying to investigate them, and it prohibits business contractors from actually wanting to work with the City. I have those concerns. I understand that a lot of this will be worked out eventually, but those are my concerns."

Councilor Bushee asked Ms. Barkley to address this.

Ms. Barkley said, "I believe there is language in the Charter that is very broad and supportive of anti-discrimination, but it's not followed through in our Codes. But the other piece that we're currently researching currently is whether or not the Human Rights Commission that we're considering forming for the City would be able to operate somewhat like the Ethics and Review Board of the City where things are brought before them. But right now, we're just looking at what the Constitution or State allows at the municipal level. Again, maybe Jamison you can address why you brought this to my attention as we were reviewing everything initially around that HRC Municipal Index, but then this was sort of a separate track."

Ms. Barkley said, "Sure. Well as Councilor Bushee mentioned, the Human Rights Commission, basically they rate cities on their openness and inclusiveness, if you will. And it was brought to my attention through their ranking system that it is very typical for other municipalities to have anti-discrimination in their contracting manuals and in their contracts, and that we did not. So, in terms of where we stand against other municipalities and what is common practice now, this seemed like a good idea. And as Councilor Rivera has mentioned, discriminating on these bases is already against the law, essentially, as a statement to contractors that these are the values of the City and as we all know, there are a large amount of dollars that the City spends with contractors every year, and essentially the idea is that we vote with our [inaudible] and that we use that money and we put it conscientiously into businesses where we are satisfied that there are no major discrimination issues."

Councilor Bushee said, "Does the City have any history through the H.R., even I can't remember one that was problematic in terms of discrimination. I think we have a lot of recourse. I think this is just saying that the City is following the language that we have built into our Charter, which is one of the things we discussed the longest when we put the first Charter together, were the values that we wanted to reflect in the Charter. So it makes sense to follow this up. I don't see this as something that is going to be burdensome on the City or the contractor, to be honest. I guess you can always envision the worst case scenario, but I just don't see how this could be.... the Living Wage Ordinance, for instance, actually has mechanisms where people can come to the City and we are supposed to actively follow up and investigate. Again, I just don't see the equation of the two."

Councilor Dimas said, "In reading this, we already have federal and state laws against discrimination. I guess, aren't we in a way duplicating, we're trying to put a City ordinance into place when there is already State law that supercedes that anyway, and federal law. And I agree with Councilor Rivera that it could be a little bit burdensome. Who is going to do the actual investigation of the discrimination. Is it going to be the federal government, is it going to be the State government, or is it going to be the City. Couldn't the City just call the State and report allegations of discrimination, or does the City actually have to investigate it. I just see it as a duplication at this point."

Mr. Zamora said, "If I may step in at this point. Councilor Dimas that's a very good point that these anti-discrimination laws are in code at the federal, State and at the municipal level. The difference is that this proposal is formalizing what actually is already City boilerplate, which is that it is a breach of contract to discriminate. So if someone discriminates currently, without formalizing it, and by pulling out the boilerplate that the City's been using, someone can have a City contract for 4 years for \$500,000, and have a practice of discriminating against any suspect class, or any class. They discriminate indiscriminately, and the City would not have a basis for ending the contract solely based on a newly established pattern of practice, even an adjudicated pattern of practice, where there is a decision awarding someone hundreds of thousands of dollars. The City would have no ability to cancel that contract, because despite their discrimination, they still performed the contract."

Mr. Zamora continued, "So what it does, is incorporate, one, the policy statement already adopted by the people of Santa Fe in the Charter. Two, it formalizes the language, and I happen to have a contract in front of me, so I'll just read it to you, it's very short. The boilerplate language that's currently used in procurement in Paragraph 19, is a non-discrimination paragraph that says, '*During the term of this agreement, contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by contract hereunder on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex gender, sexual orientation, physical or mental disability, mental condition or citizenship status.*' So what it gives the City the ability to do is say, you may be performing your services correctly, but if you are engaged in a pattern of discrimination, whether it be based on religion, ethnic background or sexual orientation, you are not someone we want to do business with. That's a policy decision for the Council, whether or not they want to do business with persons engaged in discrimination, and that's the question before the Council tonight."

Councilor Dimas said, "So basically what we're saying, is it's a clarification of something that's already in place."

Mr. Zamora said, "Councilor, correct."

Councilor Rivera said, "Geno, if it's already in the contract, or the boilerplate for a contract, wouldn't that be reason to terminate the contract if they violated that section of it."

Mr. Zamora said, "Under existing contracts, yes. But, Councilor Rivera, yes, it's already in there, so currently signed contracts can be terminated based on that paragraph. I think what is important and what's been identified lately in these national assessments of communities is whether that's a pattern and practice that could end tomorrow, or whether the City has actually formalized anti-discrimination policies which this bill would do, is actually codify it and not just make it a pattern or practice that could go away with or without the Council's knowledge."

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

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

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes. And please add me to this."

11. CONSIDERATION OF BILL NO. 2013-21: ADOPTION OF ORDINANCE NO. 2013-22 (COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). AN ORDINANCE RELATING TO BENEFITS FOR DOMESTIC PARTNERS; CREATING A NEW SECTION 19-3.I SFCC 1987, TO REQUIRE THAT THE CITY OF SANTA FE PROVIDE DOMESTIC PARTNER BENEFITS FOR EMPLOYEES OF THE CITY OF SANTA FE WHO ARE ELIGIBLE TO RECEIVE BENEFITS, INCLUDING BENEFITS FOR DEPENDENT CHILDREN OF DOMESTIC PARTNERS. (JAMISON BARKLEY)

A proposed amendment sheet submitted by staff is incorporated herewith to these minutes as Exhibit "13."

The staff report was presented by Jamison Barkley. Ms. Barkley said, "This is an Ordinance which would codify the practice that is already in place, whereby the City provides health insurance benefits. Currently, the City provides health and dental insurance to domestic partners of its employees. And this would codify that and take it one step further or two steps further, which would entail covering the children of the domestic partner. And what Melissa just handed out was an Amendment sheet [Exhibit "13"], and the Council has a decision to make. I was reading over the minutes today of, I believe this was last heard in the Finance Committee. And while there was

information gathered at the Finance Committee about the cost of extending benefits to the children of the domestic partners of employees on the basis of health and dental insurance, there was also discussion about extending life insurance, vision, term life and one other that I'll dig up right here, prepaid legal, to the partner and the children of the employee. So, I don't know whether the intent was to proceed as the Ordinance is drafted now, which would just entail health and dental benefits, or whether the intent is to expand and offer all of the benefits that we now give to spouses of our employees – whether we should take the broader approach.”

Councilor Bushee said, “Again, I hear a question about what was advertised, but my memory of it was in Committee, I thought we approved to the fullest extent allowed by the law.”

Ms. Jamison said, “I believe that is the case and why I asked Melissa to help me prepare the amendment sheet.”

Councilor Bushee said, “We had staff to look into the term life policies and things like that. Again, the discussions at Finance centered around cost to the City and again they were minimal or negligible.”

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2013-22, with both amendments.

DISCUSSION: Councilor Bushee said we are codifying current practice, expanding it in very negligible as cost to the City so that domestic partners, same sex or not, are on parity with married couples.

Mayor Coss said he likes that more people get health insurance.

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

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

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes. Add me as a sponsor as well."

Mayor Coss thanked Jamison Barkley and Melissa Byers for their work.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

16. MATTERS FROM THE CITY ATTORNEY

Mr. Zamora said, "There is one matter I would like to discuss. Yesterday there was a hearing State District Court regarding the City's Motion for Summary Judgment, regarding the Qwest case against the City. The good news was the case was dismissed, the summary judgment was dismissed. In the State case, the single issue to be decided was whether the [inaudible because Mr. Zamora's microphone was turned off]. It support's the City's contention that the 2010 Telecommunication ordinance is a valid exercise of the City's ordinance. So that was a pretty significant decision."

Mr. Zamora said, "In an update, the federal case is scheduled, I believe for May 29, 2013, to go to trial."

Mayor Coss congratulated the Legal team.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. 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 , is incorporated herewith to these minutes as Exhibit "14."

Councilor Trujillo

Councilor Trujillo said on Saturday at the Villa Linda Mall Park, there will be a walk for cystic fibrosis, and it will be all the way to Monica Lucero Park and back. It is a 5 mile walk. He said registration is at 8:00 a.m. and the walk will start t 9:00 a.m.

Councilor Trujillo said he has been receiving emails from the state, the nation and the world, that we have a Yucca Park situated by the Rosemont near the Rodeo grounds, saying it hasn't been properly maintained. He asked Mr. Romero if it would be possible to get somebody out there to check it, and if it is our park to make sure it gets cleaned up. He will forward Mr. Romero the link for the emails he has been receiving.

Councilor Trujillo said on Thursday, May 16, 2016 the Santa Fe Fuegos will start the second season her beginning at 6:00 p.m., and invited everyone to the opening game. He will be unable to attend because he will be with his daughter at the competition. He said last year there were 1,150 people at the opening game, and would like to see 1,500 people this year.

Councilor Trujillo said he wants to send best wishes to his daughter Krystianna and their team, which will be competing on May 18, 2013, at the national championships for All Star Cheers, in Las Vegas, Nevada.

Councilor Trujillo said his daughter Krystianna also will be performing for the NDI this Saturday and wished her the best of luck as well.

Councilor Dimas

Councilor Dimas Introduced a Resolution relating to the health, safety and welfare of the residents of the City of Santa Fe; encouraging the Santa Fe Police Department and the residents of our community to come together in a collaborative effort and for a common cause – take illegal drugs off the streets of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Councilor Dimas said there are several other components involved with the Resolution and there is no conflict with the LEAD Task Force, this is completely different, noting the LEAD Task Force is a program to help addicts rather than arresting them and putting them in jail. This Resolution is to take the drug traffickers off the streets, which is going to be necessary to keep our crime rate down. He said it isn't a pullback of the Region 3 Task Force, and it is to work in conjunction with the Task Force, as well as an effort to get the citizens of Santa Fe to work with everyone else in the community to take illegal drugs off the streets.

Councilor Rivera

Councilor Rivera wished his mother, his wife, his sister, his mother-in-law, and all of the women Happy Mothers Day on Sunday.

Councilor Bushee

Councilor Bushee said Amber sent something to her on Councilor Trujillo's dinner for the Interfaith Community, and congratulated him on the success of that effort. She lost track of the date and missed the dinner, but she does want to participate in the future.

Councilor Bushee reminded staff to send invitations to the Governing Body, the members of BTAC and any one else to the Bike to Work Week events. She said it's fun and she hopes people will participate.

Councilor Bushee said she wants to follow up with Public Works, noting she keeps sending photos of the trails and the graffiti all along the trails, and hopes we do have a Trails Coordinator. She said we have money to deal with the graffiti, so she would like follow up, noting she would be willing to take someone around to see the graffiti.

Mr. Romero said he doesn't recall seeing those photos and asked her to send them to him, and Councilor Bushee said she sent them to Mr. Pino.

Councilor Bushee introduced the following:

1. A Resolution amending the City of Santa Fe Utility Billing Administrative Manual, Policy No. 7.0.0, Water Leak Credits. A copy of the Resolution was not available at the time of introduction.
2. A Resolution endorsing the North Central Regional Transit District's FY2014 budget proposal, approving the FY2014 City of Santa Fe Regional Transit Plan and directing staff to submit the City of Santa Fe Regional Transit Plan for FY2014 to the North Central Regional Transit District Board of Directors for consideration and approval. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16"

Councilor Bushee wished everyone a Happy Mother's Day.

Councilor Bushee said we are supposed to get rain on Friday, so “everyone do your rain dance.”

Councilor Dominguez

Councilor Dominguez wished a very Happy Mother’s day to all of the mommas, and asked everyone to please cherish your mommas. He wished his father a very Happy birthday.

Councilor Dominguez said Community Day is this weekend, and we need to get the word out.

Councilor Dominguez asked Mr. Romero to ask staff to provide him an assessment of all the parks in District 3, noting he is particularly concerned about the one at Cesar Chavez School.

Councilor Dominguez introduced a Resolution establishing the City of Santa Fe Sports Field Clean-up Days at the Municipal Recreation Complex and at other sports fields throughout the City of Santa Fe, noting it will be at the City Council on June 12, 2013. A copy of the Resolution is incorporated herewith to these minutes as Exhibit “17.”

Mayor Coss

Mayor Coss introduced a Resolution on behalf of Councilor Ives: A Resolution directing staff to establish administrative policies and procedures relating to parking citation processing and collections. He asked to be added as a cosponsor of the Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit “18.”

Mayor Coss introduced the following:

1. A Resolution naming the Courtyard of the Santa Fe Community Convention Center the “Catua and Omtua Courtyard” to commemorate over 400 years of history and cultural sharing between the City of Santa Fe and the Pueblo of Tesuque. A copy of the Resolution is incorporated herewith to these minutes as Exhibit “19.”

Mayor Coss said Catua and Omtua were the two Tesuque runners that were carrying the knotted cords, and when they were captured and

executed, that started the Pueblo Revolt. He said the Courtyard is the site of an old Tesuque Pueblo, the reason for the proposed name. He said the City will do a plaque, and Tesuque Pueblo is looking at commissioning a sculpture of the two runners.

Councilor Rivera asked to be added as a cosponsor.

2. A Resolution authorizing the City of Santa Fe to pay 75% of the 1.5% increase in PERA contributions for all City employees, union and non-union, who earn more than \$20,000 per year. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Mr. Romero said a new law was passed by the Legislature says that we have to adopt this Resolution to be able to pay the employees' share of PERA, noting the funds are in the budget and we have to take this action before July 1, 2013.

Mayor Coss wished his wife Carol, and all moms, a Happy Mothers Day.

Mayor Coss said he has two children getting college diplomas on Saturday, one at UNM and one at Highlands, and if he is lucky, he will have three children in graduate school at the same time. He said he is very very proud of them and congratulated them on their accomplishment.

I. ADJOURN

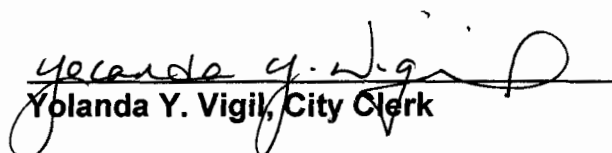
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:30 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 6, 2013**

ITEM 9

CIP PROJECT #810A – CERRILLOS ROAD RECONSTRUCTION IMPROVEMENTS PROJECT, PHASE IIC

- REQUEST FOR APPROVAL OF AWARD OF RFP NO. '13/27/P AND THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS BRINKERHOFF, INC. IN THE AMOUNT OF \$480,824.17 (**DESIRAE LUJAN**)

PUBLIC WORKS COMMITTEE ACTION: Approved

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "1"

City of Santa Fe, New Mexico

memo

DATE: April 22, 2013

TO: Finance Committee **AMENDED = BOLD ITALICS**

FROM: Robert Rodarte, Purchasing Officer *RR*
Purchasing Division

VIA: Marcos A. Tapia, Finance Director
Finance Department

ISSUE: Award of Request for Proposal # '13/27/P
Cerrillos Road Reconstruction, Phase IIC-Camino Carlos Rey to St. Michael's Drive

SUMMARY: On April 3, 2013, *four* proposals were received for the above referenced service as follows:

	Written Score
Parsons Brinkerhoff, Inc., Albuquerque	4489
Wilson & Company, Albuquerque	4345
Advisory Inspection & Operations Co., dba AIOC, Santa Fe	3822.5
Santa Fe Engineering Consultants, Santa Fe	3622.5

The evaluation criteria consisted of cost (20%); project understanding & approach (20%); experience training & education (10%); past performance (15%); knowledge of local conditions (10%); quality assurance (5%) quality of proposal (10%); and resource availability (10%). The proposal was reviewed and evaluated by Robert Rodarte, Purchasing Office, Richard Devine, Traffic, Dee Beingessner, Water, Desirae Lujan, Engineering, Kathleen Garcia, Waste Water.

The using department has reviewed the proposals and recommends award to Parsons Brinckerhoff, Inc., Albuquerque in the amount of \$480,824.17.

Budget is available in account number 32315.572960 (Engineering – EXP Cerrillos Road Project – WIP Design) in the amount of \$1,634,409.00.

ACTION:

It is requested that this recommendation of award to Parsons Brinkerhoff, Inc., Albuquerque, in the amount of \$480,824.17 be reviewed, approved and submitted to the City Council for its consideration.

Attachment(s):

1. Memo of recommendation from the using department.
2. A copy of the professional service agreement.
3. A copy of tabulation score sheet.

Exhibit "2"

City of Santa Fe, New Mexico

memo

DATE: April 18, 2013

AMENDED = BOLD ITALICS

TO: Finance Committee

VIA: Marcos Tapia, Finance Department Director

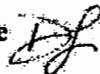


Isaac J. Pino, P.E., Public Works Department Director

Eric Martinez, P.E., Roadway & Trails Engineering Division Director



FROM: Desirae Lujan, Engineer Associate



ITEM AND ISSUE:

CIP NO. 810A - CERRILLOS ROAD RECONSTRUCTION IMPROVEMENTS PROJECT, PHASE IIC (RFP NO. '13/27/P): RECOMMENDATION OF AWARD AND APPROVAL OF THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS BRINCKERHOFF, INC. IN THE AMOUNT OF \$480,824.17 INCLUSIVE OF NMGR.

BACKGROUND & SUMMARY:

On March 13, 2013 the City Council approved a Cooperative Project Agreement with the New Mexico Department of Transportation (NMDOT) in the amount of \$11,000,000 to fund design and construction of the Cerrillos Road Reconstruction Project, Phase IIC, from Camino Carlos Rey to St. Michael's Drive. This funding is comprised of federal and state funds, requires no city match and is programmed in three federal fiscal years, FY 2013 thru 2015. Initial FY 2013 funds are programmed for environmental clearances, public involvement & engineering design. The remaining FY 2014 and 2015 funds are programmed for project construction which is scheduled for early 2015 based on the terms of the agreement.

As a result of the aforementioned funding, a Request for Proposals (RFP No. '13/27/P) was advertised on March 6, 2013 requesting professional services to complete design of the referenced project. Local Preference provisions were not utilized since federal funding regulations prohibit their use. In response to the RFP, four proposals were received and evaluated according to the attached evaluation criteria. A list of all proponents and results of the evaluation are summarized as follows:

Proponents	Total Score
Parsons Brinckerhoff, Inc.	4489
Wilson & Company, Inc.	4345
AJO, LLC.	3822.5
SANTA FE ENGINEERING, INC.	3622.5

The evaluation committee, comprised of the Purchasing Director and engineering staff from the Public Works and Public Utilities Departments, selected Parsons Brinckerhoff, Inc. to provide professional services for the project. These services will provide continued and progressive improvements to the Cerrillos Road corridor to improve drainage and enhance multimodal mobility, safety and efficiency. Additionally, the design approach of past project phases will be reevaluated and cost effective state of the art construction processes and techniques will be investigated to help improve efficiency of construction operations in an effort to reduce construction time, improve success for timely completion while obtaining a quality product. Design development will also include environmental study and clearance in accordance with federal requirements; public involvement including interviews with adjacent property owners; thorough subsurface utility investigations; evaluation of vehicular, bicycle, transit and pedestrian safety needs; and evaluation of various construction phasing and traffic management alternatives which may include, but are not limited to, continuous night work operations to help minimize traffic disruption, congestion and impacts to neighboring businesses during construction.

Sufficient funds are currently budgeted and available in CIP #810A Cerrillos Road Business Unit 32315, Line Item 572960 (WIP Design) made available through the aforementioned cooperative agreement with NMDOT.

RECOMMENDED ACTION:

The Public Works Department recommends the following:

- Approval of the Professional Services Agreements to provide professional engineering services in an amount of \$480,824.17 including NMGR with Parsons Brinckerhoff, Inc.
- Approval of the expenditure of funds from CIP #810A Cerrillos Road Business Unit 32315, Line Item 572960 (WIP Design) in the amount of \$480,824.17.

Attachments: PSA

RFP Evaluation Criteria

Summary of Contracts

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 6, 2013**

ITEM 10

CIP PROJECT NO. 844C – CITY OF SANTA FE SAFE ROUTES TO SCHOOL PROJECT

- REQUEST FOR APPROVAL OF A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR APPROPRIATIONS IN THE AMOUNT OF \$500,000
 - REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
- REQUEST FOR APPROVAL OF 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 (COUNCILORS DIMAS, RIVERA, CALVERT, BUSHEE, DOMINGUEZ AND WURZBURGER) (LEANN VALDEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved**SPECIAL CONDITIONS OR AMENDMENTS:****STAFF FOLLOW UP:**

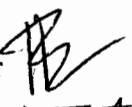
VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		


City of Santa Fe, New Mexico

memo

Date: May 7, 2013

To: Finance Committee

From: Robert P. Romero, City Manager 

VIA: Marcos A. Tapia, Finance Director 

Subject: Fiscal Year 2013/2014 Operating Budget Clarification

Specific options for funding positions identified in the April 29, 2013 memo, items 7, 8, 9 and 10 is as follow:

Item 7: Provide options to refund temporary library positions.

As noted in the previous memo, these would be funded within the proposed budget. The three temporary positions would be added to Business Unit 12102, Main Library for a total increase of approximately \$36,000), (Reference orange book, pages 3-4; green book, pages 38-39).

Item 8: Provide options to refund domestic violence position.

Action proposed is to move the expenses budgeted in Business Unit 12058, Patrol Division, to a new business unit to be established in the Police Property Tax Fund (2252). This would free general fund resources to fund a domestic violence coordinator professional services contract for \$50,000 in Business Unit 12189 where the position was funded during FY 12/13. The contractor will operate in partnership with related non-profit agencies in meeting community needs, (Reference orange book, pages 131,139,142; green book, pages 26, pages 55-56, and page 70-71). Movement of Business Unit 12058 to the Property Tax Fund will also allow funding of a Trails Volunteer Coordinator contract discussed at the end of this memo.*

Item 9: Provide options to fund a Legislative Liaison position.

Position would be attached to the City Attorney in Business Unit 12005, but the funding for this position would be allocated proportionally to the Water, Environmental Services and Wastewater operating funds. The \$76,800 estimated cost of the position would be

reflected in SWD Administration, Business Unit 52251.500110, \$25,600; Water Division Administration and Operating, Business Unit 52300.500110, \$25,600; and Wastewater Management, Business Unit 52451.500110, \$25,600, (Reference orange book, pages 150, 166-167, and 177; green book, pages 137-138, 144, and 161).

Item 10: Provide options to fund ITT Department Director position and create an ITT Department.

ITT Department Director position would be established in Business Unit 12028, ITT Administration. The additional \$130,000 required for funding would be allocated to the enterprise operating funds; Business Unit 52251.500110, SWD Administration, \$32,500; Business Unit 52300.500110, Water Division Administration and Operating, \$32,500; and Business Unit 52451.500110, Wastewater Management, \$32,500; Business Unit 52151.500110, Parking Administration, \$32,500, (Reference orange book, pages 150, 166-167, 227, and 177; green book, pages 125, 137-138, 144, and 161).


***New Item: Provide options to support a Trails Volunteer Coordinator.**

A Trails Volunteer Coordinator professional services contract would be established in Business Unit 12177.510300, Parks, Trails & Watershed. The contractor will operate in partnership with related non-profit agencies in coordinating volunteer activity in maintaining the parks trails. This contract in the amount of \$50,000 would be funded from the general fund resources freed by movement of Business Unit 12058, Patrol Division, to a new business unit to be established in the Police Property Tax Fund (2252), (Reference orange book, pages 190-191; green book, pages 50-51).

Action Requested:

Direction on information listed above and approval of the Fiscal Year 2013/2014 Organizational Chart and Operating Budget.

~~Private~~



 ags or to

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Sofia	[Signature]	4432 Highway 90	TASHORTIZ@gmail.com	10
Olivia	[Signature]	3703 Valmora RD.	santafeselvages@gmail.com	10
Micahel	[Signature]	Vigil 9KRC	740-885-9958	9
JAVIER	[Signature]	1070 Highlandway	JAVIENAVILLAGA@hotmail.com	11
Kadence	[Signature]	208 east santa fe ave	656-99-2420	10
Tabby	[Signature]	911 stage coach RD	882-4172 tchickn@yahoo.com	10
Jude	[Signature]	Grant Ave	510-1842	10
Cassie	[Signature]	1404 calle de san anton	karen.Mazulis@gmail.com	10
Azazel	[Signature]	156 Vally Drive	603-633d	10
Javier	[Signature]			
Bob	[Signature]	1090 Highlandway	Javienavilaga@gmail.com	
Samantha Wordler	[Signature]	913B Acequia Madre	Samwordler@hotmail.com	
Fiona	[Signature]	1919 Kiva		10
Ronald Portey	[Signature]	3036 Calle Lejuna	983-6729	22

Exhibit "5"

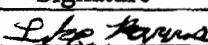
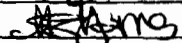
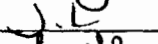
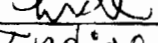
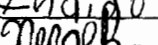

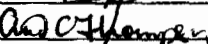
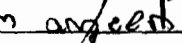
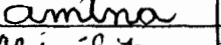


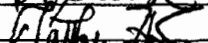
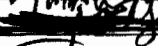

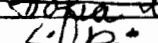


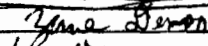
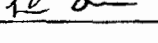
We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Stephanie Duket	Steph Duket	1069 Highland	seltzner@yahoo.com	46
Valerie Johnson	Val Johnson	1075 Highland		48
Josh Cottrell	Josh Cottrell	1085 Sunshine Way	mmtramp321@gmail.com	33
Cordell Verwer	Cordell Verwer	1086 Sunshine Way		20
Lydia Loece	Lydia Loece	1088 Sunshine Way	lydlcoe@yahoo.com	54
Liz DeFazio	Liz DeFazio	1090 Sunshine Way		
Carol Knudt	Carol Knudt	1092 Sunshine Way	carolknudt.com	64
Natalie K	Natalie K	1094 Sunshine Way	natalie.k22@yahoo.com	29
SPENCER	Spencer	1096 "	508 332 9577	23
Brenda Grados	Brenda Grados	1098 Sunshine Way	Brenda2@ymail.com	20
Carol Knudt	Carol Knudt	1104 Sunshine Way	571 4397	
Kirk Ann	Kirk Ann	1105 Sunshine Way	626 922 0987	58
Valerie Matlet	Valerie Matlet	1106 Sunshine Way	690-2059	29
Marsha Allen	Marsha Allen	1110 Sunshine Way	629-2243	46
Lynn DeLeon	Lynn DeLeon	1112 Sunshine Way	525-6907 3964	65
Kris Pacl	Kris Pacl	1106 Village Way	310-0265	44
Judith Sedward	Judith Sedward	1059 Village Way	474 3534	05
Robert S. Cho	Robert S. Cho	1064 Highland Way	CBRNG 995 7674@ail.com	55
Barbara Buckner	Barbara Buckner	2116 Lakewood Hill	896-3228	63
Karen Camlin	Karen Camlin	208 East Santa Fe Avenue	(505) 699-2420	10
Bella Palmer	Bella Palmer	1097 Same street	Bella.Palmer@yahoo.com	10
Ciara Walsh	Ciara Walsh	2733 Paseo de la Luna	walsh.Ped@oak.com	10
Jasper Flint	Jasper Flint	323 W Cordova RD	J.Bassmus@FlintOG-mil.com	10

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

[illegible]

charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Lyke Karns		811 Camino Acero	blurpmon1201@gmail.com	11
Mukunda S. Jena		803 Galisteo		33
Juliana Linsen	J.L.	"	"	7
Lisa Smith		109 Old Forest Tr	3herenow@gmail	46
Indigo	Indigo	109 Old Forest Tr	3herenow@gmail	9
Alvin		2600 W. 2nd St #7	Veronica - nevada@yahoo	9
Christa Holtzman		4 Pearl Ct Santa Fe	christa.holtzman@gmail	40
Chad Thompson		1015 D	thompsonchad@hotmail.com	40
Angela Penhaligon		105 Galisteo		9
Amina		Santa Fe NM		9
Abigail Francis		1021 don diego	abigailfrancis@gmail	1
Kim Kumpnick		1021 Valencia Rd	Kim Kumpnick	45
Peter Walsh		2733 Paseo de Valencia	Walshpeter@earth	
MATTHEW HECHT		2206 Capita Ln	505 992-6764	53
JERRY SEVATHE		3713 VALMORA ST	505-660-1072 Santa Fe, New Mexico	10
Sofia Ortiz		4432 Chamisa Rd	424-3604	9 1/2
Lucy Green		1011 Lopez St	lulucogreen@gmail	17
Abby Wilson		46 Calle San Martin	505-820-7172	8
Nikita Damir		46 Calle San Martin	505-820-7172	
Lane Dammer			abys8@yahoo.com	
LENA GRIES				

50@gmail.com

[illegible]

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Mike Pierpont	[Signature]	1336 Ferguson St. SF 87505	lpierpont@gmail.com	
Karen Monette	[Signature]	1709 Coligan Cir NE SF 87504	Karen Monette@gmail.com	
Daniel Fray	[Signature]	1839 S. Alameda	danielfray@gmail.com	
Ellie Call	[Signature]	3100 Abuelo Ave	hcall@sfps.inbo	
Abigail Olson	[Signature]	1153 E Alameda	905 988 1871	
Shirley Montoya	[Signature]	1217 Lujan St	shirleybansote@gmail.com	
Sue Shaffer	[Signature]	2080X 2nd St	sue1966@gmail.com	
Char De Vazquez	[Signature]	P.O. Box 427	charvazquez@gmail.com	
Anni Portet	[Signature]	4432 Chamisa Rd		40
NO 10				
Joey Gurule	[Signature]			8
Douglas S. S. S.	[Signature]	32 Lomas de Tesquere	douglas.s.s.s@gmail.com	
Courtney Harris	[Signature]	1011 Lopez St	699-9344	OLD
Maggie Ryan	[Signature]	530 Alameda	920-1779	33
Christine Chen	[Signature]	530 Cortez St.	christinechen@hotmail.com	
Matthew Burnett	[Signature]	530 Cortez St.	mjburnett77@yahoo.com	
Lola Rosen	[Signature]	1011 Lopez St	Lola Rosen 23@hotmail.com	9
Pat Frankin	[Signature]	128 Rio Rico		50
Mary Olson	[Signature]	7704 Capita St	501-3518	52
Nancy Meyers	[Signature]	1008 Camino Oscar St SF 87505		
Lynn Udall	[Signature]	3033 Cliff Palace	87507	
Laurel Kasper	[Signature]	9 Cerrado Dr SF 87508	lkasper@live.nmhu.edu	38
Kristen Leung	[Signature]	1318 Escalante St SF 87505		45
Jennie Faragher	[Signature]	81 Piedras Negras St SF 87505		
Jean Stanger	[Signature]	1830 Tennyson St SF 87505	jeanstanger@aol.com	
Lisa Lucas	[Signature]	7 La Vista St SF 87505	hoefffilms@gmail.com	45
Rosa Schroeder	[Signature]	7 La Vista St SF 87505	Rozaschroeder@gmail.com	10
Michael Schrakow	[Signature]	7 La Vista St SF 87505		46
Barbara Hanks	[Signature]	75 Juniper Hill Rd Santa Fe NM		
Mary Versace	[Signature]	679 Calle Santa Fe SF 87505		
Michelle Panicker	[Signature]	679 Calle Santa Fe SF 87505		

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Alex	BASIC	140	4712553	4
BASIC	BASIC	190-16	4831537	4
HEATHER NEIL	Heather Neil	Call de Segura	9821537	5
Ellie	Ellie			5
Silvia	William	1301 Hano Road	Tompson@concast.net	8
Melanie	Francis	2822 Verda Oriente	mmgarcia@msn.com	9
XAVIER		"	"	
Linda Ellis	Linda Ellis	11-L Lane S.F.	471-1909	70+
Don Ellis	Don Ellis	11-L Lane S.F.	471-1909	70+
MAUREEN D. JERN	Maureen D. Jern	2815 DA SF	920-8305	58
Bob D. Jern	Bob D. Jern	2 "	920-8445	60
April D. Jern	April D. Jern	"	"	32
Jackie D. Jern	Jackie D. Jern	"	"	31
Maggie son V. Gil	Maggie	"	"	7
ALYSSA D. Jern	Alyssa D. Jern	"	"	14
Andrea Martinez	Andrea	PO BOX 1373	505-424-0167	12
Andrea Alarid	Andrea	"	505-510-0824	11
Lucia	Lucia	4937	505-46994159	8 (very old)
Lucia	Lucia			
Joseph	Joseph			
Joe	Joe	2026		
T. K. Vor	Ericson			
Helene	Fogel	1204 Gonzales	Helene.Fogel@motivity.com	11 (years old)
BASIC	BASIC	140	963-1537	7/8

From the Coop

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
KAREN WONG	[Signature]	311 Cerrito St	690-3696	
Zach Taylor	[Signature]	San Jose Ex	271-1698	74
Merilee Harrison	[Signature]	2362 Santa Barbara Dr	989-4952	55
Sheila Keleher	[Signature]	37C La Posta Way		
Sherie Land	[Signature]	1501 MONTANO ST. #11	466-2345	
Pam Matthews	[Signature]	155 Calle Don Jose, SF 87501	995 1983	70
John Lee	[Signature]	306 Houghton St	875-336-0027	50
KATHLEEN DUNN	[Signature]	P.O. Box 1000	NM 87734 505 666 2529	
Aracelia Moninger	[Signature]	23 Encarnado Ln	466-4108	66
Deb Gaudet	[Signature]	1281A Cerrito Grande	946-8979	43
Lorella Lopez	[Signature]	3326 Suringo Rd	lopezblanca@hotmail.com	45
HOLLY RYAN	[Signature]	6392 Highway 66	554-7133	35
Samuel Bartlett	[Signature]	2325 Calle Nueva	SF, N.M. - 992-1862	66
Skyler Patridge	[Signature]	7557 Kachina Loop		26
Tom Riggs	[Signature]	P.O. Box 115 Tempe NM 87501	505-577-4348	55
Gay Kaulback	[Signature]	319 Willow St	505-575-1122	
Robert Bloom	[Signature]	314 W. Huron St	505-984-9824	69
Herbert S. Thomas	[Signature]	222 Artist Road	505-984-9824	69
Frank Robin	[Signature]	1542 Cerrito Grande	505-575-4383	53
Nancy Kagan	[Signature]	528 Franklin St	505 820 1263	50
Michael Grosser	[Signature]	P.O. Box 513	505 2161711	
Nicole de Jirene	[Signature]	201 Alamo Dr	505-984-8020	
Orly Williams	[Signature]	10 Sierra Lavanda	505-424-7477	
Mark Williams	[Signature]	10 Sierra Lavanda	(505) 575-2095	
Miriam Smith	[Signature]	P.O. Box 8126 SF		
Marta de Roda	[Signature]	M.C.		
Louis Smith	[Signature]	126 Mesa Vista		
April Tomkramach	[Signature]	1109 Agua Fria St	atmkramach@gmail	25
LINDA STEBBE	[Signature]	1606 La Quinta	438-2718	70
LARRY WILSON	[Signature]	913 W. Alameda	513 1401112	72
USAID	[Signature]	1044 Calle Camulika	1500 001 1401 246 y 400	54
Devon Cannon	[Signature]	153 DUAN de dia	577 5248	
Cynthia Christian	[Signature]	1623 Camino Cruz Blanca	SF, N.M. 87505	
ONYX OWENS	[Signature]	2 Family Lane SF	NM 87505 onyxstet@yahoo	
Melissa Parise	[Signature]	523 W. San Francisco	mpclosettherapy@gmail.com	34

From the Co-op

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Lupe Quigley	<i>Lupe Quigley</i>	14 Cornudas Ln	lupequigley@yahoo.com	
David Kline	<i>David Kline</i>	308 Villeros	DKline76@upstart.com	30
Brenda Soto	<i>Brenda Soto</i>	15 Silver Tr	spirit_santafe@aol.com	
Adelaide M. Collins	<i>Adelaide M. Collins</i>	115 E. Alcantara	deck@nets.com	68
Dennis R. Cooper	<i>Dennis R. Cooper</i>	115 E. Alcantara	dcooper@nets.com	66
Lynn Frost	<i>Lynn Frost</i>	27 Camino Azul		50
Mona Smith	<i>Mona Smith</i>	126 Mesa Vista		50 ish
Jaxie Downs	<i>Jaxie Downs</i>	1016 Sunninglondo		30
Stephanie Greene	<i>Stephanie Greene</i>	112 N. Luna C.		75
Yolanda De Scheppe	<i>Yolanda De Scheppe</i>	PO Box 31025, 87514		62
NORMA JETTE	<i>N. Jette</i>	22 Via Al Sol	cathyjette@yahoo.com	62
Dee Homan	<i>Dee Homan</i>	P.O. 1354	504 deehomecybermesa.com	
Lana Chavez	<i>Lana Chavez</i>	1816 Don Juan St	986-9535	42
Willow Graham	<i>Willow Graham</i>	1233 Semajose Ave	willowgraham@gmail.com	340
Brian Polge	<i>Brian Polge</i>	100 Rio Vista Pl		39
Brian Cooper	<i>Brian Cooper</i>	315 Resaca Drive	gnarlodius@gmail.com	55
Maureen Hart	<i>Maureen Hart</i>	PO Box 3268 SF	fieryearthart@gmail.com	55
Linda Oliver	<i>Linda Oliver</i>	344 Los Nidos	omshanti79@hotmail.com	
Danielle Bourne	<i>Danielle Bourne</i>	227 Rodriguez	bourne2003@yahoo	51
Catherine Padan	<i>Catherine Padan</i>	PO Box 2202		
Louise Pope	<i>Louise Pope</i>	230 W. Granada	louise.pope@aol.com	
WANN LEE	<i>Wann Lee</i>	3471 Cimarron Rd		
Anhara Lavat	<i>Anhara Lavat</i>	PO Box 114		59
Kendall W. Kirby	<i>Kendall W. Kirby</i>	PO Box 233 SF NM		
Sherry Williams	<i>Sherry Williams</i>	54701 Rd. R. Pt. NM		58
Andy	<i>Andy</i>	577 Alamo St.	millmudada@yahoo.ca	50
Jonathan Crew	<i>Jonathan Crew</i>	228 Spruce St	JonCrew@aol.com	22
Dis Stromberg	<i>Dis Stromberg</i>	1427 Alameda	982-8315	64
Betsy Robinson	<i>Betsy Robinson</i>	257 Pl. Colorado St	betsyrobinson4@gmail.com	76
Dore Welfien	<i>Dore Welfien</i>	Hill 77 B. Alamo		35
Revelly Rothchild	<i>Revelly Rothchild</i>	717 Rosita St.	983-3929	9
RIANA ZAXUS	<i>RIANA ZAXUS</i>	76 Ocean View	660 1210	58
MARIT HIGUERA	<i>MARIT HIGUERA</i>	1015 Don Gaspar		
Joseph Downs	<i>Joseph Downs</i>	610 Solario		45
Justine Leba	<i>Justine Leba</i>	Rt. 412 box 88 TP	505 660 4200	19
Jasper Thompson	<i>Jasper Thompson</i>			
Ann Miller	<i>Ann Miller</i>	3350 CSHUN		
Jay Zeiger	<i>Jay Zeiger</i>	230 N. 10th St SF 87508	505 455 1158	68

Handwritten signature/initials

CITY OF SANTA FE
PARKING DIVISION
FORENSIC CONSULTING REPORT
April 30, 2013

MOSS ADAMS LLP

Certified Public Accountants | Business Consultants

Acumen. Agility. Answers.

MOSS ADAMS
Certified Public Accountants | Business Consultants

April 30, 2013

City of Santa Fe
Liza Kerr, Internal Auditor
200 Lincoln Avenue
Santa Fe, NM 87501

Subject: Forensic Audit of the City of Santa Fe Parking Division

Dear Ms. Kerr:

Thank you for the opportunity to perform the forensic consulting procedures in the matter of the City of Santa Fe Parking Division (Parking). This report summarizes our consulting procedures, findings, and recommendations as it relates to the Santa Fe Parking Division financial records from January 1, 2005 through December 31, 2012.

This engagement was performed in accordance with Standards for Consulting Services established by the American Institute of Certified Public Accountants as outlined in our engagement letter dated January 2, 2013. The scope of this engagement is outlined in the body of our report. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

This report was developed based on information obtained from our interviews with members of the City of Santa Fe Council and employees of the City of Santa Fe, walkthroughs of relevant transaction cycles, and review of selected records and supporting documentation. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

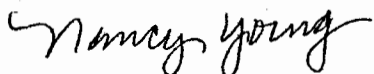
MOSS ADAMS LLP

City of Santa Fe
Liza Kerr, Internal Auditor
April 30, 2013

This report is intended solely for the use of the City of Santa Fe. This report should not be disclosed to, used or relied upon by any other third-party. Moss Adams LLP does not accept any responsibility to any other party to whom this report may be shown or into whose hands it may come.

We appreciate the opportunity to help you with this matter. Please do not hesitate to call me at (503) 478-2289 if you have any questions or need further assistance regarding this important matter. Moss Adams would like to sincerely thank the members of the City of Santa Fe Council and employees of the City of Santa Fe for their help in assisting us with our procedures.

Sincerely,



Nancy Young, CPA, CISA, CFE
Senior Manager for Moss Adams LLP
Fraud Investigations and Forensic Accounting Services
Portland, Oregon

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EXECUTIVE SUMMARY

We performed limited scope consulting procedures related to the financial records of the City of Santa Fe Parking Division for the period January 1, 2005 through December 31, 2012. The objectives of the forensic procedures included the following:

- Determine if the City's Parking Division complied with all relevant policies and procedures of its administrative code;
- Determine if the City's Parking Division has proper internal controls established and in place over the parking citation processing and collections and whether those controls are being followed;
- Test citations issued, collected, outstanding, and disposed of;
- Determine if the City's Parking Division has proper documentation on file to substantiate and support dispositions of parking tickets and the approval thereof; and
- Determine if any irregular transactions exist and the amount of such irregularities, if any.

In particular, while conducting these procedures we considered allegations that citations assessed against the current City Manager, Robert Romero, and the Parking Department Administrative Manager, Jacqueline Lucero, were inappropriately disposed. Our procedures consisted of performing interviews, reviewing rules and policies, obtaining downloads of citation data, identifying transactions of interest and obtaining relevant support. On the basis of this work, we searched for instances where policy had been violated, internal controls appeared weak, and proper documentation was not maintained. We then identified and quantified irregular transactions.

Based on our procedures, we identified 25 citations for which no supporting documentation could be identified to support authorization or appropriateness of adjustments made to citation amounts. The potential loss to the City totals \$2,888.

Conclusion

From January 1, 2005 through December 31, 2012, there were more than 278,000 citations issued. We analyzed those citations to identify citations that had been adjusted, waived, zeroed out, or were issued to a City employee, resulting in testing of 249 citations. Of the citations tested, we determined that twenty-five did not have documentation to support the adjustments made, totaling \$2,888.

Of the twenty-five unsupported adjustments, seven adjustments were made by Jacqueline Lucero on her own citations, two adjustments were made by Accounting on citations assessed against an employee of Parking, and the remaining sixteen were to various individuals that resulted in the following distribution:

Six were voided.

- Joanna M. Ortiz.
- Five citations had no associated patron name.

Two were reduced to warning.

- Ahza G. Kilma
- Jose A. Quintana

Eight were adjusted to zero.

- Robbie Carlisle
- Mildrene J. Cruz
- Matthew Diener
- Herman Grace
- Midia Luevano
- Kathryn A. Johnson
- Amos Romero
- One citation had no associated patron name.

The unsupported citations were distributed by calendar year as presented in the following table:

Year	Number of Citations
2005	
2006	3
2007	
2008	1
2009	3
2010	0
2011	
2012	4
Total	7

Per review of documentation obtained in the course of our engagement, we noted thirteen citations assessed against Mr. Romero since 2005. Of these, we found the following:

- Parking took one citation to Municipal Court on behalf of Mr. Romero, which the Judge dismissed, and the citation was subsequently adjusted to zero in the T2 system by Jacqueline Lucero.
- One citation had been changed to a warning by the officer and was entered into T2 as such.
- Two citations from 2005 totaling \$40, that have yet to be paid.
- Five citations issued from 2006 through 2007 adjusted to zero by Jacqueline Lucero. The citations were issued on Federal Place. As Mr. Romero was a Department Director, he would have been issued an official City Business Permit by the Parking Division. These tickets were issued during working hours, where he would have been permitted to park at any meter with display of the permit.
- Two citations voided and noted as "Officer Error – Valid Permit".
- Two citations were paid. One of which the escalation amount was adjusted off as the payment was received before the escalation date but information was not received timely in Parking.

While performing our procedures, we also identified nine issues in the manner in which financial records are maintained. These are summarized briefly below. Recommendations for correction are provided in the section Detailed Work Performed.

ISSUE #1: Policies do not provide clear guidance on how to treat citations assessed against employees.

ISSUE #2: Transactions are not recorded consistently.

ISSUE #3: Policies and procedures are not in place to detect issues with manually entered citations.

ISSUE #4: Procedures do not ensure that SFPD remits citations to Parking timely.

ISSUE #5: Current policies inappropriately rely on an external entity (Municipal Court) to maintain supporting documentation.

ISSUE #6: Controls are insufficient to detect citations inappropriately flagged as appealed in court.

ISSUE #7: Policies and procedures are insufficient to ensure the citation status is not inappropriately changed.

ISSUE #8: Controls are insufficient to ensure T2 users do not inappropriately adjust citation amounts.

ISSUE #9: Current policies and procedures do not ensure that user access roles are adequately assigned and monitored.

BACKGROUND

In August 2012, the City's Deputy Chief of Police received a letter from the New Mexico State Police stating that SFPD Case #11-003126 discussed allegations of potential wrong-doing involving the City's Parking Division and allegations stating that City officials' parking citations were being dismissed inappropriately by parking personnel. The letter recommended a thorough forensic audit of the internal and administrative processes regarding the issuance, disposition, financial accountability, and overall tracking of parking citations.

Review of the case file obtained from SFPD reveals that the initial case was conducted to investigate reports of theft of cash from on- and off-street parking operations. The conduct and results of that investigation are outside the scope of this report. Of relevance, while investigating the allegations, an anonymous former Parking employee reported to SFPD that members of Parking, specifically Jacqueline Lucero, Parking Division Administrative Manager, routinely dismissed parking citations for herself and the City Manager, Robert Romero. This former employee stated that these allegations had been reported to the Parking Division Director, the City Manager, and a City Councilor. The employee also stated that allegations were investigated by Chief Ray Rael as part of follow-up requested by the City's Human Resources department. In order to avoid issues related to independence, SFPD personnel determined to request a forensic investigation by an outside agency.

The City contracted with Moss Adams LLP (Moss Adams) to perform limited scope forensic consulting procedures of Parking's financial records from January 1, 2005 through December 31, 2012.

OBJECTIVE AND SCOPE

The objective of our forensic consulting procedures was to assist in the evaluation of inappropriate dismissal of parking citations. Specific objectives include the following:

- Determine if the City's Parking Division complied with all relevant policies and procedures of its administrative code;
- Determine if the City's Parking Division has proper internal controls established and in place over the parking citation processing and collections and whether those controls are being followed;

- Test citations issued, collected, outstanding, and disposed of;
- Determine if the City's Parking Division has proper documentation on file to substantiate and support dispositions of parking tickets and the approval thereof; and
- Determine if any irregular transactions exist and the amount of such irregularities, if any.

Work was conducted in three phases, the specifics of which are provided in the section, Detailed Work Performed.

To assist us in our forensic consulting procedures we were provided access to data from the T2 parking system, including citation reports, customer reports, financial histories, and activity histories. We were also provided access to supporting documentation from Parking and the City of Santa Fe Municipal Court (Municipal Court), as available, members of the City Council and employees of the City for interview, and records from the City's Human Resources documenting internal audits relating to SFPD Case #11-003126.

DETAILED WORK PERFORMED

This section describes the procedures performed to accomplish the objectives of the forensic consulting procedures. Over the past seven fiscal years, the Parking Division collected more than \$4 million per year. In order to provide context for results we summarized revenue data for Parking in the following table.

	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Off-Street	\$ 2,025,642	\$ 2,098,369	\$ 2,123,743	\$ 2,047,939	\$ 2,195,946	\$ 2,243,180	\$ 2,131,835
On-Street	1,486,246	1,377,955	1,458,382	1,470,848	1,420,083	1,318,205	1,558,617
Parking Violations	480,850	497,559	608,362	634,815	724,319	609,608	600,515
Interest Income	92,742	110,835	190,160	84,074	30,512	9,566	3,341
Other Revenue	68,853	105,595	115,141	142,834	137,154	123,680	159,169
Revenue Total	<u>\$ 4,154,333</u>	<u>\$ 4,190,313</u>	<u>\$ 4,495,788</u>	<u>\$ 4,380,510</u>	<u>\$ 4,508,014</u>	<u>\$ 4,304,239</u>	<u>\$ 4,453,477</u>

The following procedures were performed in three phases as specified in our engagement letter and Professional Service Agreement.

Phase 1

The purpose of this phase was to assess risks in the Parking Division's citation processing and collections.

1. **Conduct interviews of those individuals deemed to have relevant knowledge of the control processes over parking citation processing and collections. This may include but not be limited to Parking Division employees, management, City Counselors, City Judge, City Manager, and City Attorneys.**

We interviewed eleven individuals. We found employees were hesitant to disclose information in fear of retaliation. The results were mixed as several interviewees

confirmed knowledge of alleged wrong-doing while other interviewees asserted that to the best of their knowledge, the allegations were false. Results of interviews were sufficient for us to conclude that the allegations had some merit.

2. Obtain and review administrative rules, policies and procedures, and other guidance as deemed applicable to the parking citation processing and collections.

We obtained the "City of Santa Fe Uniform Traffic Ordinance, 2011 Compilation (UTC)," adopted June 29, 2011 by Ordinance Number 2011-23, effective date July 27, 2011. We noted that the UTC consists of the 2010 Compilation of the New Mexico Uniform Traffic Ordinance including a statutory changes enacted by the Legislature through July 2010 as well as all specific amendments to the prior 2003 Compilation made by the Governing Body of the City of Santa Fe. The basis for the compilation is the 1978 New Mexico Statutes Annotated or amended since 1979. Relevant sections are summarized below.

Section 12-12-9, paragraph D states that upon filing of a citation in the municipal court the citation may be disposed of only by trial in the Court or by other official action by a judge.

Section 12-12-9, paragraph G states that it is a misdemeanor and official misconduct for any officer, public official, or employee to dispose of a uniform traffic citation except as provided under the UTC.

Section 12-12-10, paragraph A states that any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in the UTC is guilty of a misdemeanor.

Section 12-12-20, paragraph B(2), which deals with the boot program, defines a parking citation as a written notice of a parking violation placed in an envelope affixed to the windshield of a vehicle by a City of Santa Fe parking enforcement officer, or police officer, or other person authorized by the City of Santa Fe.

Section 12-12-20, paragraph B(3), which deals with the boot program, defines a municipal parking lot fee notice as a written notice affixed to the windshield of the vehicle by a City of Santa Fe parking enforcement officer, parking attendant, or police officer or other person authorized by the City of Santa Fe for failure to pay the mandatory parking fees.

We obtained the "City of Santa Fe Parking Division Administrative Manual" (Administrative Manual), effective date March 2012.

The Administrative Manual specifies that because parking citations are considered petty misdemeanors, all appeal requests must be heard by the Municipal Court Judge. No employee of the Parking Division has the authority to adjust the balance of a parking citation, fee notice, or penalty assessment. Parking Division personnel may assist customers in the preparation and collection of appeal documentation for submittal to the Municipal Court Judge.

The Administrative Manual also specifies that the Parking Division has instituted a policy by which first-time violators or appealers can submit their appeal request documentation to the Municipal Court through the Parking Accounting section. This may only be done if the following conditions exist.

- The customer does not have any other outstanding parking citations, fee notices, or penalty assessments.
- Has a valid ADA placard and photo ID.
- Has a valid parking permit.

The Administrative Manual states that accounting staff shall prepare and maintain a record of those parking violations that are appealed to the Municipal Court through the Accounting Office. The Parking Administrative Manager shall gather records from her staff and as she presents the requests for dismissal to the Judge.

According the Administrative Manual, the Municipal Court Judge may become aware of outstanding parking citations from patrons in court due to other violations. The judge may make a ruling at that time on outstanding citation. In this case and in cases where customers appeal directly to the Municipal Court, the Municipal Court staff is responsible for tracking, collecting and reconciling account receivables.

The Administrative Manual states that officer void requests may be submitted by Parking Enforcement Officers which are reviewed and approved by the Enforcement Section Supervisor, the Parking Operations Manager, and the Parking Division Director. Once approved, these requests are submitted to the accounting staff and presented to the Municipal Court Judge for review and approval. Accounting staff are charged with maintaining a record of all officer void requests and their disposition. Accounting staff are responsible for updating the parking management software system to note the citation as "Void" as appropriate.

The Parking Administrative Manager is required under the Administrative Manual to submit a summarized monthly report to the Parking Division Director of all requests for dismissals and appeals presented to the Municipal Judge, including their disposition.

We obtained the "Parking Enforcement Officer Voided Ticket Policy," dated August 31, 1998. This policy specified conditions under which a Parking Enforcement Officer may void a citation. It specifies that for each void, there must be a written explanation as to the purpose of the void, the patron's signature (if the patron is present), the patron's address (if the patron is present), the patron's phone number (if the patron is present), and the signature of the officer voiding the citation.

This policy also states that under authorization of the Municipal Court Judge, the Parking Division may remove the penalty from the parking violations system.

Under this policy, voided citations are to be authorized as described above for the Administrative Manual.

ISSUE #1: Policies do not provide clear guidance on changes to citations assessed against employees of the City of Santa Fe generally and the Parking Division specifically.

RECOMMENDATION: We recommend that Parking revise current policies to provide clear guidance on treating employee citations. At a minimum, policies should specify that employees should never make adjustments on citations against themselves, their family, friends, or supervisors. Policies must also specify procedures to be implemented in order to detect instances of policy violation. In order to be effective, employees must be trained on relevant policies.

3. Obtain an electronic copy of all citation transactions on a year-by-year basis and perform analysis on all transactions to identify potential irregular transactions warranting additional review.

We submitted requests for data from the T2 system for the period from January 1, 2005 to December 31, 2012 to the City's IT Department on February 22, 2013. Per discussion of the request with representatives of IT, the T2 system is maintained by the software vendor. Therefore, it was necessary for the Parking Division Director to make a formal request to T2 to obtain this data. We received this data from the IT Department on March 20, 2013.

Upon obtaining the data, we imported the files into Audit Command Language (ACL) and noted 278,949 citations. We noted that the field, "CON_UID" represented a unique identifier assigned by T2 for each citation. Per discussions with T2 mediated by IT, City personnel do not have the ability to delete citations from the system, although they may perform changes to citations depending on their level of access in the system.

We ran an analysis in ACL to identify duplicates in the CON_UID field. We noted no duplicates, consistent with this field being a unique identifier.

We ran an analysis in ACL to determine the presence of gaps in the sequence of the CON_UID field and noted a series of 964 gaps in sequence. In some instances, the number of items missing was relatively small, i.e., less than 10 records. In other instances, the number of records missing was very large. We discussed this issue with the Parking Division Director who agreed to give us a report from T2. Using ACL, we compared CON_UID numbers from the data provided directly by T2 to the data provided by the Parking Division Director. We noted no instances where T2 data was not present in the Parking Department data.

We performed an analysis of gaps in the Citation_UID data (the equivalent of the CON_UID field) and noted a series of 90 gaps in sequence. We discussed this issue with the Parking Division Director who noted that live queries of these Citation_UID numbers revealed citations in T2. We randomly selected 45 of these citations for further analysis in Phase 2.

We noted that data fields provided by the T2 vendor included more fields than those provided by the Parking Division Director. Specifically, the T2 vendor data included fields for base fine amounts, escalation amount, amount paid, amount adjusted, and amount waived. Data provided by the Parking Division Director provided only fields for

the amount due. The UID field was common to both downloads, as were citation number and license plate number allowing direct comparison.

As the data provided by the vendor and the Parking Division Director represented the best data we could obtain, we used both sets of data in performing the forensic consulting procedures.

We determined to analyze the T2 vendor data further to identify irregularities. We selected all citations for which amounts due were recorded as zero and for which paid amounts also equaled zero as these represented greater risk for inappropriate activity. This represented a population of 91,914 records. For these citations, we noted the following anomalies (190 citations had a portion in the adjustment and waived fields).

- We noted 74,345 citations for which an amount appeared in the adjustments field.
- We noted 2,513 citations for which an amount appeared in the waived field.
- We noted 15,246 citations for which the no amounts appeared in the adjustments or waived fields.

We also obtained a report from the IT department listing users with access to the T2 system. *From this listing, we prepared a listing of persons of interest. To this listing, we added Robert Romero and Jacqueline Atencio¹.* During our walkthroughs, we noted that all citations entered into the T2 system must have an associated license plate number but the patron's name is not required. Therefore, using ACL, we joined our listing of names for persons of interest to the T2 vendor data in order to identify license plates associated with persons of interest. As we had determined the data provided by Parking Division Director to be more complete, we then joined this listing of license plates with that data and identified 107 citations that warranted further review.

4. Present to the City options for detailed testing of citation transactions.

For citations potentially associated with individuals having access to T2, we recommended performing additional testing to identify which of the citations identified in step #3 were incurred by Parking Division personnel.

For citations demonstrating irregularities, we recommended identifying a random sample of 120 (40 waived, 40 adjusted, 40 not waived/adjusted but zeroed), sufficient to generate a sample to provide a confidence level of 95% consistent with professional standards as outlined by the AICPA.

A listing of 227 citations identified based on our analysis was provided to the Parking Division Director on April 4, 2013. During our procedures we identified an additional 22 citations that warranted review, giving a total sample of 249 citations tested. Along with this listing, we provided 45 unique identifier numbers corresponding to sequence gaps identified in the download provided by the Parking Division Director.

¹ The Administrative Manager name changed during the period under the scope of our investigation.

Phase 2

As noted in the engagement letter, the objective of Phase 2 was to conduct detail testing of citation transactions including citations issued, collected, outstanding and disposed of.

- 5. Obtain the underlying supporting documentation to substantiate and support the disposition and approval of the transaction.**

Gaps

We obtained T2 citation reports from Parking personnel for all 45 unique identifiers corresponding to gaps. Based on our analysis of these reports, we noted that all 45 items showed issue dates prior to January 1, 2005. During the course of our walkthroughs, both IT and Parking personnel informed us that during the major upgrade of the T2 system in December 2011, all unpaid citations as well as four years of historical data, and certain other citations were imported into the active database. We conclude that gaps in the sequence of unique identifiers in the download provided by the Parking Division Director relate to citations imported during the upgrade with issue dates outside the scope of this engagement.

Citations

We sat with the Administrative Assistant to the Parking Division Director and accessed records from the City of Santa Fe and the New Mexico Motor Vehicle Division to identify license plate numbers belonging to Parking personnel. We also obtained additional information through the course of our walkthroughs and interviews, and identified citations belonging to either Jacqueline Lucero or Robert Romero that were not identified in our initial analysis. The result was 67 citations identified as assessed against individuals employed by the City of Santa Fe, including thirteen against Robert Romero and seventeen against Jacqueline Lucero. For one citation we noted insufficient data to determine if the individual was associated with Parking. We retained this citation for a total of 68 citations detail tested on the basis of their relation to employees of the City of Santa Fe. In only one case did we note a citation associated with an employee of the City of Santa Fe, Robert Romero, identified as part of our sample of irregular transactions.

Through interviews, we identified one citation belonging to the City Manager's former spouse. As evidence supported that this citation was paid in full, we did not perform any additional testing.

For each citation we obtained the T2 Citation Report from Parking personnel to document the citation amounts and status. We also obtained the T2 Financial History report to document changes to amounts and the T2 Activity report to document changes made to the citation.

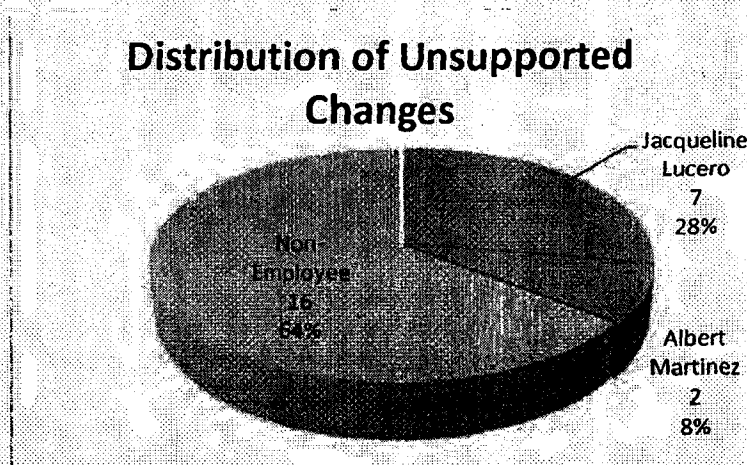
For those instances where the citations were adjusted, waived, transferred or otherwise disposed, we requested documentation to support changes recorded into the T2 system.

Through the course of this engagement, we noted that following the T2 system upgrade in December 2011, Parking's policy had been to change the status of citations appealed in court as "Transfer." Prior to this time, citations were either manually adjusted or manually waived. For citations for which records suggest the patron appealed in court, we attempted to obtain evidence from the Municipal Court to support the status change.

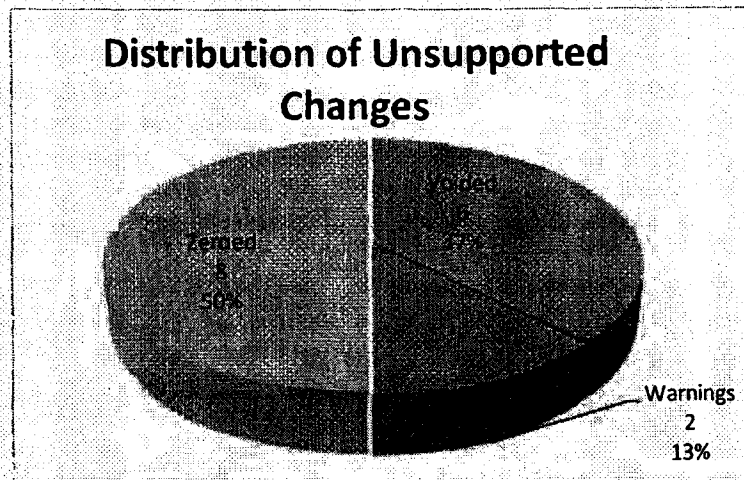
6. Identify instances where policies and procedures were not followed.

We noted no instances where evidence documented that policy was directly violated, e.g., an adjustment that clearly was unauthorized. We identified 25 citations where documentation was unavailable to support the change in the citation's status or amount. We cannot appropriately determine in these cases whether policy was violated.

Of the ten citations assessed against Jacqueline Lucero, which were not paid in full, seven are unsupported by documentation. Of these, all seven appear in the T2 system as adjusted. These are included in the 25 citations listed above. Also included are two other citations assessed against Albert Martinez, Operations Manager. Reports from T2 showed that Jacqueline Lucero adjusted eight of the nine citations assessed against Parking employees to zero, including all seven of the citations assessed against her.



Of the remaining sixteen citations, T2 records indicate six were voided in the T2 system by Accounting personnel, two were changed to warnings, and the remainder were changed to zero.



In instances other than certain status codes (e.g., Void and Warning), the T2 system records changes to the Amount Due by either recording amounts to the Adjusted or Waived fields. During our testing, we noted inconsistencies in how changes for the same type of transaction were recorded.

ISSUE #2: Because inconsistency exists in how transactions are processed, it is difficult to ascertain the nature of a transaction based on how it was recorded.

RECOMMENDATION: Management should adopt specific policies to provide Accounting with clear guidance on how transactions are to be processed. If necessary, management should work with its T2 vendor to make system changes that ensure like transactions are recorded consistently.

7. Identify specific weaknesses in internal control.

We walked through controls over the issuance of citations, voiding citations, appeal of citations by patrons, appeal of citations on behalf of patrons by Parking, application of payments to citations, and IT controls. Internal controls can be classified into three general categories: preventative controls (those designed to keep variances from management objectives from occurring), detective controls (those designed to identify variances from management objective if they occur), and corrective controls (those designed to correct variances once detected). Through our walkthroughs we determined that Parking has some preventative controls in place, including policies and procedures that address segregation of duties in certain areas. However, we found weaknesses in both detective and corrective controls.

ISSUE #3: Police officer tickets, penalty assessments, and fee notices are entered into the T2 system manually, either wholly or in part. We noted no controls to ensure that all information entered is complete and accurate. This leaves these areas prone to misstatement due to fraud or error.

RECOMMENDATION: Management should institute a review of all manually entered citations, including agreeing citation information from the supporting documents to the information recorded in T2. Reviews should be performed timely (e.g., daily or weekly) by an individual who does not have access to enter or edit citations, and should be evidenced by signature or other verifiable means.

We noted several instances where manual tickets written by members of SFPD were paid by patrons before they were sent to Parking by the police. Interviews indicated that police officer tickets are often not remitted timely to the Parking department.

ISSUE #4: It is possible that receivables are not being captured by the Parking system resulting in lost revenue. As police officer tickets are often for high dollar fines such as improper parking in a handicap zone which, with escalation, is a fine of \$1,000 per citation, lost revenue may be significant.

RECOMMENDATION: Parking should work with SFPD and other departments (e.g., IT) to ensure that citations from SFPD are entered into T2 timely.

There is a lengthy chain of authorizations required for a Parking Enforcement Officer to void a citation. However, no controls exist to determine if every citation recorded as Void in T2 obtained all required authorizations.

Per the UTC, only the Municipal Court Judge may dismiss a citation. Per our walkthroughs, Parking relies on the Municipal Court to retain records for any citation appealed by the patron before a Judge. However, Municipal Court only records cases where the citation is upheld in whole or in part. The records it does keep often contain little information to allow agreement between citations and dispositions. Further, best practices dictates that internal controls should exist within the Parking Division and not rely on policies and procedures of external entities unless those external controls are tested to ensure they are appropriately designed and implemented. As a result of our procedures, we identified 22 citations for which supporting documentation could only be provided by Municipal Court, with no documentation available from Parking.

ISSUE #5: Parking's policies and procedures over citations appealed in court rely on an untested external entity to maintain key supporting documentation.

RECOMMENDATION: We recommend that the representative of Parking who attends Municipal Court print out a report, whether manually prepared or created within T2, that lists all citations treated by the Court that day and the resulting disposition. The representative should sign and date the report to indicate that s/he prepared it and s/he should also have a representative of the court do the same to indicate the report is complete and accurate.

During our procedures, we determined that once a patron appeals a citation in court, regardless of the disposition, Parking staff changes the status of that citation to "Transfer" within T2 to indicate that responsibility for collecting any amounts due now belongs to Municipal Court.

ISSUE #6: Policies and procedures as they currently exist are insufficient to ensure that all citations flagged as "Transfer" were actually appealed in court.

RECOMMENDATION: Parking should implement a system where an individual without access to make entries or changes in T2 prepares a report of all citations with a status changed to Transfer. The individual should then trace each of these citations to the supporting documentation (see Issue #5) to ensure the status change was valid. Reviews should be timely and should be evidenced by the initials or signature of the reviewer.

We also identified a number of other instances when a citation status might be changed. For instance, a citation may be changed to a "Warning" by Parking personnel with access to edit the citation. A citation might also be changed to "Appeal" if the individual has requested that the citation be presented in court on their behalf. Other statuses include "Administrative Hold," "Uncollectible" and "Write Off." Per discussion with Parking officials, the Administrative Hold status was used to flag citations intended to be sent to Municipal Court as part of a collection letter program that was never implemented. The Uncollectible and Write Off statuses have never been used.

ISSUE #7: There are no controls to prevent an individual with access to edit citations from changing the status without authorization nor are there controls to detect such a change.

RECOMMENDATION: Parking should either work with their vendor to disable statuses that are not used, or should develop policies and procedures to review status changes on a timely basis. Reviews should be performed timely and by an individual without access to make changes in the T2 system, and should be evidenced by initials or signature of the reviewer.

Our procedures identified a number of instances where Parking may adjust the amount of a citation.

ISSUE #8: We noted no controls to prevent a user with access from adjusting citations without authorization and no controls in place to detect such an adjustment.

RECOMMENDATION: Management should monitor adjustments, e.g., by reviewing T2 reports for all adjustments made. Reviews should be timely, executed by someone without access to enter or adjust citation amounts in T2, and should be evidenced by signature or initials of the reviewer. If reports are used, it is important that the completeness of the report be evaluated.

Administration of user roles is performed by members of the Parking Department who have this level of access.

ISSUE #9: Changes in user roles are not monitored nor is user activity regularly monitored.

RECOMMENDATION: Parking should review changes to user roles to ensure that changes have been properly authorized. More broadly, management should regularly monitor user activity.

8. Identify instances where proper documentation was not maintained.

We noted 25 citations over which Parking was unable to provide support for the changes made. Changes made to the citations fell into the following general categories:

Adjusted: These citations show evidence of having amounts manually changed in the system without indication that the citation was waived or voided. T2 records changes in two separate fields, Adjustment and Waived. As noted elsewhere, similar transactions are recorded differently within T2. Therefore, amounts in these fields may not necessarily document differences in the underlying transaction as much as a variance in the way the transaction was recorded.

Voided: These citations show evidence that they were voided from the system. Specifically, the "Is Void" field in T2 reads "Yes." We noted these transactions appear to be recorded in one of three ways. (1) the Base Amount may be recorded as zero and there are no amounts in the Adjusted or Waived fields. (2) There is an amount recorded in Base Amount but there is an offsetting amount in the Adjustment field. (3) There is an amount recorded to base amount, no amount in any other field, but the Amount Due is zero. (This transaction type, one of seven, results in the variance between the Base Amount and Adjustment fields shown below.)

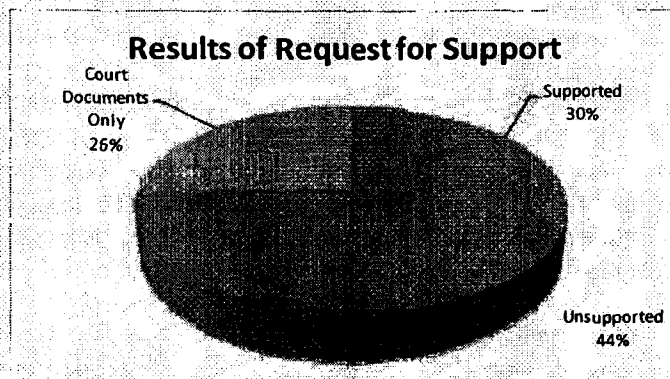
Warning: These citations show evidence that they were changed to a warning. Specifically, the "Is Warning" field in T2 reads "Yes." We noted two such citations with no matching support. For one, we noted amounts in the Base Fine and Escalation fields with an offsetting amount in the waived field. For the other, we noted all fields were recorded as zero.

Citation Type	Number Citations	Base Fine	Escalation ²	Paid	Adjustment	Waived	Amount Due
Adjusted	16	\$ 1,697	\$ 1,091	\$ 16	\$ 154	\$ 2,618	\$ -
Voided	7	68	-	-	58	-	-
Warning	2	16	16	-	-	32	-
Total	25	\$ 1,781	\$ 1,107	\$ 16	\$ 212	\$ 2,650	\$ -

² If a citation remains unpaid after 15 days, the amount due increases. T2 records the initial fine in the "Base Fine" field and the increase in the "Escalation" field.

In addition to the 25 citations for which no support exists for changes in the T2 system, we also noted 22 instances where court documents obtained from Municipal Court supported changes made in the T2 system but for which Parking could not identify records from files maintained by the Division. Under current policy, this is not a violation as Parking relies on Municipal Court to maintain records for all citations appealed in Court (see procedure #7).

The following illustrates the results of our requests for supporting documentation.



As shown in the above graph, of the citations for which additional support was requested, only 30% could be supported internally by Parking.

9. Identify and quantify irregular transactions.

Based on our testwork, we noted 25 unsupported transactions with a potential loss of \$2,888.

Phase 3

The purpose of this phase is to prepare a written report detailing procedures performed and results of those procedures, as well as recommendations for process improvements. Delivery of this report satisfies this portion of Phase 3.


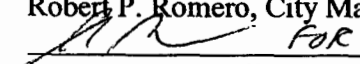
Phase 3 also includes presentation to the City on the results of our efforts. The presentation is scheduled for May 8, 2013.


City of Santa Fe, New Mexico

memo

DATE: April 29, 2013

TO: City Council

VIA: Robert P. Romero, City Manager 
 FOR
Isaac J. Pino, Public Works Department Director

FROM: John Romero, Public Works Department/ Traffic Engineering Division 

SUBJECT: Appeal of Driveway Permit Denial for 341 Magdalena Street

ISSUE

The appellants submitted an application for Permit to Access Public Right-of-way at 341 Magdalena Street. The proposed driveway width is 55'. § 23-3.3.A.1 of City Code states:

The minimum width of curb cuts shall be twelve feet (12') and maximum width shall be twenty-two feet (22').

In light of this section of code, the City's Public Works Department/Traffic Engineering Division denied the permit.

Per §23-3.4 of City Code the applicant is appealing this denial to the City Council. §23-3.4 of City Code states:

In the event any applicant is aggrieved by the refusal of the city to grant any permit, or in the event any owner or occupant is aggrieved by the receipt of the notice of proposed revocation provided for in subsection 23-3.5, the applicant, owner or occupant may, within ten (10) days after denial of the application or receipt of the notice, appeal the decision to the governing body, through the city manager, by filing written notice thereof with the city manager. (Ordained as Code 1973, § 30-21.4 by Ord. #1979-21, § 4; Ord. #1980-38, § 14; SFCC 1981, § 4-13-4)

The attached letter states the reasons for their appeal.

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

N:\Traffic Engineering\Traffic Engineering Section\04-Permits\01-Permits\2012\12-02-04 341 Magdalena Street\CC Appeal 04-29-13.doc

Exhibit "7"

Cline: Curb Cut Appeal

Brent & Jennifer Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 690-4707

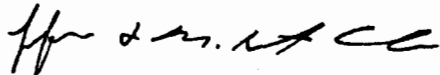
Robert P. Romero
City Manager
200 Lincoln Ave
PO Box 909
Santa Fe, NM 87504-0909
(505) 955-6848

April 19, 2013

Dear Mr. Romero:

On the advice of Isaac Pino, we are requesting your assistance with our ongoing garage project located at 341 Magdalena. Since we last spoke with you, we have received all of the required approvals before submitting for a building permit except for one: the approval from the Public Works Parking Division for a curb cut. We have been unable to meet all of the city requirements concerning curb cuts and required parking spaces given the location of the building on our property and the requirement that we provide a total of four off-street parking spaces (two for each dwelling unit). After consulting separately with Matthew O'Reilly, Isaac Pino, and John Romero, it was recommended that we file an appeal with the City to approve removing the existing curb as shown on the attached drawings (since the Public Works Director explained that he does not have the administrative authority to approve this appeal). We appreciate your assistance in resolving this issue.

Sincerely,

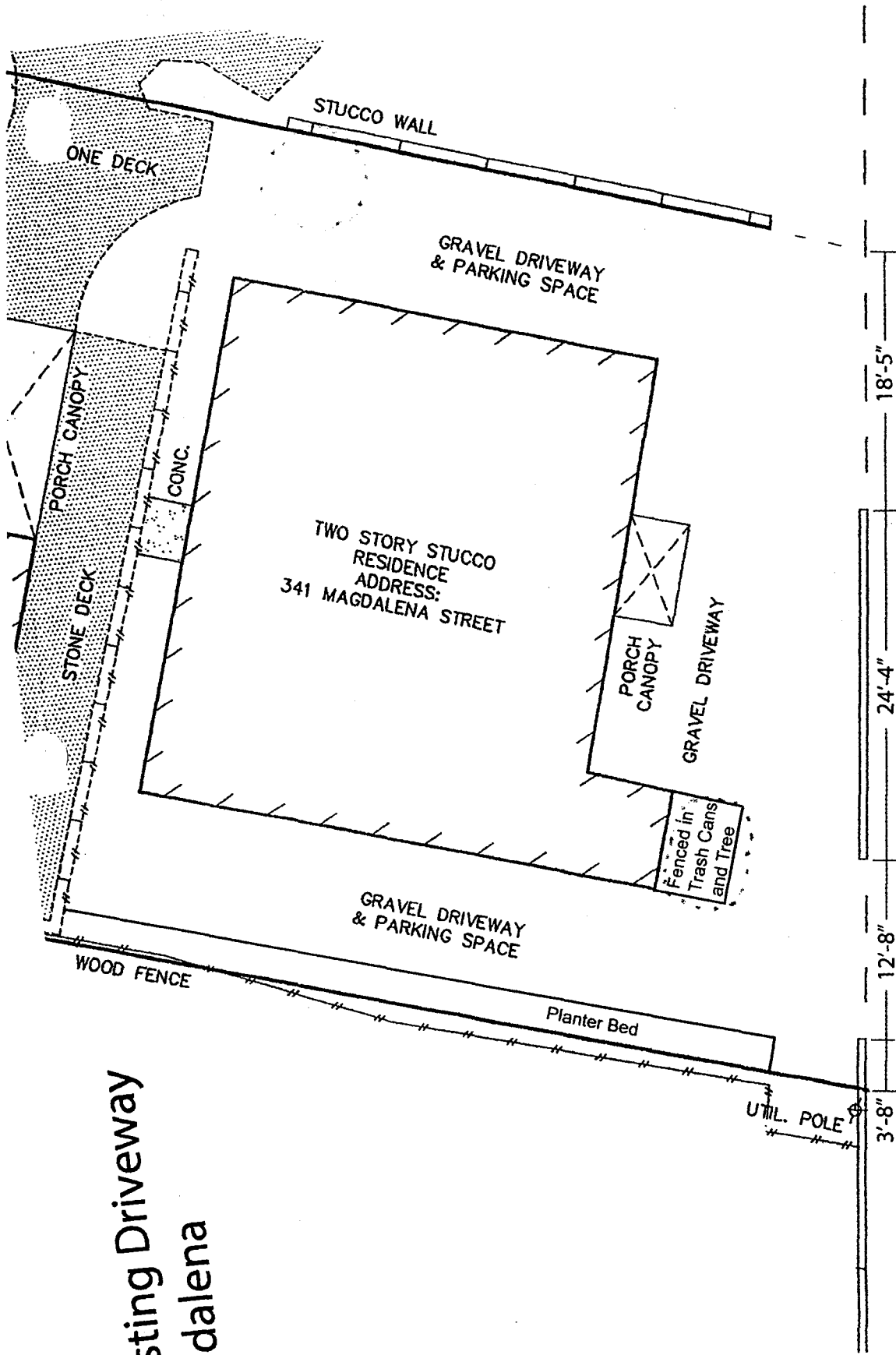


Jennifer & Brent Cline

Attached:

- Existing*
1. Cline ~~Current~~ Driveway – 341 Magdalena Drawing
 2. Cline ~~Existing~~ Driveway – 341 Magdalena Drawing
 3. Cline Garage Proposal – 341 Magdalena Road: East Elevation Plans
 4. Cline: Secondary Dwelling to Garage Modification Letter to Robert Romero, March 6, 2012
 5. 341 Magdalena Driveway Permit Denial Letter, February 23, 2012

Cline Existing Driveway 341 Magdalena

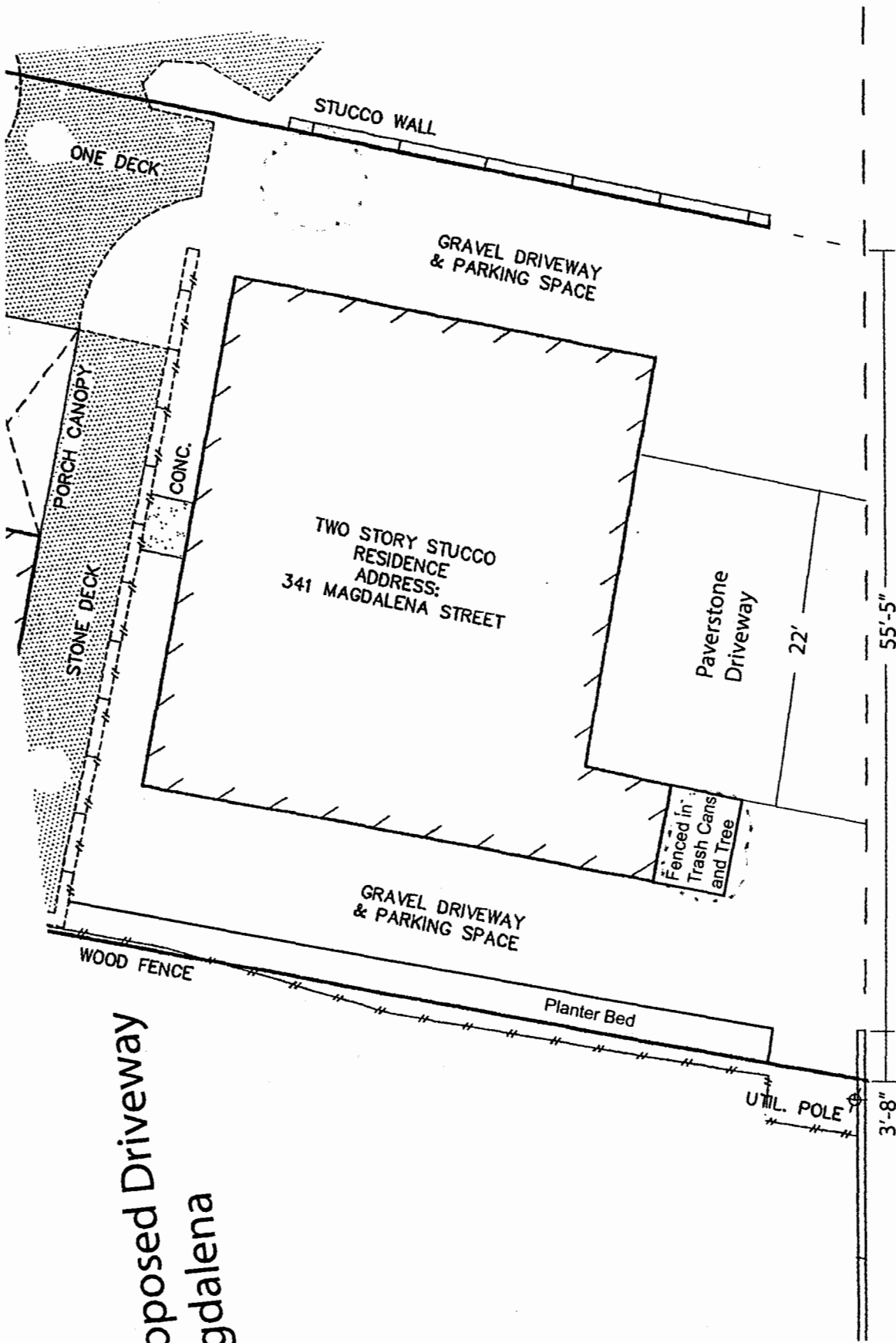


ASPHALT ROADWAY

MAGDALENA STREET

Scale: 1" = 10'

Cline Proposed Driveway 341 Magdalena



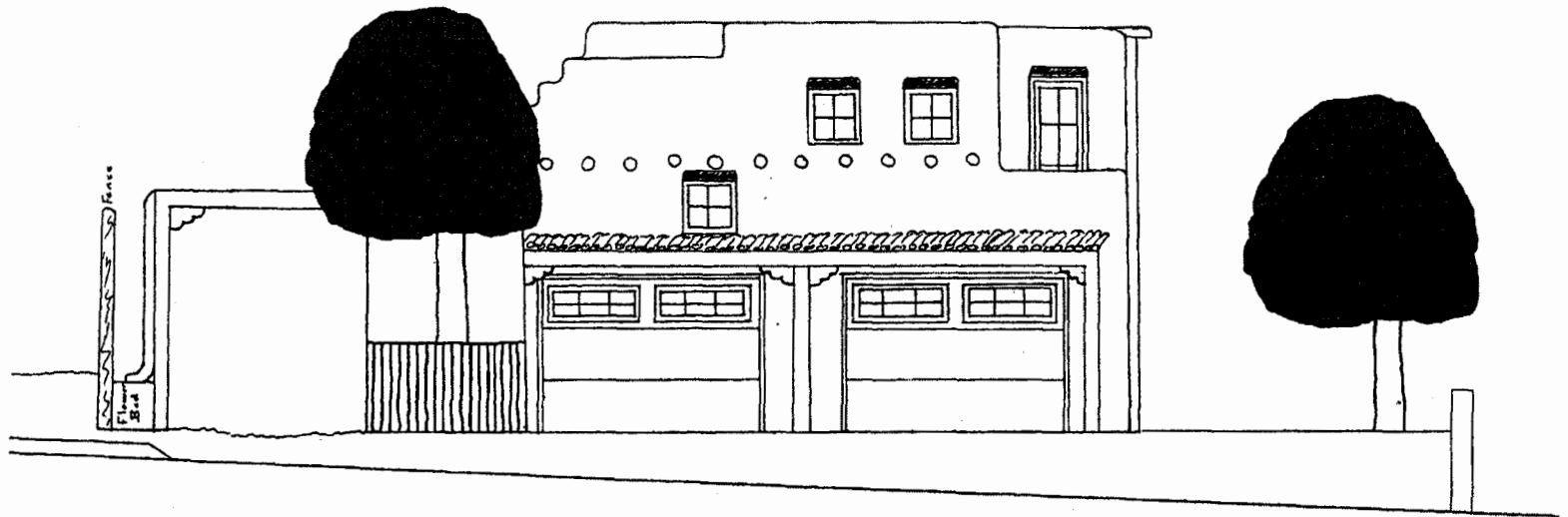
ASPHALT ROADWAY

MAGDALENA STREET

Cline Garage Proposal - 341 Magdalena Road: East Elevation Plans



Existing East Elevation Plan



Proposed East Elevation Plan

0' 1' 2' 4' 8'
Scale: 1/4"

Brent & Jennifer Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 820-3306

Robert P. Romero
City Manager
200 Lincoln Ave
PO Box 909
Santa Fe, NM 87504-0909
(505) 955-6848

March 6, 2012

Dear Mr. Romero:

We are requesting your assistance with a remodel project for our home. Specifically, we need variances from two City Codes as described below.

Our property is located at 325 Bishops Lodge Road with a secondary dwelling on the same lot that is addressed as 341 Magdalena. When this property was purchased more than ten years ago, the secondary dwelling was arranged such that it could function with three one-bedroom, one-bathroom apartments. At the present time, we would like to decrease the number of residential units in this building to one and use the first floor as a two car garage with workshop and storage. Our understanding from discussions with the Land Use Department is that our proposed modification and subsequent reduction of housing units are in keeping with the City's plans for our neighborhood. They have informed us that the City is currently reviewing a plan to change zoning in this area from RM (multiple family residential) to RC8 (residential compound).

We are in the process of submitting a package to the Historic Design Review Board. Below you will find an excerpt from this application package that details the proposed work. We understand that as part of the building permit process, a curb cut will need to be approved by the Publics Work Department. We have submitted an application and have been rejected on two counts:

- 1) Per 23-3.3.A.1 of City Code, "The minimum width of curb cut shall be twelve feet (12') and maximum width shall be twenty-two feet (22')."

In order to have a functional garage and maintain the necessary parking spaces, we need to remove the curb that is currently located between our two existing driveways. Please see the photos below. This curb cut will result in approximately fifty-five feet (55') of curb cut across the Magdalena side of our property.

- If only a 22 foot curb cut were to exist in line with the proposed garage doors and the required 8 inch curbs were place in front of our existing driveways, it would be nearly impossible to access the parking spaces on the north and south sides of the building. These spaces are necessary in order to meet the requirement of two parking spaces per dwelling.
- There are numerous examples of curb cuts in our neighborhood that extend for more than 22 feet. We have included some photographs below.
- It should be noted that this is the back of our lot as the front is in fact facing Bishops Lodge Road.

Cline: Secondary dwelling to garage modification

- 2) Per 14-7.1.A of City Code, TABLE 14-7.1-1, Note 2, "*Additional Regulations*: The off-street parking requirements set forth in 14-8.6 shall be met. Where the dwelling unit has an attached garage door facing the street then the distance between the garage door and the front lot line shall be a minimum of 20 feet."

341 Magdalena is an existing structure. It is set back approximately 8 feet from the lot line and 10 feet from the street. We are only requesting that we be allowed to modify the existing structure for a new use, not to build a new structure. Unfortunately this means that the garage doors will be less than 20 feet from the lot line. There are a number of garages and carports in the neighborhood that are closer to the street than the above code allows for. Please see attached photos.

We are requesting your approval to proceed with this project with variance from the two above stated City Codes.

We respect that this is an historic district and are seeking construction which is consistent with our house and the neighborhood. We also believe that these modification will be a positive addition to the neighborhood and help to decrease parking congestion. Thank you for your consideration.

Sincerely,

Jennifer & Brent Cline

Details of 341 Magdalena Garage and Pergola Proposed Work:

The first part of this project is to convert the two downstairs units in 341 Magdalena into a two car garage. 341 Magdalena is not a contributing building as it was built in 2000. In addition to providing parking for our two vehicles, this will also help relieve parking congestion on Magdalena. The garage doors will have windows and maintain the current look of the property as much as possible. In addition, the current front porch will be extended so that it extends above the two garage doors in order to maintain architectural interest. To accomplish the conversion to a garage, we will need to relocate the exterior stairs to the second floor from the east side of the building to the south side. We understand that we will need to have approval from the neighbor to the south as we will be building within 10 feet of the property line. Moving the stairs will provide enough clearance on the front wall of the building to put in the second garage door. In addition, the new stairwell will be constructed using an open mesh stair tread that will allow for snow to pass through. This modification will greatly enhance safety over the existing spiral staircase.

Additionally, we need to add a pergola on the south side of the building to provide a support system to channel roof runoff water away from the foundation of the guest house. Water is currently eroding the area along the foundation, potentially creating both safety and structural problems, and causing long-term damage. This pergola will allow gutters to be installed to carry runoff into the planting bed that runs along the south side of the property.

Construction of the pergola is to be post and beam using pressure treated wood as the material. It will be stained brown, so as to be consistent with the other woodwork on the house. The posts will be set in concrete for structural soundness. The top of the structure will be open so as to allow as much natural light as possible to get to the first floor windows on the south side of the house. Because of the siting of the building, the pergola will be within two feet of the property line on the south side of building. As noted above, we will need to obtain approval from the neighbors for this encroachment.

Cline: Secondary dwelling to garage modification

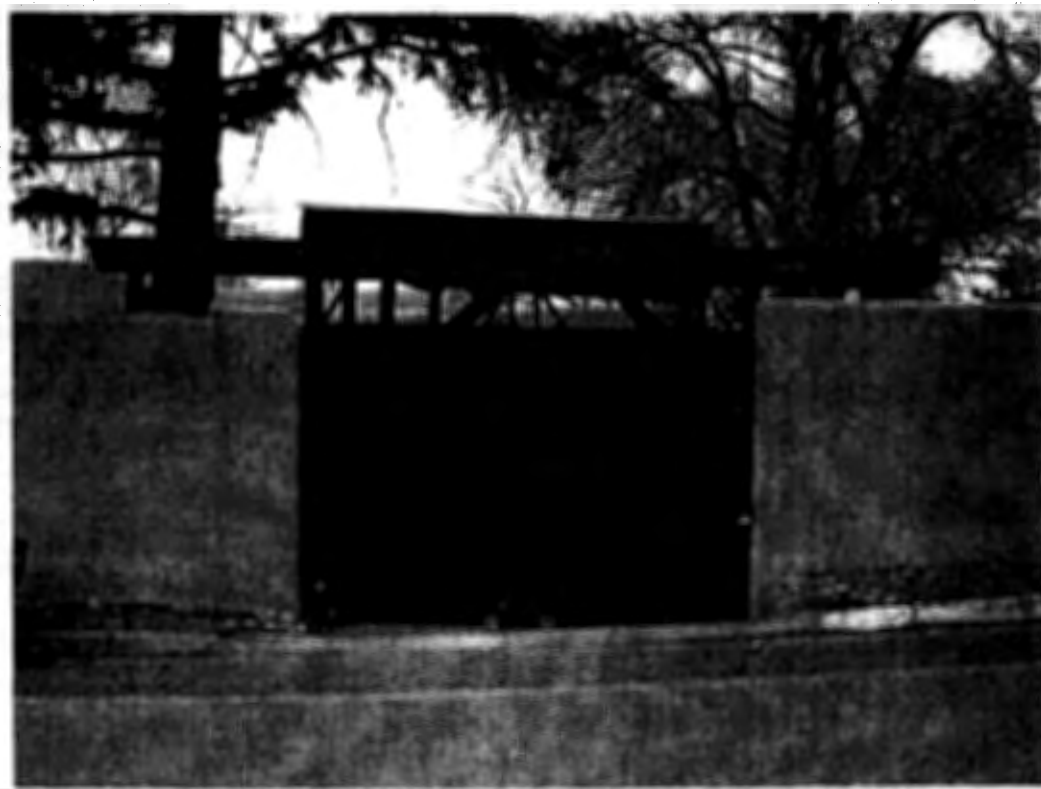
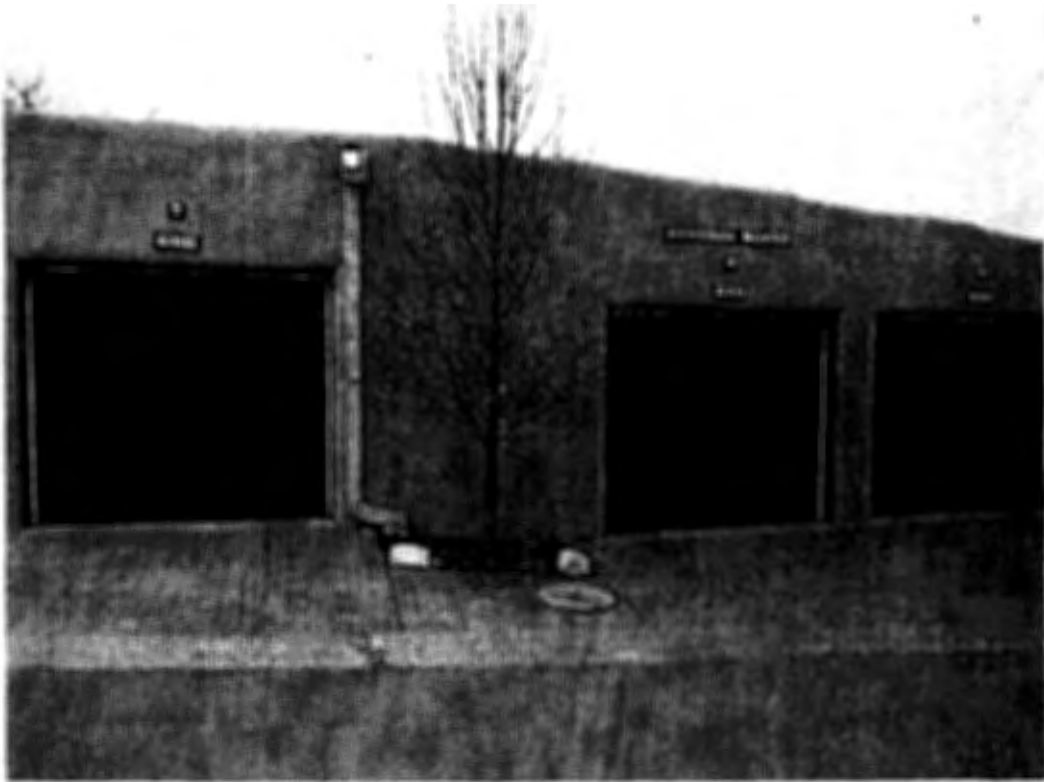
341 Magdalena Garage and Pergola Proposed Work:

341 Magdalena Street View



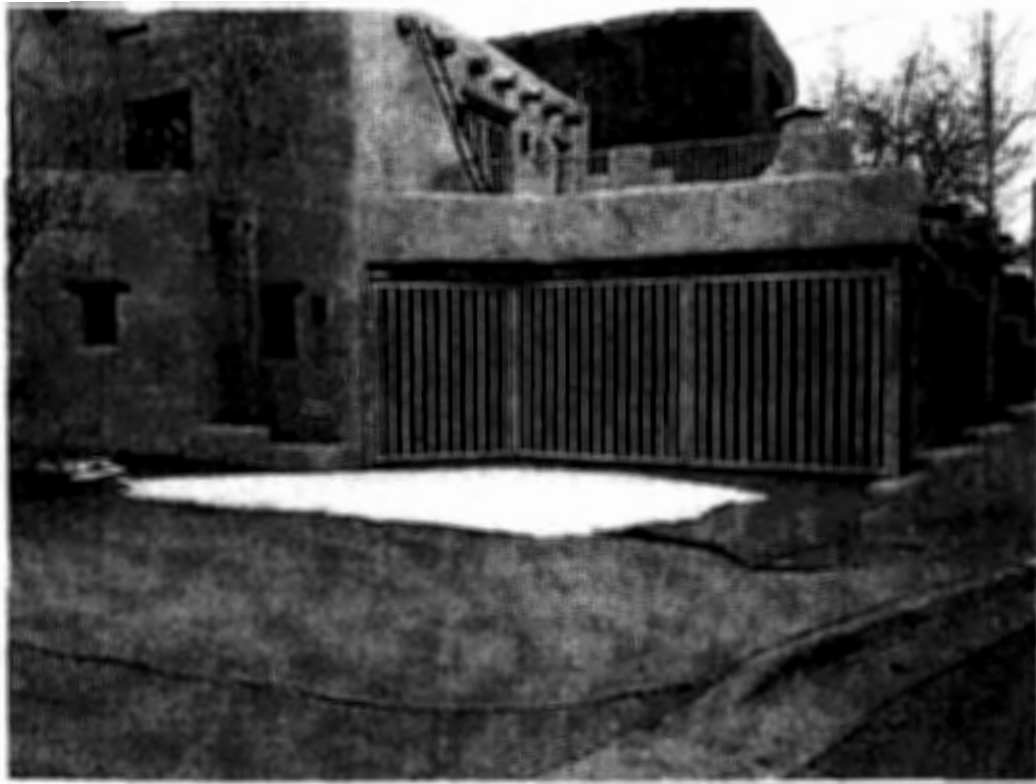
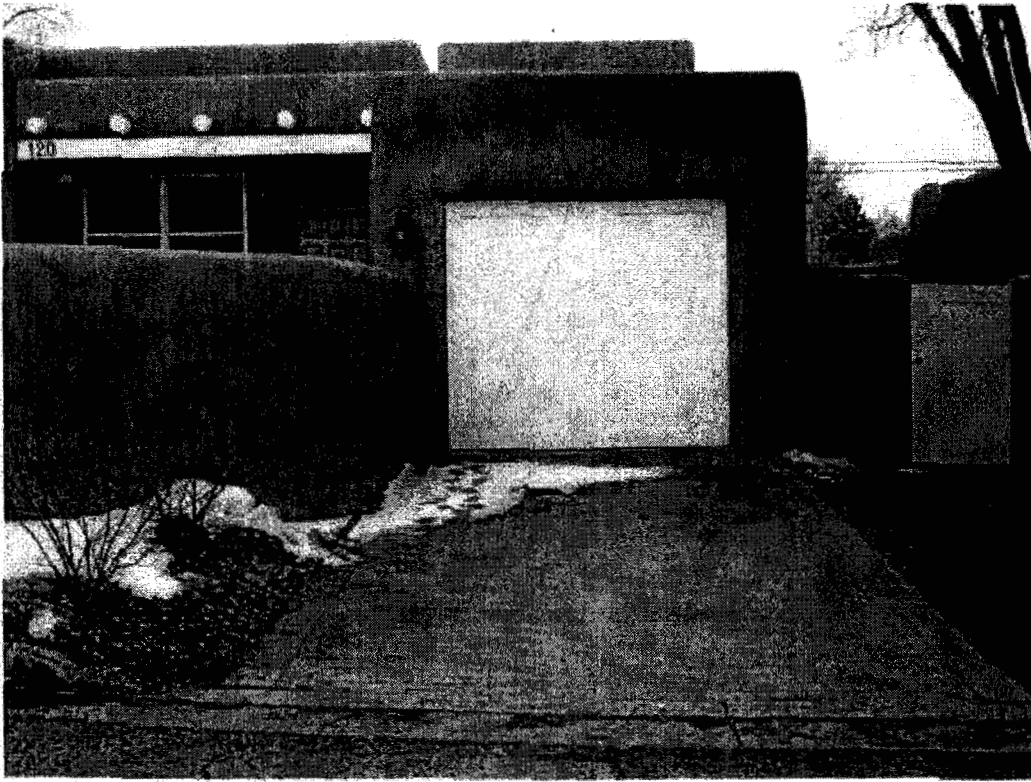
Cline: Secondary dwelling to garage modification

Other Garages and Carports in the Neighborhood



Cline: Secondary dwelling to garage modification

Other Garages and Carports in the Neighborhood, cont.



Cline: Secondary dwelling to garage modification

Other curb cuts that are greater than 22 feet



Cline: Secondary dwelling to garage modification

Other curb cuts that are greater than 22 feet, cont.





City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 3

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

February 23, 2012

Jennifer & Brent Cline.
325 Bishops Lodge Road
Santa Fe, NM 87501

RE: 341 Magdalena Driveway Permit

Dear Mr. & Ms. Cline,

This letter is in reply to the Permit to Access Public Right-of-way application received on February 16, 2012. The permit is denied for the following reasons:

- Per § 23-3.3.A.1 of City Code, "The minimum width of curb cuts shall be twelve feet (12') and maximum width shall be twenty-two feet (22')."
 - Proposal 1 – Removing the existing curb will make the entire curb cut approximately 55', which will exceed the maximum 22' allowed.
 - Proposal 2 – Placing roll-over curb in lieu of a curb cut for the purpose of creating a driveway will effectively create a driveway with an overall width of 55'. The Traffic Engineering Division feels that the intent of the code is to set thresholds for driveway widths. § 23-3.1.A of City Code states "Any landowner desiring to construct a driveway crossing any sidewalk or public right-of-way or desiring to cut a curb for any purpose, shall first make formal application to the department of public works on forms the department will provide." With this in mind the overall driveway width of 55' will exceed the maximum 22' allowed.
- Per § 14-7.1.A of City Code, TABLE 14-7.1-1, Note 2, "Additional Regulations: The off-street parking requirements set forth in § 14-8.6 shall be met. Where the dwelling unit has an attached garage door facing the street then the distance between the garage door and the front lot line shall be a minimum of 20 feet."
 - The 2 proposals submitted will result in access to a garage with approximately 8 feet between the garage door and the front lot line, which does not meet the minimum requirement of 20'.

If you have any questions or need further information, please contact me at 955-6637.

Sincerely,

Robert B. Montoya

Robert B. Montoya
Public Works Department/Traffic Engineering Division

Cc: John Romero, Traffic Engineering Division Director



SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II

ITEM # 14-d

PROPOSED CITY ANNEXATIONS/PHASE I																				
MAINTENANCE DISTRICT #	ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Pave Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Treatment Cost (NMDOT Average Unit Bid Prices)	Drainage Cost	NMDOT Average Unit Bid Total Cost	Contractor Cost City of Santa Fe Recommendation	Drainage Cost	Contractor Cost City of Santa Fe Recommendation Total Cost
	Country Club Estates																			
	Fairy Road		Airport Road SR 284	Dead End	0.28	35	asphalt	Fair	3-Poor	Severe raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$78,133.44	Process Place and Compact with 2" New HMA	\$53,048.41	\$10,000.00	\$63,048.41	\$96,648.29	\$10,000.00	\$106,648.29
	Calle de Venciojo		Fairy Road	Dead End	0.31	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$86,504.88	Process Place and Compact with 2" New HMA	\$58,732.17	\$10,000.00	\$68,732.17	\$107,001.25	\$10,000.00	\$117,001.25
	Calle Zanate		Country Club Rd CR #1	Dead End	0.26	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$72,552.48	Process Place and Compact with 2" New HMA	\$49,259.24	\$10,000.00	\$59,259.24	\$89,742.99	\$10,000.00	\$99,742.99
	Calle Chupa Rosa		Calle Zanate	Calle de Venciojo	0.14	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$39,066.72	Process Place and Compact with 2" New HMA	\$26,524.20	\$10,000.00	\$36,524.20	\$48,323.15	\$10,000.00	\$58,323.15
	Calle Tangara		Calle Zanate	Calle de Venciojo	0.18	35	asphalt	Fair	3-Poor	Moderate raveling, alligator cracking, block cracking over 50% of surface	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	2" HMA Overlay	\$44,647.68	Process Place and Compact with 2" New HMA	\$30,313.38	\$10,000.00	\$40,313.38	\$55,228.45	\$10,000.00	\$65,228.45
	Jimenez Subdivision																			\$0.00
	Morning Drive		Agua Fria	Dead End	0.61	20	asphalt	Fair	2-Very Poor	Severe raveling, patches in bad condition, block cracking over 50% of surface	Severe deterioration, needs reconstruction with extensive base repair. Pulverization of old pavement is effective	Reconstruction with 3" HMA and 6" Basecourse	\$488,273.28	Process Place and Compact with 2" New HMA	\$66,039.86	\$10,000.00	\$76,039.86	\$120,314.77	\$10,000.00	\$130,314.77
	Morning Street		Morning Drive	Dead End	0.03	20	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$316.80	2" Mill and Inlay	\$3,173.94	\$10,000.00	\$13,173.94	\$5,769.28	\$10,000.00	\$15,769.28
	Morning Lane		Morning Drive	Dead End	0.03	20	asphalt	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$316.80	2" Mill and Inlay	\$3,173.94	\$10,000.00	\$13,173.94	\$5,769.28	\$10,000.00	\$15,769.28
	Town and Country Subdivision																			\$0.00
	Camino Jilisco		Richards Avenue	End of Cold Millings	0.25	20	cold millings	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$2,640.00	Process Place and Compact with New Double Penetration Chip Seal	\$15,576.00	\$5,000.00	\$20,576.00	\$40,597.33	\$5,000.00	\$45,597.33
	Calle VeraCruz		Camino Jilisco	Dutango Drive	0.43	20	cold millings	Good	6-Good	Slight raveling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Fog Seal	\$4,540.80	Process Place and Compact with New Double Penetration Chip Seal	\$26,790.72	\$5,000.00	\$31,790.72	\$69,827.41	\$5,000.00	\$74,827.41
	Dutango Drive		Camino Jilisco	Richards Ave	0.33	22	asphalt	Good	7-Good	Longitudinal and transverse cracks less than 1/4"	First Signs of Aging, Maintain with routine Crack Filling	Crack Seal	\$2,640.00	Crack Seal, Fog Seal, repair drop off areas	\$5,667.90	\$5,000.00	\$10,667.90	\$10,000.00	\$5,000.00	\$15,000.00
	Other Roads																			\$0.00
	Country Club Road	81	SR 284 Airport Rd	Private Road	0.34	34	asphalt	Good	8-Very Good	Transverse Crack	Recent sealcoat or new mix. Little or no Maintenance required	Little or No Maintenance Required	\$0.00	Do Nothing	\$0.00		\$0.00			\$0.00
	Geo	81A	SR 284 Airport Rd	Dead End	0.28		asphalt	Fair												\$0.00
	Jimenez Road	81B	CR 66 Agua Fria Rd	SR 284 Airport Rd	0.80	22	asphalt	Fair	5-Fair	Longitudinal and transverse cracks open 1/2" some patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$48,322.56	Address Sub Grade Failed Areas			\$20,000.00	\$50,000.00		\$50,000.00
	Calle Del Oro Grant Road	82	CR 66 Agua Fria	NM 699	0.17	28	asphalt	Poor	5-Fair	Block Cracking less than 50%	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$13,089.06	Address Sub Grade Failed Areas, Crack Seal, Fog Seal			\$10,000.00	\$35,000.00		\$35,000.00

Exhibit "g"

**SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT I**

MAINTENANCE DISTRICT #	ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMIN	TO: ENDING TERMIN	RELEASE LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Pave Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Treatment Cost (NMDOT Average Unit Bid Prices)	Drainage Cost	NMDOT Average Unit Bid Total Cost	Contractor Cost City of Santa Fe Recommendation	Drainage Cost	Contractor Cost City of Santa Fe Recommendation Total Cost
	Agua Fria	66	San Felipe	Camino Juliana	0.50	40	dirt							Place 4" Basecourse	\$34,542.64		\$34,542.64	\$50,688.00		\$50,688.00
	Agua Fria	66	City Limits	Airport Rd	1.58	40	asphalt		5-Fair	Longitudinal and transverse cracks open 1/2" some patching in fair condition	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$173,521.92	Process Place and Compact with 3" New HMA	\$500,965.75		\$500,965.75	\$875,395.84		\$875,395.84
	San Felipe	66	Agua Fria	Airport Rd	0.38	40	asphalt		2-Very Poor	Longitudinal edge cracking, alligator cracking more than 25%, Block Cracking, Severe rutting	Severe deterioration, needs reconstruction with extensive base repair	Reconstruction 3" HMA with 6" Basecourse	\$401,280.00	Process Place and Compact with 3" New HMA	\$120,485.43		\$120,485.43	\$210,538.24		\$210,538.24
																				\$0.00
																				\$0.00
	Rancho de la Luna Subdivision																			
	Florence Road		Mutt Nelson Road	Prince Road	0.19	18.5	dirt							Place 4" Basecourse	\$6,070.87	\$10,000.00	\$16,070.87	\$8,908.42	\$10,000.00	\$18,908.42
	Benton		Mutt Nelson Road	Prince Road	0.19	18.5	dirt							Place 4" Basecourse	\$6,070.87	\$10,000.00	\$16,070.87	\$8,908.42	\$10,000.00	\$18,908.42
	Prince Road		Dead End	Dead End	0.47	18.5	dirt							Place 4" Basecourse	\$15,017.41	\$10,000.00	\$25,017.41	\$22,036.61	\$10,000.00	\$32,036.61
	Chamada Ridge Subdivision																			\$0.00
	North Chaparral		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$1,161.60	Process Place and Compact with New Double Penetration Chip Seal	\$6,853.44	\$10,000.00	\$16,853.44	\$17,862.83	\$10,000.00	\$27,862.83
	Reata Road		W. Frontage Road	Dead End	0.64	22	cold millings	Fair	2-Very Poor	Extensive loss of surface, severe edge distortion, severe potholes and rutting	Severe Deterioration	Fog Seal	\$7,434.24	Process Place and Compact with 3" New HMA	\$111,607.56	\$10,000.00	\$121,607.56	\$196,024.90	\$10,000.00	\$206,024.90
	Chalen Road		Reata Road	Dead End	0.32	22	cold millings	Poor	3-Poor	Manyaveled cracks, severe block cracking, patches and edge deterioration	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$3,717.12	Process Place and Compact with New Double Penetration Chip Seal	\$21,931.01	\$10,000.00	\$31,931.01	\$57,161.05	\$10,000.00	\$67,161.05
	Camino Charro		Reata Road	Dead End	0.22	22	cold millings	Poor	4-Fair	Severe Raveling, alligator cracking, many patches edge loss	Significant aging and first signs of need on strengthening. Would benefit from a structural overlay 2" or more	Fog Seal	\$2,055.52	Process Place and Compact with 3" New HMA	\$38,365.10	\$10,000.00	\$48,365.10	\$67,039.81	\$10,000.00	\$77,039.81
	Calle Prado		Camino Charro	Chalen Road	0.36	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$4,181.76	Process Place and Compact with New Double Penetration Chip Seal	\$24,672.38	\$10,000.00	\$34,672.38	\$64,306.18	\$10,000.00	\$74,306.18
	South Chaparral		Calle Prado	Dead End	0.10	22	cold millings	Poor	3-Poor	Many Patches, edge loss, block cracking	Needs patching and repair prior to major overlay. Milling and removal of deterioration extends the life of the overlay	Fog Seal	\$1,161.60	Process Place and Compact with New Double Penetration Chip Seal	\$6,853.44	\$10,000.00	\$16,853.44	\$17,862.83	\$10,000.00	\$27,862.83
	Chalen Way		Chalen Road	Cottonail	0.05	20	dirt							Place 4" Basecourse	\$1,727.13	\$5,000.00	\$6,727.13	\$2,534.40	\$5,000.00	\$7,534.40
	Other Roads																			\$0.00
																				\$0.00
	Mutt Nelson Road	480	W Frontage Road	Calle Unkild	0.02	22	asphalt	Fair	5-Fair	Raveling, transverse and longitudinal cracks, block cracking in some areas	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$55,570.94	Process Place and Compact with 2" New HMA	\$109,561.20		\$109,561.20	\$199,604.18		\$199,604.18
	Mutt Nelson Road	480	End of Asphalt	Calle Unkild	1.05	22.00	basecourse							4" New Basecourse	\$39,896.75		\$39,896.75	\$58,544.64		\$58,544.64
	South Meadows Road		Agua Fria St	NM 500 Frontage Rd	0.92	22	asphalt	Good	10-Excellent	New Construction	Excellent Condition	No Maintenance Required	\$0.00				\$0.00			\$0.00
					total miles	12.48									\$1,382,526.77		\$1,602,526.77	\$2,599,634.53		\$2,799,634.53
					TOTAL ROADS	12.48														
					total asphalt	8.72														
					total basecourse	0.67														
					total chipseal	0.00														
					total gravel	0.00														
					total dirt	1.34														
					total cold millings	2.42														

County Cost of Maintenance Treatments \$1,531,609.20
City Cost of Maintenance Treatments \$2,780,634.53
Difference \$1,248,825.33

**SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II**

MAINTENANCE DISTRICT #	ROUTE NAME	ROUTE NUMBER	FROM: BEGINNING TERMINI	TO: ENDING TERMINI	MLEAGE LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Pave Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Treatment Cost (NMDOT Average Unit Bid Prices)	Drainage Cost	NMDOT Average Unit Bid Total Cost	Contractor Cost City of Santa Fe Recommendation	Drainage Cost	Contractor Cost City of Santa Fe Recommendation Total Cost
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PROPOSED CITY ANNEXATIONS PHASE III													
MAINTENANCE DISTRICT #	ROUTE NAME	ROUTE NUMBER	BEGINNING TERMINI	ENDING TERMINI	MI/EA LENGTH OF MAINTAINED SECTION	TOTAL ROADWAY WIDTH	SURFACE	Drainage Rating	Pave Pavement Rating	Visible Distress	General Condition/PASER Treatment Measures	Road Maintenance Manager Recommended Treatment Measures	Cost of Maintenance Treatment
Hyde Park Subdivision													
	Camino Lisa		Paseo Primero	Dead End	0.13	16	asphalt	Fair	S-Fair	Transverse cracks open 1/2" or more with secondary cracks Longitudinal cracks open 1/2" or more with secondary cracks, transverse cracks, patches in good condition, edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$2,831.02
	El Paseo		Paseo del Monte	Paseo del Monte	0.32	17	asphalt	Good	S-Fair	Longitudinal and transverse cracks open 1/2" or more, alligator cracking in some areas	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$7,404.20
	La Entrada		SR 475	Paseo Primero	0.06	20	asphalt	Fair	S-Fair	Longitudinal and transverse cracks open 1/2" or more, alligator cracking in some areas	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$2,177.71
	Paseo del Monte		Paseo Primero	Paseo Primero (loop)	0.88	18	asphalt	Good	S-Fair	Longitudinal cracks open 1/2" or more, transverse cracks, edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$21,559.30
	Paseo Iglesias		Paseo del Monte	Paseo del Monte (loop)	0.20	17.5	asphalt	Fair	S-Fair	Longitudinal cracks open 1/2" or more with secondary cracks, transverse cracks, patches in good condition, edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$4,763.73
	Paseo Ponderosa		Paseo del Monte	Paseo del Monte (loop)	0.37	16	asphalt	Fair	S-Fair	Longitudinal cracks open 1/2" or more with secondary cracks, transverse cracks, patches in good condition, edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$8,057.51

**SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT II**

MAINTENANCE DISTRICT II	FROM:	TO:	MILEAGE	TOTAL		Drainage	Paver	Visible Distress	General Condition/PASER	Road	Contractor Cost of	City of Santa Fe	Treatment Cost	Drainage	NMDOT	Contractor Cost	Drainage Cost	Contractor Cost City
ROUTE NAME	NUMBER	BEGINNING	ENDING	LENGTH OF	ROADWAY	SURFACE	Rating		Treatment Measures	Maintenance	Maintenance	Recommendation	(NMDOT Average	Cost	Average Unit	City of Santa Fe		of Santa Fe
		TERMINI	TERMINI	MAINTAINED	WIDTH					Recommended	Treatment		Unit Bid Prices)		Bid Total Cost	Recommendation		Recommendation
				SECTION						Treatment								Total Cost
Paseo Pimero		La Entrada	Private Gate	0.16	16	asphalt	Fair	5-Fair	Longitudinal and transverse cracks open 1/2" or more, patches in good condition, slight ravelling edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$3,266.56						
Paseo Pimero		La Entrada	Paseo del Monte	0.54	23	asphalt	Fair	5-Fair	Longitudinal and transverse cracks open 1/2" or more, patches in fair condition, slight ravelling edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$16,904.45						
Paseo Pimero		Paseo del Monte	Private Drive	0.20	15	asphalt	Fair	5-Fair	Longitudinal and transverse cracks open 1/2" or more, patches in fair condition, slight ravelling edge loss due to erosion in ditch	Surface aging, sound structural condition, needs seal coat or thin non-structural overlay	Chip Seal	\$4,063.20						
OTHER ROADS																		
Silver Rd		.07 Mile North of Agua Fria	W. Alameda St	0.36	22	Asphalt	Good	10-Excellent	No Distress	New Construction	None	NA						
	70B	City Limits	W Alameda (frontage road)	0.02	dirt													
Camino Carlos Reid	70C	Agua Fria Rd (city)	SF River	0.17	24	asphalt	Bad	7-Good	Slight polishing, transverse crack, pothole needs repair	First Signs of Aging, Maintain with routine Crack Filling	Crack Seal	\$1,360.00						
									Transverse and longitudinal cracks open less than 1/2", pavement edge loss	First Signs of Aging, Maintain with routine Crack Filling	Crack Seal	\$4,800.00						
Camino La Tierra	77	NM 599	.14 Mile South Of Wildflower	0.60	27	asphalt	Good	7-Good	Slight ravelling, longitudinal and transverse cracking less than 1/2" wide some cracks sealed	Shows signs of aging, sound structural condition, could extend life with a seal coat	Chip Seal	\$6,652.80						
Paseo Nopal	77C	Paseo de Vieites	NM 599	1.35	24	cold millings	Good	6-Good										
Quint Viena Lane	154	CR 70 W Alameda	Dead End	0.57	21	basecourse												
Minervas Lane	64A	Rodeo Rd	Private Road	0.10	dirt													
Rodeo Lane	64B	Rodeo Rd	Dead End	0.20	dirt													
Buckman Road	77	City Limits (M.P. 1.30)	Paseo Nopal	0.34	26	asphalt	Good	8-Very Good	Slight ravelling, longitudinal paving joint is crack sealed	Recent sealcoat or new mix, little or no Maintenance required	Fog Seal	\$1,815.15						

Total Cost of Maintenance Treatments \$85,675.63

Materials Cost New Santa Fe County Price Agreement	
Basecourse	Tons \$14.85
HMA	\$66.40

NMDOT Average Unit Prices	SQ YD
Process Place and Compact Existing Pavement	\$1.61
Cold Milling 2"	\$1.40
HMA SP-18 Complete (Tons)	\$71.00

Type Of Road	Value Of Road Per Mile based on 20' Wide	Value of Road Per SQ FT
Asphalt	\$185,005.00	\$8.39
Basecourse	\$60,000.00	\$0.76
Millage	\$100,000.00	\$0.95
Dirt	\$0.00	\$0.00

Type of Treatment	Cost of Treatment SQ FT	Cost of Treatment SQ YD
Contractor Fogseal	\$0.10	\$0.90
Contractor Chip Seal	\$0.52	\$4.68
Contractor Double Penetration Chip Seal No Basecourse	\$1.18	\$10.62
Contractor Crackseal	\$0.06	\$0.69
Contractor 2" Overlay	\$1.51	\$13.59
Contractor 3" Overlay	\$2.27	\$20.39
Contractor 4" Basecourse City of Santa Fe Price Agreement	\$0.48	\$4.32

**SANTA FE COUNTY ROADS
MAINTENANCE DISTRICT #**

MAINTENANCE DISTRICT #	ROUTE NUMBER	FROM: BEGINNING POINT	TO: ENDING POINT	MAINTENANCE SECTION	TOTAL ROUTE MILES	SURFACE	Drainage Rating	Power Pole Rating	Variable Database	General Condition/ASPH/PAVED Treatment Materials	Estimated Maintenance Recommended Treatment Materials	Contractor Cost of Maintenance Treatment	City of Santa Fe Recommendation	Treatment Cost (Est. Bid Price)	Drainage Average Bid Total Cost	MAINT Average Bid Total Cost	Contractor Cost City of Santa Fe Recommendation	Drainage Cost Recommendation	Contractor Cost City of Santa Fe Recommendation Total Cost
									Contractor's Total Cost	\$7.56	\$68.22								
									Contractor's Proposed Price and	\$0.36	\$3.22								
									Contractor's Bid	\$0.31	\$2.80								

City of Santa Fe, New Mexico

memo

May 3, 2013

To: City Council

From: Marcos D. Martínez, Assistant City Attorney *MDM*

Via: Geno Zamora, City Attorney *GZ*
Robert P. Romero, City Manager *RR by ygn*

Re: Agreements to Facilitate Annexation

Background

On April 24, 2013 the City Council gave concept approval for several Agreements to Facilitate Annexation. On April 30, 2013, City and County staff discussed proposed changes to the Fire & EMS Agreement. In addition, the Santa Fe Board of County Commissioners (BCC) proposed another Amendment to the phasing agreement.

Discussion

1. Fire & EMS

The First proposed change is to the Fire & EMS Agreement. In that Agreement the City proposed the following language regarding Agua Fria Station 1:

Negotiate a donation, lease, or sale, of Agua Fria Station 1 if the City requests to acquire or use Agua Fria Station 1.

The County has proposed that the above language be modified into the following:

The County will provide the opportunity to the City to jointly or fully occupy the Agua Fria Fire Station as the City expands its fire and emergency medical services pursuant to this Agreement, so long as a mutual aid agreement provides for fire and emergency medical services in the area now served by that Station. The mutual aid agreement shall

Exhibit "9"

provide for disposition of the Agua Fria Station by donation, lease or sale, to the extent permissible by law. Notwithstanding the previous sentences, the City and County agree to work collaboratively and jointly to provide adequate fire facilities for both the incorporated and unincorporated territory to ensure that fire and emergency medical services are adequate, which will be memorialized in a separate mutual aid agreement to be approved by both the County and the City.

City and County staff discussed this change the day of the BCC meeting.

2. Phasing Agreement

The second substantive change would be an amendment to the Annexation Phasing Agreement (Amendment No. 2). The BCC approved this amendment separate from the other agreements and we understand that their intent was to have this considered by the City at the same time the underlying agreements are considered.

The amendment further amends the Annexation Phasing Agreement Amendment No. 1, *so that the parties would now agree that the entirety of Area 1 be annexed during the Phase II annexation.*

As an incentive for this change, the BCC has offered to bring four additional roads to higher standards than currently exist. From the County's perspective, since the County will provide police services for the entirety of Area 1 until 2016, and fire/EMS service for five years and thereafter, this change should be budget-neutral for the City, and the additional road work which is being offered should be a net benefit.

In addition, the entirety of Phase 1 could be subject to City trash collection at the City's election, and, if elected, additional revenue would be gained from that service.

Recommendation

Staff recommends final approval of these Agreements to facilitate annexation and requests direction on Amendment No. 2 to the Phasing Agreement.

**COUNTY OF SANTA FE AND THE CITY OF SANTA FE
MEMORANDUM OF UNDERSTANDING FOR
FIRE PROTECTION AND EMS SERVICE**

The City of Santa Fe (City) and Santa Fe County (County) enter into this Memorandum of Understanding (MOU) for fire protection and EMS service within the Presumptive City Limits, Phase II Annexation (Phase II). This Agreement is effective as of the date of the last signature.

Recitals

1. The City, the County entered into a Settlement and Mutual Release of Claims (Settlement Agreement) on May 19, 2008;
2. The Settlement Agreement provides that the "County shall provide law enforcement and fire protection services to all areas outside of the Presumptive City Limits and to all Areas to be Annexed until annexation;" *Settlement Agreement, 2(r)*.
3. The Settlement Agreement does not "preclude interagency coordination of fire protection and law enforcement as set forth in other agreements or through informal means and the County shall continue to provide fire protection and law enforcement services at levels required by such agreements currently in force." *Settlement Agreement, 2(s)*.
4. The Settlement Agreement also provides that "Supplemental joint service agreements may be negotiated from time to time between the City and County whereby City services may be provided in advance of annexation, on terms agreeable to the parties." *Settlement Agreement, 2(v)*.
5. NMSA 1978, § 5-1-1 permits a municipality or county to contract with other political subdivisions or for the operation of its ambulance service.
6. NMSA 1978, §§ 3-18-6 and 3-18-11 permit a municipality to establish fire zones and adopt regulations for the prevention of fire.

Agreement

1. The County agrees to the following:
 - A. Maintain the current level of fire and EMS service in Phase II of Annexation, areas 2 and 4 for a period of five (5) years following annexation Phase II.

B. Maintain Agua Fria Fire Station 1 as the primary response hub for County Fire career and volunteer response and activities during the transition period.

The County will provide the opportunity to the City to jointly or fully occupy the Agua Fria Fire Station as the City expands its fire and emergency medical services pursuant to this Agreement, so long as a mutual aid agreement provides for fire and emergency medical services in the area now served by that Station. The mutual aid agreement shall provide for disposition of the Agua Fria Station by donation, lease or sale, to the extent permissible by law. Notwithstanding the previous sentences, the City and County agree to work collaboratively and jointly to provide adequate fire facilities for both the incorporated and unincorporated territory to ensure that fire and emergency medical services are adequate, which will be memorialized in a separate mutual aid agreement to be approved by both the County and the City.

C. Continue to perform under the current JPA regarding fire and EMS response during and after the transition period unless a subsequent agreement is negotiated and approved.

D. Have the ability to decrease daily staffing at Agua Fria Station 1 during the transition period as the City incorporates new fire department resources into the area provided that the decrease does not diminish the current level of service.

E. Retain the option to relocate all County career staff following the transition period.

F. Maintain the current level of fire and EMS service in Phase III until such time as the annexation of Phase III is complete.

G. Continue to provide fire and EMS service in Area 1 North of Alameda even after annexation through implementation of a mutual aid agreement.

2. The City Agrees to:

A. Assume Fire Protection service in Phase II of Annexation Areas 5 and 7.

B. Maintain the current level of fire and EMS service in Area 18 for five (5) years following annexation Phase II.

C. Provide plan and development review, fire code enforcement, and fire investigation services in all areas of Phase II and Phase III of Annexation for the 5 years following phase II of annexation.

D. Work cooperatively with the County to integrate new City fire department resources into the area.

E. Share training resources as requested and available and participate in joint fire department trainings with Santa Fe County during the transition period.

F. Continue to abide by the current JPA regarding fire and EMS response during and after the transition period unless a subsequent agreement is negotiated and approved.

3. Appropriations

This Agreement is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

4. Amendment

The parties may amend this Agreement by mutual written agreement.

5. New Mexico Tort Claims Act

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Neither the City nor the County waive any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

6. Dispute Resolution

In the event of any dispute between the parties regarding the enforcement or interpretation of this Agreement, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for equally by the parties.

7. Scope of the Agreement

This Agreement supersedes all of the agreements and understandings between the parties concerning law enforcement services following Phase II of Annexation.

8. Applicable Law.

This Agreement shall be governed by the laws of the State of New Mexico.

9. Liability.

Each party to this Agreement shall be solely liable for the defense and satisfaction of any claim, including costs and attorney's fees, against that party's officer, government, or employees and agents that arises from conduct of the officer when acting pursuant to this Agreement.

10. Insurance.

Each party agrees to provide law enforcement liability insurance (or a policy of self-insurance) with policy limits adequate to protect the party from and against any and all claims, demands, suits, defense costs, judgments, liability or consequential damages of any kind or nature, caused by any act, omission, fault, mistake or negligence of the an officer employed by the party, the party, and its employees, officials, and agents in connection with the law enforcement activities that are the subject of this Agreement, or in connection with the performance or failure to perform under the terms and conditions of this Agreement. Neither party will be obligated to insure the other party or to provide a defense or indemnity in the event of a claim, suit or demand related in any way to the activities specified in this Agreement.

11. Signatures.

This Agreement shall be effective as of the date of the final signature.

For the City:

David Coss, Mayor
City of Santa Fe

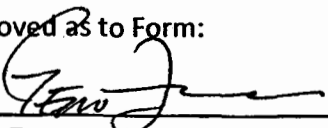
Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:



Geno Zamora, City Attorney

5/3/13
Date

Marcos Tapia, Finance Director

Date

For the County:

Kathy Holian, Chair, Board of Santa Fe
County Commissioners

Date

Approved as to Form:

Stephen C. Ross, Santa Fe County Attorney

Date

Attest:

Geraldine Salazar, Santa Fe County Clerk

Date

Teresa Martinez, County Finance Director

Date

**AGREEMENT REGARDING WATER, WASTEWATER
AND SOLID WASTE REQUIRED BY
THE SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2013, by and between the **Board of County Commissioners of Santa Fe County**, a political subdivision of the State of New Mexico (hereinafter referred to as "the County") and the **City of Santa Fe**, a municipal corporation organized and existing under the laws of the State of New Mexico (hereinafter referred to as "the City").

WHEREAS, the City and the County entered into a Settlement Agreement and Mutual Release of Claims (hereinafter referred to as "the Settlement Agreement") dated May 19, 2008 to resolve ongoing lawsuits concerning the proposed annexation of Las Soleras and annexation generally;

WHEREAS, the Settlement Agreement established the presumptive city limits for a twenty-year period ("Presumptive City Limits") and the coincident service areas of the City and County utilities;

WHEREAS, the Settlement Agreement at paragraph 2(o) specifies that "City water and wastewater customers outside the Presumptive City Limits will be transferred to the County when the County is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission";

WHEREAS, the Settlement Agreement at paragraph 2(o) also provides that "County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission";

WHEREAS, paragraph 2(o) also provides that the City and County managers shall meet and confer and develop a plan to accomplish these transfers;

WHEREAS, the plan specified in Paragraph 2(o) was to include "provisions for reimbursement of the City and County for the actual value of the infrastructure transferred as established by an appraisal prepared by an appraiser chosen by mutual agreement of the parties";

WHEREAS, paragraph 2(o) 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";

WHEREAS, the parties desire to enter into a written agreement that sets forth how the duties described in paragraph 2(o) of the Settlement Agreement will be accomplished and describes a process of water and wastewater transfers of customers and infrastructure between the City and the County based on the Presumptive City Limits;

WHEREAS, the Settlement Agreement at paragraph 2(q) provides that "the City shall provide municipal services within areas annexed pursuant to this Agreement, including but not limited to solid waste disposal . . .";

WHEREAS, paragraph 2(v) of the Settlement Agreement provides that "[s]upplemental joint service agreements may be negotiated from time to time between the City and County whereby City services may be provided in advance of annexation, on terms agreeable to the parties;"

WHEREAS, the Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County (hereinafter referred to as "the Phasing Agreement"), dated February 10, 2009, has been partially satisfied to the extent that Areas 3, 6, 8, 9 and portions of 10, 11, 13, 15, 16, 17 and the I-25 right-of-way from NM 599 to Old Pecos Trail and that portion of NM 14 from I-25 to the current city limits have been annexed;

WHEREAS, plans for staffing and equipment sufficient to provide solid waste services in the areas designated for annexation must be implemented on July 1, 2013 to ensure a seamless transition; and

WHEREAS, the City desires to provide solid waste services within the Presumptive City July 1, 2013 and the County is presently revising its solid waste ordinance to provide for curbside collection and is willing to facilitate such an arrangement for the benefit of the City; and

WHEREAS, and the parties desire to address the solid waste issue herein, and realign the respective water and sewer infrastructure of the parties to be consistent with the Settlement Agreement and otherwise to set forth herein the respective agreements on these and other points in general furtherance of the goals expressed in the Settlement Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. SOLID WASTE AND REFUSE SERVICE

A. The County shall enact an ordinance that establishes a mandatory system of solid waste collection within the Presumptive City Limits that includes curbside pickup of residential and commercial refuse, curbside pickup of recyclable materials. 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.

B. The ordinance referred to in the previous paragraph shall contain substantially similar conditions of service and provisions concerning penalties and enforcement as those found in the Santa Fe City Code.

C. Once the ordinance referred to in the previous paragraphs is enacted, the County shall delegate to the City responsibility for refuse collection within the Presumptive City Limits. The ordinance and the delegation shall be completed on or about July 1, 2013. The City shall be delegated responsibility to impose its usual and customary charges on solid waste customers within the Presumptive City Limits.

II. WATER AND WASTEWATER SERVICE

A. Pursuant to the Settlement Agreement, water and wastewater services shall be provided by the entity in whose jurisdiction the services are provided. Water and wastewater services within the Presumptive City Limits shall be provided by the City. Water and wastewater services outside of the City and outside of the Presumptive City Limits shall be provided by the County.

B. Water and wastewater services that are not consistent with the previous paragraph shall be made consistent by transferring the system and customers to the other party as specified in this Agreement.

C. The City and the County shall provide detailed information on those portions of their respective systems that are to be transferred to the other party pursuant to this Agreement, including, if available, as-built drawings, GIS-mapped lines, valve and meter locations, meter numbers, location of manholes, water quality data, water compliance documents, and other pertinent information.

D. The City and County managers shall appoint members to a technical transition team comprised of water and wastewater staff of the City and County, who will inventory all of the water and wastewater resources subject to this Agreement, determine the technical issues to be confronted in connection with this Agreement, develop schedules for transfer of assets and responsibilities, and deal with technical issues as they arise. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners.

E. Any infrastructure that is malfunctioning or in disrepair, which has routinely failed water quality compliance testing, or that has suffered from deferred maintenance, shall be repaired and brought into compliance before that infrastructure is transferred to the other party.

F. City water and wastewater customers outside the Presumptive City Limits will be transferred to the County when the County is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Accordingly, upon consent or assignment, water

and wastewater customers not in the City and outside of the Presumptive City Limits, such as those in the Aldea development, IAIA, and the Santa Fe Community College shall become County customers when the County is able to provide water and wastewater service. County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Accordingly, upon consent or assignment, water customers within Area 7 shall become City customers when the City is able to provide service.

G. Annually, the County and the City will review billing information for the transferred area to verify meter accuracy and the extent to which unaccounted-for water passes each master meter.

H. Each party shall share data, information or reports that would be helpful, useful or necessary to achieve the goals and objectives of this Agreement upon request of the other party.

I. Any improvements made by a party to water or wastewater infrastructure originally provided by a real estate developer in connection with a real estate development, and that is not required for continuation of service, may be removed at the party's own expense prior to transfer of the infrastructure to the other party, but the removing party shall give the other party prior notice of the proposed removal through the technical transition team.

J. If, after technical analysis, it is determined by the utility directors of each party that it is technically impossible to serve a customer or group of customers who should be transferred to the other party under the terms of this Agreement without economic hardship, that customer or customers may continue to be served by the other notwithstanding the fact that the customer is outside of the jurisdiction of the party. In such cases, the parties shall document the facts leading to the finding of technical impossibility. In the event that it later becomes technically feasible to serve the customer or customers, the customers shall be transferred to the other party at that time.

K. City Water Infrastructure Transfers to County.

1. City Water customers outside of the Presumptive City Limits shall become County customers when the County is able to provide water and wastewater service. Appendix A to this MOU lists the infrastructure related to specific developments that the City shall be transferring to the County. Each development requires a master-meter between the City and the County, which the City agrees to add to the existing master-meters serving the county under the 2006 Water Resources Agreement.

2. The developments contemplated as part of the City transfers to the County are: 1) Campo Conejo; 2) Turquoise Trail; 3) Aldea; 4) Las Campanas; 5) La Mariposa; 6) La Tierra; 7) La Mirada; 8) Tessera. The City recognizes that more than one meter may be required to serve some of these developments.

3. Billing responsibility for City and County customers transferred to the other party pursuant to this section shall be transferred effective July 1, 2013 and necessary changes to the physical infrastructure (meters, valves, piping) shall be completed expeditiously thereafter.

L. County Water Infrastructure Transfers to City. County water customers within the Presumptive City Limits shall be transferred to the City when the City is able to provide service unless prohibited by a current contract with a customer, decrees of a court, or applicable rulings of the Public Regulation Commission. Appendix B to this MOU lists the infrastructure related to specific developments that the County shall be transferring to the City.

M. City Waste-Water Infrastructure Transfer to the County. City Wastewater customers outside of the Presumptive City Limits shall become County customers when the County is able to provide waste-water service.

N. Any easements or rights-of-way supporting water or wastewater infrastructure shall be transferred to the other party along with the infrastructure; if an easement is needed along a City street or County road, the easement shall be granted by the other party, as appropriate, or a blanket approval may be granted. Should any survey work be needed to identify or locate any infrastructure, real property, infrastructure, necessary easements, access, or other matters, the cost of that survey shall be borne by the party receiving the real property, infrastructure, easement, or access.

II. CUSTOMER INFORMATION, NOTICE

A. The City and the County shall exchange account information about water and wastewater customers being transferred between the parties. Account information shall include the name, address, telephone number, twelve months of account activity (e.g. notes, history, etc.), water meter size, bill item tables, sewer rate calculation, solid waste refuse and recycling rates and level of service, and any other information determined by either party to be relevant. The account information shall include any balances owed by customers and the basis for those balances. An unpaid balance shall not be transferred to the other party, but the parties may cooperate to ensure payment of the unpaid balance through techniques such as withdrawal of service to compel payment.

B. Account information shall be provided to the other party's utility director ninety (90) days prior to date of transfer of each area identified in this agreement to provide a seamless transition of billing and customer service to the customers.

C. Customers whose service will be transferred from one party to another shall receive a notice of the transfer in a utility bill stuffer for two (2) consecutive months prior to the transition. Utility bill stuffers shall provide links to City and County websites for additional information; the City and County websites shall provide detailed information

about the transition, the transfer of customers, this Agreement, changes in the rules of service, and any changes in billing structure.

III. AS-BUILT DRAWINGS AND MAINTENANCE RECORDS

A. Each party shall provide to the other party as-built drawings and maintenance records of all infrastructure transferred as a result of this Agreement ninety (90) days prior to date of transfer of the infrastructure. If a transferring party has digital data regarding the infrastructure, that data shall also be provided. Data to be transferred shall include, but not be limited to, as-built drawings, valve maps detailing location of valves based on known features, GIS shape files and scanned as-built drawings and valve maps in pdf format.

B. Each party shall provide the other party with maintenance records as well as video imaging, televised inspection tapes and DVDs of infrastructure transferred as a result of this Agreement. Maintenance records shall be provided ninety (90) days prior to date of transfer.

V. WATER RIGHTS

A. If 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.

B. If either party assumes a water delivery obligation that the party has met with water rights owned by the party as opposed to water rights supplied by a customer or developer, no water rights shall be transferred to the other party and the party making deliveries subsequent to transfer shall be responsible for providing water rights to support the subsequent deliveries.

C. If water rights that should be transferred to the other party pursuant to paragraph A of this Article VI cannot be transferred, are impractical to transfer, or carry a point of diversion that if transferred to a point of diversion chosen by the other party would result in a loss of the value of the water right, suitable equivalent water rights may be selected and transferred in lieu of water rights that would be transferred pursuant to Paragraph A of this Article V.

D. The technical transition team shall address all technical issues concerning the transfer of water rights, including technical issues about the transfer, the amount to be transferred, the method of transfer, the timeline of transfer, any issues related to the Buckman Direct Diversion project, and any issues arising from paragraph C of this section. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners. This paragraph shall not prevent the parties from choosing to mediate a dispute through a neutral mediator chosen by both the City and County.

VI. SERVICE CONNECTIONS

A. Water Service Connections

1. Each party shall provide the other party with reasonable access to water from the Buckman Direct Diversion through the party's water service infrastructure, utilizing master meters to meter the flow for purposes of billing and accountability. Each party may charge the other party a reasonable fee for wheeling water across its water infrastructure, as established through a cost of service study.

2. The party desiring a service connection shall be fully responsible for design and construction of any facilities necessary to take delivery of water at the delivery point, and such facilities shall be constructed in accordance with standards established by the other party.

3. The party requesting a service connection shall define a water budget and provide a demand scenario for a ten year period for each service connection and master meter. The water budgets and demand scenarios will provide information to the party to permit efficient water system operations. .

4. The technical transition team shall address all technical issues concerning service connections and master meters, including those referred to in section II, paragraphs k and l. Any issues which cannot be resolved by the technical transition team shall be resolved by the city and county managers and, as appropriate, by the City Council and the Board of County Commissioners.

B. Wastewater Service Connections

1. The City may provide the County with access to its wastewater collection and treatment system to ensure that customers are served through a wastewater treatment plant rather than being served by septic systems or small wastewater treatment facilities.

2. Each party shall pay a collection and treatment charge for use of the other party's wastewater collection and treatment system in accordance with the usual and customary rates established through a cost of service study.

3. Each party requesting access to the other party's wastewater collection and treatment system shall pay all costs of connecting to the wastewater collection system and shall make all connections in accordance with the standards established by the party.

4. All wastewater service connections must comply with all relevant rules, regulations and practices of the party into whose system a wastewater service connection is being established. The party establishing a wastewater service connection

shall be responsible for all engineering, design, and construction costs related to such connection.

C. Records. Each party shall maintain records of all water and/or wastewater collection system customers who receive service from the party as a result of this Agreement, and shall provide the other party with copies of such those records when requested, during reasonable business hours and with reasonable notice. The records shall at a minimum contain customer location, customer class, connection size, industrial pretreatment compliance records and water meter readings.

D. Metered Water Use. Individual water consumption of each customer discharging wastewater through the system of the other party to this Agreement shall be metered to facilitate a determination of the usage of the wastewater system and to facilitate billing and system management.

VII. CONSISTENCY WITH SETTLEMENT AGREEMENT, INTERPRETATION, AND ADDITIONAL PROVISIONS

A. All questions concerning interpretation of this Agreement shall be consistent with the goals, objectives, and express language of the Settlement Agreement and Mutual Release of Claims, dated May 19, 2008.

B. Term. This Agreement shall terminate upon the transfer of all of the infrastructure described in the Exhibits, unless terminated earlier pursuant to Article 5. This Agreement may be extended by the mutual written agreement of the parties.

C. Third Party Beneficiaries. This Agreement does not create any third party beneficiaries.

D. Appropriations. This Agreement is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

E. Amendment. The parties may amend this Agreement by mutual written amendment.

F. Conflict of Interest. No elected official, officer, employee or agent of the City or County shall have any personal financial interest in this Agreement unless such financial interest is disclosed in advance to the City and County and neither party objects to that person's involvement in the Agreement. Neither party shall employ, in the performance of this Agreement, a person having a conflict of interest. This paragraph shall not unreasonably impede the parties desire to provide maximum opportunity for employment of local residents.

G. New Mexico Tort Claims Act. By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or

omissions in connection with this Agreement. Neither the City nor the County waives any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

H. Dispute Resolution. In the event of any dispute between the parties regarding the enforcement or interpretation of this Agreement, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for by the parties.

I. Applicable Law. This Agreement shall be governed by the laws of the State of New Mexico.

J. Jurisdiction over water facilities. This agreement does not affect the City's jurisdiction over the City's water facilities as specified in NMSA 1978, Section 3-27-3, on City-owned or leased property outside of the City limits.

IN WITNESS WHEREOF, the parties have executed this Amendment to Agreement as of the date first written above.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

By _____
Kathleen S. Holian, Chair

Date

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Date

APPROVED AS TO FORM:

Stephen C. Ross
Santa Fe County Attorney

Date

CITY OF SANTA FE:

David Coss, Mayor
City Manager

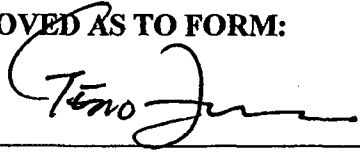
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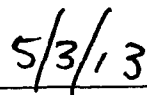
Yolanda Y. Vigil, City Clerk

Date

APPROVED AS TO FORM:



Geno Zamora,
Santa Fe City Attorney



Date

APPROVED:

City of Santa Fe Finance Director

Date

**COUNTY OF SANTA FE AND THE CITY OF SANTA FE
MUTUAL AID AGREEMENT FOR
LAW ENFORCEMENT SERVICES**

The City of Santa Fe (City) and Santa Fe County (County) enter into this Mutual Aid Agreement (Agreement) for law enforcement services within the Presumptive City Limits, Phase II Annexation (Phase II). This Agreement is effective as of the date of the last signature.

Recitals

1. The City, the County entered into a Settlement and Mutual Release of Claims (Settlement Agreement) on May 19, 2008;
2. The Settlement Agreement provides that the "County shall provide law enforcement and fire protection services to all areas outside of the Presumptive City Limits and to all Areas to be Annexed until annexation;" *Settlement Agreement, 2(r)*.
3. The Settlement Agreement also states that "In the area to be annexed that is most densely populated (between Airport Road and Agua Fria Road) and most in need of augmented law enforcement services, the County shall maintain its current level of law enforcement services until annexation and thereafter, by separate Joint Powers Agreement, for a period up to three years following annexation." *Settlement Agreement, 2(r)*.
4. The Settlement Agreement also states that "The City shall immediately upon annexation match that level of law enforcement service provided by the County and over the three year period replace the County law enforcement services." *Settlement Agreement, 2(r)*.
5. The Settlement Agreement does not "preclude interagency coordination of fire protection and law enforcement as set forth in other agreements or through informal means and the County shall continue to provide fire protection and law enforcement services at levels required by such agreements currently in force." *Settlement Agreement, 2(s)*.
6. The Settlement Agreement also provides that "Supplemental joint service agreements may be negotiated from time to time between the City and County whereby City services may be provided in advance of annexation, on terms agreeable to the parties." *Settlement Agreement, 2(v)*.
7. The Mutual Aid Act allows any "state, county or municipal agency having and maintaining peace officers may enter into mutual aid agreements with any public agency as defined in the Mutual Aid Act, with respect to law enforcement, provided any such agreement shall be approved by the agency involved and the governor." NMSA 1978, § 29-8-3.

Agreement

1. City and County Law Enforcement Schedule

The City and the County agree to the following schedule of law enforcement in the Phase II:

A. In the first year following annexation, July 1, 2013 through June 30, 2014, the County shall maintain its current level of law enforcement in Phase II.

B. In the second year following annexation, July 1, 2014 through June 30, 2015, the City will assume law enforcement south of Airport Road in Phase II. The County will maintain responsibility for law enforcement in all other areas of Phase II.

C. In the third year following annexation, July 1, 2015 through June 30 2016, the City will assume law enforcement south of the traditional historic village of Agua Fria in Phase II. The County will maintain responsibility for law enforcement in all other areas of Phase II.

D. From July 1, 2016, the City shall assume and maintain law enforcement throughout Phase II.

E. Immediately following annexation of Phase III, as described by the Phasing Agreement, the City shall assume and maintain law enforcement throughout Phase III.

2. Third Party Beneficiaries

This Agreement does not create any third party beneficiaries.

3. Appropriations

This Agreement is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

4. Amendment

The parties may amend this Agreement by mutual written agreement.

5. New Mexico Tort Claims Act

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Neither the City nor the County waive any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

6. Dispute Resolution

In the event of any dispute between the parties regarding the enforcement or interpretation of this Agreement, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for equally by the parties.

7. Scope of the Agreement

This Agreement supersedes all of the agreements and understandings between the parties concerning law enforcement services following Phase II of Annexation.

8. Applicable Law.

This Agreement shall be governed by the laws of the State of New Mexico.

9. Liability.

Each party to this Agreement shall be solely liable for the defense and satisfaction of any claim, including costs and attorney's fees, against that party's officer, government, or employees and agents that arises from conduct of the officer when acting pursuant to this Agreement.

10. Insurance.

Each party agrees to provide law enforcement liability insurance (or a policy of self-insurance) with policy limits adequate to protect the party from and against any and all claims, demands, suits, defense costs, judgments, liability or consequential damages of any kind or nature, caused by any act, omission, fault, mistake or negligence of the an officer employed by the party, the party, and its employees, officials, and agents in connection with the law enforcement activities that are the subject of this Agreement, or in connection with the performance or failure to perform under the terms and conditions of this Agreement. Neither party will be obligated to insure the other party or to provide a defense or indemnity in the event of a claim, suit or demand related in any way to the activities specified in this Agreement.

11. Signatures.

This Agreement shall be effective as of the date of the final signature.

For the City:

David Coss, Mayor
City of Santa Fe

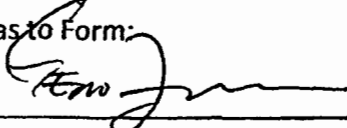
Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:



Geno Zamora, City Attorney

Date

5/3/13

Marcos Tapia, Finance Director

Date

For the County:

Virginia Vigil, Chair, Board of Santa Fe
County Commissioners

Date

Approved as to Form:

Stephen C. Ross, Santa Fe County Attorney

Date

Attest:

Valerie Espinoza, Santa Fe County Clerk

Date

Teresa Martinez, County Finance Director

Date

APPROVED AS TO FORM:

Stephen C. Ross
Santa Fe County Attorney

Date

For the Governor:

Governor of the State of New Mexico

Date

APPROVED AS TO FORM:

General Counsel

Date

**ROADWAY IMPROVEMENTS MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF SANTA FE
AND THE CITY OF SANTA FE**

The City of Santa Fe (City) and Santa Fe County (County) enter into this Memorandum of Understanding (MOU) to address needed capital improvements of certain roadways within the Presumptive City Limit boundaries of Phase II Annexation. This MOU is effective as of the date of the last signature.

Recitals

1. The City, the County, and Las Soleras entered into a Settlement and Mutual Release of Claims (Settlement Agreement) on May 19, 2008;
2. On February 10, 2009 the City and the County entered into an Annexation Phasing Agreement that defined Phase II of Annexation (Phase II).
3. The Settlement Agreement defines certain areas of land to be annexed as the Presumptive City Limits, including Phase II;
4. The Presumptive City Limits contains many roadways that are currently operated and maintained by the County, which will become the maintenance responsibility of the City upon annexation;
5. Certain County-maintained roadways in the Presumptive City Limits are experiencing deferred maintenance that require improvements to bring them up to customary County maintenance standards;
6. The County uses a third-party pavement evaluation system called PASER that rates roadways on a 1-to-10 scale;
7. Customary County maintenance standards have produced a County roadway network with an average PASER rating of 6, which will be the minimal standard when turned over to the City.
8. If these improvements are not made without this MOU, the City would acquire ownership of certain roadways that would require immediate and substantial investment of City funds;
9. Ignoring or delaying needed road maintenance results in costly reconstruction;
10. The Settlement Agreement states it "shall not be construed to require the County to provide significant capital improvements to an existing road or construct a new road within the Areas to be Annexed in the absence of a separate written agreement by and between the City

and County that provides a means for financing the capital improvements" *Settlement Agreement*, p.6 (k); and

11. The MOU confirms the parties' commitment, cooperation, and recognition that partnering activities between governmental entities of similar purposes may produce public benefits beyond what can be produced separately.

Agreement

1. Roadway Improvements.

A. Prior to the City's acceptance of ownership and maintenance responsibility for roads within Phase II of Annexation, the County shall perform the roadway improvement and maintenance activities identified in "Annexation Phase II – Roadways to be Improved and Description of Improvement Activities," attached to this MOU as Exhibit A. Certain road improvements will exceed PASER level 6 for specific surfaced roads, identified in Exhibit A. The County shall determine in consultation with the City, the phasing and scheduling of the improvement activities, with the intent to accomplish all activities as quickly as funding allows.

B. Upon completion of the activities identified in Paragraph A for each individual roadway or roadway segment as listed in Exhibit A, the City and the County shall conduct a joint acceptance inspection.

The City may reject work not meeting the customary roadway and maintenance standards of the County and generate a punchlist annotating the deficiencies. Rejected work shall be redone immediately by the County at the County's expense. Upon acceptance of work by the City, the City and the County shall immediately execute a document that conveys ownership of the accepted roadway(s) or roadway segment(s) from the County to the City.

C. The parties acknowledge that the items of work identified in "Annexation Phase II – Roadways to be Improved and Description of Improvements" are minimal maintenance improvements that do not address structural, operational, capacity, and accessibility deficiencies.

D. The parties agree to make drainage improvements to Alameda Road in Phase II of Annexation. The parties agree to share the costs of such drainage improvements equally.

2. Term

This MOU shall terminate upon annexation of all of the roads in Exhibit A, unless terminated pursuant to Article 5. This MOU may be extended by the mutual written agreement of the parties.

3. Third Party Beneficiaries

This MOU does not create any third party beneficiaries.

4. Appropriations

This MOU is contingent upon sufficient appropriations and authorization being made by the parties. If sufficient appropriations are not granted, this Agreement shall terminate upon written notice.

5. Amendment

The parties may amend this MOU by mutual written agreement.

6. Conflict of Interest

No elected official, officer, employee or agent of the City or County shall have any personal financial interest in this MOU unless such financial interest is disclosed in advance to the City and County and neither party objects to that person's involvement in the MOU. Neither party shall employ, in the performance of this MOU, a person having a conflict of interest. This Article shall not unreasonably impede the parties desire to provide maximum opportunity for employment of local residents.

7. New Mexico Tort Claims Act

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Neither the City nor the County waive any defense or limitation of liability under New Mexico law or the New Mexico Tort Claims Act.

8. Dispute Resolution

In the event of any dispute between the parties regarding the enforcement or interpretation of this MOU, the parties agree to first mediate before a neutral mediator mutually agreed to and paid for by the parties.

9. Scope of the Agreement

This MOU supersedes all of the agreements and understandings between the parties concerning County roads in Phase II of Annexation.

10. Applicable Law.

This MOU shall be governed by the laws of the State of New Mexico.

11. Signatures.

This MOU shall be effective as of the date of the final signature.

For the City:

David Coss, Mayor
City of Santa Fe

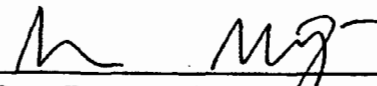
Date

Attest:

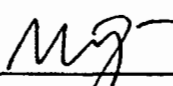
Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:



Geno Zamora, City Attorney



Date 5/3/2013

Marcos Tapia, Finance Director

Date

For the County:

Kathy Holian, Chair, Board of Santa Fe
County Commissioners

Date

Approved as to Form:

Stephen C. Ross, Santa Fe County Attorney

Date

Attest:

Geraldine Salazar, Santa Fe County Clerk

Date

Teresa Martinez, County Finance Director

Date

APPROVED AS TO FORM:

Stephen C. Ross
Santa Fe County Attorney

Date

AMENDMENT NO. 1 TO THE ANNEXATION PHASING AGREEMENT
BETWEEN THE
CITY OF SANTA FE AND SANTA FE COUNTY

This Amendment No. 1 to the Annexation Phasing Agreement is entered by and between the Governing Body of the City of Santa Fe, New Mexico, a home-rule municipality organized under the Laws of the State of New Mexico (hereinafter referred to as "the City"), and the Board of County Commissioners of Santa Fe County, a political subdivision of the State of New Mexico (hereinafter referred to as "the County").

WHEREAS, the City and County entered into the Settlement Agreement and Mutual Release of Claims dated May 19, 2008 (the "Settlement Agreement");

WHEREAS, the Settlement Agreement provided for annexation over a five year period of seventeen areas of land, and the timing of the annexation over the five year period was to be established by subsequent agreement of the parties;

WHEREAS, the Parties entered into the Annexation Phasing Agreement ("the Phasing Agreement") in February of 2009 to establish the timing of annexation;

WHEREAS, since May 2008, the parties hereto have accomplished many items necessary for satisfaction of the Settlement Agreement, but several important items remain, including two additional phases of annexation;

WHEREAS, contemporaneous with this amendment, the parties have approved and executed agreements implementing the water/wastewater items in the Settlement Agreement, including a law enforcement agreement, an agreement concerning fire and emergency services, and an agreement concerning roads within the Areas to be Annexed;

WHEREAS, the process of annexation has taken longer than anticipated, and additional time will be required to complete the items described; and

WHEREAS, the parties therefore desire to set forth herein new target dates for the completion of the various remaining tasks specified in the Settlement Agreement and amend the Phasing Agreement accordingly, and also to provide for release, satisfaction and waiver of items that the parties have agreed should be handled differently than as provided in the Settlement Agreement and the Phasing Agreement.

NOW, THEREFORE, THE PARTIES HERETO AGREE that the Phasing Agreement shall be and hereby is amended as set forth below:

1. Paragraph 3 of the Phasing Agreement shall be deleted in its entirety and replaced with the following paragraph:

"3. PHASE TWO OF ANNEXATION. The City will file a petition or petitions for annexation of Areas, 2, 4, 5, 7, 12, the NM 599 right-of-way between I-25 to the city limits east of Camino La Tierra, and Area 1 between the north right-of-way boundary of West Alameda Street south to the existing City limits, no later than January 1, 2014."

2. Paragraph 4 of the Phasing Agreement shall be deleted in its entirety and replaced with the following paragraph:

"4. PHASE THREE OF ANNEXATION. Except for that portion of Area 1 described in the previous paragraph, annexation of Areas 1, North of Alameda, shall be completed within five years of the execution of this Amendment to the Phasing Agreement. The parties agree that the City shall not Annex area 18."

3. This Amendment No. 1 to the Phasing Agreement shall become effective as of the date of the last signature below.

4. In consideration of additional consideration, including the contemporaneously-signed agreements concerning water, wastewater and solid waste, law enforcement, and fire and emergency services, certain items in the Settlement Agreement will not be performed and those obligations are hereby released, satisfied and waived by the parties hereto. The provisions that are released, satisfied and waived pursuant to this amendment are: (i) the requirement stated in paragraph 2(h) of the Settlement Agreement to annex within Area 1 north of the northern right-of-way boundary to West Alameda (annexation of this area will be completed within five years of execution of the Amendment No. 1 to the Phasing Agreement; (ii) the requirement stated in paragraph 2(h) of the Settlement Agreement to annex Area 18 [(this area will not be annexed)]]; (iii) the requirement stated in paragraph 2(o) of the Settlement Agreement that provides for reimbursement for the actual value of water and wastewater infrastructure transferred by either party to the other; (iv) the requirement stated in paragraph 2(r) of the Settlement Agreement that provides the County will maintain the present level of law enforcement in the Agua Fria Road and Airport Road vicinity for three years after annexation and that the City will immediately match that level and replace County law enforcement within three years, which requirements are handled differently in the contemporaneously-executed law enforcement agreement; and (v) the obligations to annex by dates certain set forth in paragraphs 3 and 4 of the Phasing Agreement. The additional consideration for the release, satisfaction and waiver stated herein includes, but is not limited to, additional work on roads to increase the quality of roads transferred during annexation; additional law enforcement services beyond that which was agreed upon in the Settlement Agreement, additional fire services beyond that which was agreed upon in the Settlement Agreement, forbearance from annexation of Area 1 north of West Alameda and Area 18

for a period of up to five years following execution of this Amendment to Phasing Agreement, and additional consideration in the form of advance provision of solid waste services in the Areas to Be Annexed prior to annexation.

5. Terms and phrases in this amendment and in the underlying Phasing Agreement shall have the same meaning as terms in the Settlement Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of
the date of last signature below.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathleen Holian, Chair Date

ATTEST:

Geraldine Salazar, County Clerk Date

Approved as to form:

Stephen C. Ross, County Attorney Date

THE CITY OF SANTA FE:

David Coss, Mayor
City of Santa Fe

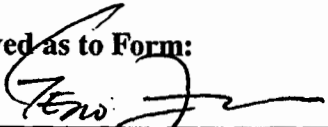
Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:



Geno Zamora, City Attorney

Date

5/3/13

Marcos Tapia, Finance Director

Date

AMENDMENT NO. 2 TO THE ANNEXATION PHASING AGREEMENT
BETWEEN THE
CITY OF SANTA FE AND SANTA FE COUNTY

This Amendment No. 2 to the Annexation Phasing Agreement is entered by and between the Governing Body of the City of Santa Fe, New Mexico, a home-rule municipality organized under the Laws of the State of New Mexico (hereinafter referred to as "the City"), and the Board of County Commissioners of Santa Fe County, a political subdivision of the State of New Mexico (hereinafter referred to as "the County").

WHEREAS, the City and County entered into the Settlement Agreement and Mutual Release of Claims dated May 19, 2008 (the "Settlement Agreement");

WHEREAS, the Settlement Agreement provided for annexation over a five year period of seventeen areas of land, and the timing of the annexation over the five year period was to be established by subsequent agreement of the parties;

WHEREAS, the Parties entered into the Annexation Phasing Agreement ("the Phasing Agreement") in February of 2009 to establish the timing of annexation;

WHEREAS, since May 2008, the parties hereto have accomplished many items necessary for satisfaction of the Settlement Agreement, but several important items remain, including two additional phases of annexation;

WHEREAS, contemporaneous with this amendment, the parties have approved and executed agreements implementing the water/wastewater items in the Settlement Agreement, including a law enforcement agreement, an agreement concerning fire and emergency services, and an agreement concerning roads within the Areas to be Annexed;

WHEREAS, the process of annexation has taken longer than anticipated, and additional time will be required to complete the items described;

WHEREAS, in Amendment No. 1 to the Annexation Phasing Agreement, the parties set forth new target dates for the completion of the various remaining tasks specified in the Settlement Agreement and also to provide for release, satisfaction and waiver of items that the parties have agreed should be handled differently than as provided in the Settlement Agreement and the Phasing Agreement; and

WHEREAS, now, the parties hereto desire to make further minor changes to the schedule of annexation as set forth herein.

NOW, THEREFORE, THE PARTIES HERETO AGREE that the Phasing Agreement shall be and hereby is amended as set forth below:

1. Paragraph 3 of the Phasing Agreement shall be deleted in its entirety and replaced with the following paragraph:

"3. PHASE TWO OF ANNEXATION. The City will file a petition or petitions for annexation of Areas 1, 2, 4, 5, 7, 12 no later than January 1, 2014."

2. The foregoing amendment will moot certain paragraphs in other agreements. For example, paragraphs 1(F) and 1(G) of the Memorandum of Understanding for Fire Protection and EMS Service are moot.

3. Additional consideration for this amendment includes, in part, the County's commitment to provide additional road improvements as set forth in Attachment A hereto (also attached to the Roadway Improvements Memorandum of Understanding as Exhibit A), the opportunity for the City to gain additional solid waste customers within Area 1 pursuant to the Agreement Regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims, and the County's commitment

to provide fire protection in Area 1 after annexation as described in the Memorandum of Understanding for Fire Protection and EMS Service.

4. This Amendment No. 2 to the Annexation Phasing Agreement shall become effective as of the date of the last signature below.

5. Terms and phrases in this amendment and in the underlying Phasing Agreement shall have the same meaning as terms in the Settlement Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date of last signature below.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathleen Holian, Chair Date

ATTEST:

Geraldine Salazar, County Clerk Date

Approved as to form:

Stephen C. Ross, County Attorney Date

THE CITY OF SANTA FE:

David Coss, Mayor
City of Santa Fe

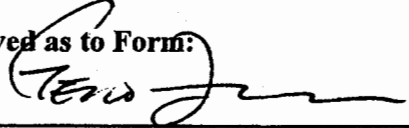
Date

Attest:

Yolanda Y. Vigil, City Clerk

Date

Approved as to Form:



Geno Zamora, City Attorney

5/3/13

Date

Marcos Tapia, Finance Director

Date

CITY OF SANTA FE



NEW MEXICO

\$10,880,000
GROSS RECEIPTS TAX
REFUNDING REVENUE BONDS,
SERIES 2013A

AND

\$13,780,000
SUBORDINATE LIEN GROSS RECEIPTS TAX
REFUNDING REVENUE BONDS,
SERIES 2013B

MAY 8, 2013

THE FOLLOWING RATINGS HAVE BEEN ASSIGNED:

	STANDARD AND POOR'S	FITCH
SENIOR LIEN	"AA+"	"AA+"
SUBORDINATE LIEN	"AA"	"AA"

**Exhibit "10" is available in its entirety in the City Clerk's Office.*

Exhibit "10"

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 6, 2013**

ITEM 13

REQUEST FOR APPROVAL OF AN ORDINANCE APPROVING CERTAIN LEASES BETWEEN THE CITY OF SANTA FE AND THE SANTA FE CIVIC HOUSING AUTHORITY FOR THE LEASE OF CERTAIN REAL PROPERTY TO BE USED FOR PUBLIC HOUSING FAMILY UNITS LOCATED AT 1222-1265 CERRO GORDO ROAD, 1227-1265 GALLEGOS LANE, 1237-1246 SENDA DEL VALLE, 1209-1219 SENDA LANE, 911 A-F AGUA FRIA STREETS, 1752-1788 HOPEWELL STREET AND 1750-1765 MANN STREET; AND PUBLIC HOUSING SENIOR UNITS LOCATED AT 664-670 ALTA VISTA STREET AND 1510-1520 LUISA STREET (COUNCILOR WURZBURGER) (ALEXANDRA LADD)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "H"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-20
Purchasing Manual –Provision for Non-Discrimination

City Council
Item #H(10)

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-20:

1. On page 1, line 21 *delete* "physical or mental handicap" and *insert* "disability" in lieu thereof
2. On page 2, line 16, *delete* "are"

Respectfully submitted,

Staff

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-21
Domestic Partner Benefits for Employees of the City

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-21:

On page 2, *delete* lines 1 through 6 and *insert* the following in lieu thereof:

“B. The city shall offer employment benefits to the domestic partners of city employees who are eligible to receive benefits in the same manner such benefits are offered to the spouses of employees who are eligible to receive benefits, to the fullest extent allowed by law.

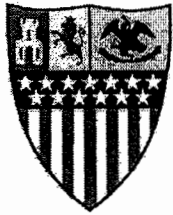
C. The city shall offer employment benefits to the dependent children of domestic partners of city employees who are eligible to receive benefits in the same manner such benefits are offered to the dependent children of employees who are eligible to receive benefits, to the fullest extent allowed by law.”

Respectfully submitted,

Patti Bushee, Councilor

ADOPTED: X
NOT ADOPTED: _____
DATE: May 8, 2013

Yolanda Y. Vigil, City Clerk



**CITY COUNCIL MEETING OF
MAY 8, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION NAMING THE COURTYARD OF THE SANTA FE COMMUNITY CONVENTION CENTER THE "CATUA AND OMTUA COURTYARD" TO COMMEMORATE OVER 400 YEARS OF HISTORY AND CULTURAL SHARING BETWEEN THE CITY OF SANTA FE AND THE PUEBLO OF TESUQUE.	Public Works – 5/28/13 Finance – 6/3/13 Council – 6/12/13
	A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO PAY 75% OF THE 1.5% INCREASE IN PERA CONTRIBUTIONS FOR ALL CITY EMPLOYEES, UNION AND NON-UNION, WHO EARN MORE THAN \$20,000 PER YEAR.	Council – 5/29/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AMENDING THE CITY OF SANTA FE UTILITY BILLING ADMINISTRATIVE MANUAL, POLICY NO. 7.0.0, WATER LEAK CREDITS.	Public Utilities – 6/5/13 Finance – 6/17/13 Council – 6/26/13
	A RESOLUTION ENDORISING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY2014 BUDGET PROPOSAL, APPROVING THE FY2014 CITY OF SANTA FE REGIONAL TRANSIT PLAN AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY2014 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL.	Finance – 5/20/13 Transit Advisory Board – 5/28/13 Public Works – 5/28/13 Council – 5/29/13
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO THE HEALTH SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF SANTA FE; ENCOURAGING THE SANTA FE POLICE DEPARTMENT AND THE RESIDENTS OF OUR COMMUNITY TO COME TOGETHER IN A COLLOBORATIVE EFFORT AND FOR A COMMON CAUSE – TAKE ILLEGAL DRUGS OFF THE STREETS OF SANTA FE.	Public Safety – 5/21/13 Finance – 6/3/13 Council – 6/12/13
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ESTABLISHING CITY OF SANTA FE SPORTS FIELD CLEAN-UP DAYS AT THE MUNICIPAL RECREATION COMPLEX AND AT OTHER SPORTS FIELDS THROUGHOUT THE CITY OF SANTA FE.	POSAC – 5/21/13 Public Works – 5/28/13 Finance – 6/3/13 Council – 6/12/13
Councilor Peter Ives		
	A RESOLUTION DIRECTING STAFF TO ESTABLISH ADMINISTRATIVE POLICIES AND PROCEDURES RELATING TO PARKING CITATION PROCESSING AND COLLECTIONS.	Public Works – 5/28/13 Finance – 6/3/13 Council – 6/12/13
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Wurzburger		
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

A RESOLUTION

RELATING TO THE HEALTH SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY OF SANTA FE; ENCOURAGING THE SANTA FE POLICE DEPARTMENT AND THE RESIDENTS OF OUR COMMUNITY TO COME TOGETHER IN A COLLOBORATIVE EFFORT AND FOR A COMMON CAUSE – TAKE ILLEGAL DRUGS OFF THE STREETS OF SANTA FE.

WHEREAS, up until 2006, the Santa Fe Police Department (“SFPD”) had an established narcotics unit within the department, and thereafter, the SFPD transferred all City of Santa Fe narcotics enforcement to the New Mexico State Police, Region III Drug Enforcement Task Force (“Region III Task Force”); and

WHEREAS, the Region III Task Force does not solely focus on narcotics enforcement within the city of Santa Fe, it is a regional task force that focuses on the prevention, investigation, control and prosecution of unlawful drugs, narcotics and controlled substances and related crimes within the Region III area which includes the Northern New Mexico counties of Santa Fe, Los Alamos, Rio Arriba and Taos; and

1 **WHEREAS**, the Governing Body acknowledges that drug abuse is prevalent in the Northern
2 New Mexico and encourages the continuation of the SFPD's relationship with the Region III Task
3 Force, however, the Governing Body also acknowledges that drug abuse is prevalent in the city of
4 Santa Fe and there is a need to focus on combating local drug trafficking by re-establishing the
5 narcotics unit in the SFPD, which should curb the escalating drug addiction problems; and

6 **WHEREAS**, drug addiction leads to criminal activity which includes, but is not limited to
7 shoplifting, forgery, burglary, credit card fraud, purse snatching and violent crimes; and

8 **WHEREAS**, the Governing Body recognizes that the City cannot arrest its way out of the
9 high incidence of criminal activity and understands that the underlying problems related to crime are
10 associated with persons who are addicted to drugs; and

11 **WHEREAS**, in an effort to remove drug traffickers from the streets, in June of 2012, the
12 Governing Body established the LEAD Task Force whose purpose is to collaborate regionally and
13 across different areas of focus, in order to explore and recommend long-term solutions in a
14 Community Strategic Plan that will address the issues arising from persons who are addicted to drugs
15 and alcohol; and

16 **WHEREAS**, the Governing Body desires to call upon the residents of our community to
17 come together to be involved with the SFPD to get drug traffickers off the streets of Santa Fe by
18 reporting any suspicious activity in their neighborhoods that could be related to drug trafficking.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that in the interest of the health safety and welfare of the residents of the City
21 of Santa Fe, the Governing Body encourages the SFPD and the community of Santa Fe to come
22 together in a collaborative effort and for a common causes – take illegal drugs off the streets of Santa
23 Fe.

24 **BE IT FURTHER RESOLVED** that the SFPD is encouraged to:

- 25 1. Re-establish the narcotics unit within the Criminal Investigations Division.

- A re-established narcotics unit should work in conjunction with other units of the SFPD in an effort to reduce the level of property crimes perpetrated due to the alarming levels of drug addiction, specifically heroine, in our community.
- A narcotics unit could focus on prevention, investigation, control and prosecution of unlawful drugs, narcotics and controlled substances and related crimes solely in the city of Santa Fe.
- In an aggressive effort to take illegal drugs off the streets of Santa Fe, the Governing Body is committed to providing the necessary resources to facilitate a successful narcotics unit.

2. Coordinate with neighborhood watch groups to be the eyes and ears of their neighborhood and play an integral part in reporting any suspicious activity related to illegal drug activity.
3. Explore the options for establishing a 24/7 hotline at the Regional Emergency Communications Center so that residents of our community may report any suspicious activity that may be related to illegal drug activity.
4. Coordinate with the First Judicial District Attorney's Office to aggressively prosecute all drug trafficking cases.
5. Lobby the New Mexico State Legislature to mandate minimum mandatory sentencing for illegal narcotic drug trafficking cases, as a first degree felony punished by up to 18 years in the New Mexico State penitentiary.
6. Coordinate with Santa Fe Public Schools, private schools and other youth organizations to present drug and alcohol abuse prevention programs.

BE IT FURTHER RESOLVED that all residents of Santa Fe, from the young to the elderly, are encouraged to partner with the SFPD and report any suspicious activity that may be related to illegal drug activity.

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

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/Illegal Drugs

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013 - __

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

ENDORISING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY2014 BUDGET PROPOSAL, APPROVING THE FY2014 CITY OF SANTA FE REGIONAL TRANSIT PLAN AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY2014 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL.

WHEREAS, the North Central Regional Transit District (hereinafter referred to as "NCRTD") was created in 2004 by agreement between the City of Espanola, Los Alamos County, Pojoaque Pueblo, Rio Arriba County, San Ildefonso Pueblo, San Juan Pueblo, Santa Clara Pueblo, the City of Santa Fe, Santa Fe County and Tesuque Pueblo; and

WHEREAS, NCRTD Resolution 2008-14 states that "in order to create a truly effective and efficient regional transit system that cooperatively and equitably serves north central New Mexico, the NCRTD believes that the City of Santa Fe should be a member of the District"; and

WHEREAS, as a result of City of Santa Fe Resolution 2008-87, the City of Santa Fe joined the NCRTD and soon thereafter expanded City delivered transit services to provide connecting

1 transportation to and from the Rail Runner, through funding made available by the NCRTD; and

2 **WHEREAS**, the City's expanded services include:

- 3 • Santa Fe Pick-Up operations, providing shuttle service from the final Rail Runner station
- 4 at the Railyard, to downtown destinations and Museum Hill;
- 5 • Santa Fe Trails Route 22, serving the New Mexico 599 Rail Runner station as well as
- 6 Rancho Viejo and Santa Fe Community College;
- 7 • Santa Fe Trails Routes 2 and 4, serving inbound and outbound Rail Runner trains at
- 8 South Capital station;
- 9 • Additional enhanced, or "special service", provided to accommodate visitors and
- 10 residents alike, and meet increased demand for Rail Runner transfers, on Folk Art
- 11 Market, Spanish Market, and Indian Market weekends, as well as annual community
- 12 celebrations of Zozobra and the Canyon Road Farolito Walk; and

13 **WHEREAS**, the existing services provided by Santa Fe Trails have been deemed to meet the
14 definition of regional services as adopted by the NCRTD Board and incorporated into its financial
15 policies as amended on November 4, 2011 by Board Resolution No. 2011-10; and

16 **WHEREAS**, the NCRTD has identified funding in their FY2014 budget proposal to keep the
17 aforementioned regional services, operated by the City, funded and running through FY2014; and

18 **WHEREAS**, the NCRTD will reimburse the City for said regional transit services, upon
19 receipt of invoices for service delivered, up to a FY2014 total of \$940,921.00 ; and

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the Governing Body hereby endorses the proposed FY2014 NCRTD
22 budget that continues to fund regional transit services, as identified above, that the City of Santa Fe
23 currently provides on behalf of the NCRTD, and that the aforementioned routes compose and are
24 approved as the City of Santa Fe Regional Transit Plan for FY2014, and upon approval by the
25 NCRTD Board of Directors, is incorporated in the NCRTD service plan.

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

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Carmichael Dominguez

A RESOLUTION

ESTABLISHING CITY OF SANTA FE SPORTS FIELD CLEAN-UP DAYS AT THE MUNICIPAL RECREATION COMPLEX AND AT OTHER SPORTS FIELDS THROUGHOUT THE CITY OF SANTA FE.

WHEREAS, on _____, 2013, the Governing Body adopted Ordinance No. 2013-__ for the purpose of re-establishing regulations and league fees at the Municipal Recreation Complex (MRC), including sports fields at the MRC and establishing regulations and league fees for city sports fields, other than MRC sports fields; and

WHEREAS, the Governing Body recognizes that the local youth leagues and schools that use City sports fields are providing a benefit to our community as well as to the City of Santa Fe and for that reason, Ordinance No. 2013-__ significantly reduced the sports field user fees for youth leagues and schools; and

WHEREAS, in exchange for the reduced fees, each of the youth leagues and schools are mandated, pursuant to Ordinance No. 2013-__ to send representatives from their respective league or school to participate in one annual sports field clean-up day organized by the city of Santa Fe in order

1 to obtain the league or school permit the following calendar year.

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that the details of the sports field clean-up day are hereby adopted.

4 1. The Parks Division shall designate two sports clean-up days per year to provide
5 opportunities for youth leagues and schools to fulfill their obligation to send representatives to one of
6 the established sports field clean-up days.

7 2. One sports field clean-up day shall be held at the end of the Spring sports season and
8 one sports field clean-up day shall be held at the end of the Fall sports season.

9 3. City staff shall provide notice to each league and school, at least 30 days prior to the
10 scheduled clean-up day. The notice shall include the date, time and location of the clean-up days,
11 with a request that the league or school notify the City of their intention to attend the clean-up day.

12 4. Each of the clean-up days shall be on a Saturday and begin at 9:00 A.M. and conclude
13 at 12:00 Noon.

14 5. Depending upon the maintenance needs of the sports fields that will be scheduled for
15 the clean-up days, the following tasks may be performed by league and school representatives, under
16 the direct supervision of Parks staff:

- 17 • Pulling weeds;
- 18 • Repairing ball field chain link fence;
- 19 • Tying down loose chain link;
- 20 • Re-sodding turf areas,
- 21 • Painting dugouts, foul line poles, bathrooms and concession areas;
- 22 • Cleaning dugouts, bathrooms and concession areas;
- 23 • Reshaping tree wells and mulching;
- 24 • Sweeping perimeter pathways; and
- 25 • Raking engineered wood fiber in the playground areas.

6. At the end of the clean-up day a league or school representative shall receive a receipt from the City that shows that the league or school participated in the clean-up day.

7. A league or school that does not comply with the requirements of Ordinance No. 2013-__ shall not be granted a permit to use city sports fields.

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

ATTEST:

DAVID COSS, MAYOR

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Peter Ives

A RESOLUTION

**DIRECTING STAFF TO ESTABLISH ADMINISTRATIVE POLICIES AND PROCEDURES
RELATING TO PARKING CITATION PROCESSING AND COLLECTIONS.**

WHEREAS, on January 30, 2013, the Governing Body approved a professional services agreement between the City of Santa Fe and Moss-Adams, LLP ("Consultant"); and

WHEREAS, the Consultant services included a limited scope forensic investigation and forensic audit report of the City of Santa Fe's Parking Division financial records from January 1, 2005 through December 31, 2012, specifically related to parking citation processing and collections; and

WHEREAS, on April 30, 2013, the Consultant submitted its findings and recommendations to the City of Santa Fe; and

WHEREAS, the Governing Body desires that the recommendations of the Consultant be used as a guide for staff to establish administrative policies and procedures related to parking citation processing and collections.

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

1 **CITY OF SANTA FE** that staff is directed to establish detailed administrative policies and
2 procedures related to parking citation processing and collections in accordance with the following
3 recommendations of the Consultant:

- 4 1. Revise the current policies to provide clear guidance on treating employee citations. At a
5 minimum, policies should specify when and under what circumstances any adjustments
6 on citations are appropriate, keeping a detailed written record thereof and explanation
7 therefor, and specifically that employees shall never make adjustments on citations
8 against themselves, their family, close friends, supervisors, division directors, the city
9 manager, the mayor or members of the City Council. Policies must also specify
10 procedures to be implemented in order to detect instances of policy violation. In order to
11 be effective, employees must be trained on relevant policies.
- 12 2. Institute a regular review of all manually entered citations, including agreeing citation
13 information from the supporting documents to the information recorded in the T2 system,
14 or similar system used by the City. Reviews should be performed timely (e.g., weekly) by
15 an individual who does not have access to enter or edit citations, with approval evidenced
16 by signature or other verifiable means.
- 17 3. Parking shall work with the Santa Fe Police Department (SFPD) and other departments
18 (e.g., IT) to ensure that citations from SFPD are entered into the T2 system, or other
19 comparable system in use by the City, in a timely manner.
- 20 4. Institute a review of all manually entered citations, including related citation information
21 from the supporting documents to the information recorded in the T2 system, or other
22 comparable system in use by the City. Reviews shall be performed timely (e.g., weekly)
23 by an individual who does not have access to enter or edit citations, with approval
24 evidenced by signature or other verifiable means.
- 25 5. The representative of the Parking Division who attends Municipal Court shall print out a

report, created within T2 system, or other comparable system in use by the City, or manually in the event said system is then incapable of doing so, that lists all citations treated by the Court that day and the resulting disposition. The representative should sign and date the report to indicate that s/he prepared it and s/he should also have a representative of the court do the same to indicate the report is complete and accurate.

6. Implement a system where an individual without access to make entries or changes in the T2 system, or other comparable system in use by the City, prepares a report of all citations with a status changed to "Transfer". The individual should then trace each of these citations to the supporting documentation to ensure the status change was valid. Reviews should be timely, with approval to be evidenced by the initials or signature of the reviewer.

7. Parking should either work with their vendor to disable statuses that are not used, or should develop policies and procedures to review status changes on a timely basis. Reviews should be performed timely and by an individual without access to make changes in the T2 system, and should be evidenced by initials or signature of the reviewer.

8. Management should monitor adjustments, e.g., by reviewing T2 system or other reports for all adjustments made. Reviews should be timely, executed by someone without access to enter or adjust citation amounts in the T2 system, or other comparable system in use by the City, with approval evidenced by signature or initials of the reviewer. If reports are used, the completeness of the report shall also be evaluated.

9. Parking should review changes to user roles to ensure that changes have been properly authorized. More broadly, management should regularly monitor user activity.

BE IT FURTHER RESOLVED that in order to be effective, Parking Division staff who are tasked with parking citation processing and collection shall be trained in accordance with the

1 established administrative policies and procedures.

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

3
4 _____
5 DAVID COSS, MAYOR

6 ATTEST:

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8 _____
9 YOLANDA Y. VIGIL, CITY CLERK

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11 APPROVED AS TO FORM:

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13 _____
14 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Parking Adm Procedures*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-_____

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

NAMING THE COURTYARD OF THE SANTA FE COMMUNITY CONVENTION CENTER THE "CATUA AND OMTUA COURTYARD" TO COMMEMORATE OVER 400 YEARS OF HISTORY AND CULTURAL SHARING BETWEEN THE CITY OF SANTA FE AND THE PUEBLO OF TESUQUE.

WHEREAS, the Villa of Santa Fe was founded near an ancient settlement identified by the Pueblo of Tesuque as part of their ancestral Village of Ogapoge; and

WHEREAS, Santa Fe and Tesuque share over 400 years of history together; and

WHEREAS, part of our shared history includes the Pueblo Revolt of 1680 which began when the Tesuque Runners Catua and Omtua were captured and executed by Spanish authorities; and

WHEREAS, since those days of oppression and revolution the Villa of Santa Fe and the Pueblo of Tesuque have endeavored to reconcile their differences and live in peace, honoring diversity and celebrating the cultural richness of New Mexico; and

WHEREAS, the Santa Fe Community Convention Center is built on the site of the ancient Village of Ogapoge, which required landmark government to government consultation between the

1 Pueblo of Tesuque and the City of Santa Fe; and

2 **WHEREAS**, this government to government consultation has strengthened the ties between
3 our communities through the realization of our shared history.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that the courtyard of the Santa Fe Community Convention Center shall be
6 named the “Catua and Omtua Courtyard” in respect of the over 400 years of history and cultural
7 sharing between the City of Santa Fe and Pueblo people, especially the Pueblo of Tesuque.

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

9
10 _____
11 DAVID COSS, MAYOR

12 ATTEST:

13
14 _____
15 YOLANDA Y. VIGIL, CITY CLERK

16
17 APPROVED AS TO FORM:

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19 _____
20 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/SFCCC Courtyard Name*

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

AUTHORIZING THE CITY OF SANTA FE TO PAY 75% OF THE 1.5% INCREASE IN PERA CONTRIBUTIONS FOR ALL CITY EMPLOYEES, UNION AND NON-UNION, WHO EARN MORE THAN \$20,000 PER YEAR.

WHEREAS, the 2013 New Mexico Legislature enacted SB 27 that amended the Public Employees Retirement Act (the "Act") to alleviate PERA's increasing unfunded liability and deteriorating funded status; and

WHEREAS, SB 27 affects all current members and current retirees and amended many sections of the Act, most notably, adding a new benefit structure for new members on or after July 1, 2013; changing the cost of living adjustments for current and future retirees; changing the employer and employee contribution rates; and allowing municipal affiliated public employers by resolution or by collective bargaining agreement to be responsible for 75% of their employees' retirement contributions under certain conditions; and

WHEREAS, the new law increased employee contribution rates by 1.5% beginning in FY14 for employees that earn more than \$20,000 per year; and

1 **WHEREAS**, the new law increased employer contribution rates by 0.4% beginning in FY15;
2 and

3 **WHEREAS**, by FY15 the total increase in contribution rate is 1.9%; and

4 **WHEREAS**, the new law states that prior to July 1, 2013, a municipal affiliated public
5 employer may elect by resolution *or by execution of a collective bargaining agreement (new*
6 *language in italics)* to be responsible for making contributions of up to 75% of its employees'
7 member contribution; and

8 **WHEREAS**, the new law states that if the City elects to pay 75% of employees' contribution,
9 such election shall be made prior to July 1, 2013 and does not necessarily apply to any increase in the
10 statutory employee contribution rate that may occur after that date, however, the new law does allow
11 a municipal affiliated employer, by a resolution passed or by collective bargaining agreement signed
12 on or after July 1, 2013, to elect to be responsible for paying 75% of any increases in the employee
13 contribution rate; and

14 **WHEREAS**, the Governing Body desires to adopt a resolution, prior to July 1, 2013 and
15 execute amendments to each of its collective bargaining agreements to establish that the City will
16 contribute 75% of its employees' contributions and that applies to the employee contribution rate in
17 effect on June 30, 2013.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that the Governing Body authorizes that:

- 20 1. Effective as of the first pay period beginning after July 1, 2013, the City elects to pay
21 75% of the 1.5% increase in PERA contributions for all city employees, union and
22 non-union, who earn more than \$20,000, per year.
- 23 2. All city employees, union and non-union, shall be responsible for 25% of the 1.5%
24 increase in PERA contributions, which increase shall be deducted from all city
25 employees paychecks effective the first pay period beginning after July 1, 2013.

