



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 29, 2013  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5/24/13 TIME 2:00 p.m.

SERVED BY \_\_\_\_\_

RECEIVED BY [Signature]

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 – May 8, 2013
9. PRESENTATIONS
  - a) Proclamation – Robert Romero, City Manager.
10. EXECUTIVE SESSION:

Discuss Limited Personnel Matters Regarding the Appointment of Brian K. Snyder as City Manager Pursuant to §10-15-1 (H)(2) NMSA 1978.
11. Request for Approval – Appointment of Brian K. Snyder as City Manager.
12. CONSENT CALENDAR
  - a) Bid No. 13/15/B – Hospital Tank Coating Application Project and Agreement Between Owner and Contractor; Guaranteed Waterproofing & Construction. (Bill Huey and Michael Gonzales)
  - b) Bid No. 13/18/B – Wastewater Management Division Storm Water Retention Pond Project and Agreement Between Owner and Contractor; Blueline Construction, Inc. (Kathleen Garcia and Bryan Romero)
    - 1) Request for Approval of Budget Increase – Project Fund.



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- c) Bid No. 13/21/B – Liquid Aluminum Sulfate Chemicals for Canyon Road Water Treatment Plant; General Chemical, LLC. (Victor Archuleta)
- d) Bid No. 13/22/B – Soda Ash, Dense Chemicals for Canyon Road Water Treatment Plant; Brenntag Pacific, Inc. (Victor Archuleta)
- e) Bid No. 13/23/B – Sodium Hypochlorite Chemicals for Canyon Road Water Treatment Plant; DPC Industries, Inc. (Victor Archuleta)
- f) Bid No. 13/24/B – Liquid Sodium Permanganate Chemicals for Canyon Road Water Treatment Plant; Carus Corporation. (Victor Archuleta)
- g) Bid No. 13/25/B – Cerro Gordo Water Main, Phase 3 for Water Division and Agreement Between Owner and Contractor; H.O. Construction, Inc. (Dee Beingessner)
- h) Bid No. 13/26/B – Salt Chemicals for Canyon Road Water Treatment Plant; Brenntag Pacific, Inc. (Victor Archuleta)
- i) Bid No. 13/27/B – St. Francis Drive Water Main Project and Agreement Between Owner and Contractor; Sasquatch, Inc. (Dee Beingessner)
- j) Request for Approval of Amendment No. 3 to Professional Services Agreement – Security Services for Canyon Road Water Treatment Plant; Chavez Security, Inc. (Michael Gonzales)
- k) Request for Approval of Budget Increase – Cost for Housing of Inmates for Three (3) Months to Police Department. (Police Chief Raymond Rael)
- l) Request for Approval of Sole Source Procurement – Continued Procurement of Goods and Services for all City Wide Departments; Sam's Club. (Robert Rodarte)
- m) Request for Approval of Budget Increase – Procurement of One (1) Recycling Collection Unit with Grant Funds for Environmental Services Division from New Mexico Environment Department, Air Quality Bureau. (Cindy Padilla)



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- n) Request for Approval of Budget Transfer – Water Trust Board Grant/Loan 203-WTB to the Reservoir Infrastructure Improvements Phase 1 for CIP Project #3038. (Robert Jorgensen)
- o) Request for Approval of Budget Increase – Archdiocese of Santa Fe Lease Agreement – Two (2) Parking Lots at Cathedral Basilica of St. Francis of Assisi. (Sevastian Gurule)
- p) Request for Approval of Amendment No. 4 to Professional Services Agreement – Santa Fe Trails Bus Shelters; Autotroph, Inc. (Mary MacDonald)
- q) Request for Approval of Procurement Under State Price Agreement – Rubberized Crack Sealant for Various City Streets; GM Emulsions, LLC. (David Catanach)
- r) Request for Approval of Change Order No. 2 – Runway 10-28 MIRL at Santa Fe Municipal Airport; Vis-Com, Inc. (Francey Jesson)
- s) Request for Approval of Professional Services Agreement – Santa Fe Municipal Court Drug Court Program and DUI Court Program; Millennium Treatment Services, Inc. (Judge Yalman)
- t) Annual Report – Santa Fe River Target Flows: Annual Report for “Target Year” Activity from April 15, 2012 Through April 14, 2013; and Anticipated Activity for the Target Flow Year of April 15, 2013 Through April 14, 2014. (Informational) (Brian Drypolcher)
- u) Request for Approval of FY 2013/2014 Funding Recommendations from Children and Youth Commission. (Isaac Pino and Terrie Rodriguez)
- v) Request for Approval of FY 2013/2014 Funding Recommendations for Human Services Providers. (Isaac Pino and Terrie Rodriguez)
- w) Request for Approval of Procurement Under State Price Agreement – Structural Firefighting Personnel Protective Equipment; L.N. Curtis and Sons. (Jan Snyder)
- x) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_\_.  
A Resolution Relating to a Request for Approval of Third Quarter Budget Adjustments for Fiscal Year 2012/2013 Quarter Ending March 30, 2013. (Andy Hopkins)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

- y) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Calvert, Councilor Ives and Councilor Wurzbarger)  
A Resolution Adopting the "*Reclaimed Wastewater Resource Plan*" and Directing Staff to Develop a Program to Implement the Actions Identified in the Plan. (Claudia Borchert)
- z) Request to Publish Notice of Public Hearing on June 26, 2013:
  - 1) Bill No. 2013-26: An Ordinance Relating to Water Conservation; Amending Section 25-4.2 SFCC 1987 to Remove the Expired Commercial Water Rate Adjustment Provisions; and Creating a New Section 25-4.3 SFCC 1987 to Establish Commercial Water User Rebate Regulations. (Councilor Ives, Councilor Calvert and Councilor Bushee) (Laurie Trevizo)
  - 2) Bill No. 2013-27: An Ordinance Relating to Large Capacity Ammunition Feeding Devices; Creating a New Article 20-6 SFCC 1987 to Prohibit the Transfer, Possession or Sale of Large Capacity Ammunition Feeding Devices in the City of Santa Fe. (Councilor Bushee, Mayor Coss and Councilor Trujillo) (Chief Rael)
- aa) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Ives, Councilor Rivera, Councilor Dimas and Councilor Dominguez)  
A Resolution in Support of "A Water Conservation Campaign Focusing on Voluntary Outdoor Irrigation". (Laurie Trevizo)
- bb) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Calvert and Councilor Wurzbarger)  
A Resolution Relating to Newspaper Boxes; Directing Staff to Explore the Options for Enhancing the City's Current Ordinance for the Purpose of Establishing Regulations Regarding the Placement and Maintenance of Newspaper and Periodical Boxes Within City Historic Districts and Other Areas of the City. (Matthew O'Reilly)
- cc) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Bushee)  
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. (Jon Bulthuis)



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CITY COUNCIL CHAMBERS

- dd) Request for Approval of Amendment No. 5 to Professional Services Agreement – Emergency Repair Services for Canyon Road Water Treatment Plant; Alpha Southwest, Inc. (Michael Gonzales and Bill Huey)
  - ee) Request for Approval of Equipment Lease Agreement – Seventy-Five (75) Golf Carts at Municipal Recreation Complex Marty Sanchez Golf Course; Government Capital Corporation. (Jennifer Romero)
  - ff) Request for Approval of Memorandum of Agreement – Receipt and Processing of Bonds; Santa Fe County and City of Santa Fe. (William Johnson)
  - 13. Request for Final Approval of Allocation of Water Credits and Approval of the 2012 Annual Water Report as Recommended by the Public Utilities Committee. (Alan Hook)
  - 14. CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Mayor Coss, Councilor Rivera, Councilor Bushee and Councilor Dimas)  
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. (Judith Amer)
  - 15. Pursuant to Resolution #2011-56, Overview and Update of New Mexico Open Meetings Act, Inspection of Public Records Act, City of Santa Fe Ethics Ordinance and New Mexico Governmental Conduct Act. (Geno Zamora)
  - 16. MATTERS FROM THE CITY MANAGER
  - 17. MATTERS FROM THE CITY ATTORNEY
- Executive Session
- 1) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico.
  - 2) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, and Pursuant to City of Santa Fe Resolution No. 2012-31, Quarterly Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant.



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 29, 2013  
CITY COUNCIL CHAMBERS

18. MATTERS FROM THE CITY CLERK
19. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

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

- Sister Cities Committee
- City Business & Quality of Life Committee
- Planning Commission
- Santa Fe Regional Juvenile Justice Board

## H. PUBLIC HEARINGS:

- 1) Santa Fe Distillery, LLC has Requested the Issuance of a Craft Distillery Offsite – A Liquor License to be Located at Santa Fe Spirits, 308 Read Street. (Yolanda Y. Vigil)
- 2) Request from Casa Chimayo, Inc. 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 at Casa Chimayo, 409 W. Water Street Which is Within 300 Feet of Our Lady of Guadalupe Church, 417 Agua Fria.
  - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Casa Chimayo, Inc. for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Casa Chimayo, 409 West Water Street.



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- 3) Request from First Citizens Bank for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at First Citizens Bank, 700 Paseo de Peralta, Which is Within 300 Feet of The Church of the Holy Faith, 311 East Palace Avenue. The Request is for a Reception to be Held on June 6, 2013 from 5:30 p.m. to 7:00 p.m. (Yolanda Y. Vigil)
- 4) Request from Parrallel Studios for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia, Which is Within 300 Feet of Tierra Encantada Charter School @ Alvord, 551 Alarid Street. The Request is for Currents 2013: Santa Fe International New Media Festival to be Held on June 14, 2013 from 6:00 p.m. to 12:00 a.m. (Yolanda Y. Vigil)
- 5) Request from Manitou Galleries, for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Manitou Galleries, 225 Canyon Road, Suite 11, Which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi Property, 131 Cathedral Place and the New Mexico School for the Arts, 275 East Alameda Street. The Request is for Art Show Openings from 5:00 p.m. to 7:30 p.m. on June 28, July 26, August 23, September 27 and November 11, 2013. (Yolanda Y. Vigil)
- 6) Request from Creative Santa Fe for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer in the Workforce Connection Parking Lot, 301 W. DeVargas, Which is Within 300 Feet of Our Lady of Guadalupe Church, 417 Agua Fria Street. The Request is for the FantaSe Festival to be Held on June 15, 2013 from 3:00 p.m. to 10:30 p.m. (Yolanda Y. Vigil)
- 7) Request from Ellsworth Gallery, LLC for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Ellsworth Gallery, 215 E. Palace Avenue, Which is Within 300 Feet of The Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place. The Request is for Their Gallery Opening on June 7, 2013 from 5:00 p.m. to 10:30 p.m. (Yolanda Y. Vigil)



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- 8) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Rivera, Councilor Calvert, Councilor Bushee, Councilor Ives, Councilor Dimas, Councilor Trujillo, Councilor Dominguez and Councilor Wurzbarger)  
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. (Fire Marshal Reynaldo Gonzales)
- 9) CONSIDERATION OF BILL NO. 2013-22: ADOPTION OF ORDINANCE NO. 2013-\_\_\_\_: (Councilor Trujillo and Councilor Calvert)  
An Ordinance Approving a Lease and Services Agreement Between the City of Santa Fe and the Boys and Girls Clubs for Lease of City-Owned Building and Improvements Located at 730 Alto Street, Santa Fe, New Mexico, for the Boys and Girls Clubs to Use and Occupy the Building and Improvements to Operate After School and Summer Community Services Programs for City Youths Ages Six Through Eighteen and Other Related Purposes. (David Chapman)

## I. ADJOURN

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

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

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



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SANTA FE CITY COUNCIL MEETING  
May 29, 2013

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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 8, 2013	Approved	5
<u>PRESENTATIONS</u>		
PROCLAMATION – ROBERT ROMERO, CITY MANAGER		6-8
EXECUTIVE SESSION	Approved	8
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REQUEST FOR APPROVAL – APPOINTMENT OF BRIAN K. SNYDER AS CITY MANAGER	Approved	9
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2013- 55. A RESOLUTION ADOPTING THE “RECLAIMED WASTEWATER RESOURCE PLAN” AND DIRECTING STAFF TO DEVELOP A PROGRAM TO IMPLEMENT THE ACTIONS IDENTIFIED IN THE PLAN	Approved	9-12
*****		
END OF CONSENT CALENDAR DISCUSSION		
*****		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR FINAL APPROVAL OF ALLOCATION OF WATER CREDITS AND APPROVAL OF THE 2012 ANNUAL WATER REPORT AS RECOMMENDED BY THE PUBLIC UTILITIES COMMITTEE	Approved	12-13
CONSIDERATION OF RESOLUTION NO. 2013-56. 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	Approved Substitute Resolution	13-14
PURSUANT TO RESOLUTION #2011-56, OVERVIEW AND UPDATE OF NEW MEXICO OPEN MEETINGS ACT, INSPECTION OF PUBLIC RECORDS ACT, CITY OF SANTA FE ETHICS ORDINANCE AND NEW MEXICO GOVERNMENTAL CONDUCT ACT	Presentation/discussion	14-18
<u>EVENING SESSION</u>		
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<u>APPOINTMENTS</u>		
Sister Cities Committee	Approved	21-22
City Business & Quality of Life Committee	Approved	22
Planning Commission	Approved	22
Santa Fe Regional Juvenile Justice Board	Approved	23
<u>PUBLIC HEARINGS</u>		
SANTA FE DISTILLERY, LLC, HAS REQUESTED THE ISSUANCE OF A CRAFT DISTILLERY OFFSITE – A LIQUOR LICENSE TO BE LOCATED AT SANTA FE SPIRITS, 308 READ STREET	Approved	23

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

**REQUEST FROM CASA CHIMAYO, INC.,  
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 AT CASA  
CHIMAYO, 409 W. WATER STREET,  
WHICH IS WITHIN 300 FEET OF OUR  
LADY OF GUADALUPE CHURCH, 417  
AGUA FRIA**

**Approved**

**24-25**

**IF THE WAIVER OF THE 300 FOOT  
RESTRICTION IS GRANTED, A REQUEST  
FROM CASA CHIMAYO, INC., FOR A  
RESTAURANT LIQUOR LICENSE (BEER  
AND WINE ON-PREMISE CONSUMPTION  
ONLY), TO BE LOCATED AT CASA  
CHIMAYO, 409 WEST WATER STREET**

**Approved**

**24-25**

**REQUEST FROM CITIZENS BANK FOR A WAIVER  
OF THE 300 FOOT LOCATION RESTRICTION AND  
APPROVAL TO ALLOW THE DISPENSING/  
CONSUMPTION OF WINE AT FIRST CITIZENS  
BANK, 700 PASEO DE PERALTA, WHICH IS  
WITHIN 300 FEET OF THE CHURCH OF THE HOLY  
FAITH, 311 EAST PALACE AVENUE. THE  
REQUEST IS FOR A RECEPTION TO BE HELD  
ON JUNE 6, 2013, FROM 5:30 P.M. TO 7:00 P.M.**

**Approved**

**25**

**REQUEST FROM PARALLEL STUDIOS FOR A  
WAIVER OF THE 300 FOOT LOCATION  
RESTRICTION AND APPROVAL TO ALLOW  
THE DISPENSING/CONSUMPTION OF BEER  
AND WINE AT EL MUSEO CULTURAL DE  
SANTA FE, 555 CAMINO DE LA FAMILIA,  
WHICH IS WITHIN 300 FEET OF TIERRA  
ENCANTADA CHARTER SCHOOL @ ALVORD,  
551 ALARID STREET. THE REQUEST IS FOR  
CURRENTS 2013: SANTA FE INTERNATIONAL  
NEW MEDIA FESTIVAL TO BE HELD ON  
JUNE 14, 2013, FROM 6:00 P.M. TO 12:00 A.M.**

**Approved**

**26**

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

REQUEST FROM MANITOU GALLERIES, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT MANITOU GALLERIES, 225 CANYON ROAD, SUITE 11, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI PROPERTY, 131 CATHEDRAL PLACE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 275 EAST ALAMEDA STREET. THE REQUEST IS FOR ART SHOW OPENINGS FROM 5:00 P.M. TO 7:30 P.M. ON JUNE 28, JULY 26, AUGUST 23, SEPTEMBER 27 AND NOVEMBER 11, 2013

Approved

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REQUEST FROM CREATIVE SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER IN THE WORKFORCE CONNECTION PARKING LOT, 301 W. DeVARGAS, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA STREET. THE REQUEST IS FOR THE FANTASE FESTIVAL TO BE HELD ON JUNE 5, 2013 FROM 3:00 P.M. TO 10:30 P.M.

Approved

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REQUEST FROM ELLSWORTH GALLERY, LLC, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THEIR GALLERY OPENING ON JUNE 7, 2013, FROM 5:00 P.M. TO 10:30 P.M.

Approved

29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2013-57. 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	29-30
CONSIDERATION OF BILL NO. 2013-22: ADOPTION OF ORDINANCE NO. 2013-23. AN ORDINANCE APPROVING A LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE BOYS AND GIRLS CLUBS FOR LEASE OF CITY OWNED BUILDING AND IMPROVEMENTS LOCATED AT 730 ALTO STREET, SANTA FE, NEW MEXICO, FOR THE BOYS AND GIRLS CLUBS TO USE AND OCCUPY THE BUILDING AND IMPROVEMENTS TO OPERATE AFTER SCHOOL AND SUMMER COMMUNITY SERVICES PROGRAMS FOR CITY YOUTHS AGES SIX THROUGH EIGHTEEN AND OTHER RELATED PURPOSES	Approved [amended]	30-31
MATTERS FROM THE CITY MANAGER	None	31
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	31-32
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	32
MATTERS FROM THE CITY CLERK	None	32
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	32-35
ADJOURN		36

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 29, 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 29, 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 [Retiring]  
Brian K. Snyder, City Manager [Incoming]  
Geno Zamora, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Calvert moved, seconded by Councilor Ives, to approve the agenda 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.

## **7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Dominguez, 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 Tuesday, May 28, 2013, regarding Item 12(cc) is incorporated herewith to these minutes as Exhibit "1."

- a) **BID NO. 13/15/B – HOSPITAL TANK COATING APPLICATION PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; GUARANTEED WATERPROOFING & CONSTRUCTION. (BILL HUEY AND MICHAEL GONZALES)**
- b) **BID NO. 13/18/B – WASTEWATER MANAGEMENT DIVISION STORM WATER RETENTION POND PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; BLUELINE CONSTRUCTION, INC. (KATHLEEN GARCIA AND BRYAN ROMERO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**
- c) **BID NO. 13/21/B – LIQUID ALUMINUM SULFATE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; BRENNTAG PACIFIC, INC. (VICTOR ARCHULETA)**
- d) **BID NO. 13/22/B – SODA ASH, DENSE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; DPC INDUSTRIES, INC. (VICTOR ARCHULETA)**
- e) **BID NO. 13/23/B – SODIUM HYPOCHLORITE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; DPC INDUSTRIES, INC. (VICTOR ARCHULETA)**
- f) **BID NO. 13/24/B – LIQUID SODIUM PERMANGANATE CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; CARUS CORPORATION. (VICTOR ARCHULETA)**
- g) **BID NO. 13/25/B – CERRO GORDO WATER MAIN, PHASE 3 FOR WATER DIVISION AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; H.O. CONSTRUCTION, INC. (DEE BEINGESSNER)**

- h) BID NO. 13/26/B – SALT CHEMICALS FOR CANYON ROAD WATER TREATMENT PLANT; BRENNTAG PACIFIC, INC. (VICTOR ARCHULETA)**
- i) BID NO. 13/27/B – ST. FRANCIS DRIVE WATER MAIN PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; SASQUATCH, INC. (DEE BEINGESSNER)**
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR CANYON ROAD WATER TREATMENT PLANT; CHAVEZ SECURITY, INC. (MICHAEL GONZALES)**
- k) REQUEST FOR APPROVAL OF BUDGET INCREASE – COST FOR HOUSING OF INMATES FOR THREE (3) MONTHS TO POLICE DEPARTMENT. (POLICE CHIEF RAYMOND RAE)**
- l) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – CONTINUED PROCUREMENT OF GOODS AND SERVICES FOR ALL CITY WIDE DEPARTMENTS; SAM’S CLUB. (ROBERT RODARTE)**
- m) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROCUREMENT OF ONE (1) RECYCLING COLLECTION UNIT WITH GRANT FUNDS FOR ENVIRONMENTAL SERVICES DIVISION FROM NEW MEXICO ENVIRONMENT DEPARTMENT, AIR QUALITY BUREAU. (CINDY PADILLA)**
- n) REQUEST FOR APPROVAL OF BUDGET TRANSFER – WATER TRUST BOARD GRANT/LOAN 203-WTB TO THE RESERVOIR INFRASTRUCTURE IMPROVEMENTS PHASE 1 FOR CIP PROJECT #3038. (ROBERT JORGENSEN)**
- o) REQUEST FOR APPROVAL OF BUDGET INCREASE – ARCHDIOCESE OF SANTA FE LEASE AGREEMENT – TWO (2) PARKING LOTS AT CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI. (SEVASTIAN GURULE)**
- p) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE TRAILS BUS SHELTERS; AUTOTROPH, INC. (MARY MacDONALD)**
- q) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – RUBBERIZED CRACK SEALANT FOR VARIOUS CITY STREETS; GM EMULSIONS, LLC. (DAVID CATANACH)**
- r) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – RUNWAY 10-28 MRL AT SANTA FE MUNICIPAL AIRPORT; VIS-COM, INC. (FRANCEY JESSON)**



- s) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL COURT DRUG COURT PROGRAM AND CUI COURT PROGRAM; MILLENNIUM TREATMENT SERVICES, INC. (JUDGE YALMAN)
- t) ANNUAL REPORT – SANTA FE RIVER TARGET FLOW: ANNUAL REPORT FOR “TARGET YEAR” ACTIVITY FROM APRIL 15, 2012 THROUGH APRIL 14, 2013; AND ANTICIPATED ACTIVITY FOR THE TARGET FLOW YEAR OF APRIL 15, 2013 THROUGH APRIL 14, 2014 (INFORMATIONAL). (BRIAN DRYPOLCHER)
- u) REQUEST FOR APPROVAL OF FY 2013/2014 FUNDING RECOMMENDATIONS FROM CHILDREN AND YOUTH COMMISSION. (ISAAC PINO AND TERRIE RODRIGUEZ)
- v) REQUEST FOR APPROVAL OF FY 2013/2014 FUNDING RECOMMENDATIONS FOR HUMAN SERVICES PROVIDERS. (ISAAC PINO AND TERRIE RODRIGUEZ)
- w) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – STRUCTURAL FIREFIGHTING PERSONNEL PROTECTIVE EQUIPMENT; L.N. CURTIS AND SONS. (JAN SNYDER)
- x) CONSIDERATION OF RESOLUTION NO. 2013-51. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2012/2013 QUARTER ENDING MARCH 30, 2013. (ANDY HOPKINS)
- y) *[Removed for discussion by Councilor Bushee]*
- z) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 26, 2013:
  - 1) BILL NO. 2013-26: AN ORDINANCE RELATING TO WATER CONSERVATION; AMENDING SECTION 25-4.2 SFCC 1987, TO REMOVE THE EXPIRED COMMERCIAL WATER RATE ADJUSTMENT PROVISIONS; AND CREATING A NEW SECTION 25-4.3 SFCC 1987, TO ESTABLISH COMMERCIAL WATER USER REBATE REGULATIONS (COUNCILOR IVES, COUNCILOR CALVERT AND COUNCILOR BUSHEE). (LAURIE TREVIZO)
  - 2) BILL NO. 2013-27: AN ORDINANCE RELATING TO LARGE CAPACITY AMMUNITION FEEDING DEVICES; CREATING A NEW ARTICLE 20-6 SFCC 1987, TO PROHIBIT THE TRANSFER, POSSESSION OR SALE OF LARGE CAPACITY AMMUNITION FEEDING DEVICES IN THE CITY OF SANTA FE (COUNCILOR BUSHEE, MAYOR COSS AND COUNCILOR TRUJILLO). (CHIEF RAE)
- aa) CONSIDERATION OF RESOLUTION NO. 2012-52 (COUNCILOR IVES, COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR DOMINGUEZ). A RESOLUTION IN SUPPORT OF “A WATER CONSERVATION CAMPAIGN FOCUSING ON VOLUNTARY OUTDOOR IRRIGATION.” (LAURIE TREVIZO)

- bb) **CONSIDERATION OF RESOLUTION NO. 2013-53 (COUNCILOR CALVERT AND COUNCILOR WURZBURGER). A RESOLUTION RELATING TO NEWSPAPER BOXES; DIRECTING STAFF TO EXPLORE THE OPTIONS FOR ENHANCING THE CITY'S CURRENT ORDINANCE FOR THE PURPOSE OF ESTABLISHING REGULATIONS REGARDING THE PLACEMENT AND MAINTENANCE OF NEWSPAPER AND PERIODICAL BOXES WITHIN CITY HISTORIC DISTRICTS AND OTHER AREAS OF THE CITY. (MATTHEW O'REILLY)**
- cc) **CONSIDERATION OF RESOLUTION NO. 2013-54 (COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY 2014 BUDGET PROPOSAL, APPROVING THE FY 2014 CITY OF SANTA FE REGIONAL TRANSIT PLAN AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY 2014 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL. (JON BULTHUIS)**
- dd) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – EMERGENCY REPAIR SERVICES FOR CANYON ROAD WATER TREATMENT PLANT; ALPHA SOUTHWEST, INC. (MICHAEL GONZALES AND BILL HUEY)**
- ee) **REQUEST FOR APPROVAL OF EQUIPMENT LEASE AGREEMENT – SEVENTY-FIVE (75) GOLF CARTS AT MUNICIPAL RECREATION COMPLEX, MARTY SANCHEZ GOLF COURSE; GOVERNMENT CAPITAL CORPORATION. (JENNIFER ROMERO)**
- ff) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – RECEIPT AND PROCESSING OF BONDS; SANTA FE COUNTY AND CITY OF SANTA FE. (WILLIAM JOHNSON)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –MAY 8, 2013**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of May 8, 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) PROCLAMATION – ROBERT ROMERO, CITY MANAGER**

Mayor Coss said, "Robert is leaving us at the end of the week, after 12 years with the City and you've been an outstanding public servant. And just to recognize that, I know they will have a little party Friday as well, and you're going to be partying for a long time afterward I'm sure. We want to thank you for your extraordinary service to the City. And you've seen me present lots of these, but this one is especially for Robert Romero.

Mayor Coss read a proclamation into the record declaring Wednesday, May 29, 2013, as Robert Romero Day in Santa Fe, presented him with a framed copy of the Proclamation, and an engraved Nambe tray.

Mr. Romero said, "Thank you Mayor. All of these things didn't happen just by myself. It had a lot to do with you, all of you [Governing Body], and all of you [staff]. It's been a real pleasure to work here all of these years. I want to thank the Council for giving me the chance to do this job. I tried to work as hard as I could. And I want to thank the employees for following me and doing these things together. I want to thank you Mayor for being a good friend, a loyal friend. I want to thank my family, my mom and dad for standing by me, raising me the right way. And again it's been a privilege and an honor to serve the City. Thank you all."

Councilor Wurzbarger said, "Robert, I don't know if I can do this without crying, so I have a big handkerchief. I want to say to you that I think you are a man of, not only outstanding leadership, you're a man of outstanding integrity. You have done the best work of the City in the past 12 years, 11 and a half that I've been on the Council, of any City Manager. And I wish you the best. I shall miss you, but I intend to keep after you in your new position, and hope we have opportunities for collaborating that can move the region along further. And that's what you have stood. You have delivered, and done it in a way, many times, under fire. You never lost your perspective in terms of who you were serving and the absolutely elegant way in which you intended to do that. So thank you."

Councilor Bushee said, "Robert we go back a long time. You have a few gray hairs, just by the sideburns I've noticed, they're creeping up. I knew you were going to be a superb City Manager after I saw what you did with Public Works. And I chaired Public Works for a lot of the time that you were the Public Works Director. There was no equal, you had no equal. And I would say the same for your tenure as City Manager. I know that passions fly sometimes around here. You are a man of few words, but you are the fastest texter and responder that I have ever encountered in government. I will really miss you. I can see this transition week, I thought it's going to take at least 2 people to fill your shoes. And I'm hopeful Brian, that you've got some help. I'm going to keep putting you on speed dial, and hope that you respond as quickly as he does, because he's amazing. There are so few words to describe the efficient and effective way with which you, and fair way with which you dealt with the employees, and constituents, us, as good as you could. I'm sure we were the toughest group for you. I have an enormous respect for you and your abilities. I'm already mad at the folks that are taking you away from us. I know that it's time for a little break for you. You son is young. I hope to see you back here. Thanks so much for everything."

Councilor Calvert said, "And meaning no disrespect to anybody else, but Robert, you're certainly the best City Manager I have ever known in this City. And I put you up against any others. I just thank you for all your service to the City. As Councilor Bushee said, you could always be counted on to respond quickly and get things corrected if need be. I wish you well in your future endeavors. Take a little bit of time to relax and enjoy it and godspeed with all your other future."

Councilor Ives said, "Thank you. Robert, as I've told you before, but certainly wanted to say publicly, I can't think of a better person to have worked with as City Manager, as a new member coming on Council. The past year has, to me, proven time and again your capability as well as your dedication to the office you've held and the people of Santa Fe. I think our City is a reflection of all that good work that you have put in. And I would also like to thank your mom and dad, and your son, because I know nobody sits in any of these chairs without the full support of their family, for any number of reasons. The demands on everybody's time and efforts are always significant. We come to rely on one another and none more than our families to allow us to be able to get that job done. And I will say, I'm sad to lose you at the City. I'm excited for you for the future, and I will look for the next time we get to work together again, so thank you."

Councilor Trujillo said, "Thank you Mayor. Robert I'm thinking of going back to 1988 when we were in quantities out in Pojoaque for the DOT. That's how long we've known each other. And I'll echo what Councilor Calvert said. You are by far the best city Manager that I've had the privilege of working with. Anytime I called you, anytime I asked you to get something done for my District, you did it, you found somebody to do it. And to me, you did what a City Manager is supposed to do. You ran the City efficiently. I know there were some bumps in the road, but you met those head-on and you fought through them. And with all that, I have the deepest, utmost respect for you and what you've accomplished here at the City. And I wish you only the best in your future endeavors and what life brings you. If this is it, you retire. Enjoy it, there's bigger and brighter for the future. I wish you all the best. Thank you for all you've done."

Councilor Dominguez said, "Well Robert, I don't think there's much more that needs to be said. I think the Governing Body, for the most part, has summed it all up. There's always bumps in the road, some are bigger than others and some are a lot harder than other, but nonetheless, you've traveled that road. And so you deserve your accolades. I want to just wish you the best and I want to thank you for your service to the City of Santa Fe. And as always, I would like to thank your family as well, because I know it is a strain on them as well in the challenges that we, as a local governing body and City Manager have. So thank you very much to your family."

Councilor Rivera said, "Robert. I too want to thank you. I think all the niceties have already been said, but just the best of luck to you in whatever you decide to do. Whether it's work, please take some time to enjoy the family, and take the time play golf and fish and do those things that you've missed out on for the last 12 years at least. So good luck to you, whatever you decide to do."

Councilor Dimas said, "Robert, so many of you are so young to be retiring, and I'm just jealous because I had to wait until I was old when I retired, not old, ancient maybe, but not old. You're so very lucky to be retiring when your son is so young and you've still got time to spend with both your folks, and enjoy your life if you can. You don't have to work hard. Enjoy what you've got, because retirement usually

only comes once, and this is your time. I want to thank you sincerely for all the help that you gave me. For the little over the year that I've been on the Council now, you've been such a good person to go to, and if I had any problems with any constituents, and I've had a few odd and weird requests. But I will say that you always answered every call that I ever made to you, and you answered them quickly and you took care of all the problems very quickly. I think the City is going to miss you very much in that regard. I echo what everyone else on this Governing Body has said, is that you were valuable. You hit some bumps in the road, and I think you handled those courageously, and with integrity. And you've kept your integrity and I wish for you nothing but the very best of luck. And hopefully we'll get to run into each other again. Your mom and dad are so very lucky to have a son like you, and your son is lucky to have a father like you. Best of luck to you."

Mr. Romero said, "Thank you. Thank you all."

## **10. EXECUTIVE SESSION**

### **DISCUSS LIMITED PERSONNEL MATTERS REGARDING THE APPOINTMENT OF BRIAN K. SNYDER AS CITY MANAGER, PURSUANT TO §10-15-1(H)(2) NMSA 1978**

**MOTION:** Councilor Dimas moved, seconded by Councilor Bushee, that the Council go into Executive Session to discuss limited personnel matters regarding the appointment of Brian K. Snyder as City Manager, pursuant to §10-15-1(H)(2) NMSA 1978.

**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.

The Council went into Executive Session at 5:25 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION.** At 5:40 p.m., Councilor Trujillo moved, seconded by Councilor Ives, to come out of executive session, stating that the only item which was discussed in executive session was the item which was on the agenda, and no action was taken

**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.

## **11. REQUEST FOR APPROVAL – APPOINTMENT OF BRIAN K. SNYDER AS CITY MANAGER**

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Bushee, to approve the appointment of Brian K. Snyder as City Manager, as discussed for the terms which were outlined in Executive Session.

**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.

Mayor Coss welcomed Brian Snyder as the new City Manager. He said we are very appreciate that you are taking on this role and he looks forward to working with him.

Councilor Bushee asked, "Does this mean he's going to wear 5 hats now."

Mayor Coss said this makes 4.

Councilor Bushee asked, "Are we going to replace you in Utilities."

Mayor Coss said, "Yes."

## **CONSENT CALENDAR DISCUSSION**

### **12 (y) CONSIDERATION OF RESOLUTION NO. 2013- 55 (COUNCILOR CALVERT COUNCILOR IVES AND COUNCILOR WURZBURGER). A RESOLUTION ADOPTING THE "RECLAIMED WASTEWATER RESOURCE PLAN" AND DIRECTING STAFF TO DEVELOP A PROGRAM TO IMPLEMENT THE ACTIONS IDENTIFIED IN THE PLAN. (CLAUDIA BORCHERT)**

Councilor Bushee thanked Claudia and the staff for holding meetings, working with stakeholders and updating the Plan which was needed. She likes a lot of language in the Resolution. She said the only disappointment is that we didn't make as much progress as she would like with result to two golf courses that are current customers.

**MOTION:** Councilor Bushee moved, seconded by Councilor Wurzburger for purposes of discussion, to adopt Resolution with the following amendments:

1. On page 2 of the Resolution, line 21, add the following: "BE IT FURTHER RESOLVED that City staff seek to amend the Santa Fe Country Club contract with efficiency and value terms with regard to reclaimed wastewater."

2. On page 34 of the Plan under Economic Theme, "I would like to move this up or prioritize that in terms of the Marty Sanchez Links, I would like to begin with the action of identifying the true cost and value of reclaimed wastewater, determine the future capital costs producing RW and managing RW use. At the very least, we need to start incorporating it into the budget. Beginning with the Golf Course, and perhaps moving on to some of our parts. I'm not saying right now we can necessarily work it into a budget, but we should begin at some point. It's been a long time that we've essentially given that water away for free to our own golf course. It has economic value. It has great value to the community."

**DISCUSSION:** Councilor Wurzbarger, "I would disagree with the amendment in the sense that we have been through a long public process. I have several items myself that I was interested in discussing, which the Mayor and I discussed today with Brian, but I would like to see those go through a committee process, rather than being brought to the Council at this moment in time, so we have a chance to more thoroughly debate them with public input. So, I would vote against the amendment."

Councilor Dominguez asked if there will be opportunities to amend the plan later, commenting he is not in favor of the amendment.

Ms. Borchert said, "Yes, the second BE IT FURTHER RESOLVED, has a statement that the Plan can be amended 'as necessary as conditions concerning reclaimed wastewater change significantly.' I guess the word "significantly" can be stricken if you believe it would limit when you could amend the plan, but it does allow for amendment of the plan."

Councilor Dominguez said part of his concern with the motion and the amendments is that the Country Club Agreement has been in place for quite some time, and has been challenged at some level by the City at some level.

Ms. Borchert it hasn't been challenged in the 10 years she has been with the City. She said, however, periodically, the question has been asked for attorneys to look into whether the agreement can be challenged.

Councilor Dominguez said perhaps "evaluated" is the proper term, and asked if staff has evaluated the agreement, and Ms. Borchert said yes.

Councilor Calvert said, "I think members of the Public Utility Committee, I think specifically Councilor Dominguez and Councilor Rivera met with folks at the Country Club to try to work out some of those requests, in terms of efficiency and such. But, I think it's something we can continue to pursue, and continue to look at it legally. I think legal staff already has advised us that it is questionable whether we can challenge it, but we could still look at it and do that. But I don't think pursuing those changes need to be part of this Resolution at this time. I think we are free to continue to look at that and do that."

Councilor Calvert said, "Claudia, on this second point, I believe in here, and I couldn't put my finger on it right this second, but we talked about that very thing the Councilor Bushee was talking about, is putting a value on the water that is being used for 'free' by various entities within the City. I think in the Plan it

speaks to that, so that it does get the proper value that is due. But it certainly doesn't say how we would handle it in a budget, and I don't think that's something we really want to do at this time anyway. I think that language that talks about valuing the water that everybody uses, whether people get charged or not charged, and how much they get charged is incorporated in the plan. So I don't think we need to alter the Plan to say that."

Councilor Bushee said, "With regard to additional public input, this plan has been, in fact there's an Appendix G, this plan has been extensively aired to public comment and nowhere did I see in any of the reviews we've had that using unlimited effluent on any golf course was anybody's priority, at least from the public's perspective. I guess I would just say, if the time is not now to be discussing as we enter some of the worst drought conditions since the 1950's, as we look at Colorado water, potable water, of course, being restricted, even though our expensive imported water... the highest and best use is what the discussion of this plan should be about, and I would just suggest that it takes leadership to really bring this change about. And if the leaders here tonight don't want to discuss it now, I don't really know when a better opportunity would be. So, my motion included this language, so you're going to have to vote this one down and/or change the motion."

**WITHDRAWAL BY THE SECOND.** Councilor Wurzbarger withdrew her second of the motion.

**THE MOTION FAILED FOR LACK OF A SECOND.**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to Adopt Resolution No. 2013-55, approving the City's Reclaimed Wastewater Resource Plan as submitted.

**STATEMENT BY THE MAKER:** Councilor Wurzbarger said, "And because of Councilor Bushee's comment, I wanted to make quite clear to the public as well the staff that worked on this, my comment was not implying that we need additional public input on this particular plan, but rather it was to have public input and debate and further consideration in a thoughtful manner, as a collective body."

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

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

**Against:** Councilor Bushee.

**Explaining her vote:** Councilor Wurzbarger said, "Yes, and thank you Claudia."

**Explaining her vote:** Councilor Bushee said, "Again I preface my vote Claudia, I think you've done great work and I am grateful for the public and stakeholders that participate. However, I felt like we needed to make better progress with regard to the amount of effluent we continue to supply to golf courses, and we need to have a change in that regard, so I vote, "No."



**Explaining his vote:** Councilor Calvert said, "Yes, I would like to thank all staff, especially Claudia, for all the time and effort she's put in this, not only with the Committees, but with the public in walking them through the plan and discussing all the options. I vote yes."

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**END OF CONSENT CALENDAR DISCUSSION**

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**13. REQUEST FOR FINAL APPROVAL OF ALLOCATION OF WATER CREDITS AND APPROVAL OF THE 2012 ANNUAL WATER REPORT AS RECOMMENDED BY THE PUBLIC UTILITIES COMMITTEE.**

Alan Hook presented a brief overview of the Annual Water Report, from his Memorandum of May 21, 2013, with attachments, to the City Council, which is in the Council packet, noting the presentation was requested by Councilor Ives at the Finance Committee, and the information was requested by Councilor Bushee at the Finance Committee as well. Please see this document for specifics of this presentation.

Mayor Coss asked the historic record and how that compares with the measured precipitation for 2012 at 6.42 inches, or 47% of annual precipitation.

Mr. Hook said 2012, the Calendar Year, was the driest year since 1895 or 1897, that the NOA had records, noting to date the State has had only 17% of normal precipitation.

Councilor Bushee said her question had more to do with the water held in an affordable housing offset, and asked if there are discussions about potential future uses, although she thinks wise to have a water reserve, and asked if had to fall under the category of affordable housing.

Mr. Hook said there are about 37 afy in affordable housing, "and yes, there's only been about 4 afy per year going toward that. So the 40 afy is sort of another allocation besides that, that again could be held in reserve. Staff's recommendation is to use it as a utility reserve."

Councilor Ives said he really likes the idea of a reserve, which is even more important during these times of drought. This is a great idea and a great path to pursue.

Councilor Wurzbarger said having served on Public Utilities for 10 years, she really appreciates the new perspective which is being added. She would be concerned if we changed any of the water for affordable housing, unless in the case of an emergency. She said we are moving toward possible growth in the next two years in that area. She clarified, since she no longer serves on Public Utilities, there was no recommendation from that Committee to change the water banked for Affordable Housing.

Mr. Hook said she is correct, noting it is still a priority, and even though it's in a reserve, it could be allocated at any time by the Governing Body for another purpose.

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the allocation of water credits and the 2012 Annual Water Report as recommended by the Public Utilities Committee.

**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.

**14. CONSIDERATION OF RESOLUTION NO. 2013-56 (MAYOR COSS, COUNCILOR RIVERA, COUNCILOR BUSHEE AND COUNCILOR DIMAS). 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. (JUDITH AMER)**

A Memorandum dated May 29, 2013, with attached Substitute Resolution with proposed staff amendments, and a revised FIR, to the Mayor and members of the Governing Body, from Judith Amer, Assistant City Attorney, in this regard, is incorporated herewith to these minutes as Exhibit "2."

Judith Amer presented information on this matter from her Memorandum of May 29, 2013. Please see Exhibit "2" for specifics of this presentation.

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Substitute Resolution No. 2013-56, as presented by staff.

**DISCUSSION:** Chair Calvert said there is a revised FIR attached to Ms. Amer's memorandum. He appreciates that, because the FIR in the packet spoke to 75% for everybody except Police, which would be 50%, and that's been corrected. He said, "What I don't see and I don't know if it's changed or not, but the amount is still the same, the \$723,493 is still the same amount. He asked if that needs to be revised and what that figure would be.

Ms. Amer said Mr. Martinez wasn't feeling well and had to leave, and she thinks he would be the one to answer the question. She said the figure was based on the presumption we would stay at the same percentage of pick-up, and the reason she thinks the numbers didn't change. The wording was changed to allow the City to potentially negotiate an agreement to pick up more than the 50% of police.

Councilor Calvert said he didn't understand and Ms. Amer again explained again. Councilor Calvert said the numbers didn't change when we changed what was stated in the FIR, so he would think that amount would go up. He asked Ms. Gage her thoughts.

Vicki Gage said, "The number in the FIR is correct. That number was calculated during the development of the budget, and it was based on what the Police Officers Union was doing at the time. So only the wording of the Resolution changed."

Mayor Coss said, "The percent of 75% for everybody and 50% for police is how they got the \$723,493 number."

Councilor Calvert asked if it is still 50%, because it took out that language and it says 75% for everybody.

Councilor Wurzbarger said she doesn't believe it does.

Mr. Snyder said "It is up to 75%, and my understanding is 50% for the Police, and that's what's in the contract currently, whereas AFSCME and Fire have 75%."

Councilor Wurzbarger said, "To be perfectly clear, Judith and Brian, the \$723,493 is in the budget, so we're not adding anything now that we don't know how we're going to pay for."

Mr. Snyder and Ms. Amer indicated it is in the budget.

**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.

**15. PURSUANT TO RESOLUTION #2011-56, OVERVIEW AND UPDATE OF NEW MEXICO OPEN MEETINGS ACT, INSPECTION OF PUBLIC RECORDS ACT, CITY OF SANTA FE ETHICS ORDINANCE AND NEW MEXICO GOVERNMENTAL CONDUCT ACT. (GENO ZAMORA)**

A copy of a power point presentation *Ethics and Open Government*, presented to the Governing Body by Geno Zamora, City Attorney, dated May 29, 2013, is incorporated herewith to these minutes as Exhibit "3."

Geno Zamora presented the information in Exhibit "3," via power point, noting the items provided for the Governing Body in the Council packet. Please see Exhibit "3" for the specifics of this presentation.

*The Committee commented and asked questions as follows:*

- Councilor Wurzbarger said she would like a clarification on bullet #1 with regard to Improper Political Campaigning with respect to Santa Fe. She asked, "Does that mean if an employee in the City of Santa comes up to the Mayor or a Councilor and says they want to support that person, that is a violation of the Code of Ethics, if it is unsolicited on the part of the governing official."

Mr. Zamora said, "This is where an official needs to be careful. The language is about the official soliciting either the contribution or the participation, but someone may voluntarily provide either a contribution or service to a campaign, but the official may not solicit that."

- Councilor Wurzbarger said, "For purposes of the record, would you please give examples of misuse of confidential information. And my particular inquiry is the inclusion of executive committee information in that regard, because we have had some issue around that in the past."
- Mayor Coss asks if she means executive session, and Councilor Wurzbarger said yes.

Mr. Zamora said, "Of course that's one of the things I didn't provide the citation for, but here it is. It is Item 7.7(D) '*Misuse of Confidential Information. A public official or employee shall not use or disclose confidential information when he or she knows, or reasonably should know, that the use or disclosure will or may result in financial gain, or the avoidance of a financial loss on the part of any person or entity, other than the City.*' Now, of course, beyond that language there are other obligations with regard to attorney-client privileged information, as an example of confidential information. I do know that, despite the obligation to preserve attorney-client privilege and the Governing Body's collective authority to make a decision on whether or not to waive, I do know that in the past there has been public discussion about an amendment to this Misuse of Confidential information to very specifically state, that it's the authority of the Governing Body to waive the attorney-client privilege. I think that's what you are referring to on executive session."

- Councilor Wurzbarger said, "It's not the financial impact. It was the issue of discussion being held in executive session and it somehow appearing in the newspaper. My understanding is that is a violation of our Ethics Code. Is that not correct. What you just read."

Mr. Zamora said, "It could be, within this paragraph, but a lot of what is discussed in executive session does have financial impact. There's a lot of discussion about settlements, settlement negotiations, employee issues."

- Councilor Wurzbarger said, "So that's the link. Thank you for that clarification."

Mr. Zamora said, "It could be inherent. I don't know that it covers everything that's discussed in executive session."

- Councilor Bushee asked if the Open Meetings Act applies to the Legislature.

Mr. Zamora said, "Most provisions do not. That is correct."

- Councilor Bushee asked, "This particular provision which they just passed, does not apply to them."

Mr. Zamora said that is correct.

- Councilor Bushee said, "They would be crippled. They do things on the fly."

Mr. Zamora said, "Correct. This applies to several governing bodies, agencies, policy-making entities, so clearly municipalities, but there are exemptions for the New Mexico Legislature."

- Councilor Bushee asked, "How is this going to work in practice. We offer friendly amendments on a regular basis. It's in a public forum, it's been noticed. They may not be substantial, they may be. How does that apply."

Mr. Zamora said, "The agenda itself may not be amended within 72 hours. Then you go back to the question of, does the title provide significant ability to amend."

- Councilor Bushee asked, "But does it mean, you know how last minute we always have another public presentation. Is that the same. I'm just trying to be clear."

Mr. Zamora said, "Up until this change which we're implementing June 1, it doesn't actually occur until a couple days in June, but it's starting June 1. Up until that change, the City was allowed to amend its agendas up to 24 hours prior. So a lot of last minutes presentations or contracts, or anything of that sort, could be brought onto an agenda 24 hours or more in advance. That practice will not be able to occur within that 72 hour window."

- Councilor Calvert said, "Geno, I appreciate what you're doing. I want it to be clear. So this training, is this part of any new employee orientation."

Mr. Zamora said, "What we have adopted is in, I believe, the Ethics Ordinance. It just had not been done until last year. In each July, we provide this training to all supervisors within the City. I believe a portion of it is incorporated in new employee training now. So, we have a lever with new employee orientation, but each July, we're presenting this exact same training to all supervisors within the City for then communication to their employees."

- Councilor Calvert asked what he said about orientation of new employees. He said, "A lot of these things are applicable to every employee, whether they're a supervisor or not."

Mr. Zamora said, "A copy of the Ethics Ordinance is provided to all new employees. The Open Meetings Act and the IPRA training is provided to the managers, so the managers understand the context of not only their work, but their employees' work."

- Councilor Dominguez asked Mr. Zamora when he says committees is he talking of Council committees and do we have to be mindful of a quorum of any particular or any committee of the Governing Body.

Mr. Zamora said, "The answer is yes, Councilor Dominguez. A quorum of any board or committee of the City of Santa Fe, this applies to it. So, Finance Committee, for example, there cannot be a meeting of a quorum of the Finance Committee outside of an advertised meeting, to discuss the business of that Committee. And I would apply the email and rolling quorum to that, also."

- Councilor Wurzbarger said, "On the email issue. Every day we get many many emails to all of us, both from staff, from one another. So are you saying we should divide those emails into 3 pieces. Please clarify that."

Mr. Zamora said, "Very important clarification, and thank you for catching that. I meant to clarify that. It's going to be determined, based on the source. So, members, let's use the Governing Body. Members of the Governing Body initiating a communication amongst a quorum would be prohibited under the Open Meetings Act. A constituent sending an email to all members of the Governing Body is not a violation of the Open Meetings Act. It's informational from an outside source to you. An informational item from staff to an entire committee or body would not be a violation. However, to be mindful, let's say, a member of staff says, here's the upcoming agenda, and a member of a committee or body replies all, saying I don't like Item 5, because, and here are all of my policy positions on it. That's where a member would be on thin ice."

Mr. Zamora continued, "So, information pushed from staff, because staff is not a member of the committee or board, to the committee or from the public from non-members. The guidance I would give is, I would refrain from replying to all as a committee or board member. But respond back to the individual, respond back to the staff member. Include the chair if you're not the chair on that body. If you wish to include the chair, but of course, don't go to a quorum of that body or committee in your response to avoid complications. I'm not saying it's a clear cut violation, but it has the appearance of being a violation and can result in unwanted delays or litigation."

- Councilor Wurzbarger said, "So, let's imagine I'm working on a Resolution, or any of us, and Melissa has drafted it. If it goes from Melissa to the full body for their information and consideration that's not a violation."

Mr. Zamora said this is correct.

- Councilor Wurzbarger continued, "If I wanted to send it to 3 of my colleagues on Public Works, which would be a quorum, that is a violation."

Mr. Zamora said, "It could be yes. And so, one of the things to do with Melissa, for example, would be to say, here's the resolution, Melissa can you contact other members just to see if they cosponsor, not to discuss the merits of it, the policy basis of it, but please circulate it to everyone, and see if anyone wants to cosponsor. That's the best practice to avoid a violation."

- Councilor Bushee said, "Somewhat related. Up here we have our list of bills that are being introduced, and people come up to the Mayor during the meeting and say, 'Oh, I really like that. And sometimes, it's the entire Governing Body. Did we just conduct a rolling quorum. They're aren't collective, they're just hey, I like that. I want to cosponsor."

Mr. Zamora said, "Again, the best practice is the discussion of public business in a public meeting. And so under Matters from the Governing Body, and all the introductions, you may actually wish to save some of those comments for on the record. Just saying, 'I've reviewed the list and I want to thank that sponsor.' There's no bright line on this. As many of you know from me over the last 3 years, my advice is always, err on the side of caution, if it can be perceived by third party, whether the media, a constituent, government watchdog groups, as a violation of the Open Meetings Act. And the best practice is to avoid that perception and do it in a public meeting. And so most all of my advice and interpretation is err on the side of caution."

- Councilor Dominguez asked for an example of something that is a protected draft document under IPRA. He said this was a point of contention for some time. He asked if it just stamping "draft" on it, or is it the discretion of the City Manager or someone else.

Mr. Zamora said, "First and foremost, draft status in no way provides a protection for a document, simply the fact that it's draft. The only time a draft document could be protected, is if it has some other protection in law. For example, it's a draft legal memo that is intended to be preserved as confidential, or a draft disciplinary action, or a draft Police investigative report. Those all have certain protections under the law."

- Councilor Dominguez said then those protections are already built in, outside of them being a draft document. Those are already protected under the provisions.

Mr. Zamora said, "As of last July, the Courts clarified that the status as draft alone does not provide a protection, which is different that the advice out of my office and that of myself. The City Attorney's Office believed that when the rule of reason was allowed to apply, that draft documents were not final."

- Councilor Dominguez said, "So, other than those kinds of instances where they're already protected, there are no specific exclusions afforded to, in this case, local government."

Mr. Zamora said, "Correct. And this applies across the board to all governmental entities. But again, let me try and state it as clearly as possible. The fact that a document is a draft, does not provide any protections from disclosure under the law. It's only if there's some other protection that that document could be protected."

***Mayor Coss moved Items #16, #17, #18 and #19 to the end of the Evening Agenda***

**END OF AFTERNOON SESSION AT APPROXIMATELY 7:00 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 7:10 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 Christopher Calvert  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

#### **Others Attending**

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

### **F. PETITIONS FROM THE FLOOR**

A statement for the record dated May 29, 2013, entered for the record by Miguel Coblontz, regarding concerns of the towing operators, petitioning the Governing Body to work with them, and listing their concerns, is incorporated herewith to these minutes as Exhibit "4."

A copy of *WRECKER LOT – CITY*, Revised 02/06/2013, entered for the record by Miguel Coblontz, is incorporated herewith to these minutes as Exhibit "5."

A copy of a *City of Santa Fe Professional Services Agreement*, entered for the record by Miguel Coblontz, is incorporated herewith to these minutes as Exhibit "6."

A copy of *City of Santa Fe Santa Fe Police Department Wrecker Services Program, Wrecker Rotation Ordinance Program*, entered for the record by Miguel Coblontz, is incorporated herewith to these minutes as Exhibit "7."

A copy of Ordinance No. 2011-21, introduced by Councilor Trujillo, entered for the record by Miguel Coblontz, is incorporated herewith to these minutes as Exhibit "8."



A list of towing companies in attendance at the Council Meeting, entered for the record by Miguel Coblontz, is incorporated herewith to these minutes as Exhibit "9."

Each person was given 2 minutes to petition the Governing Body.

**David McQuarie, 2997 Calle Cerrado** said is here on behalf of the human rights committee, and persons were told that the bill is in draft form and can't be disseminated. He listened to Mr. Zamora and feels that is an incorrect statement. He said it is a draft bill and circulated among staff, and can't be protected as private. He said in the bill he read, the one pejorative remark is the word handicapped and he doesn't want the bill to go through with that language. He said there is no such term and it is very pejorative. The correct term is persons of disability. The City has been advised by the Mayor's Committee that certain things are not used are handicapped challenged, mentally [inaudible]. All of these are no-no's. His petition is that when this bill comes up for public review and public presentation, he would request as a reasonable accommodation that it not be advertised only on the internet and that it also be placed in the newspaper, the full body of the document, so people who do not have internet or access to it on a regular basis will be alerted. He has received numerous calls that the City does not believe in transparency, and let's be transparent on. One thing, for human rights it is very important for things to be transparent. [inaudible]

**Miguel Coblontz, 4010 Rufina, on behalf of towing operators**, said he is here on behalf of most of the towing community who are seated in the audience. He said, "We are here in an effort, to save time, and allow you guys to return to your families. We are here to speak to you on behalf of the towing industry, for the owner operators currently doing business in the City of Santa Fe." Mr. Coblontz submitted a list of the owner/operators who attended a meeting earlier today, basically in preparation for this meeting, hoping to be heard.

Mr. Coblontz said, "And I'm going to go ahead and send that up to you guys if it's okay. This is a copy of the list of the two truck companies that were in attendance [Exhibit "9"]. and a list of tow trucks on City rotation as of March of this year. [Exhibit "5"]. And there were 4 companies that didn't attend and it tells you the reason why. So we had close to 85% attendance in the tow companies."

Mr. Coblontz continued, "And I am going to hand you a basic form letter that we had printed out so you guys can follow along with what our concerns are behind the New Santa Fe department wrecker services on the wrecker ordinance program being instituted on July 1, 2013, by the Santa Fe City Police Department force [Exhibit "4"]. And I also have these copies for you guys, the Ordinance that was passed in 2011 [Exhibit "8"], the proposed contract [Exhibit "6"] and some amendments that have been put into the contract [Exhibit "7"]. This letter [Exhibit "4"] will speak to what our concerns are and why we are here."

Mr. Coblontz read the letter into the record. Please see Exhibit "4" for the text of the letter.

Mayor Coss asked Mr. Coblontz to provide the documents to the City Clerk and he will ask the City Manager to follow up with the Police Chief and "get this ironed out for you."

**Stefanie Beninato, P.O. Box 4601, Santa Fe,** said she is here again about the intersection at West Santa Fe Avenue and Galisteo Street. She did come and then the Council for improving that intersection. She contacted the Mayor more than a month again if there would be a fourth phase on the intersection, and the Mayor said he would get back in touch with her on that. She said the City knows that amount of water a 50 year flood "came down there in 2011. It came down again in 2012." She said improving it to a 30 year capacity is inadequate and negligent in terms of protecting the intersection from flooding, and protecting the property on the west side, hers as well as her neighbor's from flooding. She said she also asked the Mayor, and wants everybody on this Council, particularly those who may be running for Mayor, to know that she has asked the City to sit and negotiate with her on the damages to her property. She said there is a case, Martinez v. DOT, 2013 Supreme Court case, that says, no you can't complain about an initial design once it has been shown to be inadequate and causes either personal or property damage. Then when the City does nothing about it, that is negligence. And doing something inadequate is the same as doing nothing.

Mr. Beninato continued, "And in this case, in 2002, because of that drain being inadequate, water flooded my property. Did not flood the house, but flooded the property. Mayor Delgado and then others was notified of that. The City has been notified on numerous occasions, about the hazards created by the flooding of that intersection by the neighborhood association. So again, if you refused to sit down with me in a pre-litigation mode, which apparently you've had no honor, I will let people know that I am going to sue the City of Santa Fe. If you wanted money, that's a you'll be dealing with, will be filed in August. Again, In not doing something about the design in 2002, and allowing it to continue to be a problem for years, the City has been negligent. And this DOT involves a snowstorm. So trying to write it off as an act of god, I don't think will get you too far, because it was the design of that drain that was the problem. And so again, I think the City would be smart, because I don't really try to go to Court unless I think I have the law 110% on my side. This case is directly on point. And I can think of at least 3 items that will cost at least \$40,000 to replace. If we sit down and negotiate now, and I don't have to spend a lot of time on this, then I will be much more reasonable. And Mayor I would like a response from you whether the capacity of that drain, either at the drain or another drain on the opposite side of the street is actually going to be installed. I've been waiting for over a month for a response from you."

## **G. APPOINTMENTS**

### **Sister Cities Committee**

Mayor Coss made the following appointment to the Sister Cities Committee:

Carl Moore (Alternate) – to fill unexpired term ending 10/2013.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Calvert, to approve this appointment.

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

#### **City Business & Quality of Life Committee**

Mayor Coss made the following appointments to the City Business & Quality of Life Committee:

Alan O. Austin – Reappointment – term ending 03/2015;  
Frederick Warhanek – Reappointment – term ending 03/2014;  
Luca Ceccarelli – Reappointment – term ending 03/2014;  
Diane Karp – Reappointment – term ending 03/2015;  
Kathy Keith – Reappointment – term ending 03/2014;  
Fred Cisneros – Reappointment – term ending 03/2015;  
Miles Dylan Conway – to fill unexpired term ending 03/2015;  
Kim Kelly – to fill unexpired term ending 03/2015;  
Michael Roach – to fill unexpired term ending 03/2015; and  
Piper Kapin – to fill unexpired term ending 03/2014.

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

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

#### **Planning Commission**

Mayor Coss made the following appointments to the Planning Commission:

Renee Villarreal – Reappointment – term ending 06/2015;  
Angela Schackel Bordegary – Reappointment – term ending 06/2015;  
Michael Harris – Reappointment – term ending 06/2015;  
Lawrence Ortiz – Reappointment – term ending 06/2015; and  
John A. Padilla, AIA – term ending 06/2015.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to approve these appointments.

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

### **Santa Fe Regional Juvenile Justice Board**

Mayor Coss made the following appointments to the Santa Fe Regional Juvenile Justice Board:

Bonifacio (Boni) Armijo – Reappointment – term ending 10/2014;  
Deputy Chief William Johnson – term ending 10/2014; and  
Mark Caldwell – to fill unexpired term ending 10/2013.

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

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

### **H. PUBLIC HEARINGS**

- 1) **SANTA FE DISTILLERY, LLC, HAS REQUESTED THE ISSUANCE OF A CRAFT DISTILLERY OFFSITE – A LIQUOR LICENSE TO BE LOCATED AT SANTA FE SPIRITS, 308 READ STREET. (YOLANDA VIGIL)**

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

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Ives, to approve the request for the issuance of a craft distillery offsite liquor license to be located at Santa Fe Spirits, 308 Read Street, as recommended by staff.

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

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

**Against:** None.

**2) REQUEST FROM CASA CHIMAYO, INC., 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 AT CASA CHIMAYO, 409 W. WATER STREET, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA.**
- b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM CASA CHIMAYO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT CASA CHIMAYO, 409 WEST WATER STREET.**

**(YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Rev. Tien-Tri Nguyen, Pastor, Shrine of Our Lady of Guadalupe, stating they have no objection to this request. She said this is a two-part request and two motions will be needed.

Ms. Vigil said Casa Chimayo currently has a Restaurant Liquor License, however, a new application is required because they are transferring ownership.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a waiver of the 300 foot location restriction and approve the sale of alcoholic beverages at Casa Chimayo, 409 Water Street.

**DISCUSSION:** Councilor Bushee asked what business is this replacing or restaurant.

Ms. Vigil said, "This is Casa Chimayo. Because they are going through a transfer of ownership on their license they have to reapply. It is where Tin Star was."

**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 Bushee moved, seconded by Councilor Dimas, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Casa Chimayo, 409 West Water Street.

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

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

**Against:** None.

- 3) **REQUEST FROM CITIZENS BANK FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT FIRST CITIZENS BANK, 700 PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUEST IS FOR A RECEPTION TO BE HELD ON JUNE 6, 2013, FROM 5:30 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council packet from The Reverend Kenneth J.G., Semon, of the Church of the Holy Faith, stating their permission for this request.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Bushee, to grant the request for the waiver of the 300 foot location restriction, and approve the dispensing/consumption of wine at First Citizens Bank, 700 Paseo de Peralta for a reception on June 6, 2013, 5:30 p.m. to 7:00 p.m.

**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.

- 4) **REQUEST FROM PARALLEL STUDIOS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR CURRENTS 2013: SANTA FE INTERNATIONAL NEW MEDIA FESTIVAL TO BE HELD ON JUNE 14, 2013, FROM 6:00 P.M. TO 12:00 A.M. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council from Carl Gruenler, Chief Business Officer, Santa Fe Public Schools, saying the schools will issue no decision regarding opposition or non-opposition to these kinds of requests.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location and approve the dispensing/consumption of beer and wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia for Currents 2013: Santa Fe International New Media Festival on June 14, 2013, 6:00 p.m. to 12:00 .m.

**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.

**Explaining his vote:** Councilor Trujillo said, "I want to know... the schools says refrained. No, I'll vote yes.

**Explaining her vote:** Councilor Wurzbarger said, "I'm going to vote yes, and commend Frank Ragano and the Creative Santa Fe Team. Everyone was going to involved in making this an absolutely internationally renowned event. We appreciate it."

**Explaining her vote:** Councilor Bushee said, "Yes. Lots of exciting new things.

- 5) **REQUEST FROM MANITOU GALLERIES, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT MANITOU GALLERIES, 225 CANYON ROAD, SUITE 11, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI PROPERTY, 131 CATHEDRAL PLACE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 275 EAST ALAMEDA STREET. THE REQUEST IS FOR ART SHOW OPENINGS FROM 5:00 P.M. TO 7:30 P.M. ON JUNE 28, JULY 26, AUGUST 23, SEPTEMBER 27 AND NOVEMBER 11, 2013.**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there are letters of no objection in the Council packet from Very Rev. Adam Lee Ortega y Ortiz, Rector of the Cathedral Basilica and Cindy Montoya, Principal, New Mexico School for the Arts.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Wurzbarger, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at Manitou Galleries, 225 Canyon Road, Suite 11, for Art Show Openings, 5:00 p.m. to 7:30 p.m., on June 28, July 26, August 23, September 27 and November 11, 2013.

**DISCUSSION:** Councilor Trujillo said we had a discussion last year about people getting 3-5 days to have the parties, and he doesn't remember changing anything on that. He said this is a request for 5 events, and he thought we limited it to 3 days.

Ms. Vigil said the Council adopted a Resolution that restricted the number of events that could be held, but then came back later and adopted another Resolution that removed that restriction.

Councilor Calvert said when the Council adopted that Resolution, and then rescinded it, it was because of a facility that was being used by an entity for a variety of different functions to service alcohol. This is a business that is just trying to serve beer and wine.

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

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

**Against:** None.



- 6) **REQUEST FROM CREATIVE SANTA FE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER IN THE WORKFORCE CONNECTION PARKING LOT, 301 W. DeVARGAS, WHICH IS WITHIN 300 FEET OF OUR LADY OF GUADALUPE CHURCH, 417 AGUA FRIA STREET. THE REQUEST IS FOR THE FANTASE FESTIVAL TO BE HELD ON JUNE 5, 2013 FROM 3:00 P.M. TO 10:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council packet from Rev. Tien-Tri Nguyen, Pastor, Shrine of Our Lady of Guadalupe, stating they have no objection to this request. She said as a condition of approval, the Fire Marshal has set the occupancy for the beer garden based on square footage to a maximum of 49 persons, and the Applicant has agreed to that. She said the Applicant has indicated they will be providing double fencing on this request, noting the letter is in the Council packet.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Bushee, to grant the waiver of the 300 foot location restriction, with the conditions of approval as requested by the City Clerk, and approve the dispensing/consumption of beer in the Workforce Connection parking lot, 301 W. DeVargas, for the FantaSe Festival to be held June 15, 2013, 3:00 p.m. to 10:30 p.m..

**DISCUSSION:** Councilor Wurzbarger said these people have worked so hard and this is going to be a fantastic event, not just because of the beer, but hopefully the Skateboard Park will be totally finished, and it will demonstrate what connectivity can look like between downtown Santa Fe and the Railyard. She thanked Creative Santa Fe for all the work they've put into this. She invited the community to please put June 15, 2013 on their calendar.

**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.

- 7) **REQUEST FROM ELLSWORTH GALLERY, LLC, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT ELLSWORTH GALLERY, 215 E. PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THEIR GALLERY OPENING ON JUNE 7, 2013, FROM 5:00 P.M. TO 10:30 P.M.**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council packet from the Very Rev. Adam Lee Ortega y Ortiz, Rector of the Cathedral Basilica of St. Francis of Assisi, saying they are fine with, and have no opposition to, this event.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction, and approve the dispensing/consumption of beer and wine at Ellsworth Gallery, 215 E. Palace, for their gallery opening on June 7, 2013, 5:00 p.m. to 10:30 p.m.

**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.

Mayor Coss wished them good luck and thanks for opening a business in Santa Fe.

- 8) **CONSIDERATION OF RESOLUTION NO. 2013-57 (COUNCILOR RIVERA, COUNCILOR CALVERT, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). 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. (FIRE MARSHAL REYNALDO GONZALES)**

Fire Marshal Gonzales said he has no remarks and will stand for questions.

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-57.

**DISCUSSION:** Councilor Bushee thanked Fire Marshal Gonzales for working with BTAC to be sure people are informed of the importance of the Trail even during times of extreme drought, and for the people using the trails to be the "eyes and ears" and make sure no one is smoking and doing risky behaviors during this time.

**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.

- 9) **CONSIDERATION OF BILL NO. 2013-22: ADOPTION OF ORDINANCE NO. 2013-23 (COUNCILOR TRUJILLO AND COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR RIVERA. AN ORDINANCE APPROVING A LEASE AND SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE BOYS AND GIRLS CLUBS FOR LEASE OF CITY OWNED BUILDING AND IMPROVEMENTS LOCATED AT 730 ALTO STREET, SANTA FE, NEW MEXICO, FOR THE BOYS AND GIRLS CLUBS TO USE AND OCCUPY THE BUILDING AND IMPROVEMENTS TO OPERATE AFTER SCHOOL AND SUMMER COMMUNITY SERVICES PROGRAMS FOR CITY YOUTHS AGES SIX THROUGH EIGHTEEN AND OTHER RELATED PURPOSES. (DAVID CHAPMAN)**

David Chapman said he would stand for questions

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Ordinance No. 2013-23, as presented.

**DISCUSSION:** Councilor Bushee said she is happy to see these are State funds and no match is required by the City. She hopes the swimming pool can be done for the season, and asked if there is a possibility of that happening, and Ms. Chapman said yes. Councilor Bushee asked to be added as a cosponsor.

**FRIENDLY AMENDMENT:** Councilor Calvert asked to amend the motion to amend Ordinance page 2, line 7, as follows: "The ~~appraised~~ net value of ~~the buildings and improvements~~ the assets of land minus the facility is \$320,000." He asked if this is the correct language, and Ms. Amer said it is correct. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said he wants to make it clear that it is the net of value of the property and facilities and not the total appraised value of the facility.

**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 her vote:** Councilor Wurzbarger said, "Yes. And thank you for your work Roman."

Councilor Rivera asked to be added as a sponsor.

## **16. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

## **17. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION**

- 1) **IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO.**
- 2) **IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2012-31, QUARTERLY DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT.**

Councilor Ives recused himself from participation in the executive session, given the matters being considered, as "I do for anything involving Qwest."

**MOTION:** Councilor Calvert moved, seconded by Councilor River, that the Council go into Executive Session, in accordance with §10-15-1(H)(7) NMSA 1978, for discussion of pending litigation in which the City of Santa Fe is a participant, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico, and accordance with §10-15-1(H)(7) NMSA 1978, and pursuant to City of Santa Fe Resolution No. 2012-31, quarterly discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant

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

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

**Against:** None.

**Recused:** Councilor Ives.

The Council went into Executive Session at 7:50 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION.** At 8:15 p.m., Councilor Wurzbarger moved, seconded by Dominguez to come out of executive session.

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

## **18. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

## **19. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of May 29, 2013, is incorporated herewith to these minutes as Exhibit "10."

### **Councilor Calvert**

Councilor Calvert had no communications.

### **Councilor Dimas**

Councilor Dimas said he took his mother and his wife to see The Jersey Boys in Albuquerque on Sunday. He said it is a fantastic show about The Four Seasons, and said he thinks it is still showing at Popejoy, and urged everyone to see it.

### **Councilor Trujillo**

Councilor Trujillo reminded everyone that the Santa Fe Fuego is playing at Ft. Marcy, and urged people to come out and "root them on."

### **Councilor Rivera**

Councilor Rivera said he has accompanied the Mayor to several park openings, trail openings, bridge openings, and thanked the Park crews who do a fantastic job, the Engineering Division, and all of the City crews that are out there every day. He said, "They never cease to amaze me."

Councilor Rivera said he is unclear about the reason the tow truck people were here this evening. He said he will look into this, and asked staff to find out where the contract came from, who initiated, if it complies with the Ordinance – he wants more background on this issue.

### **Councilor Wurzbarger**

Councilor Wurzbarger introduced the following:

1. A Resolution directing airport staff to perform an update of the 2002 Airport Master Plan for the purpose of providing for long range economic sustainability and ongoing safe and efficient operations at the Santa Fe Municipal Airport. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
2. An Ordinance relating to Chapter 21, SFCC 1987, Environmental Services, establishing a new Article 21-8 SFCC 1987, to ban the distribution of single use plastic, carry-out bags and establish a fee for paper carry out grocery bags to be imposed by retail establishments. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

### **Councilor Bushee**

Councilor Bushee said she would like to sign onto the Mayor's Resolutions.

Councilor Bushee said she would like staff to follow up, and arrange a meeting with the new School Board, to discuss primarily, the issue about the LaFarge Library and keeping that facility open.

Councilor Bushee said thanked the unit that deals with DWI Forfeiture which just got an award, noting we have an amazing record. And asked it be placed on the agenda under presentations at the next meeting.

Councilor Bushee said graffiti is still on her mind. She said they were to meet with a contractor who had some new ideas, and she heard about a whole new set of equipment with sensors that can turn on the cameras. She would like to be invited to the meeting so she can follow-up on this in some way. She said she hates to spend \$250,000 to clean-up graffiti on a temporary basis. She wants to be working toward a solution.

### **Councilor Dominguez**

Councilor Dominguez introduced a Resolution directing staff to explore the options for developing a collaboration between the City of Santa Fe, Santa Fe County and the Santa Fe Public Schools, to establish a transitional alternative educational setting for juveniles, noting for the record he already has language changes. He said instead it should be "transitional educational setting..." He said Melissa already knows about this change. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Councilor Dominguez said he asked Robert Romero to provide him with an inventory of all of the Parks in District 3, the condition of the Park, and the work being done on them outside of the bond money we are spending. He asked Mr. Snyder to provide that information.

Councilor Dominguez said his son comes back to Santa Fe next week for college break for the summer.

### **Mayor Coss**

Mayor Coss thanked Rick Carver and the USS Santa Fe Committee, commenting they had a great visit with 9 officers 3 sailors from the USS Santa Fe. He thanked the Fire Department which used some of their bunks for the sailors. He said the sailors could cheer for the Fuego better than anybody he ever saw. He said if you go to a Fuego game, Councilor Trujillo has a great hat, and does a better twist than the mascot.

Mayor Coss introduced the following:

1. A Resolution directing staff to enter into a non-exclusive temporary license agreement for a 240 square foot area located in the area of Fountainhead Rock near the Water Street Parking Lot; and directing staff to seek approval for converting the City-owned land around the Water Street Parking Lot to a City Park and naming the new park "Cerletti Park." He wants to make sure this comes from Mr. Coviello, and that the owners of the Hotel St. Francis and other property owners are on board with this as we move forward. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor Wurzbarger asked to be added as a cosponsor, and wants to be sure we contact Helen Cerletti, because from previous discussions, she knows Helen has felt somewhat out of the loop on this.

2. A Resolution supporting the protection and preservation of the La Bajada Mesa lands and respectfully requesting that the President of the United States, by proclamation, designate and establish the La Bajada Mesa National Monument, which is located in Congressional District 3. A copy of the Resolution is incorporated herewith to these minutes as "15."
3. A Resolution authorizing the establishment of a Gun Safety Public Service Announcement (PSA) campaign promote gun safety awareness by placing PSA' on Santa Fe Trails buses and benches. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Wurzbarger asked the Mayor to talk about the visit by the people from Taiwan last week. He said they were here several days, and Lisa Allen, Film Liaison, set up good filming for them. He said they have a whole film crew from Taiwan, to film a travel documentary on New Mexico in general and Santa Fe in particular. The documentary will be shown all over Asia.


Councilor Wurzbarger said this is a collaboration which came out of the Creative Cities work, noting the documentary will be 1 hour long. She said they were here for 8 days, and paid for everything with the exception of 2 hotel rooms and meals. She said this was a collaboration between the City of Santa Fe and the Santa Fe working group as well as Michelle King from the State. She said it is exciting that this will be an hour long documentary and should be shown at least 3 times, noting they are getting an estimate from staff on the monetary worth, if we had to purchase that exposure. It is her hope this will come to fruition in getting additional tourists here.



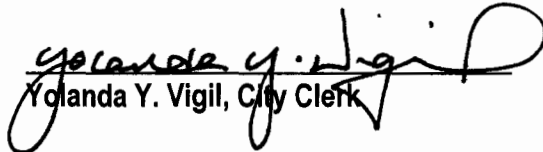
**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:25 p.m.

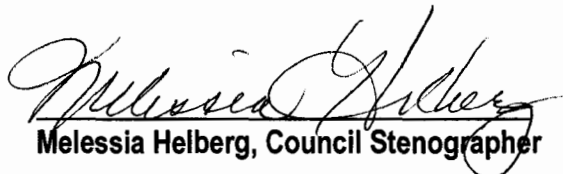
**Approved by:**

  
\_\_\_\_\_  
**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  
TUESDAY, MAY 28, 2013**

**ITEM 17**

REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY 2014 BUDGET PROPOSAL, APPROVING THE FY 2014 CITY OF SANTA FE REGIONAL TRANSIT PLAN AND DIRECTING STAFF TO SUBMIT THE CITY OF SANTA FE REGIONAL TRANSIT PLAN FOR FY 2014 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL (COUNCILOR BUSHEE) (JON BULTHUIS)

**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 "1"*

MEMORANDUM

ITEM #

14

TO: Mayor and Members of the Governing Body

FROM: Judith Amer, Assistant City Attorney 

THROUGH: Geno Zamora, City Attorney

RE: CITY COUNCIL AGENDA ITEM #14: AMENDED RESOLUTION  
AUTHORIZING THE CITY OF SANTA FE TO PAY UP TO 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.

DATE: May 29, 2013

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**Background:**

The 2013 New Mexico Legislature enacted SB 27, signed into law, which amends the Public Employees Retirement Act to alleviate the PERA deteriorating funded status. The new law increases municipal employees' PERA contribution rate by 1.5% beginning in FY14 for employees that earn more than \$20,000. The new law allows a municipal employer, to elect to be responsible for any percentage of 1.5% increase to the employee contribution rate even if an earlier resolution or collective bargaining agreement agreed to a different percentage.

**Reason for the Resolution:**

Currently, the City has elected by resolution to "pick up" 75% of its non-union employees' contributions and, by collective bargaining agreements, the City has agreed to pay 50% of its union police employees and 75% of its other union employees' contribution. By passing this Resolution, the City will choose to continue to "pick up" the same proportion of the 1.5% increase as it already "picks up" on existing PERA obligations.

EXHIBIT 21

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2013-\_\_\_\_**

**INTRODUCED BY:**

Mayor David Coss

Councilor Chris Rivera

Councilor Patti Bushee

Councilor Bill Dimas

Councilor Peter Ives

**A RESOLUTION**

**AUTHORIZING THE CITY OF SANTA FE TO PAY UP TO 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 up to 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

*Substitute Resolution With Proposed Staff Amendments  
(Bolded and Italicized)*

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 up to 75% of employees'  
9   contribution, such election shall be made prior to July 1, 2013 and does not necessarily apply to any  
10   increase in the statutory employee contribution rate that may occur after that date, however, the new  
11   law does allow a municipal affiliated employer, by a resolution passed or by collective bargaining  
12   agreement signed on or after July 1, 2013, to elect to be responsible for paying up to 75% of any  
13   increases in the employee contribution rate; and

14       **WHEREAS**, the Governing Body desires to adopt a resolution, ~~[prior to]~~ effective July 1,  
15   2013 and by executed ~~[amendments to each of its]~~ collective bargaining agreements in existence on  
16   July 1, 2013 to establish that the City will contribute up to 75% of its union and non-union  
17   employees' contributions and that City contribution applies to the union and non-union employee  
18   contribution rates in effect on June 30, 2013 and in effect on July 1, 2013.

19       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
20   **CITY OF SANTA FE** that the Governing Body authorizes that:

21       1. This Resolution shall be deemed effective July 1, 2013.

22       ~~[4]2~~   Effective as of the first pay period beginning after July 1, 2013, the City elects to pay  
23       up to 75% of the 1.5% increase in PERA contributions for all city employees, union  
24       and non-union, who earn more than \$20,000, per year.

25       ~~[2]3~~   All city employees, union and non-union, shall be responsible for the remaining

***Substitute Resolution With Proposed Staff Amendments  
(Bolded and Italicized)***

***percentage of the [ 25%]*** of the 1.5% increase in PERA contributions, which increase shall be deducted from all city employees paychecks effective the first pay period beginning after July 1, 2013.

~~*[3. As soon as practicable, the City shall negotiate amendments to all of the city's collective bargaining agreements to state that the City elects to pay 75% of the 1.5% increase in PERA contributions for union employees that earn more than \$20,000 per year.]*~~

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

CAO/Melissa/Resolutions 2013/PERA Changes (Substitute)

**AMENDED**  
**City of Santa Fe**  
**Fiscal Impact Report (FIR)**

FIR No. 2394

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill: \_\_\_\_\_ Resolution: X  
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AUTHORIZING THE CITY OF SANTA FE TO PAY UP TO 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.**

Sponsor(s): Mayor Coss and Councilors Rivera, Bushee and Dimas

Reviewing Department(s): Finance Department

Person Completing FIR: Marcos A. Tapia Date: 5/29/13 Phone: 955-6530

Reviewed by City Attorney: Judith [Signature] for Date: 5/29/13  
(Signature)

Reviewed by Finance Director: [Signature] Date: 5/29/13  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

**The purpose of the resolution is to establish that, effective as of the first pay period beginning after July 1, 2013, the City elects to pay up to 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.**

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

\_\_\_ Check here if no fiscal impact

in #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 2013/14	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non- recurring	Fund Affected

Personnel\*      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Fringe\*\*      \$723,493      A      R      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Capital  
Outlay      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Land/  
Building      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Professional  
Services      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

All Other  
Operating  
Costs      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Total:      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non- recurring	FY _____	"R" Costs – Recurring or "NR" Non- recurring	Fund Affected

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

\_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Total:      \$ \_\_\_\_\_      \_\_\_\_\_      \$ \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_



### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

First pay period beginning after July 1, 2013, the City will pay up to 75% of the 1.5% increase in PERA contributions for all other city employees. Union and non-union, who earn more than \$20,000 per year,

Funding for FY 2013/2014 from savings; cost allocations and personnel moves, total of \$723,493 required.

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### Section D. General Narrative

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None

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### **2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

**If this Resolution is not enacted the full burden of the PERA increase will be on employee contributions.**

### **3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None

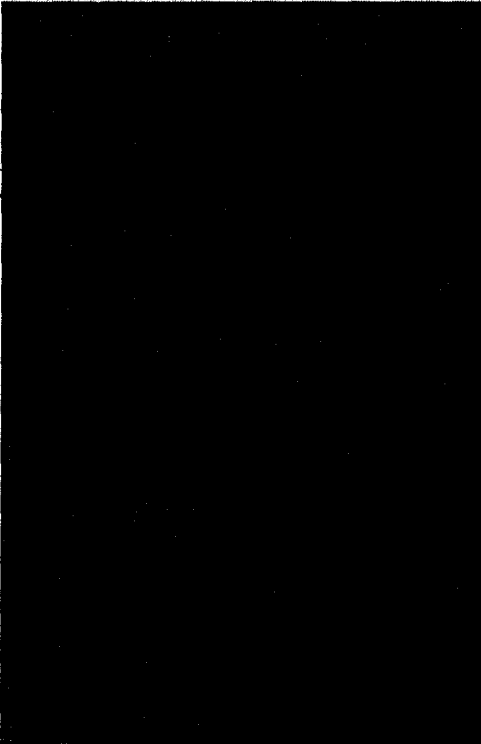
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### **4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, social service providers and other institutions such as schools, churches, etc.

**Increased paycheck deduction for PERA costs will result in lower take home pay for City employees, resulting in reduced purchasing power in the community.**

Form adopted: 01/12/05; revised 8/24/05



# Ethics and Open Government

Presented to:  
City of Santa Fe Governing Body

By the City Attorney's Office

May 29, 2013

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*Exhibit "3"*

# Laws To Be Reviewed

- An overview of the following will be provided, focusing on provisions applicable to municipalities:
  - City of Santa Fe Ethics Ordinance, SFCC § 1-7, et seq.
  - New Mexico Governmental Conduct Act, § 10-16-1, et seq.
  - New Mexico Open Meetings Act (OMA), § 10-15-1, et seq.
  - New Mexico Inspection of Public Records Act (IPRA), § 14-2-1, et seq.



# Santa Fe Code of Ethics

- General Rules

- Proper operation of City government requires (§ 1-7.1):

- That public officials and employees be independent, impartial and responsible to the people
    - That decisions and policy be without conflicts of interest
    - That public office or employment not be used for personal gain
    - That the public has confidence in the integrity of its government

- Purpose and intent (§ 1-7.2):

- Standards of behavior for public officials and employees that ensure decisions are made without consideration of personal benefit
    - Provide clear guidance by clarifying acts allowed and prohibited
    - Adopt a code that suits the local concerns and needs

# Code of Ethics

- Conflict of Interest
  - Definition (§ 1-7.5): a specific and identifiable prospect of pecuniary gain or loss (not shared with the public) from an official act of any public official or employee to:
    - Self or Family member
      - Family defined as household members, children, step-children, brothers, sisters, parents, step-parents, domestic partner and all persons claimed as dependents on latest tax return.
    - Business owned by self or household member
    - Employer, client or customer
    - Non-profit where public official, employee or household member is an officer or director
    - Contributor to council or mayoral race in last 2 years (if over \$1,000 for council, or if over \$2,500 for mayor)
  - Disclosure (§ 1-7.7(L))
    - Method
      - For member of governmental body, at a public meeting of that body
      - For the City Manager, City Attorney or city Clerk, to the Governing Body at a public meeting
      - For a City employee, to the City Manager
    - When there is a conflict, public official or employee shall not perform an official act or attempt to influence another person to perform an official act in a conflicted matter

# Code of Ethics (cont.)

- Gifts (§ 1-7.7(A))
  - General rule: public officials shall not accept gifts or other financial benefits from persons or entities that have a prospect of pecuniary gain or loss from an official act (other than gains or losses shared with a substantial segment of the general public).
  - Exceptions:
    - Occasional meal or non-pecuniary gift less than \$50
      - \$250 limit for Governing Body, City Manager, City Attorney and City Clerk if related to official duties, must report within 10 days and post on website
      - \$250 limit for employees if related to official duties and prior approval by City Manager, must report immediately and post on website
    - Other: certain awards, campaign contributions, commercially reasonable loan, certain real property transactions



# Code of Ethics (cont.)

## Political Activity

- Improper Political Campaigning (§ 1-7.7(H))
  - Public official or employee shall not knowingly request or authorize another to request a subordinate to make a campaign contribution or provide service to a campaign
    - All public employees are subordinates of the Governing Body (§ 1-7.5)
  - Public official or employee shall not engage in political campaigning while on duty
  - No use of City resources for campaigns (funds, equipment, vehicles, etc.)
- No promise of an appointment to any City position as a reward for political activity or contribution (§ 1-7.7(I))



# Code of Ethics (cont.)

- Honoraria (§ 1-7.7(J))
  - Public official shall not request or receive an honorarium for a speech or service rendered in the performance of his or her official duties
  - Reasonable reimbursement for meals, lodging or travel expenses are permissible
    - Reimbursements shall be reported within 10 days
- Annual Disclosures (§ 1-7.6)
  - Upon election/appointment and each July thereafter public officials and department heads shall disclose:
    - Name, address phone number
    - Employer if other than the City
    - Professional, occupational or business licenses
    - For-profit and non-profit board memberships
    - Businesses owned



# Code of Ethics (cont.)

- Representation of Private Interests (§ 1-7.7(C)(3))
  - Governmental Body Members shall not accept monetary compensation to advise, consult or represent on an item before the governmental body, during the term of office or 1 year after.
- Other Important provisions:
  - Quasi Judicial Proceedings
  - Transactions with the City
  - Representation of Private Interests
  - Misuse of confidential information
  - Misuse of City resources
  - Whistleblower Protection
- Enforcement and Penalties:
  - Code of Ethics enforced by the ECRB (§ 1-7.9)
  - Penalties include public reprimand, fines, recommendation of removal or suspension, referral to the District Attorney (§ 6-16.7)



# New Mexico Governmental Conduct Act

- General Rules for public officer or employee (§ 10-16-3):
  - Treat their position as public trust and use powers/resources only to advance the public interests, not obtain personal benefits or pursue private interests
  - Conduct themselves in a manner that justifies the confidence placed in them by the people
  - Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct
  - Make reasonable efforts to avoid undue influence and abuse of office



# NMGCA (cont.)

- Prohibited Political activities (§ 10-16-3.1):
  - No coercion to contribute, vote or participate in political activity
  - No threats to deny promotion or pay increase
  - No requiring employee contribution or event ticket
  - No advising an employee to take part in political activity
  - No use of governmental property for non-authorized purposes
- Official Acts for personal financial interest prohibited (§ 10-16-3.1):
  - Knowing and willful violation is a 4<sup>th</sup> degree felony
  - Public officer or employee is disqualified from engaging in any official act directly affecting their financial interest



## NMGCA (cont.)

- Other important provisions:
  - Honoraria
  - Confidential information
  - Contracts involving current or former officers or employees
  - Prohibited bidding
- Enforcement and penalties (§ 10-16-14, 17, 18):
  - Enforced by Attorney General or District Attorney
  - Penalties include discipline, dismissal, demotion or suspension
    - Criminal penalties include misdemeanor (unless otherwise specified) and up to \$1,000 fine
    - Civil penalties of \$250 per violation up to \$5,000

# Open Meetings Act

- NEW

- Meeting notices published 74 hours in advance
  - No amendments within 72 hours
- AG must be informed of emergency meetings within 10 days after the emergency meeting
  - Emergency: unforeseen circumstances that will likely result in injury or damage to persons or property or substantial financial loss to the public body

- General Rules (§10-15-1(A)):

- A representative government is dependent upon an informed electorate
- All persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them
- The formulation of public policy or the conduct of business by vote shall not be conducted in closed meetings
- All meetings of any public body shall be public meetings, all persons shall be permitted to attend and listen, reasonable efforts shall be made to accommodate use of audio and video devices



# Open Meetings Act (cont.)

- Applicability (§ 10-15-1 (D)):
  - All meetings by of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of a municipality or political subdivision held for the purpose of formulating public policy
  - Any meetings at which the discussion or adoption of any proposed resolution, rule regulation or formal action occurs and at which a majority or quorum of the body is in attendance
  - Any closed meetings, shall be held only after reasonable notice to the public



# Open Meetings Act (cont.)

- Meeting Notices (§10-15-1(D) and (F)):
  - Annual determination by the Body of reasonable notice to the public
    - Notice shall include broadcast stations and newspapers that have provided written request for such notice
  - Shall include an agenda containing a list of specific items of business to be discussed or transacted or information on how the public may obtain a copy of such an agenda
  - Agenda shall be available at least 72 hours before meeting (exceptions for emergencies) (City Resolution requires first agenda posting 72 hours in advance)
- Minutes (§10-15-1(G)):
  - The policymaking body shall keep written minutes of all its meetings including:
    - Date, time and place of meeting
    - Names of members in attendance and absent
    - Substance of the proposals considered and a record of votes
    - Minutes shall be prepared within 10 days, shall be approved at the next meeting with a quorum and are not official until approved by the policymaking body

# Open Meetings Act (cont.)

- Exceptions (§ 10-15-1(E)), with proper notice, the portions of meetings dedicated to the following topics may be conducted in closed session such as:
  - Licenses. Discussion of the issuance, suspension, renewal or revocation of a license, final action in public.
  - Personnel. Discussion of limited personnel matters (hiring, promotion, demotion, dismissal, assignment, resignation, or investigation), final action in public
  - Adjudication. Deliberations in connection with an administrative adjudicatory proceeding
  - Collective Bargaining. Discussion of bargaining strategy preliminary to collective bargaining negotiations
  - Procurement. Certain discussions regarding procurement (sole source over \$2,500 or competitive bids), final action in public
  - Litigation. Attorney-Client privileged discussions regarding threatened or pending litigation
  - Real property and water. Discussion of real property or water right purchase, acquisition or disposal
- Entering closed session: requires a majority vote of a quorum, the subject and authority for closure shall be stated with reasonable specificity in the motion and an individual vote shall be taken in open meeting
  - Scope: Only those subjects announced or voted upon prior to closure may be discussed
- Enforcement and penalties: AG, DA or individual enforcement; penalties include misdemeanor and/or fines, attorneys fees and costs (§ 10-15-3)





# Inspection of Public Records Act (IPRA)

- NEW
  - Draft documents that are not otherwise protected are public record
  - Unless there is a specific exclusion, the document is public record. No "rule of reason"
- General Rules:
  - All persons entitled to greatest possible information regarding the affairs of Government and the official acts of public officers and employees (§ 14-2-5)
  - Providing persons with information is an essential function of a representative government (§ 14-2-5)
  - Every person has the right to inspect public records (§ 14-2-1(A))
  - City must designate at least one public records custodian (§ 14-2-17)

## IPRA (cont.)

- Relevant statutory exemptions (§ 14-2-1(A):
  - Letters or memoranda which are matters of opinion in personnel files (including letters of reference)
  - Certain law enforcement records containing confidential sources, methods, information or individuals accused but not charged with a crime
  - Tactical response plans or procedures that could be used to facilitate the planning or execution of a terrorist attack
  - "As otherwise provided by law"
    - Includes federal, state and local laws and includes judicial decisions
    - Examples include attorney client communications, medical information, financial information, privacy laws, etc.

# IPRA (cont.)

- Procedure for Requesting (§ 14-2-8):
  - Oral or written/emailed request (only written request requires response) to the public records custodian containing name address and phone number
  - Request shall identify the records sought with "reasonable particularity"
- Response Timelines (§ 14-2-8):
  - Immediately or as soon as practicable but not later than 15 days
  - Not required to create a record to respond to a request
  - Notice required if taking longer than 3 days
  - Longer deadlines for burdensome or broad requests (§ 14-2-10)
- Denials:
  - Any denials shall be in writing with a description of records sought, person making the denial and shall be delivered within 15 days of the request (§ 14-2-11)
- Enforcement:
  - An enforcement action may be brought by AG, DA or requestor (§ 14-2-12)
- Penalties:
  - Damages up to \$100 per day, costs and attorneys fees (§ 14-2-11)



# Questions?

- CoSF Ethics Ordinance
- NM Governmental Conduct Act
- NM Open Meetings Act
- NM Inspection of Public Records Act
- Other

**May 29, 2013**

**Mayor and Councilors, we would like to thank you for your time, and the opportunity to express our concerns. The majority of towing companies doing business in the City of Santa Fe are owner/operator, mom and pop small businesses.**

**On May 23<sup>rd</sup> most companies received a phone call from Officer Plumber of the Santa Fe Police Department asking us to stop by the station and pick up a package with contract information that was due back by the 15<sup>th</sup> of June.**

**According to the contract it would go into effect on the 1<sup>st</sup> of July 2013 and be in effect until the end of June 2014. We feel that this contract is moving at a very fast pace and without any input from the towers. No towing company from the list handed out to you, is comfortable signing or entering into this contract at this time.**

**We kindly ask that you as a governing body take action to work with the towing community to produce a contract that will be beneficial to both the City of Santa Fe and the towers of Santa Fe. We are in no way in opposition to entering into a contract. We know that a well thought out contract is in the best interest for both sides.**

**There are some conflicts between the contract and the ordinance. Also missing from the ordinance is some basic definitions. A conflict also arises between a land use ordinance and the vehicle towing services ordinance.**

**As a group we would like to have the following issues addressed before moving forward on enacting this contract.**

**Having us enter into this contract will not only infringe on our quality of life, but will also pose a hardship upon our businesses.**

**Some concerns we would like addressed.**

- ❖ **Age of trucks (having truck that are ten years young or younger) \*\*Hardship**
- ❖ **Yard being open weekends \*\*Quality of life issue**
- ❖ **Insurance requirements exceeding that required by the state NM PRC \*\*Hardship**
- ❖ **We are unsure if we are being asked for a letter of compliance from the NM Tax & Rev**
- ❖ **Truck being inspected by an ASE certified mechanic \*\*Hardship (We currently have our trucks inspected once a year as required by NM PRC and federal law.)**
- ❖ **Background Checks**

*Exhibit "4"*

- ❖ We would like more discussion on letter N of the towing service ordinance, to have specific wording, re-write, or possibly even a definition on what constitutes three (3) refusals

In closing we are asking for your help to iron out a contract that is free of conflicts, as the ordinance reads in one manner and the contract reads in another. This is in the best interest for both the City of Santa Fe, and the towers doing business in Santa Fe.

On April 24<sup>th</sup> several towers meet with Councilor Rivera, Deputy Chief Johnson, Capitan Ortiz, and Mr. Matthew O'Reilly regarding the land use ordinance. At the end meeting a question was asked specifically about this towing contract, and we were informed by Capitan Ortiz that there would be no changes in the way at the towing rotation list was utilized.

Having to comply with all requirements requested in this contract will have detrimental effects on all towing owner/operators doing business in with the City of Santa Fe. The cost to update trucks, add additional insurance, have tow yards manned on weekends, and several other request in the contract will prove a hardship for our businesses.

As section 9 addresses NON DISCRIMINATION we would like to see the City of Santa Fe adhere to how it is spelled out.

Thank you for your time and attention.

### Airport Auto will pick up junked cars if others refuse

Exhibit "5"

CITY OF SANTA FE  
PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and \_\_\_\_\_ (the "Contractor"). The date of this Agreement shall be the date when it is executed by the City and the Contractor, whichever occurs last.

1. SCOPE OF SERVICES

The Contractor shall provide the following services for the City:

- A. Provide professional towing services on rotation for motor vehicle crashes and vehicle removal and scene clean up.
- B. Provide professional towing services for evidence chain of custody.
- C. Provide professional towing services for the D.U.I seizure program.
- D. Have a secure lot with in the County Of Santa Fe and no more than five miles for the city limits to operate for the city of Santa Fe.

2. STANDARD OF PERFORMANCE; LICENSES

- A. The Contractor represents that it possesses the personnel, experience and knowledge necessary to perform the services described under this Agreement.
- B. The Contractor agrees to obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

*Exhibit "6"*



- C. The contractor while on the rotation for the City of Santa Fe wrecker rotation list must have an office that is open Monday thru Friday 8:00am until 5:00pm. The contractor must have someone available for the weekend to respond to calls for service, Saturday and Sunday shall be considered **Extended Hours** as defined in the **Public Regulation Commission Tarrif**; while not on rotation, the wrecker must keep a regular business hours Monday thru Friday, as a minimum, with the exception of legal Holidays.
- D. Contractor must obtain and furnish a license to operate by the Public Regulation Commission and follow the rules set forth by the Public Regulation Commission Motor Transportation Rules.
- E. Contractor must have his/her vehicles used for the services herein checked and made roadworthy by a certified ASE mechanic to operate for the City of Santa Fe rotation.
- F. Furnish information on each employee for the purpose of a full back round check for the use in an evidence chain while towing evidence to or from a scene. (Attached is an information sheet)
- G. Furnish information on each vehicle going to be used to complete the services listed along with pictures of the vehicle with the Public Regulation Commission number, and the name of the company **PERMANANTLY ATTACHED** to the vehicle. (vehicle information sheet is attached).

3. **COMPENSATION**

- A. The Contractor will pay a one time fee of ~~\$400.00~~ dollars for the application fee to be considered and placed on rotation, with a portion of the fee (~~200.00~~) to be returned if the application/ contractor are denied a position on the rotation list for the calendar year.
- B. The City shall pay to the Contractor in full payment for services rendered to the City Of Santa Fe, a sum not to exceed 200 dollars, plus/ inclusive of applicable gross receipts taxes, for the towing of evidence to the City of Santa Fe evidence lot or to the City of Santa Fe D.U.I seizure lot, and follow the Public Regulation Commission Tariff for all other services provided while on rotation for the City of Santa Fe.
- C. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.
- D. Payment shall be made upon receipt, approval and acceptance by the City of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed and accepted by the City of Santa Fe.

4. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by

the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

5. TERM AND EFFECTIVE DATE

This Agreement shall be effective when signed by the City and the Contractor, whichever occurs last, and shall terminate on June 30<sup>th</sup> calendar year of application, unless sooner pursuant to Article 6 below.

6. TERMINATION

A. This Agreement may be terminated by the City upon 30 days written notice to the Contractor of a violation.

(1) The Contractor shall render a final report of the services performed up to the date of termination and shall turn over to the City original copies of all work product, research or papers prepared under this Agreement.

(2) If compensation is not based upon hourly rates for services rendered, the City shall pay the Contractor for the reasonable value of services satisfactorily performed through the date Contractor receives notice of such termination, and for which compensation has not already been paid.

(3) If compensation is based upon hourly rates and expenses, then Contractor shall be paid for services rendered and

expenses incurred through the date Contractor receives notice of such termination.

7. STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

- A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.
- B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor in the performance of the services under this Agreement.
- C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

8. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

9. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

10. ASSIGNMENT; SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

11. RELEASE

The Contractor, upon acceptance of final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

12. INSURANCE

A. Copies of the garage insurance policy with all coverage which meets the specified requirements below are to be attached and submitted with this application:

1. Motor vehicle liability

- a) **Motor Vehicle Liability**: Each vehicle must have a minimum of Bodily Injury (BI) limits of **\$1,000,000.** and Property Damage (PD) limits of **\$500,00.**; or
- b) A combined single limit of **\$1,000,000.**

2. **Garage Keepers Legal Liability**: minimum of **\$250,000.** For classes A&B and **\$500,000.** For class D

3. **Garage Liability**: minimum of \$500,000.

4. **Motor Truck Cargo**: Class D must have minimum of \$500,000.

A certificate of the insurance is to be filed with the City of Santa Fe and each policy is to have the City of Santa Fe listed as an additional insured.

13. **INDEMNIFICATION**

The Contractor shall indemnify, hold harmless and defend the City from all losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever arising from Contractor's performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors.

14. **NEW MEXICO TORT CLAIMS ACT**

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico

Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

15. THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

16. RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa

Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

18. AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

19. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

20. NON-DISCRIMINATION

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 Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex,



gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

21. SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

City of Santa Fe:

Contractor:

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

\_\_\_\_\_  
ROBERT ROMERO,  
CITY MANAGER  
Or  
DAVID COSS, MAYOR

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
YOLANDA Y. VIGIL  
CITY CLERK

CONTRACTOR:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
(Name & Title)

\_\_\_\_\_  
GENO ZAMORA, CITY ATTORNEY

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CRS# \_\_\_\_\_

City of Santa Fe Business  
Registration # \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
DR. MELVILLE L. MORGAN, FINANCE DIRECTOR

\_\_\_\_\_  
Business Unit Line Item

# CITY OF SANTA FE

## SANTA FE POLICE DEPARTMENT WRECKER SERVICES PROGRAM WRECKER ROTATION ORDINANCE PROGRAM

### Wrecker Services Program:

Santa Fe Police Department  
Wrecker Services Unit  
2515 Camino Entrada  
Santa Fe, New Mexico 87507  
(505)955-5010

### Authority:

City of Santa Fe Council Bill # \_\_\_\_\_  
Enactment \_\_\_\_\_

**Instructions:** All questions/terms on this application must be answered completely; write N/A if any item is not applicable to your business. Attach additional pages if necessary to complete your answer and be certain to make reference to the particular question or exhibit by number. All requested exhibits must be included or this application will be considered incomplete. Return this completed application with application fee to the Santa Fe Police Department (SFPD) Wrecker Services Program.

This application is for the period of July 1, \_\_\_\_\_ to June 30, \_\_\_\_\_. Please contact the SFPD at 505-955-5010 if you have any questions about preparing this application. If you have any questions concerning the administration of the wrecker ordinance, please call Wrecker Services Unit (SFPD) at 505-955-5010. For questions involving insurance or wrecker inspections, call the City Risk Management Division at 505-955-5621. Finally, the City Zoning Division may be contacted at 505-955-6560 for questions concerning facility inspections.

Each application hereunder shall be accompanied by a four hundred dollar (\$400.00) application fee; one hundred (\$100.00) of this fee shall be non-refundable only (if) the applicant is refused placement on the rotation list; provided that a wrecker service applying for Class A and B rotation may apply for the Class C and D rotation upon the payment of an additional non-refundable five hundred (\$500.00) application fee.

---

Application is hereby made for inclusion in the City of Santa Fe Wrecker Rotation Ordinance Program and indicated below:

☐ Class A & B

Date of Application: \_\_\_\_\_

☐ Class C & D

*Exhibit "7"*

I. The name, home address and proposed business address of the applicant and its officers or agents is as follows:

A. NAME OF APPLICANT: \_\_\_\_\_

DOING BUSINESS AS : \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ FAX \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

SSN: \_\_\_\_\_

B. OWNER OR OFFICER NAME & TITLE: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ FAX: \_\_\_\_\_

SSN: \_\_\_\_\_ % OF OWNERSHIP: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

C. OWNER OR OFFICER NAME & TITLE: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ FAX: \_\_\_\_\_

SSN: \_\_\_\_\_ % OF OWNERSHIP: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

D. AGENT FOR APPLICANT: \_\_\_\_\_

(NAME AND TITLE)

HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

II. Attach copy of Certificate of Public Convenience and Necessity issued by the New Mexico Public Regulatory Commission (PRC) to your business or to another business from which you are leasing such certificate. Attach copy of such lease, if applicable.

III. What is the PRC permit number for your business? \_\_\_\_\_  
and Certificate of Good Standing from the PRC \_\_\_\_\_

IV. City of Santa Fe Business Registration Fee account number is \_\_\_\_\_  
and the \$35.00 fee due for the current year was paid on \_\_\_\_\_  
Date  
and a Tax Clearing Certificate from NM Tax and Revenue Dept. dated within the last ninety (90) days of application.

V. Copies of the Garage Insurance policy with all coverage's which meet the specified requirements below, are required to be submitted with this application.

Each policy shall name the City as additional insured and shall contain an endorsement providing for thirty (30) days notice to the City in the event of any material changes or cancellation. **No policy shall meet City requirements if it includes a provision disclaiming liability for failure to give such notice.**

(1) Motor Vehicle Liability

- a) **Motor Vehicle Liability:** Each vehicle must have a minimum of Bodily Injury (BI) limits of \$1,000,000 and Property Damage (PD) limits of \$500,000; or  
b) A combined single limit of \$1,000,000.

(2) **Garage Keepers Legal Liability:** minimum of \$250,000 for classes A & B and \$500,000 for class D.

(3) **Garage Liability:** minimum of \$500,000.

(4) **Motor Truck Cargo:** Class D must have minimum of \$500,000.

A certificate of insurance is to be filed with the City of Santa Fe and each policy is to have the City of Santa Fe listed as an additional insured.

VI. Attach a complete diagram of the business premises to scale with dimensions clearly showing all areas to be used for towed vehicles storage, including any inside storage space.

How many unused parking spaces within the fenced storage area are available for towing storage as of the date of this application? \_\_\_\_\_

Is the storage area fenced to a minimum of six (6) feet in height around the entire perimeter of the storage area with adequate lighting and locking facilities? [ ] YES [ ] NO.

Do you have a building at the storage location which is capable of storing a minimum of two (2) full size passenger cars and which may be locked and which is not accessible to the general public? [ ] YES [ ] NO.

**Business Hours:** While on City of Santa Fe wrecker rotation list, the wrecker's office must be opened a minimum of Monday through Friday 7:30 am until 5:30 pm. Saturday 9:00 am until 3:00 pm., and Sunday shall have an employee available from 2:00 pm until 5:00 pm. Saturday and Sunday shall be considered "**extended hours**" as defined in the **Public Regulation**  
**Comission Tarif:** While not on rotation, the wrecker must keep a regular business hours; open 7:30 am until 5:00 pm Monday through Friday, as a minimum, with the exception of legal holidays.

VII. How many wreckers do you have, mounted on a chassis which is no more than ten (10) years old, during the application year available for purposes of this application \_\_\_\_\_? Attach a separate Wrecker Description and Availability Exhibit for each of these wreckers used in the business.

VII. **The undersigned applicant, being first duly sworn upon oath certifies the following:**

- A) That we will conduct our operations in a responsive manner such that our equipment will be on the scene within thirty (30) minutes of a wrecker call under normal circumstances.
- B) That I have read the new City of Santa Fe Wrecker Ordinance (\_\_\_\_\_) and agree to abide by its requirements should this application be accepted by the City. Understand that failure to comply with any of the provisions of this Ordinance may result in removal from the Wrecker Rotation Program.
- C) That I have sufficient available fenced storage space to properly accommodate and protect all motor vehicles to be toyed, and that I have the required unobstructed space to accommodate impounded vehicles.
- D) That, if this application is approved, any change in herein provided information shall be fully reported in writing to the Santa Fe Police Department, Wrecker Services Unit within ten (10) days of such change.
- E) That I have prepared the foregoing application, I am familiar with its contents that all representation hereon is true to the best of my knowledge.

\_\_\_\_\_  
**APPLICANT'S NAME**

\_\_\_\_\_  
**COMPANY TITLE**

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

My Commission Expires:  
\_\_\_\_\_

**SANTA FE POLICE DEPARTMENT**  
**WRECKER ORDINANCE ROTATION APPLICATION**  
**WRECKER DESCRIPTION AND AVAILABILITY EXHIBIT**

Applicant's name: \_\_\_\_\_

Wrecker Number: \_\_\_\_\_ OF \_\_\_\_\_

Make \_\_\_\_\_ Year \_\_\_\_\_ License Plate \_\_\_\_\_

Vehicle Identification Number \_\_\_\_\_ Gross Vehicle Weight \_\_\_\_\_

Owned by \_\_\_\_\_ Mileage \_\_\_\_\_

Is this wrecker available on a continuous (24-hour) per day basis seven (7) days a week for the purpose of this application? ☐ YES ☐ NO. Explain "NO" answer: \_\_\_\_\_

Is the name, address and PRC number of your company permanently lettered on doors at least 2" high? ☐ YES ☐ NO. Explain "NO" answer: \_\_\_\_\_

Is wrecker equipped with two way radio (not a C.B.) licensed by the FCC to operate on commercial or automotive emergency frequency? ☐ YES ☐ NO. Explain "NO" answer: \_\_\_\_\_

Is the body of this wrecker commercially manufactured? ☐ YES By whom: \_\_\_\_\_

☐ NO Explain "NO" answer: \_\_\_\_\_

What is the manufacturer's rating of lifting capacity? \_\_\_\_\_

Please substantiate this rating by attaching manufacturer's specifications of winch and truck chassis to this Exhibit.

What length of winch rated cable is attached to wrecker winch? \_\_\_\_\_ How is winch powered? \_\_\_\_\_

Does this wrecker meet the following criteria?

- ☐ YES ☐ NO 1. Rear end wheels and tires are sized for the truck chassis rated capacity;  
☐ YES ☐ NO 2. Full air capacity with the manufacturer's rated brakes so constructed as to lock the rear wheels automatically upon failure;  
☐ YES ☐ NO 3. Able to provide air supply to disabled vehicle when necessary;  
☐ YES ☐ NO 4. Have external air hookup hoses.

Check below if any of the specialized equipment on this wrecker is in a serviceable condition.

- \_\_\_\_\_ 1. Car carrier (flat bed)
- \_\_\_\_\_ 2. Wheel lifts (cradle-snatcher)
- \_\_\_\_\_ 3. Wheel lift (under lift)

**SANTA FE POLICE DEPARTMENT**  
**WRECKER ORDINANCE ROTATION APPLICATION**  
**EMPLOYEE INFORMATION LIST**

NAME OF BUSINESS: \_\_\_\_\_ DATE \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

HOME TELEPHONE NUMBER: \_\_\_\_\_ CELL NUMBER: \_\_\_\_\_

DATE & PLACE OF BIRTH (City): \_\_\_\_\_

(State): \_\_\_\_\_

(Date): \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DRIVERS LICENSE NUMBER: \_\_\_\_\_

EMPLOYEE DUTIES: \_\_\_\_\_

\_\_\_\_\_

LIST ALL FELONIES AND MISDEMEANOR CONVICTIONS, DATE, PLACE, OFFENSE:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOW LONG EMPLOYED BY THIS BUSINESS: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_ DATE \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

HOME TELEPHONE NUMBER: \_\_\_\_\_ CELL NUMBER: \_\_\_\_\_

DATE & PLACE OF BIRTH (City): \_\_\_\_\_

(State): \_\_\_\_\_

(Date): \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DRIVERS LICENSE NUMBER: \_\_\_\_\_

EMPLOYEE DUTIES: \_\_\_\_\_

\_\_\_\_\_

LIST ALL FELONIES AND MISDEMEANOR CONVICTIONS, DATE, PLACE, OFFENSE:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOW LONG EMPLOYED BY THIS BUSINESS: \_\_\_\_\_

**\*\*ATTACH A COPY OF EACH TOW TRUCK DRIVER'S CURRENT NM DRIVER'S LICENSE,  
CURRENT MEDICAL CERTIFICATE AND RECORDS CHECK TO THIS FORM!**



SEC 2

(HBO 194 B15)

PIB (PPP)

CITY OF SANTA FE, NEW MEXICO

WARRANT SVS

BILL NO. 2011-21

NEW BILL # 194

MEANS

INTRODUCED BY:

SECTION 2 H

1) CHARTER SVS

CERTIFICATED SERVICE

2) COMPUTER SVS

MEANS ONE OF THE

3) PROPERTY TRASP SVS

Councilor Trujillo

FOLLOWING TRANSPORTATION SVS

4) ATOWING SVS

1) AMBULANCE SVS

2) HOUSEHOLD GOOD SVS

3) SHUTTLE SVS

4) SPECIALIZED PASSENGER SVS

5) TAXI CAB SVS

SECT 17 FE P643

BACK GROUND CHECKS

ON CERTIFICATED OPERATIONS ONLY

AN ORDINANCE

REPEALING ARTICLE 20-21 SFCC 1987 AND CREATING A NEW ARTICLE 20-21

SFCC 1987 REGARDING VEHICLE TOWING SERVICES.

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

Section 1. [REPEAL.] Article 20-21 SFCC 1987 (being Ord. #1986-65, §§1-7

and §9) is repealed.

Section 2. A new Article 20-21 SFCC 1987 is ordained to read:

20-21 [NEW MATERIAL] TOWING SERVICES

Section 3. A new Section 20-21.1 SFCC 1987 is ordained to read:

20-21.1 [NEW MATERIAL] Short Title.

Article 20-2.1 shall be cited as the "Towing Services Ordinance".

Section 4. A new Section 20-21.2 SFCC 1987 is ordained to read:

20-21.2 [NEW MATERIAL] Legislative Findings; Purpose.

A. The governing body finds it necessary to register and regulate businesses

engaged in vehicle towing services when such services are performed for the city of Santa Fe.

1           B.       The purpose of this Ordinance is to protect persons who operate motor vehicles  
2 within the city limits; insure that the streets, public ways and public property of the city of Santa  
3 Fe remain open and free of hazard to the public; and cause the efficient enforcement of the city's  
4 traffic, parking, snow removal and other regulatory ordinances.

5           **Section 5.       A new Section 20-21.3 SFCC 1987 is ordained to read:**

6           **20-21.3 [NEW MATERIAL] Definitions.**

7           *Chief of police* means the chief of the Santa Fe police department, or the chief's designee.

8           *Principal place of business* means the one location where the main business activities of  
9 the wrecker company, also known as "the wrecker" are located as evidenced by its office space,  
10 auto storage space, towing vehicle storage space, payment of related taxes and identification as  
11 such on official business filings with the New Mexico taxation and revenue department and the  
12 internal revenue service.

13           *Towing list* means a list maintained by the Santa Fe police department containing the  
14 names of those wrecker companies registered by the city to respond to requests for the towing of  
15 vehicles made by the Santa Fe police department.

16           *Wrecker or wrecker company* means a business engaged in, or offering towing services,  
17 whereby motor vehicles are or may be towed or otherwise removed from one place to another by  
18 the use of a towing vehicle specifically adapted to and designed for that purpose.

19           **Section 6.       A new Section 20-21.4 SFCC 1987 is ordained to read:**

20           **20-21.4 [NEW MATERIAL] Requirements.** Each wrecker company registered with  
21 the city police department shall continuously comply with the following minimum requirements.

22           A.       The wrecker company shall be a legally organized business, having its principal  
23 place of business within Santa Fe county but not more than ten (10) miles of the Santa Fe city  
24 limits.

25           B.       The wrecker company shall own and operate its own towing vehicles and shall

1 supply to the chief of police satisfactory evidence of such ownership, including vehicle  
2 registration, title and insurance.

3 C. The wrecker company shall maintain satisfactory and secure storage facilities  
4 within Santa Fe county but not more than ten (10) miles of the Santa Fe city limits for those  
5 vehicles towed.

6 D. The wrecker company shall maintain public liability insurance, on-the-hook and  
7 garage keepers' liability insurance and any other insurance required by the New Mexico public  
8 regulation commission. A copy of the certificate of insurance shall be submitted to the city of  
9 Santa Fe; and each policy shall have the city of Santa Fe listed as an additional insured. The  
10 intent of this section is that the minimum amount of insurance required shall at a minimum equal  
11 the limitation of damages as required by the New Mexico public regulations commission.

12 E. The wrecker company shall hold the city of Santa Fe harmless from all claims for  
13 damages to property and injuries to persons resulting from wrecker company's negligence in the  
14 towing of or storage of vehicles.

15 F. The wrecker company shall agree to use the tariff schedule provided by the New  
16 Mexico public regulation commission when called out by the police department to tow privately  
17 owned vehicles not impounded by the city of Santa Fe, and contracted fees for vehicles  
18 impounded to any of the Santa Fe police impound lots.

19 G. The wrecker company shall maintain such records, as required by the chief of  
20 police and shall permit inspection of such records during normal business hours. Among such  
21 records will be receipts for towing and storage of vehicles towed at the request of the Santa Fe  
22 police department. All receipts shall indicate the place of vehicle storage and any damage  
23 sustained during or after the towing operation.

24 H. The wrecker company shall permit the chief of police to conduct inspections of  
25 each towing vehicle and of each storage area during normal business hours.

1 I. The wrecker company shall arrive on the scene within thirty (30) minutes of  
2 receipt of a request for service from the Santa Fe police department.

3 J. The wrecker company shall tow or carry vehicles, not drive, to storage sites.

4 K. A vehicle shall not be towed outside of Santa Fe county and not more than ten  
5 (10) miles of the city of Santa Fe limits, unless requested by the vehicle owner or a Santa Fe  
6 police officer.

7 L. The driver of the towing vehicle shall clean the accident area of any debris  
8 resulting from the accident.

9 M. The wrecker company shall be available twenty-four (24) hours a day to respond  
10 to police requests.

11 N. Three (3) refusals to respond to a police department request to remove a vehicle  
12 shall constitute elimination from the towing list for the remainder of the current contract period,  
13 at which time application can be made to resume towing services for the city of Santa Fe.

14 O. Each towing vehicle shall have equipment on board which would enable the  
15 removal of a vehicle regardless of the amount of damage sustained during or after the towing  
16 operation.

17 P. Each towing vehicle shall have flashing blue, amber or combination of both  
18 light(s), which are visible at 360 degrees.

19 **Section 7. A new Section 20-21.5 SFCC 1987 is ordained to read:**

20 **20-21.5 [NEW MATERIAL] Wrecker Company Selection Procedure.**

21 A. A wrecker company that desires to be on the towing list shall complete a  
22 registration form at the Santa Fe police department and shall submit required documents to the  
23 satisfaction of the chief of police.

24 B. Upon satisfactorily meeting the registration requirements set forth in this Article,  
25 the wrecker company and the city shall enter into a contract for towing services. Thereafter, the

1 wrecker company name and phone number shall be placed on the towing list. For the duration of  
2 the contract, the towing list shall be used in all cases in which a vehicle is to be towed from a  
3 public way or public property or from any private property at the request or direction of the Santa  
4 Fe police department.

5 C. When a request for towing services is made by the Santa Fe police department,  
6 the dispatcher or supervisor shall select the name of a wrecker company from the towing list.  
7 Names shall be selected on a rotating basis; that is, the name shall be selected which next  
8 succeeds the last wrecker company called for towing services. The selections shall proceed in a  
9 manner until the end of the towing list is reached, at which point a wrecker company shall be  
10 selected from the top of the towing list, consecutively.

11 D. In the event that a wrecker company does not respond to a phone call from the  
12 Santa Fe police department or if it does not respond to the scene in the prescribed thirty (30)  
13 minute time span, the next name on the towing list shall be called and the non-responding  
14 wrecker company will not be reused until it's name next appears in the rotation.

15 E. Those wrecker companies maintaining more than one towing vehicle shall be  
16 selected only once during each rotation of the towing list.

17 F. Preference calls shall have no impact on the towing list. A separate list will be  
18 kept by the dispatcher when a preference call is indicated.

19 G. When a request for AAA towing service is received by the Santa Fe police  
20 department, the dispatcher, or his supervisor shall contact the local AAA office and request such  
21 service.

22 **Section 8. A new Section 20-21.6 SFCC 1987 is ordained to read:**

23 **20-21.6 [NEW MATERIAL] Other Wrecker Selection.**

24 A. A wrecker company shall not respond to the scene of an accident or other  
25 emergency unless specifically called there by the police or the person involved in the accident or

1 emergency. A wrecker company owner, his agent, or employee shall not solicit towing contracts  
2 at the scene. However, nothing in this section shall be construed as prohibiting a towing service  
3 from privately contracting with any person.

4 B. The chief of police may select a wrecker company that does not appear on the  
5 towing list sequence when warranted by the requirement for special equipment and procedures or  
6 when due to the location or unusual circumstances surround vehicle removal.

7 **Section 9. A new Section 20-21.7 SFCC 1987 is ordained to read:**

8 **20-21.7 [NEW MATERIAL] Non-Discrimination.**

9 Nothing in this Ordinance shall be construed as creating vested exclusive rights of a towing list  
10 wrecker company to be called, or selected for towing services requested by an employee or  
11 official of the city of Santa Fe. The provisions contained herein are not designed or intended to  
12 restrain the course of free trade nor restrict the number of qualified registrants on the towing list.

13 **Section 10. A new Section 20-21.7 SFCC 1987 is ordained to read:**

14 **20-21.7 [NEW MATERIAL] Removal.**

15 The chief of police may remove or suspend any registrant from the towing list when the chief  
16 finds that:

17 A. The towing list registration was secured by fraud or by concealment of a material  
18 fact by the wrecker company and such fact, if known, would have caused disqualification; or

19 B. The wrecker company owner has violated any of the requirements or regulations  
20 established herein; or

21 C. The chief of police is not satisfied with general services of the wrecker company  
22 or its employees or with the cooperation it has received when services are rendered.

23 **Section 11. A new Section 20-21.8 SFCC 1987 is ordained to read:**

24 **20-21.8 [NEW MATERIAL] Effective Date.** This Ordinance shall become effective

25 \_\_\_\_\_, 2011.

1 APPROVED AS TO FORM

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4 GENO ZAMORA, CITY ATTORNEY

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25 Mdb/cao/jep&mdh/bills2010/Wrecker2

- Professional Towing Mr. Tom Ortiz
- Aces Towing Mr. George Luna
- Knight's Towing Mr. Frank Ruibo
- B&G Auto Mr. Miguel Coblentz
- Tony's Towing Mr. Anthony Padilla
- Lee's Towing Mr. Lee Sisneros
- Reliable Towing Mr. Patricio Cordova
- Alert Towing Mr. Issac Gomez
- \*Los Amigos Towing Mr. Freddy Gomez
- Airport Auto Acres Mr. Victor Rael
- Express Towing Mr. Chris Padilla
- Mr. G's Pro Tow Mr. Brian Gutierrez
- Extreme Towing Mr. John Montoya
- Quality Towing Mr. Phillip Padilla
- X-Pert Towing Mr. Tommy Lopez
- Bob's Towing Mr. Robert Anaya Jr.
- Anaya's Roadrunner Wrecker Mr. Robert Anaya
- El 24 Towing Mr. Alex Mendoza
- \*K J Mac Towing Mr. Anthony Padilla
- \*Not in attendance, but in concurrence.

*Exhibit "9"*



<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR DEVELOPING A COLLABORATION BETWEEN THE CITY OF SANTA FE, SANTA FE COUNTY AND THE SANTA FE PUBLIC SCHOOLS TO ESTABLISH AN ALTERNATIVE EDUCATIONAL SETTING FOR JUVENILES.	Finance – 6/17/13 Council – 6/26/13
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Wurzburger</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DIRECTING AIRPORT STAFF TO PERFORM AN UPDATE OF THE 2002 AIRPORT MASTER PLAN FOR THE PURPOSE OF PROVIDING FOR LONG RANGE ECONOMIC SUSTAINABILITY AND ONGOING SAFE AND EFFICIENT OPERATIONS AT THE SANTA FE MUNICIPAL AIRPORT.	Airport Advisory Board – 6/6/13 Public Works Committee – 6/10/13 Finance – 6/17/13 Council – 6/26/13
Coss Rivera	AN ORDINANCE RELATING TO CHAPTER 21 SFCC 1987 ENVIRONMENTAL SERVICES; ESTABLISHING A NEW ARTICLE 21-8 SFCC 1987 TO BAN THE DISTRIBUTION OF SINGLE-USE PLASTIC CARRY- OUT BAGS AND ESTABLISH A FEE FOR PAPER CARRY OUT GROCERY BAGS TO BE IMPOSED BY RETAIL ESTABLISHMENTS.	Public Utilities – 6/5/13 Finance – 6/17/13 Council (request to publish) – 6/26/13 Council (public hearing) – 7/31/13

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](mailto:mdbyers@santafenm.gov).



**CITY COUNCIL MEETING OF  
MAY 29, 2013  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor David Coss</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DIRECTING STAFF TO ENTER INTO A NON-EXCLUSIVE TEMPORARY LICENSE AGREEMENT FOR 240 SQUARE FOOT AREA LOCATED IN THE AREA OF FOUNTAINHEAD ROCK NEAR THE WATER STREET PARKING LOT; AND DIRECTING STAFF TO SEEK APPROVAL FOR CONVERTING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT TO A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK".	Public Works – 6/10/13 Finance – 6/17/13 Council – 6/26/13
	A RESOLUTION SUPPORTING THE PROTECTION AND PRESERVATION OF THE LA BAJADA MESA LANDS AND RESPECTFULLY REQUESTING THAT THE PRESIDENT OF THE UNITED STATES, BY PROCLAMATION, DESIGNATE AND ESTABLISH THE LA BAJADA MESA NATIONAL MONUMENT WHICH IS LOCATED IN CONGRESSIONAL DISTRICT 3.	Council – 6/12/13
	A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A GUN SAFETY PUBLIC SERVICE ANNOUNCEMENT (PSA) CAMPAIGN PROMOTE GUN SAFETY AWARENESS BY PLACING PSAs ON SANTA FE TRAILS BUSES AND BENCHES.	Public Safety – 6/18/13 Finance – 7/1/13 Council – 7/10/13
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Chris Calvert</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2013-\_\_\_\_\_**

**INTRODUCED BY:**

Councilor Rebecca Wurzbarger

**A RESOLUTION**

**DIRECTING AIRPORT STAFF TO PERFORM AN UPDATE OF THE 2002 AIRPORT MASTER PLAN FOR THE PURPOSE OF PROVIDING FOR LONG RANGE ECONOMIC SUSTAINABILITY AND ONGOING SAFE AND EFFICIENT OPERATIONS AT THE SANTA FE MUNICIPAL AIRPORT.**

**WHEREAS**, the Santa Fe Municipal Airport is owned and operated by the City of Santa Fe;  
and

**WHEREAS**, the City of Santa Fe has an Airport Master Plan, which has become outdated dated since its adoption ; and

**WHEREAS**, the Airport Master Plan was adopted in July 2002 by Resolution No. 2002-40 which is entitled "A Resolution Repealing Resolution No1986-46 that Adopted the Airport Master Plan and Adopting a New Airport Master Plan"; and

**WHEREAS**, the City of Santa Fe has a significant investment in a valuable asset known as the Santa Fe Municipal Airport; and

**WHEREAS**, the Santa Fe Municipal Airport brings significant economic benefits to

1 the City and County of Santa Fe; and

2       **WHEREAS**, the City of Santa Fe has agreed to federal Airport Improvement  
3 Program grant assurances to suitably operate and maintain the airport and all facilities  
4 thereon in a safe and serviceable condition; and

5       **WHEREAS**, funding has been provided through the federal Airport Improvement  
6 Program grant program for precisely the purpose of maintaining an up to date Airport Master  
7 Plan; and

8       **WHEREAS**, this funding will be available for expenditure at the start of federal  
9 fiscal year 2014, which begins October 1, 2013; and

10       **WHEREAS**, an updated Airport Master Plan will provide direction for safety,  
11 maintenance, and demand-based improvements for the Santa Fe Municipal Airport; and

12       **WHEREAS**, the City of Santa Fe has contracted with Molzen-Corbin Associates to  
13 perform various engineering and planning consultant services at Santa Fe Municipal Airport  
14 as directed and authorized by the issuance of Task Orders; and

15       **WHEREAS**, Molzen-Corbin has the capacity and expertise to perform the update of  
16 the Airport Master Plan.

17       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
18 **CITY OF SANTA FE** that in the interest of the long range safety, efficiency and economic  
19 sustainability of Santa Fe Municipal Airport, staff is directed to issue a Task Order to Molzen-Corbin  
20 Associates to conduct an update to the 2002 Santa Fe Municipal Airport Master Plan, in accordance  
21 with all requirements and guidance of the Federal Aviation Administration as may pertain to Airport  
22 Master Plans for federally obligated airports, and to bring said task order through the City Council  
23 approval process

24       PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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DAVID COSS, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-\_\_\_\_

3 INTRODUCED BY:

4  
5 Councilor Rebecca Wurzbarger

6 Mayor David Coss

7 Councilor Chris Rivera

8  
9  
10 AN ORDINANCE

11 RELATING TO CHAPTER 21 SFCC 1987 ENVIRONMENTAL SERVICES;  
12 ESTABLISHING A NEW ARTICLE 21-8 SFCC 1987 TO BAN THE DISTRIBUTION OF  
13 SINGLE-USE PLASTIC CARRY-OUT BAGS AND ESTABLISH A FEE FOR PAPER  
14 CARRY OUT GROCERY BAGS TO BE IMPOSED BY RETAIL ESTABLISHMENTS.

15  
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Article 21-8 SFCC 1987 (being Ord. #1996-46, as amended) is amended  
18 to read:

19 21-8 [~~COLLECTION OF RATES AND CHARGES~~] SINGLE-USE CARRYOUT BAGS.

20 Section 2. A new Section 21-8.1 SFCC 1987 is ordained to read:

21 21-8.1 [NEW MATERIAL] Legislative Findings.

22 The governing body of the city of Santa Fe finds that:

23 A. Most plastic carry-out bags do not biodegrade and instead persist in the environment  
24 for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into  
25 toxic plastic bits that contaminate soil and water while entering the food web when animals

1 inadvertently ingest these materials.

2 B. It is the city's desire to conserve resources, reduce waste, litter, pollution and protect  
3 the public health and welfare.

4 C. The litter problem resulting from single use plastic bags is becoming increasingly  
5 difficult to manage and has costly negative implications for tourism, wildlife and aesthetics.

6 D. Even though single use paper grocery bags are made from renewable resources and  
7 are less of a litter problem than single use plastic carry out bags, they require more resources to  
8 manufacture, transport and recycle or dispose of than single use plastic carry out bags.

9 E. The Single-Use Bag Ordinance will eliminate the use of single-use plastic carryout  
10 bags by all retail establishments within the jurisdiction of the city of Santa Fe, place a fee on single-  
11 use paper grocery bags, and encourage the use of reusable bags.

12 **Section 3. A new Section 21-8.2 SFCC 1987 is ordained to read:**

13 **21-8.2 [NEW MATERIAL] Short Title; Purpose.**

14 A. Article 21-8 SFCC 1987 shall be cited as the "Single-Use Bag Ordinance."

15 B. The production and disposal of single-use bags causes significant environmental  
16 impacts including contamination of the environment, the death of animals through ingestion and  
17 entanglement and widespread litter. The purpose of this Ordinance is to protect, conserve and  
18 enhance the City's unique natural beauty and irreplaceable natural resources through the reduction of  
19 single-use carryout bags by encouraging the use of reusable bags.

20 **Section 4. A new Section 21-8.3 SFCC 1987 is ordained to read:**

21 **21-8.3 [NEW MATERIAL] Definitions.** As used in Article 21-8 SFCC 1987:

22 *Single-use plastic carryout bag* means any carryout bag made from plastic or any material  
23 except paper marketed or labeled as "biodegradable" or "compostable" that is neither intended nor  
24 suitable for continuous reuse as a carryout bag or that is less than 2.25 mils thick.

25 *Paper grocery bag* means a paper carryout bag that has a manufacturer's stated capacity of

1 one-eighth barrel (typical grocery store bag - 882 cubic inches) or larger and meets the following  
2 requirements:

3 A. Contains a minimum average of 40 percent post-consumer recycled materials; and

4 B. Displays the minimum percent of post-consumer content on the outside of the bag.

5 *Retail establishment* means any retail business including, without limitation, clothing,  
6 household goods, or personal items of any kind that sells directly to a customer. Examples include but  
7 are not limited to department stores, clothing stores, jewelry stores, grocery stores, pharmacies, home  
8 improvement stores, liquor stores, convenience stores, gas stations, and farmers markets. For  
9 purposes of this Ordinance, food banks, public eating establishments defined as restaurants, take-out  
10 food establishments, or any other business that receives 90% or more of its revenue from the sale of  
11 food which is prepared on the premises, to be eaten on or off its premises are not defined as retail  
12 establishments.

13 *Reusable bag* means a bag with handles that is specifically designed and manufactured for  
14 multiple reuse and is either:

15 A. Made of cloth or other machine washable fabric;

16 B. Made of durable plastic that is at least 2.25 mils thick; or

17 C. Other durable material suitable for reuse.

18 **Section 5. A new Section 21-8.4 SFCC 1987 is ordained to read:**

19 **21-8.4 [NEW MATERIAL] Applicability.**

20 A. A retail establishment shall not provide a single-use plastic carry-out bag to any  
21 customer.

22 B. Retail establishments shall collect a paper grocery bag charge of not less than ten-  
23 cents for each paper grocery bag provided to customers, except that retail establishments shall not  
24 collect a paper grocery bag charge from any person with a voucher or electronic benefits card issued  
25 under Women, Infants and Children Program(WIC), the Emergency Food Assistance Program



1 (TEFAP), Temporary Assistance to Needy Families Program (TANF) , or the federal Supplemental  
2 Nutrition Assistance Program (SNAP, also known as Basic Food Stamps). It shall be a violation of  
3 this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion  
4 of the paper grocery bag charge;

5 C. All retail establishments shall indicate on the customer transaction receipt the number  
6 of recyclable paper carryout grocery bags provided and the total amount of the pass-through charge.

7 D. A retail establishment may provide a paper bag to customers which are smaller than a  
8 paper grocery bag as defined by Section 21-8.3.

9 E. To further promote the use of reusable shopping bags and reduce the quantity of  
10 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to  
11 make reusable carryout bags available for sale at the checkout and/or provide boxes for use at the  
12 checkout free of charge. The environmental services division is authorized to provide reusable  
13 carryout bags for the public at low cost or free-of-charge, targeting such programs to reach low-  
14 income households to the greatest degree possible.

15 **Section 6. A new Section 21-8.5 SFCC 1987 is ordained to read:**

16 **21-8.5 [NEW MATERIAL] Effective Dates.**

17 A. The Single-Use Bag Ordinance shall become effective six (6) months after the city  
18 council approves the ordinance for all retail establishments.

19 B. The environmental services division shall conduct an educational campaign in both  
20 English and Spanish on this ordinance

21 C. The environmental services divisions shall conduct a sample survey of some retail  
22 establishments impacted by this Ordinance to provide feedback about the financial impact to each  
23 establishment.

24 D. In a public meeting no later than 12 months after the effective date of this Ordinance,  
25 the sustainable Santa Fe commission shall review and evaluate the survey results reported by the

1 environmental services division to assess the impacts to businesses of the Single-Use Bag Ordinance.  
2 Additionally, the environmental services division shall provide to the sustainable Santa Fe  
3 commission a report that contains the following:

4 (1) An estimation of the financial impact to retail establishments of  
5 implementing this Ordinance; and

6 (2) An estimation of the effectiveness of this Ordinance compared to other  
7 jurisdictions' efforts to reduce use of single-use carryout bags.

8 E. The evaluation by the sustainable Santa Fe commission shall be presented in a report  
9 to the city council with recommendations for any changes in the ban, pass-through charges, or other  
10 provisions that are needed to improve effectiveness. The report to the city council shall be submitted  
11 no later than one year after the approved date of this Ordinance.

12 **Section 7. A new Section 21-8.6 SFCC 1987 is ordained to read:**

13 **21-8.6 [NEW MATERIAL] Enforcement; Violations and Penalty.**

14 A. The city manager shall assign primary responsibility for enforcement of Article 21-8  
15 SFCC 1987 and that department/division assigned shall be authorized to promulgate regulations and  
16 to take any and all other actions reasonable and necessary to enforce this Ordinance, including, but  
17 not limited to, investigating violations, issuing fines and entering the premises of any store during  
18 business hours.

19 B. If the assigned department/division director determines that a violation of Article 21-  
20 8 has occurred, a written warning notice shall be issued to the operator of a store that a violation has  
21 occurred and the potential penalties that will apply for future violations.

22 C. Any store that violates or fails to comply with any of the requirements of Article 21-  
23 8, after a written warning notice is issued for that violation shall be guilty of an infraction.

24 D. If a store has subsequent violations of Article 21-8 that are similar in kind to the  
25 violation addressed in a written warning notice, the following fine shall be imposed and shall be

1 payable by the operator of the store: a fine not to exceed one hundred dollars (\$100.00) for the first  
2 violation, after the written warning notice is given.

3 E. A fine shall be imposed for each day a violation occurs or is allowed to continue.

4 F. All fines collected pursuant to Article 21-8 shall be deposited in the enforcement  
5 department/divisions' services fund to assist the department/division with its costs of implementing  
6 and enforcing the requirements of this Article.

7 **Section 8. A new Section 21-8.7 SFCC 1987 is ordained to read:**

8 **21-8.7 Appeals.**

9 A. Within thirty (30) days of the date of a notice of violation of this Ordinance or a  
10 notice of a fine due under this Ordinance, a store may file an appeal with the enforcing department  
11 director setting forth the reasons for the appeal.

12 B. A hearing officer appointed by the city manager shall conduct a formal hearing  
13 within thirty (30) days of the receipt of the appeal by the public utilities director. The public utilities  
14 department director shall give written notice by certified mail to the appellant at least ten (10) days  
15 prior to the hearing.

16 C. The hearing officer shall make a decision on the basis of the preponderance of  
17 evidence presented at the hearing. The hearing officer shall affirm or reverse the decision of the  
18 enforcement department director. The hearing officer shall render a decision within thirty (30) days  
19 after the date of the hearing and shall forward the decision to the public utilities department director  
20 and the appellant.

21 D. A filing fee in the amount of fifty dollars (\$50.00) shall be paid if the hearing officer  
22 does not find in favor of the appellant.

23 E. An appellant may appeal the decision of the hearing officer to the first judicial  
24 district court pursuant to 1-074 NMRA.

25 **Section 9. A new Section 21-8.9 SFCC 1987 is ordained to read:**

1           **21-8.8 [NEW MATERIAL] Severability.**

2           If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held  
3 to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the  
4 validity of the remaining portions of the ordinance. The city council hereby declares that it would  
5 have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not  
6 declared invalid or unconstitutional without regard to whether any portion of this ordinance would be  
7 subsequently declared invalid.

8           **Section 10.     A new Section 21-8.10 SFCC 1987 is ordained to read:**

9           **21-8.9 [NEW MATERIAL] No Conflict with Federal or State Law.**

10          Nothing in this ordinance is intended to create any requirement, power or duty that is in  
11 conflict with any federal or state law.

12       APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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25       *M/Melissa/Bills 2013/Single Use Bag Ordinance\_052813*

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2013-\_\_**

**INTRODUCED BY:**

Councilor Carmichael Dominguez

**A RESOLUTION**

**DIRECTING STAFF TO EXPLORE THE OPTIONS FOR DEVELOPING A  
COLLABORATION BETWEEN THE CITY OF SANTA FE, SANTA FE COUNTY AND  
THE SANTA FE PUBLIC SCHOOLS TO ESTABLISH A TRANSITIONAL ALTERNATIVE  
EDUCATIONAL SETTING FOR JUVENILES.**

**WHEREAS**, the education of our youth, the ability of our youth to reach their potential and  
the need to reduce the dropout rate are great concerns in our community; and

**WHEREAS**, the City of Santa Fe seeks to provide life skill education to high needs juveniles  
through current programs that are funded through the Children and Youth Commission; and

**WHEREAS**, Santa Fe County could provide the "space", the ARC at the Youth  
Development Program as the location in which to provide the setting for the education; and

**WHEREAS**, the Santa Fe Public Schools could provide a bilingual teacher, teacher's aide  
and learning materials; and

**WHEREAS**, through the alignment of resources between the City, the County and Santa Fe  
Public Schools, whether it be education, the facility, personnel or materials all three entities through a

collaborative effort have a potential for a no cost to minimal cost incursion to each entity for an alternative education.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that staff is directed to explore the options for developing a collaboration between the City of Santa Fe, Santa Fe County and the Santa Fe Public Schools to establish an alternative educational setting for juveniles.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
DAVID COSS, MAYOR

ATTEST:

\_\_\_\_\_  
YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
GENO ZAMORA, CITY ATTORNEY

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2013-\_\_**

**INTRODUCED BY:**

Mayor David Coss

**A RESOLUTION**

**DIRECTING STAFF TO ENTER INTO A NON-EXCLUSIVE TEMPORARY LICENSE AGREEMENT FOR 240 SQUARE FOOT AREA LOCATED IN THE AREA OF FOUNTAINHEAD ROCK NEAR THE WATER STREET PARKING LOT; AND DIRECTING STAFF TO SEEK APPROVAL FOR CONVERTING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT TO A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK"**

**WHEREAS**, the area around the Water Street Parking Lot that includes Fountain Head Rock, the Stone Chess Table, Turtle Rock, and Tomas Lipps' Stone Monument and other rock works near the fountain has become blighted, attracts persons who may want to engage in illegal or harassing activities, and attracts persons who may be committing vagrancy or panhandling activities; and

**WHEREAS**, Hand Pi LLC has proposed to license 240 square feet of the area around the Water Street Parking Lot from the City in return for providing care, maintenance and landscaping of the licensed area so as to beautify and enhance the safety of this area; and

**WHEREAS**, the neighboring businesses have requested that the City designate the entire

1 area around the Water Street Parking Lot as a City park and to name the park "Cerletti Park" in honor  
2 of the deceased Mike Cerletti, former Secretary of Tourism, who loved the block near the Hotel St.  
3 Francis on Don Gaspar and who had a keen interest in beautification of and bringing tourism to this  
4 block; and

5 **WHEREAS**, Hand Pi LLC has requested that it be permitted to hold the following activities,  
6 in accordance with all city ordinances and state laws, on the 240 square foot licensed area:

- 7 1. Sell a Hand Pi sandwich molded in the shape of a charity that will be donated any  
8 profits made from the sale of the sandwich;
- 9 2. Maintain a bicycle parking area;
- 10 3. Produce a public chess tournament;
- 11 4. Sponsor art demonstrations, such as weaving, marbling, pottery making and wood  
12 carvings; and
- 13 5. Clean, maintain, landscape, and water plantings; and

14 **WHEREAS**, Hand Pi LLC proposes to license the 240 ft. square area for 8 hours per day, for  
15 four months of the year.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
17 **CITY OF SANTA FE** that the Governing Body authorizes and directs staff to:

- 18 1. Enter into a non-exclusive, temporary, license agreement with Hand Pi LLC for 240  
19 square feet of city owned property surrounding the Water Street parking lot in the  
20 area of Fountain Head Rock artwork.
- 21 2. The above specified license agreement shall contain the following terms:
  - 22 a. Initially it shall be for one four month term for calendar year 2013 and may be  
23 renewed for three additional four month terms ending in 2017, at which time the  
24 Council may assess the license and determine whether to enter into one  
25 additional license for four months each of the next four years ending in 2021.



- 1 b. The value of this license agreement is approximately \$600 per month for four  
2 months for a total of \$2400 per license term.
- 3 c. The consideration to be provided by Hand Pi LLC in lieu of \$2400 cash shall be  
4 landscaping, cleaning, watering and maintenance services upon the area  
5 surrounding the entire Water Street Parking lot for not less than 10 hours per  
6 week valued at the rate of \$15.00 per hour.
- 7 d. The activities permitted to take place on the 240 square feet area shall be limited  
8 to: i) the 240 square foot area; ii) only lawful activities under city codes and state  
9 laws; iii) required permits shall be obtained prior to all activities that require  
10 them; iv) may include the sale of the Hand Pi sandwich for charity if permitted  
11 and otherwise permissible under city codes; v) may include chess tournaments at  
12 the Chess Table located near the Water Street parking lot; and vi) activities  
13 conducted during daylight hours.

- 14 3. Do all tasks necessary to seek committee and council approval to convert the city owned land  
15 surrounding the Water Street parking lot into a city park named "Cerletti Park."

16 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

17 \_\_\_\_\_  
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19 DAVID COSS, MAYOR

20 ATTEST:

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

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GENO ZAMORA, CITY ATTORNEY

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25 *CAO/Melissa/Resolutions 2013/Cerletti Park*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-\_\_\_\_

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

**SUPPORTING THE PROTECTION AND PRESERVATION OF THE LA BAJADA MESA LANDS AND RESPECTFULLY REQUESTING THAT THE PRESIDENT OF THE UNITED STATES, BY PROCLAMATION, DESIGNATE AND ESTABLISH THE LA BAJADA MESA NATIONAL MONUMENT WHICH IS LOCATED IN CONGRESSIONAL DISTRICT 3.**

**WHEREAS**, La Bajada Mesa located adjacent to the Caja Del Rio Plateau in northern New Mexico is a cultural, historical, environmental, and scenic view shed of renowned significance; and

**WHEREAS**, the preservation of La Bajada Mesa offers the remarkable opportunity to observe, study, research, and experience the geological processes that shape natural landscapes, as well as other important cultural, historical, and biological sites of interest; and

**WHEREAS**, the proposed La Bajada Mesa National Monument contains some of New Mexico's most important cultural history for a period of inhabitation from 4000 BC to the present; and

**WHEREAS**, this region contains a significant number of irreplaceable cultural and religious sites of Native American tribes and Pueblos, including the Kewa Pueblo (formerly Santo Domingo

*Exhibit "15"*

1 Pueblo) and Pueblo de Cochiti as well as Navajo, Hopi and Apache tribes, but also has important pre-  
2 contact and European settlement sites; and

3       **WHEREAS**, the spectacular view shed has been known to thousands of national and  
4 international travelers for centuries; and

5       **WHEREAS**, four hundred years ago, the El Camino Real de Tierra Adentro, the Royal Road  
6 to the Interior lands, crossed this vast terrain; and

7       **WHEREAS**, La Bajada Mesa has defined Spanish New Mexico for 250 years and today  
8 remains among the most significant geographical landmarks of our nation; and

9       **WHEREAS**, La Bajada Mesa forever remains the southern gateway to the city of Santa Fe,  
10 the oldest capital city in the United States; and

11       **WHEREAS**, La Bajada Mesa is located 40 miles north of Albuquerque on Interstate I-25 as  
12 one ascends the mesa escarpment en route to Santa Fe; and

13       **WHEREAS**, the 128,000 acres of land designated for protection and preservation runs from  
14 La Bajada Mesa south to the Cerrillos Hills State Park, north to the Santa Fe River Basin, and across  
15 the Caja del Rio Plateau to the Rio Grande River; and

16       **WHEREAS**, ninety percent of the proposed national monument is already public land  
17 includes BLM and National Forest lands, as well as Areas of Critical Environmental Concern  
18 (ACEC); and

19       **WHEREAS**, the New Mexico Heritage Preservation Alliance has listed La Bajada Mesa and  
20 the escarpment as one of the "most endangered places" in New Mexico; and

21       **WHEREAS**, this critical land mass also connects a vital wildlife corridor from the state of  
22 Colorado to Mexico and this "corridor of connectivity" is recognized by the Western Governors  
23 Association as fundamental to the strategic planning of "continental conservation;" and

24       **WHEREAS**, the La Bajada Mesa area is a "missing link" and the sole location in the state of  
25 New Mexico that provides a wildlife corridor which connects the Jemez, Sangre De Cristo and the

1 Sandia Manzano Mountain ranges; and

2       **WHEREAS**, such corridors are vital to the movement of wildlife and provide extensive, long  
3 term genetic viability of migrating populations; and

4       **WHEREAS**, the watersheds associated with La Bajada Mesa including the Santa Fe and Galisteo  
5 River (Galisteo Basin) and the Rio Grande are critical to long term future production of high quality  
6 water, necessary for ecosystem health.

7       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE** that the Governing Body hereby supports the protection and preservation of  
9 the La Bajada Mesa lands, their geologic integrity, cultural, historical and environmental benefits for  
10 the public welfare into perpetuity and hereby respectfully requests that the President of the United  
11 States, by proclamation, designate and establish the La Bajada Mesa National Monument which is  
12 located in Congressional District 3.

13       **BE IT FURTHER RESOLVED** that the City Clerk's Office is directed to forward a copy  
14 of this resolution to the City of Santa Fe's Congressional Delegation and the President of the  
15 United States.

16       PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

17  
18 \_\_\_\_\_  
19 DAVID COSS, MAYOR

20 ATTEST:

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

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4 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/La Bajada Monument*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-\_\_\_\_

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

**AUTHORIZING THE ESTABLISHMENT OF A GUN SAFETY PUBLIC SERVICE  
ANNOUNCEMENT (PSA) CAMPAIGN TO PROMOTE GUN SAFETY AWARENESS BY  
PLACING PSAs ON SANTA FE TRAILS BUSES AND BENCHES.**

**WHEREAS**, the American Academy of Pediatrics (AAP) has concluded that firearm-related injury and death to children is a significant health problem and the AAP recognizes the importance of education to reduce the death and injury of children aged 0-19; and

**WHEREAS**, a 2013 study by the Children's Defense Fund revealed that a child or teen dies or is injured by guns every 30 minutes in the United States; and

**WHEREAS**, in 2010, 18,270 children and teens died or were injured by guns at a rate of fifty incidents each day; and

**WHEREAS**, in 2009, firearm related deaths in the United States accounted for 1 in every 3 child deaths; and

**WHEREAS**, one of the strongest predictors of adolescent suicide is a gun in the house (Brent 2010); and

1       **WHEREAS**, for the last two decades, suicide rates in New Mexico have been nearly double  
2 the aggregate U.S. rates – with firearms the number one method of choice; and

3       **WHEREAS**, a 2004 study conducted by New Mexico Hurts revealed that suicide was the  
4 leading cause of death in 10-34 year olds in the state; and

5       **WHEREAS**, the AAP has determined that firearm availability in homes plays a large role in  
6 youth suicide while laws reducing child access are associated with a lower rate in adolescent suicide<sup>i</sup>;  
7 and

8       **WHEREAS**, in 2011, National Youth Risk Behavior Surveillance revealed that 5.1 % of  
9 students in grades 9 through 12 carried guns in the past month; and

10       **WHEREAS**, in 2005, a survey determined that 16% of New Mexican students in 9<sup>th</sup> through  
11 12<sup>th</sup> grades carried a gun to school in the prior month; and

12       **WHEREAS**, a 2006 survey and analysis revealed the startling fact that in American homes  
13 with children 13 to 17 years of ages, firearms remained unlocked 41.7% of the time<sup>ii</sup>, while a 2007,  
14 study revealed that 64.5% of all unintentional firearm fatalities took place in a home or an apartment  
15 with the most common occurrence being victims playing with a gun, (29.7 %) and 14.3% showing a  
16 gun to another person; and

17       **WHEREAS**, a multi-site study has conclusively shown that keeping guns locked and  
18 unloaded prevents 70% or more of child/teenage unintentional injuries and suicides (with both hand  
19 guns and long guns)<sup>iii</sup>; and

20       **WHEREAS**, a recent trial demonstrated that safe storage campaigns with gun safety  
21 distribution would be both feasible and effective at limiting household exposure to unlocked and  
22 loaded guns<sup>iv</sup>; and

23       **WHEREAS**, the implementation of public service announcements on Santa Fe Trails buses  
24 and benches in conjunction with educational programs geared towards public awareness as to the  
25 dangers of unlocked guns and the effects on children are a necessary addition to the safety of the



1 Santa Fe community; and

2       **WHEREAS**, the Governing Body desires to establish the Gun Safety Public Service  
3 Announcement Campaign on Santa Fe Trails buses and benches throughout the city of Santa Fe.

4       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
5 **CITY OF SANTA FE** that the Governing Body hereby establishes the City of Santa Fe Gun Safety  
6 Public Service Announcement Campaign for the purpose of placing PSAs on Santa Fe Trails buses  
7 and benches to promote gun safety awareness.

8       **BE IT FURTHER RESOLVED** that, if determined successful, the City of Santa Fe will  
9 continue to implement gun safety public service announcements and educational programs.

10       PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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12  
13 ATTEST:

\_\_\_\_\_  
DAVID COSS, MAYOR

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15 \_\_\_\_\_  
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

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19 \_\_\_\_\_  
20 GENO ZAMORA, CITY ATTORNEY

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- <sup>i</sup> Webster DW, Vernick JS, Zeoli AM, Manganello JA. Association between youth-focused fire- arm laws and youth suicides. JAMA. 2004;292 (5):594–601
  - <sup>ii</sup> Johnson RM, Miller M, Vrinotis M, Azrael D, Hemenway D. Are household firearms stored less safely in homes with adoles- cents? Analysis of a national random sample of parents. Arch Pediatr Adolesc Med. 2006;160(8):788–792
  - <sup>iii</sup> Grossman DC, Mueller BA, Riedy C, et al. Gun storage practices and risk of youth suicide and unintentional firearm injuries. JAMA. 2005;293(6):707–714
  - <sup>iv</sup> Grossman DC, Stafford HA, Koepsell TD, Hill R, Retzer KD, Jones W. Improving firearm storage in Alaska native villages: a ran- domized trial of household gun cabinets. Am J Public Health. 2012;102(suppl 2): S291–S297