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December 11, 2013

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MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 11, 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, December 11, 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 Wurzburger, 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
Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Mr. Snyder said he would like to postpone Item #10(gg) to the next meeting of the City Council.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 9, 2013, regarding Item 10(x) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 9, 2013, regarding Item 10(ff)(4) is incorporated herewith to these minutes as Exhibit "2."

a) **BID NO. 14/02/B – FY 13/14 WASTEWATER MANAGEMENT DIVISION SANITARY SEWER LINE REHABILITATION PROJECT; INSTITUFORM TECHNOLOGIES, LLC. (STAN HOLLAND)**
   1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER FUND.**

b) **BID NO. 14/14/B – SOUTHWEST EFFLUENT WATER LINE FOR WASTEWATER MANAGEMENT DIVISION AND AGREEMENT BETWEEN OWNER AND CONTRACTO0R; RMCI, INC. (BRYAN ROMERO)**
   1. **REQUEST FOR APPROVAL OF PROJECT CONTINGENCY OF 10% OF BASE BID.**
   2. **REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER FUND.**

c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – HOSPITAL TANK REHABILITATION IMPROVEMENTS PROJECT FOR ADDITIONAL BIDDING, INSPECTION AND PROJECT MANAGEMENT ACTIVITIES (RFP #12/11/P); NARASIMHAN CONSULTI8NG SERVICES , INC. (NCS) ENGINEERS. (BILL HUEY)**

d) **REQUEST FOR CHANGE ORDER NO. 1 TO CONTRACT – HOSPITAL TANK VALVE VAULT PROJECT ADDITIONAL SERVICES; SASQUATCH, INC. (BILL HUEY)**

e) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT – HOSPITAL TANK COATING APPLICATION PROJECT ADDITIONAL SERVICES; GUARANTEED WATERPROOFING & CONSTRUCTION (GWC). (BILL HUEY)**
   1. **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER FUND.**

f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – TRAFFIC CONTROL AND SAFETY SERVICES FOR WATER DIVISION; SOUTHWEST SERVICES, INC. (MIKE MOYA**

g) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT BETWEEN OWNER AND ARCHITECT – SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE I8 CONSTRUCTION SERVICES; SURROUNDINGS STUDIO, LLC. (MARY MacDONALD)
1) REQUEST FOR APPROVAL OF BUDGET TRANSFER – PROJECT FUND.

h) REQUEST FOR APPROVAL OF WRITTEN DETERMINATION AND PROCUREMENT – AUTHORIZE USE OF A DESIGN-BUILD PROCESS FOR CONSTRUCTION OF STORM WATER IMPROVEMENTS AND INFILTRATION STRUCTURES ADJACENT TO ARROYO CHAMISO AND SANTA FE RIVER. (BRIAN DRYPOLCHER)

i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – OPERATIONS MAINTENANCE COMPLEX (OMC) BUILDING B – ROOF RETROFIT; COOPERATIVE EDUCATION SERVICES AND ROOF CARE. (LISA MARTINEZ)

j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT –GENOVEVA CHAVEZ COMMUNITY CENTER ICE ARENA MECHANICAL ROOM ROOF REPLACEMENTS; ALPHA RESTORATION AND CONSTRUCTION SERVICES, LLC. (LISA MARTINEZ).

k) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – ACCEPT AND ADMINISTER FUNDS TO ADVISORY COUNCIL ON FOOD POLICY; CITY OF SANTA FE AND SANTA FE COUNTY. (TERRIE RODRIGUEZ)
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – HUMAN SERVICES FUND.

l) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CONSULTING SERVICES AND TRAINING FOR ITT AND PAYROLL; TST CONSULTING. (CARYN FIORINA)

m) CONSIDERATION OF RESOLUTION NO. 2013-102. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2013/2014 ENDING SEPTEMBER 30, 2013. (CAL PROBASCO)

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

o) CONSIDERATION OF RESOLUTION NO. 2013-103 (COUNCILOR TRUJILLO). A RESOLUTION REPEALING RESOLUTION NO. 2007-109 AND ADOPTING A NEW RESOLUTION TO ESTABLISH A POLICY RELATED TO WAIVERS OR REDUCTION OF FEES FOR SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES, EXCLUSIVE OF THE SANTA FE COMMUNITY CONVENTION CENTER. (JUDITH AMER)

p) *[Removed for discussion by Councilor Dominguez]*

q) CONSIDERATION OF RESOLUTION NO. 2013-104 (COUNCILOR CALVERT). A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PALACE AVENUE BETWEEN CATHEDRAL PLACE AND DELGADO STREET; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE. (DAVID CATANACH)

r) CONSIDERATION OF RESOLUTION NO. 2013-105 (COUNCILOR WURZBURGER). A RESOLUTION ENDORSING THE RESIDENT ASSISTANCE DEMONSTRATION (RAD) PROGRAM UNDER THE MANAGEMENT OF THE SANTA FE CIVIC HOUSING AUTHORITY FOR RENOVATION AND IMPROVEMENT OF HUD SUBSIDIZED HOUSING WITH SUCH CONFIRMATION TO INCLUDE APPROVAL OF A LEASE ADDENDUM BASED ON THE PRESUMPTION THAT EACH LEASE IS A "GROUND LEASE" AND ALL BUILDINGS, IMPROVEMENTS AND FIXTURES NOW OR HEREAFTER ERECTED WILL BE OWNED IN FEE SIMPLE BY THE SANTA FE CIVIC HOUSING AUTHORITY AND BE DEEMED REAL ESTATE UNDER LOCAL LAW. (ALEXANDRA LADD)

s) CONSIDERATION OF RESOLUTION NO. 2013-106 (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT, COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR DIMAS). A RESOLUTION AUTHORIZING THE ORGANIZATIONAL TRANSFER OF THE OFFICE OF ANTI-GRAFFITI COORDINATION AND ABATEMENT PROGRAM FROM THE POLICE DEPARTMENT AND PARKS DIVISION TO KEEP SANTA FE BEAUTIFUL, ENVIRONMENTAL SERVICES DIVISION. (CINDY PADILLA)

t) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR CITY-WIDE ITT COMMUNICATIONS; CENTURYLINK. (LISA MARTINEZ AND MARCOS TAPIA)

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

v) BID NO. 14/15/B – SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE I AND AGREEMENT BETWEEN OWNER AND ARCHITECT FOR CONSTRUCTION SERVICES; RMCI, INC. (MARY MacDONALD)
1) REQUEST FOR APPROVAL OF CONSTRUCTION CONTINGENCY; RMCI, INC.

w) BID NO. 14/17/B – SANTA FE POLICE STATION PHASE III NEW ADDITION AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; SARCON CONSTRUCTION CORPORATION. (CHIP LILIENTHAL)

x) REQUEST FOR APPROVAL OF LEASE OPERATING AGREEMENT – FOOD AND BEVERAGE SERVICE FACILITY AT MARTY SANCHEZ LINKS DE SANTA FE (RFP #14/11/P); NORTHERN VENTURES, LLC D/B/A THE LINKS BAR & GRILL. (JENNIFER ROMERO)

y) REQUEST FOR APPROVAL OF GRANT AWARD AND FIRST AMENDMENT TO GRANT AGREEMENT – DEVELOP PLAN FOR BUCKMAN MX TRACK IN THE LA TIERRA AREA IN SANTA FE FOR FY 2013/2014; NEW MEXICO DEPARTMENT OF GAME AND FISH. (DAVID CHAPMAN)
   1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

z) REQUEST FOR APPROVAL OF FUNDING PRIORITIES FOR AFFORDABLE HOUSING TRUST FUND FOR FISCAL YEAR 2014-2015 ALLOCATION ALIGNED WITH THE CDBG FUNDING CYCLE. (KYM DICOME)

aa) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT ADJUSTMENTS FOR DEBT SERVICE – CORRECT BUDGET WITH DEBT SERVICE IN SPECIFIC FUNDS. (HELENE HAUSMAN)

bb) REQUEST FOR APPROVAL OF EXPANSION OF POSITIONS AND EQUIPMENT FOR PHASE 2, YEAR 1 OF ANNEXATION FOR POLICE DEPARTMENT. (POLICE CHIEF RAYMOND RAEL)

cc) REQUEST FOR APPROVAL OF GRANT AGREEMENTS – 2012 CAPITAL APPROPRIATION PROJECT; STATE OF NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (RON VIALPANDO)
   1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

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

ee) REQUEST FOR APPROVAL OF DEBT MANAGEMENT AND POST INSURANCE POLICY. (HELENE HAUSMAN)

ff) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 8, 2014:

   1) BILL NO. 2013-42. AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT (MAYOR COSS). (FABIAN TRUJILLO)
      a) REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT SECOND AMENDED PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC.
      b) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY.

2) **BILL NO. 2013-43. AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING SECTIONS 12-6-12.6 RELATING TO DRIVING WITH A REVOKED LICENSE; 12-12-3 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; 12-12-11 RELATING TO ABSTRACT OF TRAFFIC CASES; CREATING A NEW SECTION 12-12-3.1 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY (COUNCILOR TRUJILLO). (ALFRED WALKER)**

3) ***[Removed for discussion by Councilor Ives]***

4) **BILL NO. 2013-45. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR RIVERA). (GREG SMITH)**

gg) **CONSIDERATION OF RESOLUTION NO. 2013-___ (COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE OPTIONS FOR DEVELOPING A COMMUNITY PARA MEDICINE PROGRAM WITHIN THE FIRE DEPARTMENT AND TO PROMOTE PUBLIC/PRIVATE PARTNERSHIPS TO MAKE SUCH A PROGRAM SUCCESSFUL AND SUSTAINABLE. (ERIK LITZENBERG) POSTPONED TO THE COUNCIL MEETING OF JANUARY 8, 2013.**

hh) **REQUEST FOR APPROVAL – CITY OF SANTA FE SCHEDULE FOR 2014 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)**

ii) **REQUEST FOR APPROVAL OF NOMINATING PETITION VERIFICATION REPORT FOR CANDIDATES IN THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**

jj) ***[Removed for discussion by Councilor Bushee]***

8. **APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 13, 2013. JOINT CITY COUNCIL/SFBOE MEETING – NOVEMBER 14, 2013.**

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of November 13, 2013, and the Joint City Council/Santa Fe Board of Education Meeting of November 14, 2013, as presented.

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

9. PRESENTATIONS

Mayor Coss introduced visitors from Osaka Japan.

a) EMPLOYEE OF THE MONTH FOR DECEMBER 2013 – ORLANDO SALAS, PARKING TECHNICIAN, PARKING DIVISION.

Mayor Coss read the letter of nomination into the record. He presented Mr. Salas with a Muchas Gracias plaque and a check for $100 from the Employee Benefits Committee.

Mr. Salas thanked the Mayor and Council for the award and said, "It feels good to be noticed for the hard work. There are a lot of us here that do work hard and do appreciate the recognition."

b) MUCHAS GRACIAS – LAWRENCE AND SUZANNE BECERRA, LAS CAMPANAS COMPADRES.

Mayor Coss presented Muchas Gracias Certificates to Lawrence and Suzanne Becerra for their therapy work with disabled people in Santa Fe for the past 8 years. Their mission statement is to provide opportunities for therapeutic physical skill development and activity in a supervised and attractive facility for individuals with physical, emotional or learning disability. Lessons are free for a wide array of athletic facilities under the supervision of qualified instructors assisted by volunteers from the local community.

One of their students thanked the Council saying they have given him their friendship.

Mr. Becerra thanked the City for this honor.

c) MUCHAS GRACIAS – SANTA FE POLICE DEPARTMENT RECRUITING TEAM. (CHIEF RAEL)

Mayor Coss said the Police Department is now fully staffed. He thanked the recruiting team for their diligent work.

Chief Rael recognized the members of the team and the auxiliary members for getting qualified people. He said we were able to fill all vacancies without lowering our standards. He said he would like to say thanks to them for their work and from the President and Vice-president of the POA.

The President and Vice-President of the Police Officers Association added their congratulations for this achievement.

Mayor Coss said presented each of the members of the team and auxiliary with a small token of appreciation. Assisted by Chief Rael, Mayor Coss presented them with a Muchas Gracias Certificate, thanked them and asked them to keep up the good work.

d) MUCHAS GRACIAS – REPRESENTATIVES AT 2013 ZHANG JIAJIE INTERNATIONAL COUNTRY FOLK MUSIC FESTIVAL; MARIACHI MESTIZO AND SISTER CITIES COMMITTEE MEMBERS.

Carol Robertson-Lopez, Vice-Chair, Sister Cities Committee, thanked the Governing Body for its support of Sister Cities. She said last spring we received an invitation from Zhang Jiajie to send a representative to participate in the Country Folk Music Festival. She introduced the members of Mariachi Mestizo who attended the Festival with them, noting Mariachi Mestizo was given an award for the best instrumental group in the festival.

Ms. Robertson-Lopez introduced Alma Castro and Megan Pacheco. Ms. Castro and Ms. Pacheco presented the Mayor with a gift in appreciation for the support of the City in this endeavor which began with the Mariachi Program at Kaune Elementary.

Mayor Coss presented Muchas Gracias Certificates to those who attended and participated in the Festival.

Ms. Robertson-Lopez thanked Julie Bystrom who does a great job coordinating the Sister City activities, and Debra Garcia, both of whom do a great job at the Arts Commission.

CONSENT CALENDAR DISCUSSION

10(n) REQUEST FOR APPROVAL OF GRANT AWARD AND CONSOLIDATED PROJECT AGREEMENT – OPERATION DWI, OPERATION BUCKLE DOWN AND CLICK IT OR TICKET AND 100 DAYS AND NIGHTS OF SUMMER FOR POLICE DEPARTMENT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, TRAFFIC SAFETY DIVISION, HIGHWAY SAFETY PROJECTS. (JOHN SCHAERFL, DEPUTY CHIEF OF POLICE)
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

Councilor Trujillo said he pulled this item to disclose that he works for the New Mexico Department of Transportation, but he does no work with this Bureau, so there is no conflict of interest.

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

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

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

Against: None.

10 (p) CONSIDERATION OF RESOLUTION NO. 2013-107 (COUNCILOR TRUJILLO). A RESOLUTION REPEALING RESOLUTION 2012-33, AND ADOPTING A NEW RESOLUTION TO ESTABLISH A POLICY RELATED TO THE WAIVER OF USER FEES AT THE SANTA FE COMMUNITY CONVENTION CENTER, SO THAT ON AN ANNUAL BASIS, EACH MEMBER OF THE GOVERNING BODY IS AUTHORIZED TO HAVE THE USER FEES WAIVED AT THE SANTA FE COMMUNITY CONVENTION CENTER, ON BEHALF OF A NON-PROFIT ORGANIZATION, FOR A ONE-DAY EVENT. (JUDITH AMER AND CYNTHIA DELGADO). (NOTE: THIS CAPTION MAY BE AMENDED PURSUANT TO THE AMENDMENT SHEET IN THE PACKET.)

Councilor Dominguez said he supports the Legislation and asked if we want to clarify that the parking isn't included in the waiver.

Mr. Amer said Section 4 of the Resolution provides, "Each and every non-profit organization holding the one-time fund-raising event shall be responsible for paying the current clean up, security and damage fees and agree to accept all liability for the event." She said it is staff interpretation that the Resolution is just for the waiver of the user fee.

Melissa Byers said she spoke with Jim Luttjohan last week. She said, "And I think when you look at the rental agreement, it is a user agreement. And he is going to amend the User Agreement it to make it really clear that is only the user fees and the other fees are separate from the user fees. So the rental agreement will be consistent with the Resolution when we're talking about only covering user fees.

Councilor Dominguez said it might be beneficial for the public to include that language. He reiterated he is in support of the intent and the proposal. However, he is unsure staff is comfortable that it would be sufficient notice to the public.

Ms. Amer said the word parking could be added in front of the word fees in Section 4, which would make it clear they are responsible for paying for parking.

Councilor Dominguez asked if it will be necessary for the Council to revisit this at any point in time.

Unidentified said he doesn't foresee us revisiting it.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Resolution No. 2013-107, as presented with the amendment sheet in the packet.

DISCUSSION: Councilor Bushee asked how this Resolution differs from the previous Resolution.

Ms. Amer said this was made more specific so it was clear that it was a one-day event. There was concern from non-profits that it is a one-event waiver, which could be 5 days, and staff wanted to make it clear that it is a one-day waiver.

[Councilor Rivera's questions here are inaudible because he turned off his microphone]

Ms. Amer said not specifically. The word parking is not specifically mentioned, but the other fees specifically are excluded from the waiver, meaning the user has to pay cleanup, security and damage.

Councilor Rivera asked if parking fees can be waived under the current Resolution.

Ms. Amer said no, as currently implemented, and the way this is intended to be implemented is that it is only the user fee, rental fee that is waived. She said no other fees are waived.

Councilor Rivera said perhaps clarification is needed. It may be that the Rules developed by Mr. Luttjohan are appropriate so everyone will know up front what we can and can't do under this resolution.

Councilor Trujillo said we have waived fees for the use of the building, but the parking was never waived.

Councilor Rivera said he received a constituent call asking if parking is included.

Councilor Trujillo asked if we are going to start doing this for everyone.

Mayor Coss suggested that the Council look at this, noting it is a different enterprise fund from the Parking Division, but thinks we will be asked to waive the Parking Fees any time we are waiving user fees.

Ms. Amer said she spoke with the Convention Center and it is just the user fee that is waived and not the parking, noting Cynthia Delgado can confirm this. She said this mention of the waiver for the parking is the first she has ever heard of this.

Councilor Ives concurs it has not been clear, and believes clarity is needed, commenting that he concurs with the Mayor. He said including parking seems to makes sense.

Councilor Ives noted this is limited to one-day event, and how asked the number of local two-day events which occur fairly regularly, such as the Greek Festival.

Cynthia Delgado said there aren't many, but it is not uncommon to have two-day events.

Councilor Ives asked if the waiver would apply to a single day of a two-day event.

Ms. Delgado said yes, and if it is a multi-day event it would be a waiver of the fees for one day.

Councilor Trujillo said when he brought forward the Resolution, the waiver was to be used for those non-profits that are doing good in the community which are struggling. He doesn't know what the Greek Festival puts into the community. He said it is intended to go to non-profits that are putting things back into the community, for the community .

Ms. Delgado said the Resolution is very clear that the waiver is for non-profits which are providing social good back into the community in terms of youth programs, social programs and such, so it clarifies that in this Resolution.

Councilor Ives said the waiver seems to be limited to fundraising events, and asked the reason.

Ms. Delgado said it is focused on fundraising events, and in line with Councilor Trujillo's comment that it is for organizations looking to increase its funding to increase its efforts and give back to the community, and the focus is on fundraising events for organizations doing good work in the community. The Resolution also indicates we will putting out a request to interested non-profits to increase awareness in an effort to get requests through the City Councilors. The Councilors can look at what is available in the community for this particular event.

Responding to Councilor Bushee, Mayor Coss said there is a motion to approve the waiver and he asking that the Council consider yes or no on parking.

Councilor Bushee said her experience is they have to negotiate with the Parking Enterprise Fund for their parking needs and there usually is some sort of discount, but not a complete waiver.

Councilor Calvert said the intent was not to include parking. He suggested that we not add parking tonight, and if we want to do that, it be a separate amendment with a review under the committee process to understand the ramifications, financial and otherwise, to the organization and to the City.

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend his motion to include parking being afforded to users. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Dominguez said this makes sense to him because it is supposed to be community event, and it doesn't make sense to prohibit organizations from using the Center if they can't get parking.

FRIENDLY AMENDMENT: Councilor Dominguez proposed to amend the amended motion to add language on line 3, page 4 of the Resolution as follows: ".... final value of the fee waiver and the impact on parking and any necessary additional information relating to the event, and that report be provided to each Governing Body member on an annual basis. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Bushee said she is uncomfortable that this Resolution didn't go through the Parking Advisory Committee, and we don't have

the Parking Director here and that it is two separate enterprise funds, and will have a problem voting for this.

Ms. Amer said, for clarification, an amendment sheet is in the packet to make it clear that the one-day waiver is for one calendar year, noting the word annual was in the original Resolution. She said that amendment should be included in the motion for approval.

Councilor Dominguez said that is his intent.

Councilor Wurzburger asked if there will be a list once a year, so we will know who needs help.

Ms. Delgado said that was the goal.

Councilor Rivera assumes the Resolution is effective at the start of the new year, and won't impact any events between now and December 31, 2013.

Ms. Delgado said this is correct.

Councilor Wurzburger said we need an answer to that question.

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

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

Against: Councilor Ives, Councilor Bushee and Councilor Calvert.

Explaining his vote: Councilor Ives said, "I'm going to vote no, because I think I made one of those commitments for next year as well, and I really would like clarification on that before voting yes, otherwise, I think it's a good idea."

Explaining her vote: Councilor Wurzburger said, "I'm going to vote yes and assume I'll get the clarifications in a week.

Explaining her vote: Councilor Calvert said, "I support the concept, but with the addition of the parking without proper review tonight, I'm going to have to vote no."

10 (u) BID NO. 14/09/B – CITY OF SANTA FE SAFE ROUTES TO SCHOOL PROJECT AND CONSTRUCTION AGREEMENT; TLC PLUMBING & UTILITY. (LEANN VALDEZ)

1) REQUEST FOR APPROVAL OF FIRST AMENDMENT TO COOPERATIVE PROJECT AGREEMENT – CITY OF SANTA FE ROUTES TO SCHOOL PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION.

2) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.

Councilor Trujillo said he pulled this item to disclose that he works for the New Mexico Department of Transportation, but he does no work with this Bureau, so there is no conflict of interest.

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

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

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

Against: None.

10(dd) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – USE OF PARKING LOT AT SOUTH CAPITAL RAIL RUNNER STATION FOR INSTALLATION OF MESSAGE DISPLAY BOARD; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (KEN SMITHSON)

Councilor Trujillo said he pulled this item to disclose that he works for the New Mexico Department of Transportation, but he does no work with this Division, so there is no conflict of interest.

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

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

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

Against: None.

10(ff) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 8, 2014:

3) BILL NO. 2013-44. AN ORDINANCE AMENDING SECTION 14-8.14(E) SFCC 1987, TO EXTEND FOR ONE YEAR THE PERIOD DURING WHICH IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100% AND TO REDUCE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS BY 50% FOR A PERIOD OF ONE YEAR THEREAFTER; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR WURZBURGER). (MATTHEW O'REILLY).

Councilor Ives complimented the staff on the very well researched and thought out Memo, one of the best that has been submitted to the Governing Body. He said he pulled this item to propose some changes. He had follow-up questions which he discussed with Land Use personnel and all of his questions were answered.

Councilor Ives said, "The proposal I would make is that we agree to review this [Ordinance] after the first year of the extension, after the continued year of the 100% when we go to the 50%, because I would like to work with Land Use during that period of time to determine whether or not we can use the second year extension as an opportunity to offer 50% if there are certain efforts undertaken by folks proposing to do development and build homes, but encouraging them to use increased water efficiency as well as energy efficiency in order to qualify the 50%. So, as a means of inducing greater efforts toward those goals I think we share as a community."

CLARIFICATION: Mayor Coss asked, "Is that a motion to publish with amendment."

MOTION: Councilor Ives moved, seconded by Councilor Wurzburger, to approve publishing the Ordinance with the proposed amendment, as follows: "*The proposal I would make is that we agree to review this [Ordinance] after the first year of the extension, after the continued year of the 100% when we go to the 50%, because I would like to work with Land Use during that period of time to determine whether or not we can use the second year extension as an opportunity to offer 50% if there are certain efforts undertaken by folks proposing to do development and build homes, but encouraging them to use increased water efficiency as well as energy efficiency in order to qualify the 50%.*"

DISCUSSION: Councilor Bushee would like to see this Ordinance, and amendment, at the Finance Committee, and asked if this has gone to the Impact Fee Committee.

Mayor Coss said it has gone to the Impact Fee Committee.

VOTE: The motion, with the amendment as proposed by Councilor Ives, 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.

Explaining her vote: Councilor Bushee said, "Yes. This is for publication."

10(jj) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND FEDERAL PRICE AGREEMENTS – CITY-WIDE ITT RELATED EQUIPMENT AND SERVICES; VARIOUS VENDORS. (ROBERT RODARTE AND LISA MARTINEZ)

Councilor Bushee said she removed this item "to be consistent with my vote at Finance and to have somebody else make the motion for approval."

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

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

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

Against: Councilor Bushee.

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END OF CONSENT CALENDAR DISCUSSION
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11. CONSIDERATION OF RESOLUTION NO. 2013-108 (MAYOR COSS). A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 4, 2014, IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION, FOR THE PURPOSE OF VOTING IN FAVOR OR AGAINST AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER (COUNCILOR IVES). (ZACHARY SHANDLER AND YOLANDA Y. VIGIL)

RESOLUCION QUE CONVOCA UNA ELECCION EXTRAORDINARIA QUE TENDRA LUGAR EN LA MUNICIPALIDAD DE SANTA FE, EL DIA 4 DE MARZO 2014, CONJUNTAMENTE CON LA ELECCION MUNICIPAL ORDINARIA CON EL FIN DE VOTAR A FAVOR O EN CONTRA DE LAS ENMIENDAS DE LA CARTA CONSTITUCIONAL MUNICIPAL (COUNCILOR IVES). (ZACHARY SHANDLER AND YOLANDA Y. VIGIL)

A copy of a Memorandum dated December 11, 2013, to Mayor Coss and City Councilors, from Councilor Peter N. Ives, regarding Ballot Questions, is incorporated herewith to these minutes as Exhibit "3."

An email dated December 11, 2013, to Mayor David Coss and City Councilors, from Donna Reynolds, President, League of Women Voters of Santa Fe County, regarding mandatory sentences for illegal drug trafficking, is incorporated herewith to these minutes as Exhibit "4."

The staff report was presented by Zach Shandler. He said, "In your packet, there is a ballot orientation with 16 questions. You have an amendment sheet that reduces that to nine questions, by consolidating questions 9 through 16 together. And then you also have a staff amendment sheet that could possibly link some of the amendments with some verbiage if the Council so chooses. Whether it's 16 questions, or 9 questions, both are legally defensible under the Constitutional log-rolling provision. I stand for questions."

Councilor Ives said there is a reference in the Memorandum to the action by the Council at its meeting of November 13, 2013, which stated, "The Council voted to included proposed Charter amendments enumerated as 8 through 16 below, on the ballot of the proposed special election." He said he is unclear if the language is intended to suggest that we took these up on November 13th or made any motion to put these on the ballot as separate ballot questions, or whether or not we were reserving to tonight the determination of how they should appear on the ballot in terms of the grouping of questions.

Mr. Shandler said, "There were a series of votes on November 13th, but for the purposes of our debate today, either the 16 question or the 9 question ballot is permissible for your discussion tonight."

Ms. Brennan said, "If I can add, I believe the question of the arrangement of the questions was deferred until either the end of that evening, which as you recall was a late evening, or tonight. And so it was deferred until tonight."

Councilor Ives said he wanted to be sure he was clear on that, noting he had gone through the minutes of that meeting and it was clear we were reserving those types of issues to this meeting.

Councilor Ives said he sent a Memo to the Governing Body covering some of the issues which he had asked to be included in the packet [Exhibit "3"], and he hopes everyone has had time to review that Memo.

MOTION: Councilor Ives moved, seconded by Councilor Wurzburger, to approve Resolution No. 2013-108, with the amendment sheet he proposed, with an additional modification, to change the title of Charter Amendment 9, as follows: "Governance: Full Time Mayor. Regulating the relationships between the Mayor, the City Councilors and the City Manager and defining the authority of each."

EXPLANATION OF THE MOTION: Councilor Ives said the Memo he distributed covered the reasons he believes, under New Mexico case law, to put these on the ballot as a single question so the voters have the opportunity to act on these matters as a whole. He noted, as pointed out in his Memo, if they are on the ballot as separate questions, there is the potential to approve or not approve conflicting provisions which creates a serious difficulty for voters and in terms of what is in the Charter. He said, additionally, he reviewed staff's proposed amendments, and if we were to adopt those, there would be significant confusion among the voting public with regard to the wording. He said he doubts if we as the Governing Body would be able to follow the language, especially if we're looking at it in the voting booth.

Councilor Dominguez said Charter Amendment 8 isn't dependant on any other proposed Charter amendment. He said although it may be implied in part of our Code, this makes it a part of the Constitution [Charter] and makes it clear.

FRIENDLY AMENDMENT: Councilor Dominguez would like to separate Charter Amendment 8 as a separate question, but keeping the balance of the question as an integral whole, because it is not dependent on another Charter Amendment. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez commented there are a lot of questions and it can be cumbersome for some voters, and believes IN making it as simple as possible for the voter.

Councilor Ives said if we look at the history of how this has come to the Governing Body, it was a unified proposal of a set of amendments to the Charter Commission, and the Charter Commission moved them

forward as a unified set of amendments. He said we separated those out so we could deal with them as a unified set of considerations at the last meeting, so he believes it is reflective of the intent as well as the history of how this was brought forward, which speaks to "the fact that we really should consider them as a group of related measures in a single ballot question, again with the exception of the Mayor voting on all matters."

Councilor Bushee said she sees the wisdom in separating the question of whether or not the Mayor should be a full time position with that salary. She thinks we have worked out the kinks of the remaining suggested amendments. There may be people not in favor of the Mayor having a salary and they might vote against the entire Amendment. She believes we should give as many options to the voters as can be clearly stated, to make it more simple. She also had hoped this discussion would be one last public hearing, saying "I had asked for that when we voted the last time."

Councilor Rivera asked for a reminder of the Charter Commission discussion on Charter Amendment No. 12.

Mr. Shandler said, the amendment reads as follows: "Charter Amendment 12, Proposal to amend the Santa Fe Municipal Charter to remove the provision that requires the Mayor to perform other duties compatible with the nature of the office, as the Governing Body may from time to time require." He said, "It is my recollection that the Charter Commission felt that language was outdated and inconsistent with the concept of, I'm hesitating to use the Strong Mayor, but with a Full Time Mayor."

Ms. Brennan said, "I believe the agreed upon expression is 'Stronger Mayor'."

Councilor Rivera asked, "If this Governing Body had a set of Legislative priorities that the Mayor, whether he or she agreed to or not, if the Governing Body recommended one thing, the Mayor could go to the Legislature and push their own agenda."

Mr. Shandler said, "I will point you to Charter Amendment 14, proposing to amend the Charter to require the Mayor to identify his or her Legislative agenda for each upcoming year, and require the Governing Body to consider the Mayor's Legislative agenda."

Councilor Rivera said, "That was an example. It could cross many meetings, many places that the Mayor would have to go or maybe his or her agenda was not approved by the Governing Body, and something contrary to what the Mayor wanted was approved, the Mayor could continue, he or she, to push their own agenda. I guess that could happen now, but I'm not sure that it does."

Councilor Ives said, "One of the items we are to take up this evening, very shortly, under Item 13, is the City's legislative priorities. And the only way we establish those priorities on behalf of the City is by affirmative action of this Governing Body making that as a policy determination. So, in terms of any official action, or official position of the City, clearly this Governing Body acting as the Governing Body will establish what those priorities are and what gets submitted to the Legislature. To some degree, we are all free as citizens to suggest what we would love the Legislature to do, and certainly I hope we all actively engage our representatives in the Legislature at the State and federal level, expressing what we believe

the policies of our country and State should be. However, in terms of the City acting as the City, there is only one way for that to move forward and that is by an affirmative determination of this body."

Councilor Rivera asked, "Does Charter Amendment 12 not give the Mayor the authority to act however he or she feels is appropriate."

[There was a response here, but it was totally inaudible]

Mayor Coss said, "I would just only add in on that, that if the Council passes a law or a Resolution, it would then be incumbent on the Mayor and the administration to enforce that, whether the Mayor liked it or not. I think when you are talking about lobbing at the legislature, there's going to be the City priorities, and it would be hard, just like we can't control the Boys and Girls Club or any other group going in and pushing their own priorities, I think it would be hard for the Governing Body to control any Councilor that wanted to go and ask for something, or a Mayor that wanted to go."

Councilor Bushee said we've never had that.

Mayor Coss said it's happened a lot. He said, "I think on that point, Councilor Rivera, that if the Council passes a law, the Mayor, by law, has to implement that, or a Resolution."

Councilor Rivera said he is a little uncomfortable with that language, but he will move on.

Councilor Rivera said on Charter Amendment 14, he thought there had been discussion about the word "consider," "Require the Governing Body to consider the Mayor's Legislative agenda," I thought we had agreed to something stronger that gave the Council a little more approval authority than the word "consider."

Councilor Ives said, "The concern expressed by some members of the Governing Body was that somehow we were only going to be acting on the Mayor's agenda, which I think we discussed several times to say it certainly is not the case, because it certainly was not intended anywhere by anyone moving any of these provisions forward that the Council is anything less than the policymaking body on behalf of the City. I know that was a concern of Councilor Bushee which we addressed by bringing back the original language, so not changing that. So this is simply saying if we are going to the extent of having the Mayor to try and provide that type of what I describe as visionary leadership for the City, that involves a legislative agenda. The minimum thing we need to do as a Governing Body is to consider that as we bring our own measures forward with regard to policies on behalf of the City. I see us very actively bringing forth our own policy measures as are clearly sponsored throughout our packet materials tonight, but also agreeing to consider the Legislative agenda that the Mayor has put forward and as stated, presumably, in the state of the City address."

Councilor Rivera asked Mr. Shandler if he recalls additions or changes to that language.

Mr. Shandler said he doesn't remember discussion about that verb being considered.

Councilor Dominguez said, "Zach, if I can understand the process a little bit, just based on this language, essentially, the Mayor would be proposing a Legislative agenda to the Governing Body and the Governing Body would have to be taking action on that, is that how you perceive that."

Mr. Shandler said, "Councilor Ives do you want to handle that."

Councilor Dominguez said, "I actually see it, if we were to require some action by the Governing Body, it would force the Mayor to work much more closely with the Governing Body in establishing his Legislative priorities. Depending on how you define 'consider,' it gives the Governing Body the opportunity to make sure the Mayor has those priorities, whatever our individual district-wide priorities may be to be considered. How do you define the word 'consider'."

Councilor Ives said, "What, in my mind, the provision is meant to do is to compel the Mayor to create that type of Legislative agenda. We've certainly been fortunate in Mayor Coss, because he is usually pretty clear about his priorities in terms of the issues he is hoping to address, in my opinion, having the Mayor come forth with that agenda. And it would be proposed as anything else that comes before us, either as an Ordinance change or as a Resolution which would have full consideration by this body. I think as a practical matter, any Mayor trying to move a Legislative agenda through, will certainly be seeking input from everybody on the Governing Body, because we certainly act strongest and most sensibly when we get to a point where we reach common ground on these types of issues."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend this proposed amendment as follows: "Require the Mayor to identify his/her legislative agenda for each upcoming year and require the governing body to consider and take action on the mayor's legislative agenda."

DISCUSSION ON THE FRIENDLY AMENDMENT: Ms. Brennan said on packet page 77, the motion did use the word "consider." She said, "And I want to read to you, I just looked at the definitions of consider, and it's to think about something or someone carefully, especially in order to make a choice or decision. And so, I'm looking at three, and the choice or decision is implicit in the word consider as defined. Just for whatever light that sheds on."

Councilor Rivera said, "Even so it says that, I like the language that Councilor Dominguez put in. For me, it is much clearer. Also, I do not like Charter Amendment 12. I think it was put in there in hopes that a strong mayor form of government was going to go before the voters; that's not the case. A full time Mayor is what's going which is considerably different from a strong mayor form of government. So if that remains, then I'll probably have to vote against combining all the Charter Amendments as suggested. And I would hope this Governing Body would amend the language as Councilor Dominguez has suggested."

Councilor Dominguez said it was offered as a friendly amendment.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.

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

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

Against: Councilor Rivera.

Explaining his vote: Councilor Rivera said, "Again with Charter Amendment 12 in there, I'm going to have to vote no."

Explaining her vote: Councilor Bushee said, "I have concerns about Charter Amendment 12, but I think, overall, the package is more to my liking than it ever was at the start of all this debate, so I will support this.

12. CONSIDERATION OF RESOLUTION NO. 2013-109 (MAYOR COSS AND COUNCILOR IVES). A RESOLUTION SUPPORTING AN APPROPRIATION OF 1.44 MILLION DOLLARS BY THE NEW MEXICO STATE LEGISLATURE DURING THE 2014 LEGISLATIVE SESSION, FOR THE HEALTHY KIDS, HEALTHY ECONOMY INITIATIVE. (KATHARINE MORTIMER)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 9, 2013, regarding Resolution No. 2013-109, is incorporated herewith to these minutes as Exhibit "5."

Katharine Mortimer presented information regarding this matter from the materials in the Council packet. Please see these materials for specifics of this presentation. Ms. Mortimer said it is almost identical to a similar bill which was considered last year by the Legislature. Last year it was funded at a one time appropriation of $100,000, and they are again requesting the $1.44 million and hope to get an increase if not the full amount.

MOTION: Councilor Ives moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-109, as presented.

DISCUSSION: Councilor Bushee said this popped-up in our priorities before we took this position. She said she supports the request, and asked if our support for this Resolution means it is a priority.

Councilor Ives said he asked it be removed from our legislative priorities and be considered separately. It helps the City to have healthy school children, and he certainly supports this.

Councilor Bushee asked if it will be put back in the next Resolution as a priority.

Councilor Ives hopes other communities are making similar statements to the Legislature as it relates to public schools state-wide, and stands apart from the other priorities, saying we would like to see this as a benefit to the public schools.

Councilor Dominguez said, regarding the liquor policy which were part of Public Works, he was unable to

get them in time for committee debate. He thinks that needs to be discussed under Item #13.

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.

13. CONSIDERATION OF RESOLUTION NO. 2013-110 (MAYOR COSS). A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 51ST LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2014. (BRIAN SNYDER)

A copy of a Working Draft of Resolution No. 2013-110, as Amended by the Public Works Committee on December 9, 2013, is incorporated herewith to these minutes as Exhibit "6."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, December 9, 2013, regarding Resolution No. 2013-110, is incorporated herewith to these minutes as Exhibit "7."

A Proposed sheet of amendments to Resolution No. 2013-110, submitted by Councilor Carmichael Dominguez, is incorporated herewith to these minutes as Exhibit "8."

Councilor Wurzburger thanked the Public Works Committee for the hard work we did last week and the proposals that have come forward. She said, "The priority that came to the top for the City, a City-wide priority was the Airport. Since we had our meeting, John and Francey made some changes to what we discussed and have sent things independently. I would like to make a motion and have the opportunity for Mark Duran, Francey and John to speak to this before we take any action, if that is acceptable."

MOTION: Councilor Wurzburger moved, seconded by Councilor Ives to adopt Resolution No. 2013-110, [Exhibit "6"], accepting the proposal from the Public Works Committee, with the exception that we modify the amount requested on Item A from $750,000 to $1.2 million for the purpose of making necessary expansions and upgrades to the Santa Fe Municipal Airport terminal."

EXPLAINING THE MOTION: Councilor Wurzburger believes it would benefit the Governing Body to hear comments from staff as well as from Mr. Duran.

FRIENDLY AMENDMENT: Councilor Dimas would like to amend the motion to remove Section 3, lines 21-25, on page 3 of the Resolution, regarding the mandatory minimum sentencing for illegal narcotic drug trafficking cases. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dimas said he is removing this language, primarily, because it is his understanding that most major drug trafficking cases currently are being federally prosecuted, and federal sentencing guidelines would apply, and would make this a moot issue. He said he wanted to clarify that the component of the "keep illegal drugs off our streets Resolution," which was adopted by this Council was never intended to be for drug users. It was intended to take the major, hard core, habitual narcotic drug traffickers off the street and nothing more. He said he didn't know who Alec was.

Councilor Bushee asked if we are dealing with legislation titled "Working Draft 12/09/13 in the packet, in terms of the priorities, because Finance did something different than Public Works, and Mayor Coss said it is.

Councilor Bushee said the Governor has put water in her call, and asked if this is something Mr. Duran would recommend we should be seeking this Legislature.

Mr. Duran said, "We have traditionally gone after water projects, not through the legislative process, as we used to do, but since the Legislature set aside capital outlay moneys to then be appropriated by the Water Trust Board, what we have traditionally done for our water projects, and we've gotten really into the dollars from the Water Trust Board, is to seek application from that Board for our water projects. That does not prevent us from going to the Legislature for water projects. I think what has happened, once the Water Trust Board was established, is Legislators are saying why don't you go after this from the Water Trust Board. So, I think we still have water priorities, it's just not maybe what we'll pursue in capital outlay funds during the Legislative Session."

Councilor Bushee asked what it means when the Governor put water in her call, and if those would be large statewide projects, or "inner-state projects."

Mr. Duran said it is a set of priorities the Governor has developed which she feels needs to be addressed.

Councilor Bushee said she believes behavioral health issues will be addressed this session. She wants to take his advice. She said her priority is the hold harmless issue, noting LEAD is a priority along with a a few small projects. She said the Airport had never risen to the top as a priority until it went to Public Works. She is looking for low hanging fruit as we head into this Session.

Mr. Duran said he can't address that specifically. He said what we have to do is to try to fit what we need into what might be the objectives of the Legislature, or just take what we need to the Legislature and make them the priorities of the Santa Fe Legislative Delegation and others. He said the Governing Body will make that decision. He said, "When I look at a list like this, we tend to think of everything as sort of capital outlay when we talk about our priorities. Really I look at this list and we break it into statutory which would be the repeal of the hold harmless, those items that are program like Section 2. That's program money, operating funding, that we would drop a piece of legislation. And then everything else is capital outlay. Those are 3 completely separate sections of legislative things that we work on. So anything, if you did want to pursue behavioral health funds, it likely would be programmatic and operating fund monies, as opposed to the section we have set aside for capital outlay priorities."

Councilor Bushee said then the Water History Park and Museum still has a $1 million price tag, and Councilor Wurzburger said this is correct.

Councilor Bushee asked if there is still a $1 million priority for this over "any of the other ancient facilities we have that need an upgrade, including Ft. Marcy where the ceiling sort of falls in, on occasion, or even a new teen center over by Santa Fe High."

Councilor Ives said in Section 5, as we get into the District specific requests, Item A is the Fort Marcy Complex, and the amount requested is $553,000 to renovate and repair the existing facility, rooftop heating, AC unit, stucco, paint exterior, etc. So it is in the Legislative priorities, but it is in the District priorities.

Brian Snyder said, "The way the Resolution was written, Section 4 are, other than what Public Works amended earlier this week, these are the top 6 priorities from the ICIP approved by the Governing Body a month ago. So that's where the Police Station comes into play, the SWAN Park, ITT backup generator, the downtown bridge improvements, the Water History Museum and Park and the Airport Terminal building extension. The other item we put on here, as was discussed at Public Works, are the shade structures for parks which was ranked 8 out of 64 items. So these are the top priorities as ranked by the Governing Body, including the dollar amounts for the ICIP and that was submitted to the State. In Section 5...."

Councilor Bushee said, "I'm reading them, maybe it's a rhetorical question Brian, but I'm still coming up with $1 million for the Water History Museum and Park, and while it's a lovely park and the concept is a lovely concept, given the state of some of our facilities and even new ideas, like the SWAN Park, which only has $150,000 attached to it for ongoing design. There have been projects that... we've had lots of meetings on the south side considering where to have a facility over near Zona perhaps that have wrap-around services, none of those have really entered the picture. And I'm just looking, from my perspective, as priorities for the City and this alone is enough for me to suggest that this is not my priority. I'm just making a statement, I guess."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to include his proposed amendments with regard to alcohol [Exhibit "8."]. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Responding to Councilor Dominguez, Mr. Snyder said Phase 1 of SWAN is under design.

Councilor Dominguez said these funds get us to Design Phase 2. He said, "Hopefully, by then, we can have that design done, so we can ask in the next Legislature, to get potentially $5 million for that. I just want to get it for the record that staff is comfortable that this amount is going to get that facility designed. Because the last thing I want is for staff to come back and say we need more money to design it. We've got the master plan done, and all of a sudden we have to wait another year to get the capital outlay funds."

Mr. Snyder said the $150,000 is intended for design of Phase 2, and that is the number that is in the ICIP and well as in this Resolution, "therefore I feel comfortable saying that's the design requirements."

Councilor Wurzburger said, "At Public Works, we did spend time asking the same questions to make sure that we weren't, in any way.... what was needed for SWAN Park. As you know, as a Council we stood for this in the very beginning when you brought it forward."

Councilor Dominguez said part of the struggles we have had in providing services, in for example, Zona del Sol, is that there still is a lot of organization that has to take place before we can allocate too much money to the area. He said, "In my experience, if it is not properly addressed, it could be money not well spent. If anyone is there 'chomping at the bit' to give monies more to the south side, I'm one of them. At the same time, I realize we have to do it in a responsible manner. I'll end with that."

Councilor Wurzburger asked Jon Bulthuis to make a brief presentation with regard to the Airport.

Mr. Bulthuis said, "At the Public Works meeting there was some discussion about the reprioritizing of items and the funding amounts related to the number one priority, which became the Airport at that meeting. $750,000 is what is in the Resolution in the packet. But in speaking with Francey and talking about the nature of the improvements needed there, and hearing the recommendations that lobbyist Mark Duran made to the Committee at that point, related to identifying one City-wide priority that would have $1 million to $1.2 million price tag. We went back and looked at what problems could be resolved for the funding included in the Resolution and what problems we really need to solve there to maintain the commercial traffic we have currently and grow that potentially, so the transfer from the General Fund is reduced over time. We are looking to a new fee assessment at the Airport, based on the commercial service, which will allow us to reduce the General Fund transfer in over time. However, to have that happen with any certainty, we need to make these improvements. So it is investing some capital money up front through our participation with the Legislature to have a revenue stream down the road. This is a real brief summary."

Councilor Dominguez asked how much is transferred from the General Fund and what does that look like in the long term.

Francey Jesson, Airport Manager, said for this year it will be about $550,000.

Councilor Dominguez asked about the long term.

Ms. Jesson said the long term goal is to gradually reduce it to zero. She said the airline leases are up for renewal and renegotiation in 2015, which is an opportunity to completely renegotiate the rate base. She said they are doing very well at the Airport, and as long as we can ensure the market is doing well, we can renegotiate the rate base to reduce the transfer to zero, and get the Airport self-sustaining in the near future. She doesn't expect that would be before 2015.

Councilor Dominguez said even though it is legislative money, if we're not allocated those funds, how far will that take us – 2017, 2018 – before we can zero it out.

Mr. Jesson said it would be much longer than that, because the airport is spending more than it is earning in revenues. She said to make up the deficit, we would have to increase our operations by an

astronomical amount, or raise rates so dramatically and quickly, we would lose some of our customer base. She said there are other businesses and entities operating at the Airport that pay into the rate base, but the airlines pay the most right now.

Councilor Dominguez said if we can relieve our General Fund by doing this, it gives us the opportunity to put more operational funds into parks and other areas. He isn't opposed to this request, but he finds it interesting.

Councilor Trujillo has concerns about the Airport, commenting he understands we need to renovate the Airport, and we're looking to bring people to come spend money in Santa Fe. He said one of his biggest concerns about the Airport, is we got all these airlines to come here, but he doesn't know who is using it. He said the middle-class doesn't use it because of the difference in fares between Albuquerque and Santa Fe. He asked if the airlines are into this because they're making money, and asked if there any incentives for locals to fly those airlines. He wants staff to negotiate this when these contracts come up in 2015, and ask for incentives for locals to use the service, because the fares are too high. He said we want economic development in Santa Fe, but we need something for locals to be able to use the Airport. He would love to fly out of Santa Fe, but it is not cost-effective.

Ms. Jesson said she agrees, and we need to advise the airlines what the market is here, and to ensure they are providing a service for the entire community. She said that will be a big part of the coming negotiations. She said the parking lot at the Airport is full most of the time, noting it was full over Thanksgiving and that was all local flying. She said if we continue to push, we could have an Airport which becomes very much a home town airport used by most of the locals.

Councilor Bushee said she has similar sentiments, and hopes we can get federal funds and/or more airlines which would drive the price of the tickets down. She said it didn't rise to the top for her as a community priority, given all the needs we have in the community – nor did the Water History Museum. She said she will vote against this Legislative Priority List.

Mayor Coss said, although he can't vote, he does support improving the Airport, and he is glad to hear Ms. Jesson and the Council talking about renewing the lease with better service. He said the goal was to get 3 airlines, and we have that. He said there are a lot of local jobs at the Airport, and believes we have a good problem to have, in that we need to expand some of the passenger waiting areas.

Councilor Bushee said she has used the Airport, and is grateful it is a better Airport. She said, "But I still think there are other means by which we could consider expanding the waiting area, the restaurant and such. I see so many other needs in the community that need addressing, and big ticket items like this one at $1.2 million and the Water History Museum at $1 million, and those that would be served by that, relative to what we could do with that money. It's not my priority."

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

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

Against: Councilor Bushee.

Explaining his vote: Councilor Dominguez said, "What I am going to say is that, I know there are a lot of people who are from here that use the restaurant and use those facilities. What really intrigues me the most about this is the potential positive impact it could have on the General Fund. It is legislative funds, all taxpayer funds, but nevertheless, I'm going to be in support of this."

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Mayor Coss said he would like to move Items #14 through #18 to the end of the Evening Session.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to reconsider the previous approval of the agenda, to amend the agenda to move Items #14 through #18 on the Afternoon Session to the end of the Evening Session, and to approve the agenda, as amended.

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

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END OF AFTERNOON SESSION AT 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 7:20 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present
Mayor David Coss
Councilor Rebecca Wurzburger, 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
Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mayor Coss gave petitioners 2 minutes to petition the Governing Body, with the exception of Bruce Weatherbee who will have 4 minutes, because everyone here for this issue will let Mr. Weatherbee speak for them.

Bruce Weatherbee, Rosario Hill, said for the last several months he has been working with people on a community hospital committee. He said this is an attempt to get a voice for the public, particularly for elected officials in decisions made about our community hospital, in this case Christus. In September in Taos, similarly to what happened here in November, the Holy Cross Hospital announced it was laying off 10% of the workforce. He said the Taos County Commissioners, Town of Taos Councilors and the Mayor asked what happened. They agreed to establish a hospital study committee composed of stakeholders, Hospital Board members, Town Council, County Commissioners – each stakeholder has two persons involved in the process of looking at the issue. They had their first meeting last Tuesday. It was very successful. The Affordable Health Care Act is bringing changes and there needs to be a transparent and ongoing discussion. He said the Petition to this Governing Body asks to invite the people from Taos. He said although the Land Use people asked to wait until January, they wanted to get the ball rolling on

this now. He said they are asking for the Governing Body assistance, noting it is a lengthy Resolution. He said the way it is written there will be 22 members from the stakeholders. They plan public hearings at the Convention Center to get input as to what people want from the hospital. He said the public is tired of decisions being made without being involved and notified ahead of time. He said once formed, the Committee can make recommendations to the Hospital. He said workers are concerned about patient safety and patient care. He has been talking with people who are frustrated and think they need that voice.

Jeff Green, Realty Challenge, a non profit with a goal of increasing accessibility of healthy, local foods on college campuses. He said the Healthy Kids, Healthy Economy Act which you supported is the same thing for K-12. He appreciates the support of this Governing Body. He is disappointed with your decision to make airport expansion the number one priority in the upcoming session. He has talked with people and no one has ever said airport expansion is number one, but they talked about the economy, education, environment. He said the Governor has said water infrastructure is the number one priority for the upcoming session. He said it would be smart for Santa Fe to get with local legislators to decide what will be the priorities. He said people in the audience also agree water is important for Santa Fe.

David McQuarie, 2995 Calle Cerrado said there was a letter to the editor about Water Division public access. The Mayor' Committee provided the proper funding for an automatic door, and made arrangements for installation. He said the new Director decided they are not going to put one in, and Mr. McQuarie asked what happened to the money. He asked if this is a case of no dignity for the person sitting in the cold waiting for someone to open the door. He asked what is the matter with the City. He said they are doing improvements on the Arroyo Chamisa Trail, but no one on the Mayor's Committee has seen any plans.

G. APPOINTMENTS

1) ARTS COMMISSION

Mayor Coss made the following appointments to the Arts Commission:

Sandra K. Deitch – Reappointment – term, ending 10/2015;
Todd Eric Lovato – Reappointment – term ending 10/2015;
Donna Scheer – Reappointment – term ending 10/2015;
Penelope Hunter-Stiebel – to fill unexpired term ending 10/2015; and
Kathleen Ritch – to fill unexpired term ending 10/2015.

MOTION: Councilor Wurzburger 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 Wurzburger voting in favor of the motion and none voting against.

2) BOARD OF ADJUSTMENT

Mayor Coss made the following appointments to the Board of Adjustment:

Gary Friedman – Reappointment – term ending 09/2016;
Daniel Werwath – Reappointment – term ending 09/2016; and
Donna Reynolds – Reappointment – term ending 09/2016.

MOTION: Councilor Dominguez 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 Wurzburger voting in favor of the motion and none voting against.

3) TRANSIT ADVISORY BOARD

Mayor Coss made the following appointment to the Transit Advisory Board:

Mary McGinnis – to fill unexpired term ending 03/2015.

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM EL-EVATION, LLC FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT EL-EVATION BISTRO, 103 E. WATER STREET. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of , December 6, 2013, with attachments, which is in the Council packet. She noted the business is not within 300 feet of a church or school. She said El-Evation Bistro's application includes an outdoor patio seating

area, and said as a condition of approval, the applicant will be required to enclose the proposed outdoor licensed premise. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request. 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 Dimas moved, seconded by Councilor Trujillo, to approve the request from El-Evation, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at El-Evation Bistro, 103 E. Water Street, with all conditions of approval as recommended by staff.

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

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

Against: None.

2) REQUEST FROM IXEN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT L'OLIVIER, 229 GALISTEO STREET. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of , 2013, with attachments, noting the business is not within 300 feet of a church or school. She noted **the** application includes an outdoor patio seating area, and as a condition of approval, the applicant will be required to enclose the proposed outdoor licensed premise. She noted there are staff reports in the packet regarding litter, noise and traffic, and staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request. 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 Rivera moved, seconded by Councilor Calvert, to approve the request from IXEN, LLC, for a Restaurant Liquor License (beer and wind con-premise consumption only), to be located at L'Olivier, 229 Galisteo Street, with all conditions of approval as recommended by staff.

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

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

Against: None.

3) REQUEST FROM VIOLET CROWN CINEMAS LLC, FOR THE FOLLOWING:

a) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT VIOLET CROWN, 1606 ALCALDESA STREET WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET.

b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM VIOLET CROWN CINEMAS, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT VIOLET CROWN, 1606 ALCALDESA STREET.

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of December 6, 2013, with attachments, which is in the Council packet. She noted the business is within 300 feet of Tierra Encantada Charter School. She said there are staff reports in the packet regarding litter, noise and traffic, and staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request. 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. Ms. Vigil said staff also is requesting, as a condition of approval, that Violet Crown Cinema be required to receive its Certificate of Occupancy from Construction Industries of the New Mexico Regulation and Licensing Department, prior to release of City licenses.

Ms. Vigil noted the Santa Fe Public School District refrains from taking a position regarding the request, as indicated in the letter from Geno Zamora, General Counsel, Santa Fe Public Schools, which is in the Council packet.

Public Hearing

Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation, Inc., was sworn. Mr. Czoski said he is requesting support for this license approval. He understands there is an issue with the 300 foot separation. Mr. Czoski said, "I also want to make clear that if a student were to stand at the very edge of the Tierra Encantada campus and look down the street, all they could see would be the back of the cinema building, no advertising. They wouldn't be able to see what is even going on in the building. And in fact, the point of sale is even further away, would indeed be 300 feet away. In this case, it's just the back of the building. We also have Mr. Bill Banowsky who is the owner of Violet Crown Cinema here this evening who would also be available to answer any questions if you have them."

Councilor Bushee asked if this is a City of Santa Fe liquor license, owned by the City of Santa Fe, noting the application says, "Owner. City of Santa Fe."

Mr. Czoski said the City is the property owner.

Councilor Bushee asked whose liquor license it will be.

Mayor Coss said it is owned by Violet Crown and not by the City.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Wurzburger, to grant the request for the waiver of the 300 foot location restriction and allow the sale of alcoholic beverages at Violet Crown, 1606 Alcaldesa Street, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Trujillo asked is "this liquor license a do or break" for them to come here, because he does have a problem. He said he doesn't see liquor at the movie theater on the South side. He is for having a good time, but he is concerned. He said he has voted yes on many liquor licenses. However, this is for a movie theater.

Mr. Czoski said he understands this is a critical issue for the owner and in fact, it's the last contingency our of several contingencies that were in the lease. He said, "If this is not approved, then Violet Crown has the right to terminate the lease and we would be back to square one in terms of our search for a cinema. If the public hearing isn't closed, I could asked Mr. Banowsky to address that, but I'm not sure if it's closed or not."

Mayor Coss said the hearing is closed, but the Councilors can ask questions.

Councilor Trujillo said this is his concern, and asked if we will be opening this to the Regal Theaters in District 3, Councilor Dominguez's neck of the wood. He asked, "Are they going to come now and say, hey I need a liquor license now. You're giving it to these guys on this side, I want one too. These are my

concerns right now. I understand the need for revenue and all that stuff, but at the same time, too, I really don't think we need alcohol at a movie theater if we're going there to watch a movie, have a good time. I've been going to movies my entire life, and I have never had beer or alcohol at a movie theater, I just haven't. So, just because of that, I'm going to vote no on this. I don't know where the other Councilors will go, but that's going to be my reason why."

Councilor Bushee said, "The Regal Cinemas are 14 screens down on South side. This is a smaller theater. They're going to serve food."

Mr. Czoski said this is in association with the restaurant, and they had to meet the restaurant criteria to get a restaurant beer and wine license. He said, "I'm not that familiar with liquor license law, but I thinks it has to be a certain percentage of the revenue, and that passed muster with the State. And in terms of Regal doing it, it's really not their business model, and not to say they couldn't make it their business model, I don't dispute that."

Responding to Councilor Bushee, Mr. Czoski said, "It is 750 seats versus 2,400 seats."

Councilor Bushee said it will have family movies. She said, "It's just that I think, in order to be competitive, now that Jean Cocteau has a beer and wine license, or applying for one, I just see it as a different scenario. I know it ultimately will replace the Regal Cinemas at DeVargas and that is a similar model to the one on Zafarano, but I think this is a very different model. I have no issue with it. I just had an issue if it was going to be a government liquor license for a private venture."

Councilor Rivera asked if Violet Crown has liquor licenses at all of its establishments..

Mr. Czoski said there is only one other in Austin, Texas, and they do have a full liquor license.

Councilor Rivera noted the business hours are 11:00 a.m. to 2:00 a.m. and they stop sales of beer and wine at 11:00 p.m., and asked if they will start selling at 11:00 a.m. in the morning.

Mr. Czoski said he doesn't know, but Mr. Banowsky can answer the question.

Bill Banowsky, Owner, was sworn. Mr. Banowsky said, "Our first theater is in Austin, Texas, and it is a theater that does have a restaurant and a full liquor license. This theater opportunity in the Railyard, one of the requirements that the Railyard put out to all prospective theater operators, is that we would operate a full restaurant in the space which is one difference in this location and the Regal 14, there is not a restaurant in that space. This will be a fairly large restaurant, a restaurant that will serve people whether they are going to the restaurant or not. We chose not to seek a full liquor license, primarily for the reason that we will be having movies that appeal to adults as well as families with children. And it will be a mix of programming. So we have sought a beer and wine license which is absolutely critical for the economic model of building what is not an inexpensive project for us, and that will involve a restaurant. And to be

competitive as a restaurant, which is a significant part of this project, we believe we can't move forward without a beer and wine license, so that is what we sought."

Councilor Rivera said, "Beer and wine will only be served in the restaurant, and won't be served in the theaters. Is that correct."

Mr. Banowsky said, "They won't be served in the theaters, that's not to say that.... the entire premises will be licensed so people can carry food or beverage into the cinema, and we have approval from the State exactly how we will allow beer and wine to be transferred throughout the entire building. But there will be food people will carry with them into the auditorium, and we will have tray systems set up so that people can either choose to eat in the restaurant or choose to bring their food into the cinema with them to watch the movie and eat and drink, and that would include beer and wine, but there will be no beer and wine served inside the auditorium."

Councilor Rivera asked what kind of security will be in place to make sure beer and wine isn't served to under-age patrons.

Mr. Banowsky said all servers will be trained in the same way they train servers in other locations. He said they have theaters in North Carolina and Texas which serve beer and wine in the theaters, and all employees serving beer and wine go through a State training on a regular basis to make sure they aren't serving people who are under-age or people who are over-served, and that is part of their operational training program.

Councilor Rivera asked if there will be security in the theater to be sure liquor isn't being given to under-age persons.

Mr. Banowsky said they will have people throughout the cinema monitoring all aspects of peoples' behavior and operation through the cinema, including people who will monitor behavior in the auditorium which includes under-age drinking. He said this is their responsibility as a license holder to prevent that.

Councilor Dominguez said we allow alcohol in many different venues, and some of these questions have arisen previously. He asked, "Would you be willing to work with the Prevention Alliance to establish best practices in terms of monitoring, making sure there is proper training, making sure there are opportunities for people to get a ride home if they need to. Would you be willing to work with the Alliance to establish best practices like you've done in other places."

Mr. Banowsky said, "Yes. I'm not familiar with the Alliance and working with them, but the concept I understand them to be about, is the notion of working to make sure we keep drunk drivers off the street, and making sure we don't over serve patrons, making sure we don't serve or allow underage guests to consume alcohol on our premises. We are just like any other business that has a Restaurant Beer & Wine License, we would have the same motivation to do that, so the answer is yes."

FRIENDLY AMENDMENT: Councilor Dominguez said, "Without committing the Alliance to anything, would you accept as a friendly amendment, to ask Violet Crown Cinemas to work with the Alliance." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Trujillo said he is concerned about the monitoring, and that it will be easy to let underage people drink in the theater. He had a hard time bringing a baseball team here, and the concept was bringing alcohol. However, in that scenario we had security guards, people monitoring, and we can see who is in there at all times, and we know who is drinking. If there are kids in there, we get them out. He said, "I want you guys here. I didn't know the RFP called for a restaurant. If you were just having people drink at the restaurant, I have no problem with that. I understand you have a business, a restaurant liquor license. My concern is them taking the alcohol from the restaurant to the cinema where there is no way for people to know who's drinking. That's my concern."

Mr. Banowsky said, "I understand the concern. I can only say, perhaps not in the State of New Mexico, but across the country, it is becoming more the norm, instead of the exception to the rule, that beer and wine is an amenity to the cinema experience is important to make cinema operations economical. We got into this process about a year ago, and we were very clear from the very beginning what our business model was and needs to be to make the economics work for what, otherwise can be a challenging business model. Then to have the additional responsibility of having a very large restaurant, available to serve as a restaurant with or without the cinema. There is no way we could have or would have proceeded with our business proposal to build a cinema here if we were not able to serve beer and wine. We certainly appreciate y our concern. It is our concern, it is our responsibility. I think when people take underage kids to a cinema, and they are 21 and over and they're buying beer and wine, I think first and foremost on the parent to make sure their child is not drinking beer or wine in the cinema or in a restaurant."

Councilor Trujillo said he totally agrees with him.

Mr. Banowsky said, "The reality is, in the economics of this business, to make this particular operation successful, we have to have that amenity. It's not just for the stream of revenue that comes from the sale of beer and wine. And I think it's important to note, too, that we're not seeking a full liquor license for those very reasons, that we're concerned about. We are responsible for what happens inside this business. It is our intention to make sure we operate this business in a responsible way. And it's a lot easier to do that if you're not selling liquor. It might be easier to do that in some ways if you weren't selling beer and wine. It might be easier to do that if you weren't serving sugary drinks. There's a sliding scale. The economics for this business is what has got us to this place where we are very close to being in a position to finally break ground and have a movie theater built here. But this is the last hurdle, and something without which we are not able to proceed."

Councilor Trujillo said he understands, and "you are going to take those precautions, I know you are. I do want you here. A lot depends on what movies you show, in terms of who attends. He said, "I wish you all the luck, I really do. I don't know where this vote is going to go, but based on the issues that I've brought

up, and other Councilors just those thing, I'm going to be no. But if you do pass, I wish you all the best. Like I said, I hope you monitor this and I know you will."

Councilor Ives suggested there is an opportunity to show a PSA regularly, with regard to alcohol consumption, at the time the other advertisements are made, to caution people on prohibitions. He asked Mr. Banowsky if he is willing to consider this and to do it.

Mr. Banowsky said, "Absolutely we would be willing to consider that. There is an important distinction between our approach to cinema and some of the major chains mentioned here. The business model for the major change has been twenty-plus minutes of advertising as a key component to the business model. It is not a key component, and we're actually opposed to it. And in Austin, we show no advertising at all." He said their view is that people come to be entertained, not to have advertising fed to them in a movie theater, but they aren't opposed to selective PSA's. He said it is important that they be viewed as an important part of the community and believe they will be an entertainment center that serves schools during the day in ways other cinemas don't as a matter of course. "So, the answer is yes, absolutely, understanding as a general notion we will have little or no pre-show advertising."

Councilor Dominguez asked if there is a liquor license at Jean Cocteau Theater.

Ms. Vigil said, yes, it was approved by the Governing Body about two months ago.

Councilor Rivera asked Mr. Banowsky if he would be willing to a condition of approval, to limit beer and wine strictly to the restaurant.

Mr. Banowsky said, "No. We can't do that. We sat with the Director of the State agency and discussed our business model. The way the beer and wine license works is that you have to deliver beer and wine to the table. The original rules would have required them to bring beer and wine into the theater at small tables. We were opposed to that for many reasons, including it's difficult to see in a dark cinema if someone's eyes are bloodshot, or whether they are of age. The State agreed with us and made a policy exception as part of our application that our patrons can carry beer or wine into the auditorium with them, but we will not serve beer or wine inside the auditoriums."

Responding to Councilor Rivera, Mr. Banowsky said they do not have a business model which restricts their patrons from enjoying food and beverage while watching a movie.

Councilor Rivera said we did approve the license for Jean Cocteau, but that's a different size theater which shows different movies. He said, "So, in my opinion, this is different."

Councilor Ives said alcohol is served to patrons of the Isotopes games, and this is similar to that at the Isotopes games – presumably responsible adults with families buy beer and are observed by the servers as to their status and conditions and you take it to your seat. He is unaware of any significant issues that have come out of Isotopes Park. Also, alcohol is served at the opera during intermission where many

children are present and/or young adults under drinking age. They have a full liquor license and it seems to be a very orderly group which is respectable.

Councilor Trujillo said he agrees with Councilor Ives, and these are the questions about which he argued in dealing with sales of alcohol at Fort Marcy for Fuego games. He said there is security at Isotopes games. His concern is that it would be easy to give alcohol to underage people in a cinema. He said he doesn't remember approving a license at Jean Cocteau, but the movies there are different, and it always has been more an adult theater.

Mr. Banowsky said they will have 11 auditoriums, and the Regal has 14 auditoriums. Their intention, as stated in their proposal to the Railyard, was to show a mix of adult art films and some of the broader commercial films. He said they will end up not playing a lot of the animated films and such. He said he isn't here to say what we will and will not program. However, he can say what they have done in the past and what they represented to the Railyard over the past year, and what is their intention, which is to have a hybrid program theater, which will appeal to an older audience on average than any broad commercial theater would.

Councilor Trujillo said, "I understand that, and I'm glad you're going to a broader programming. When we made the Railyard, we wanted it for everyone, from one year to one-hundred years old, and that's always been my thing – making things here in Santa Fe for everybody and not just one segment of the population. I want it for everybody, and I understand you're going to do a variety of different shows for which I am very grateful because there will be 11 screens there. I'll give you something. A lot of people here in Santa Fe don't feel welcome at the Railyard. And that's unfortunate, because when we built that thing, we spend a lot of time, prior Councils spent a lot of time. We spent a lot of money building that thing, and we want to get everybody throughout the whole community to use that Railyard, because it's a wonderful place. But when we're only bringing certain things for certain people, that's why people won't come down, and I'm hoping you'll see, if you do come, that you may have to look at what movies we're... we're not making money on. Why not, well we're not playing the right movies or something like that."

Councilor Trujillo continued, "I'm just giving you and example. You can say things work good in Austin. Things work good in Los Angeles, and New York. This is Santa Fe. It's a different tiger. And I can guarantee that you will see that, now that you're here. I want everyone in Santa Fe to watch movies at your theater. In fact, if you're approve, I'll be there, because I've been waiting for this. Richard knows this. It's been the biggest thing we've been waiting for – a theater to come here. I understand you have to make the money, I just don't feel..... if we were to keep the alcohol in the restaurant, have them drink it there, I have no problem. Drink your beer, drink your wine in the restaurant and then go and enjoy your movie. That's where I stand right there, but I do thank you."

Councilor Bushee said she wasn't thinking of that aspect. She said, "I want to remind the Council that we mandated that a movie theater be in there. I am anxious to get that hole in the ground filled and something up and running in the Railyard. So, we brought the Railyard Corporation in to make the decision as to what is the most viable project there, and this is the one they have found. I have to have confidence that

the business owner is going to take care of his end of his deal which is what he has to promise to get a liquor license. I just hope we allow this to happen."

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

For: Councilor Bushee, Councilor Calvert, Councilor Ives, and Councilor Wurzburger.

Against: Councilor Trujillo, Councilor Dimas, Councilor Rivera and Councilor Dominguez.

The resulting vote was a tie, and Mayor Coss voted in favor of the motion to break the tie, and approve the motion.

Explaining his vote: Councilor Dominguez said, "I guess, quite frankly, the reasons that have been given not to allow this are, frankly and with all due respect, are weak and things that can be remedied. I find them kind of hypocritical. There's best practices, regulations and all kinds of things we can remedy the reasons not to support this. I'm going to vote no, but for a different reason. The reason is because, in my opinion, I think the density of alcohol outlets for alcohol opportunities are way too high in that area. We've had lots of problems with that in the area in the past, and so from my perspective, it's a pure density opposition.

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Violet Crown, 1606 Alcaldesa Street, with all conditions of approval as recommended by staff.

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

For: Councilor Bushee, Councilor Calvert, Councilor Ives, and Councilor Wurzburger.

Against: Councilor Trujillo, Councilor Dimas, Councilor Rivera and Councilor Dominguez.

The resulting vote was a tie, and Mayor Coss voted in favor of the motion to break the tie and approve the motion.

Explaining his vote: Councilor Rivera said, "Again, the applicant may need beer and wine to make a profit, but I don't think it's necessary to have a good movie experience. Again, I think our children are too important, so I'm again going to vote no."

Explaining her vote: Councilor Bushee said, "Yes. It does feel like the beer and baseball argument all over again, with a different result from different people voting in different ways. It's interesting."

Explaining his vote: Mayor Coss said, "And I vote yes. I look forward to seeing a movie at your theater and maybe having a glass of wine with my dinner. Thank you."

4) CONSIDERATION OF RESOLUTION NO. 2013-111 (MAYOR COSS, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION REQUESTING CONSIDERATION OF ALTERNATIVES TO LOS ALAMOS NATIONAL LABORATORY'S PROPOSED PLAN OF LEAVING NUCLEAR WASTES BURIED IN PLACE AT TA-54M AREA G; URGING INSTEAD FOR FULL CHARACTERIZATION AND EXCAVATION OF THE WASTES, OFFSITE DISPOSAL OF ANY HIGH-LEVEL, TRANSURANIC, AND MIXED LOW LEVEL WASTES; AND DIRECTING THE CITY CLERK TO INFORM THE NEW MEXICO ENVIRONMENT DEPARTMENT AND RELEVANT STATE LEGISLATIVE COMMITTEES. (ALEX PUGLISI)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, December 9, 2013, regarding this item, is incorporated herewith to these minutes as Exhibit "9."

A statement for the record by Shannyn Sollitt, dated December 11, 2013, entered for the record by Shannyn Sollitt, is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss said Councilor Bushee asked to be a cosponsor of the Resolution.

Councilor Bushee noted that is a Substitute Resolution, and she likes the changes.

Mr. Puglisi said requested changes were made as requested by the public and Councilor Bushee, noting most of the changes are on page 3, beginning on line 6, to address the full excavation, characterization and off-site disposal of waste. He said lines 9-12 address the issue of any high level waste which might be found and excavated at the state and it addresses storage of the waste until off site disposal occurs. He said line 13 addresses no new disposal of waste at the site. He said lines 15-17 address the submittal of closure and post closure plans for TA 54. There were some minor spelling and grammatical changes. He believes we have addressed the concerns of the public and Councilor Bushee, noting all people commenting were given copies of the Resolution to be sure they addressed their concerns.

Public Hearing

Mayor Coss gave each person 2 minutes to speak to the issue. He asked people keep to the 2 minutes and to avoid repetition.

Shannyn Sollitt read a prepared statement into the record, in favor of the Resolution with the following suggested revisions:

> Page 1, line 12; I would add to "....urging instead for full characterization and excavation of the wastes, offsite disposal of any high-level transuranic wastes and utilization of the best science currently available to remediate the mixed low-level radioactive wastes before removing for disposal in an off-site HOSS facility;
>
> Page 2, line 12; I would add, "protecting our previous aquifer and Rio Grande while creating high paying jobs for local citizens, indefinitely;"
>
> Page 3, line 6; "....NMED should require full characterization and evacuation of the wastes; and offsite disposal in a HOSS facility of any transuranic or low level waste that cannot be remediated;" and
>
> page 3, line 9 – please strike the word "unlikely." We know the truth.

Please see Exhibit "10" for Ms. Sollitt's full statement for the record.

Jake Coghlan, Nuclear Watch New Mexico, thanked the Mayor for introducing the Resolution, noting it has been passed through 3 committees. He said he very strongly supports and favors the Resolution, and believes it is the beginning of the only thing that will prevent cap and cover creating a waste dump at the Laboratory. He said the Laboratory is on record for 10 years that it wants to cap and cover. He believes the NMED under Governor Martinez will condone the Laboratory's plan. He feels this Resolution, and what it leads to, is the beginning of the only thing standing in the way of a permanent nuclear waste dump. He has heard arguments that Santa Fe should mind it's own business. He believes this is the City's business, because this can threaten both the Rio Grande and groundwater, to have this threat permanently removed. This has the potential for real job creation, noting there may be up to $3.5 billion available toward labor for a locally based cleanup job, including management and regional companies. Other arguments he has heard, some from the Environment Department, some from the permit writers, is that we don't want the Laboratory to dig this up because we don't know what's there. He makes the opposite argument that we should dig it up because we don't know what is there. He said the Laboratory, in its public relations documents takes pride that it can send instrumentation and analytical instruments to Mars. He asked why they can't do the same in Area G and not hide behind a cloud of ignorance. He said he wants to express his personal support and that of Nuclear Watch New Mexico in the strongest terms for this Resolution.

Sacha Pile said she has been working with nuclear safety groups, including CCNS and Nuclear Watch for 25 years, and she isn't a one issue person. She said if LANL is allowed to pursue its cap and cover plan, they are being reward for decades of lousy record-keeping and throwing a lot of things into the

same place – radioactive materials, volatile organic compounds, hazardous chemicals and such and the liquid components are leaking toward groundwater. She said we are downstream from a legendary, terrible polluter. They don't clean up after themselves unless someone makes them do it. It isn't within the purview of the City of Santa Fe to tell people at LANL what to do. It is well within its purview to show political leadership to other municipalities downstream to get this resolved. The problems posed by Area G are the same as at WIPP, which is once you have radioactive waste and chemical waste reaching groundwater, headed toward the Rio Grande and the Gulf of Mexico, we have waste that can't be reclaimed or track. By the time it's in the drinking water it's too late. She said if she were a mother 500 years from now burying her children and her teeth falling out because of something someone did 500 years ago, she wouldn't care about anything except that the water is poisoned. We are in a historic place in Santa Fe and we have something precious to protect here.

Mayor Coss asked people speaking to please stay within the 2 minute limit.

Michelle De Longe, artist and co-founder of Nuclear Free Now, said she is happy to be here discussing this Resolution. She said the waste must be removed, where it has the potential to pollute our water with radioactive waste. She said some argue the waste isn't a threat today, which may be the case, but we have to steward the land for future generations where these wastes could be a hazard. This is sacred land to many of our indigenous neighbors and we have polluted this land for decades and it is time for us to be honorable to our neighbors and clean this up. The removal will benefit our community in many ways. She hears the argument that LANL is important because of the jobs. We have the opportunity to provide real, positive, long-lasting jobs and to clean up the land. She doesn't see how we can't support this win-win Resolution for everybody, except perhaps for the Lab. It is important to remember the waste up there is really dangerous, and it is time we are no longer held hostage to careless disposal by LANL and that LANL clean up its dangerous trash.

Joanie Arens, Concerned Citizens for Nuclear Safety. Ms. Arens thanked Mayor Coss for his leadership in bringing the Resolution forward, and the opportunity to meet with Alex Puglisi about refining the language of the Resolution. She said the City has taken on the labs in connection with the BDD project in talking about the early warning system would be. This is another example of the City taking leadership to protect the City, the peoples, the culture, the Rio Grande Watershed. She said we are grateful that an agreement was made regarding the BDD. This is a good first step in putting forward a vision of what the City would like to see with the many dumps at LANL.

Rachel Wood, Consulting Forester, thanked the City for the Resolution and urged passage. She said what she has learned from her work is that the earth is a living thing, and what we do to the earth, we do to ourselves. She said the earth is beautiful and provides us with so much, and we need to value that more than anything else and protect the earth and ourselves.

Eleanor [inaudible], a resident of District 4, said she is representing Santa Fe Pax Christi. She said LANL was never chosen as a disposal site, and for them to call for a permanent dump at Area G is irresponsible and dangerous. And the environment concerns are numerous, including pollution of our Santa Fe water system, potential radiation release from forest fires and contamination of the surrounding areas. She is representing the members of the Santa Fe Pax Christi who support this Resolution, and that the NMED and the State Legislative Committees will support this Resolution when, and if, it is passed.

Reverend Holly Beaumont, Director of Interfaith Worker Justice New Mexico, and for the past 10 years she has been working with Las Mujeres Hablan which addresses issues related to the fallout from the Laboratory on the surrounding communities. She thanked Mayor Coss for introducing the Resolution and the members of the City Council who wrestled with strengthening it and making sure there were no loopholes which would allow cap and cover, or the reburying of hazardous and nuclear waste. She views this as an historic moment for New Mexico, led by the City Council of Santa Fe, to demonstrate to the world that it is possible to responsibly correct the fallout from the nuclear weapons industry and move us globally towards rectifying that. She said she sent them an article from *The Seattle Times*, because it is important to understand there have been changes at LANL, and that it is now being run by an organization called Bechtel. The City has a responsibility to look into what it is. She said we have the opportunity to learn from and not repeat the errors made in Rocky Flats, Colorado. She recommended the Governing Body read *Full Body Burden: Growing up in the Nuclear Shadow of Rocky Flats*, and to learn that the corporation hired to do cleanup at Rocky Flats actually was given a bonus greater than the amount spent on the cleanup and what has happened in Colorado.

Jade Gordon is a resident of Santa Fe, and a mother and grandmother who is concerned about them and the generations that will follow. She is proud of the City for taking the leadership in this, and hopes it will become a model for communities in the rest of the State. She stands in strong support of this Resolution.

David Bacon, Concerned Citizens for Nuclear Safety, said the cost of $7 billion for the cleanup is about right, and 45% would be for labor. He said we can craft something to help local economies, and if we insist on a certain percentage of local people having those jobs, there would be a whole lot of whistle blowers. He said you have to watch the Labs and everything they do. He said we could have an amazingly well paid workforce doing very good work for the community in removing the waste, and keeping an eye on how it is being run. It is important to think about that aspect. He said as the drought increases, noting the River was very low this summer, the lower the River and moisture, the higher the impact of pollution is. It is really important to pay attention to this waste dump sitting over our aquifer and has put two major plumes of pollution underground much faster than LANL has said. This is a very good resolution.

Chuck Montano, said he is a native of Santa Fe, and worked at the Lab for 32 years, in the Nuclear Materials Safeguard Group. In 1998, Hank Danneman asked him to serve on the Water Quality Task Force for the City, which Mr. Montano then chaired. He said the reason he did that was because of his experience at LANL. In 1980-1981, when he was working with the Nuclear Materials Safeguards group, they had a new group leader that came in to run the organization, noting the job of his group was to keep track of all nuclear materials throughout the facility. He said the new leader came from Livermore, and there is a lot of cross-breeding among these institutes. He said a common culture develops, and if you behave outside those boundaries, you become a whistle blower and the Laboratory then targets you.

Mr. Montano continued, "In 1995, I led the first labor organization established at the Lab, and when there was a Lab-wide layoff, a lot of the people targeted were people that had complained about health and safety issues, environmental contamination. In 1980, I was in a meeting with the new group leader from Livermore, and the DOE was coming out to do its annual assessment, a physical inventory of nuclear materials. And the group leader said our job is to run interference. You're dealing with material that will be dangerous for over 240,000 years."

Mr. Montano continued, "I am here basically representing future generations, because sometimes we tend to forget that we have an obligation there as well. I was standing in Area G during that assessment. It so happened I was assigned to go to Area G, and I saw the open pits. In one of these pits was a huge forklift. It was brand new. It was about a $250,000 piece of equipment that had been tossed in there. About 5 miles away, as the dust flows, is White Rock from Area G. I asked the site custodian what that was all about, and why was this brand new piece of equipment in there. He said it had been contaminated with plutonium and it was easier to get rid of it than to try to clean it up and dispose of it properly. And then he told me there was a new regulation that was going to be kicking in that was going to require the Laboratory to maintain records of everything being disposed of in Area G, and a Lab-wide mandate had gone out directing managers to get rid of stuff quickly before that mandate took effect."

Mr. Montano continued, "So there's a reason why people don't really want to find out what's in there, because a lot of stuff was thrown in there that probably shouldn't have been thrown in there. But, I can tell you, our aquifer is already contaminated. Before Bechtel came in I was still up there; I was up there for 32 years. We used to drink... all of our water would be brought in because nobody there at the Lab wanted to drink water out of the faucet. We would have the water delivered. When Bechtel came in, because they're focused on making money, they stopped the delivery of water, and forced us to drink out of the faucets. That's when everybody started bringing drinking water for the day. I encourage you to please support this Resolution."

Teresa Chavez, Espanola, said she is a part of Tewa Woman United Environmental Justice Group, and she wanted to express support for the Resolution and appreciation for you considering this. It will have a tremendously positive impact on my community. She said a lot of harm has been done to our people, our environment, our way of life and passing this Resolution would be a step to allowing the land and our people to begin to heal.

Joseph Hempling said LANL is nothing more than bomb factory sitting on an earthquake fault, "an accident in my opinion waiting to happen. The word Fukushima comes to mind." He asked that the Governing Body support this Resolution as the beginning to holding LANL responsible and accountable for the mess they created which is a threat to us all.

Virginia Miller said has lived in Santa Fe since 1992. She has worked on this and related issues for many years as a support person. She appreciates the efforts of Mayor Coss and Councilor Bushee to put forth this important, much needed Resolution to help hold those responsible who can make a difference and transform things. She said the work which was done, with the help of CCNS and other organizations and Joanie Arens, is transformational. She read the original Resolution and the Substitute Resolution and the transformation is wonderful. She believes it will make a difference in holding those responsible accountable and moving us in the right direction. We are created one more condition for our health in our region and our community and the surrounding communities as well. If we don't create conditions for health, we won't have health. She appreciates the work that has been done and asked the passage of this Resolution to move us in the right direction.

William Olson said cleanup can never be an excuse for producing more. There are 100,000 trucks that would take out waste that would have to be buried somewhere else. He said again, cleanup can never be an excuse for producing more.

Scott Kovack, Nuclear Watch, New Mexico said he supports this Resolution. He said to spend $1.4 billion on nuclear weapons every year like the Laboratory does. You spend the money for nuclear weapons you hope you don't use. It's like drilling a dry well, you've spent the money, but you have nothing when you're done, unlike Los Alamos Labs. It would be a gift that keeps on giving.

Mayor Coss thanked everyone for their commentary this evening.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-111.

FRIENDLY AMENDMENT: Councilor Bushee said she agrees with Ms. Sollitt about the removal of the word "unlikely," on page 3, line 9 of the Resolution, which she says is more accurate. **THE AMENDMENT WAS FRIENDLY TO THE SPONSOR AND THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

DISCUSSION ON THE MOTION AS AMENDED: Councilor Bushee asked if other companies in Northern New Mexico have been willing to pursue this.

Mr. Coghlan said, "The short answer is not yet. The longer part of the answer is that we were waiting on the wisdom of the Council to pass this Resolution, and then it was pretty immediately going to be brought first to Santa Fe County, and then we contemplate the City and County of Taos."

Councilor Bushee said she is always glad to hear from Sasha, and CCNS and from Chuck Montano. She said for years we battled WIPP, then we battled how we were going to transport this waste. And now the reality of this waste that has been sitting in Area G all along, and we're still battling to try to get it characterized and not cap and cover, and everything is done properly. And we've built the BDD and now we have to have the warning system which she is unsure is always going to work. She hopes the Resolution is adopted unanimously, and catches on in areas with similar return. She thanked Alex Puglisi for all the work he has done, and to CCNS and Nuclear Watch for their work over the years. She said, "Please take as many of you, and multiply and go forth to the other communities that also need to sign onto this."

Councilor Wurzburger said she would like to sign on as a cosponsor. She said 25 years ago she wasn't in Santa Fe, but she was head of the Nuclear Freeze in California, which was the first place in the country that the Freeze was actually passed. It is rather ironic that she wound up moving so close to Los Alamos. She has been admirer of the work of Mr. Coghlan and Ms. Arens, noting they learned a lot from one another through the Buckman Diversion. She is happy to cast one of the few votes she has remaining on the Council in support of this very important initiative.

Councilor Trujillo said he believes there is going to be a unanimous vote. He thanked the Mayor for bringing the Resolution forward. He said this Resolution has relevance for the City of Santa Fe, and the nuclear waste is close to the Rio Grande. He said if something catastrophic happens, he doesn't want it to hit the BDD and to be in our drinking water. He said we adopted a Resolution two weeks ago on the Keystone Pipeline and he voted against it, because it has no relevance for the City of Santa Fe and the State. He said this Resolution is relevant to this community and the State, and the kind of resolution we need to spend more time on. He is in support of this Resolution.

Councilor Ives said he spoke early in committee of the need for the characterization of the nature, extent and types of waste which are in Los Alamos. He said through his work, he has had the opportunity to review characterization studies of artillery ranges and other types of facilities done by the Department of Defense, and is aware of the challenge of reviewing historical records over the course of decades and without proper notation and reporting accurately the various kinds of wastes and other uses. It is a problem which is larger than Los Alamos. He said in its time, Los Alamos served a vital function in the United States, and he believes it is incumbent on the Lab to fully character the nature, type and extent of wastes at Los Alamos and other areas where various hazardous and toxic waste and chemicals have been stored across the country. He said the government too often tries to bypass the proper evaluation, noting without a proper evaluation it is not possible to be planning in terms of how to address it. He supports full characterization before anything is done, and believes it will be a more interesting discussion once we know what is in area G and other areas throughout Los Alamos.

Mayor Coss thanked Alex Puglisi, Jay Coghlan, and Scott for bringing this forward, Joanie and CCNS for making it even better. He said this comes out of the work of the Regional Coalition of LANL Communities, which has been met with a great deal of skepticism, and rightfully so. However, they ask for public comment at each meeting, and the comment that comes up every time from the public is don't do cap and cover, remove the waste from Area G. This is what we've put forward tonight. He is pleased Santa Fe is the first, but it shouldn't be the last. He is hopeful that Espanola, Rio Arriba County, Los Alamos County, Taos County and Santa Fe County, all members of the Coalition, will take it back to their governing bodies. He said one of the powerful things about the Coalition is that we are elected officials and we represent constituencies for which we can speak. He said he still calls it the National Lab. It might be better to call it LANs-Bechtel and then we would be more clear on what that relationship is.

Mayor Coss thanked the environmental groups and the national groups. He read some of the latest policies from the national groups and the regional coalitions of elected officials. What they want to see are cleanup decisions which are protective of the environment now and in the future, with a bias toward decisions that reduce the need for future institutional controls and long term stewardship. He said the City and the Coalition need to view this from the point of view that we are at least 400 years older than Los Alamos National Labs. He said one of his favorite parts of the Resolution is, that "Area G is 1/10 mile from the Pueblo of San Ildefonso, 8.7 miles from Santa Clara, 9.8 miles from Pojoaque, 11.9 miles from Tesuque, 13.5 miles from Nambe, 14 miles from Ohkay Owiengeh."

Mayor Coss continued, "I don't think it is unreasonable for these communities to say that when the Laboratory got the site from them, it was clean and they would like it to be clean going forward. And we do think in terms of 400 o4 500 years. It will take a lot of work. You all have been working on it for 20-30 years, and this will not be easy, so we do need to go now and ask all the other local governments to adopt this. And we need to tell our Congressional Delegation that this is what we want. This is not a private property right with a regulatory solution necessarily. This is government work. This is our federal government's program, and we as a democracy should be able to say what we want our government to do there. The last thing I want to say is the City of Santa Fe has a special role because we're one of the oldest communities. Also because we have a water company and a Buckman Direct Diversion Project, and so we have some scientific and technical ability that some of the smaller communities don't have, and I'm really pleased that we had a guy like Alex Puglisi that could work with the environmental groups and shape this Resolution. So thanks to all of you tonight, and this isn't the last. This is just one step that will go on for decades to get our land clean again."

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 Wurzburger.

Against: None.

5) **CONSIDERATION OF BILL NO. 2013-39; ADOPTION OF ORDINANCE NO. 2013-37: (COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). AN ORDINANCE CREATING A NEW SECTION 19-2 SFCC 1987, TO ESTABLISH A FRAUD, WASTE AND ABUSE HOTLINE FOR CITY EMPLOYEES TO REPORT ALLEGED FRAUD, WASTE AND ABUSE BEING COMMITTED BY EMPLOYEES AND OFFICERS OF THE CITY. (LIZA KERR AND JUDITH AMER)**

a) **CONSIDERATION OF RESOLUTION NO. 2013-112 (COUNCILOR RIVERA, COUNCILOR DIMAS AND COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). A RESOLUTION AUTHORIZING STAFF, DURING THE 2014/2015 BUDGET PROCESS, TO ESTABLISH A BUDGET FOR THE DESIGN, IMPLEMENTATION AND ADMINISTRATION OF A FRAUD, WASTE AND ABUSE BEING COMMITTED BY EMPLOYEES AND/OR OFFICERS OF THE CITY. (LISA KERR)**

Judith Amer, Assistant City Attorney, reviewed the proposed amendments, which are in the Committee packet. She said this creates the Fraud, Waste and Abuse Hotline, and authorizes the establishment of a budget.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Ordinance No. 2013-37, 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 and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Wurzburger.

Explaining his vote: Councilor Trujillo said, "Yes. And please add me as a sponsor."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Resolution No. 2013-112, as presented.

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

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

Against: None.

Absent for the vote: Councilor Wurzburger.

Explaining his vote: Councilor Trujillo said, "Yes and add me as well."

6) **CONSIDERATION OF BILL NO. 2013-40: ADOPTION OF ORDINANCE NO. 2013-38 (COUNCILOR CALVERT). AN ORDINANCE RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 1987, TO ESTABLISH THAT THE SANTA FE COUNTY HOUSING ASSISTANCE ORDINANCE SHALL HAVE JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND AMENDING RULE 8A OF EXHIBIT A OF CHAPTER 22, SFCC 1987, CITY OF SANTA FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH CUSTOMER WHOLESALE RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS THAT ARE CONNECTED TO THE CITY SEWER SYSTEM. (BRYAN ROMERO)**

The staff report was presented by Bryan Romero from his Memo of October 28, 2013, which is in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2013-38 as presented.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger
Against: None.

Councilor Wurzburger departed the meeting

7) **CONSIDERATION OF BILL NO. 2013-41: ADOPTION OF ORDINANCE NO. 2013-39 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO THE CITY OF SANTA FE CAMPAIGN CODE AND PUBLIC CAMPAIGN FINANCE CODE, AMENDING SUBSECTIONS 9-2.3(I) SFCC 1987, AND 9-3.3(E), SFCC 1987, TO AMEND THE DEFINITION OF *CONTRIBUTION* TO INCLUDE AS A CONTRIBUTION CERTAIN EXPENDITURES BY PERSONS OTHER THAN THE CANDIDATE OR THE CANDIDATE'S POLITICAL COMMITTEE. (ZACHARY SHANDLER)**

The staff report was presented by Zachary Shandler, Assistant City Attorney. Mr. Shandler said there are two types of political committees under the City Code. One is a candidate's political committee which is generally considered to be the campaign treasurer and campaign staff. And then all other garden variety political committees. The question is can they coordinate and under the Code they can. And then, when does the coordination become a contribution. The proposed bill will provide some kind of definition for that, and the definition of "contribution," has been added to be, "An expenditure by a person, other than a candidate or the candidate's political committee that is made in cooperation, consultation or concert with, or at the request or suggestion of a candidate or the candidate's political committee." He said , "This language was taken from federal code, and the goal is to provide a better definition of when does coordination turn into a contribution. This is important under your Code, because if you've got a contribution and you're privately funded, you have to report it. If you are publicly funded, at this point in the campaign you cannot receive a contribution."

Public Hearing

Jim Harrington said Common Cause wholly supports this bill, and he wanted to thank Mr. Shandler for helping in the development of the bill, for letting us have a say in it, for explaining it. And thank Chris and Patti for sponsoring it. It's not a big change. He said, "It is our belief and I think the City Attorney agrees, it prohibits the clearer forms of coordination between PACs and candidates, but this would clarify that. And some of the press have been confused about it, so it would make very clear that if somebody spends something on your behalf and it's coordinated with you as a candidate, that's a contribution. By using the exact language of the federal law, it would make it easier to enforce for the ECRB and the City Attorney, because it brings to bear all of the case law and the regulations that have interpreted that language down through the decades. So it's a good bill, it's not a huge change, but it's a worthwhile bill and I hope you will enact it tonight and get it in place in time for most of the campaigning."

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to adopt Ordinance No. 2013-39 as presented.

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

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

Against: None.

Absent for the vote: Councilor Wurzburger.

Explaining his vote: Councilor Calvert said, "Yes. And I want to thank Zach for his work on this and all the other legislation concerning the Charter, elections and campaigning."

8) **CASE #2013-93. APPEAL JENNIFER JENKINS, FOR JENKINSGAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR AQUAFINA DEVELOPMENT LLC, APPEALS THE SEPTEMBER 12, 2013 DECISION OF THE PLANNING COMMISSION IN CASE #2013-58, DENYING A REQUEST FOR PRELIMINARY SUBDIVISION PLAT APPROVAL TO DIVIDE THREE PARCELS OF LAND LOCATED AT 4701 AND 4702 RUFINA STREET AND 4262 AGUA FRIA STREET INTO TWENTY THREE LOTS AND DENYING A REQUEST FOR A VARIANCE TO PERMIT THE CONSTRUCTION OF TWO LOT ACCESS DRIVEWAYS INSTEAD OF A CONTINUOUS SUBCOLLECTOR STREET CONNECTING AGUA FRIA STREET TO RUFINA STREET. (ZACHARY SHANDLER AND KELLEY BRENNAN). (POSTPONED BY STAFF TO JANUARY 8, 2014 CITY COUNCIL MEETING)**

This case is postponed to the Council meeting of January 8, 2014.

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, PURSUANT TO §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, AND THE CITY OF SANTA FE V. GARY TOMADA, DIRECTOR OF THE ALCOHOL AND GAMING DIVISION OF THE STATE OF NEW MEXICO REGULATION AND LICENSING DEPARTMENT, AND WESTERN REFINING SOUTHWEST, INC., IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO, IN No. 32,407.

Councilor Ives said he would recused himself from participation in the first matter.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, that the Council go into Executive Session for discussion of pending litigation in which the City of Santa Fe is a participant, Qwest Corporation v. City of Santa Fe, and City of Santa Fe v. Gary Tomada, Director of the Alcohol and Gaming Division of the State of New Mexico Regulation and Licensing Department, and Western Refining Southwest, Inc., in the Court of Appeals of the State of New Mexico, in No. 32,407, in accordance with the Open Meetings Act §10-15-1(H)(7) NMSA 1978.

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

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

Against: None.

Abstain: Councilor Ives.

Absent for the vote: Councilor Wurzburger.

The Council went into Executive Session at 9:15 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 9:50 p.m. Councilor Trujillo moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

16. ACTION REGARDING THE CITY OF SANTA FE V. GARY TOMADA, DIRECTOR OF THE ALCOHOL AND GAMING DIVISION OF THE STATE OF NEW MEXICO REGULATION AND LICENSING DEPARTMENT, AND WESTERN REFINING SOUTHWEST, INC., IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO, IN No. 32,407.

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to accept staff's recommendation that we appeal this decision to the New Mexico Supreme Court.

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

Against: None.

Absent for the vote: Councilor Wurzburger.

17. MATTERS FROM THE CITY CLERK

Yolanda Vigil wished everyone Happy Holidays.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of December 11, 2013, is incorporated herewith to these minutes as Exhibit "11."

Councilor Dimas

Councilor Dimas said he has had several constituent calls regarding the work on St. Francis Drive. He said this is a State Road, and asked who is digging up the street in that section, or if the State is doing that.

Mr. Snyder said the City is doing a water line extension along St. Francis Drive from San Mateo to Cerrillos Road.

Councilor Dimas asked how much longer that will take.

Mr. Snyder said the water line is installed, and they are installing the services at this time. He said, "I would expect in the next couple of months they would be wrapped up and repaved... within the next couple of months. I would say sometime in January, but I can get definite schedule for you."

Councilor Dimas said then, "It will take the State another year to pave it."

Councilor Trujillo said, "That's not my bureau."

Councilor Dimas said the City does what it is supposed to do, but he worries about the State.

Mr. Snyder said he will get a definite construction schedule for Councilor Dimas.

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution supporting the Southwest Transit Association's position paper on the future of federal transit funding; encouraging Congress to restore capital bus and bus facilities funding to small urban cities to pre-map 21 levels; and calling on the State of New Mexico to establish a State Transit Fund to assist transit systems operating within the State. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

2. An Ordinance relating to the City of Santa Fe Housing Code, Chapter 26, SFCC 1987; amending Subsection 26-1.21, to include veterans in the list of professions to qualify for expanded eligibility standards for Santa Fe Homes Program (SFHP) homes. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

3. An Ordinance amending the Code of Ethics, the Campaign Code, and the Public Campaign Finance Code for the purpose of regulating campaign contributions from potential City contractors. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."

   Councilor Calvert said, "I am withdrawing the previous one. After it was heard by the ECRB, and I sat with staff and Jim Harrington of Common Cause, we came up with what we thought was a better way to do it, and mostly through the Ethics Code that we reign those – campaign contributions from City Contractors."

4. An Ordinance relating to the Residential Green Building Code; creating a new Subsection 7-4.2 SFCC 1987, residential addition and remodel Green Building Code for single family attached and detached; amending Exhibit A to Chapter VII to create a new Item 802.6, regarding rough plumbing for future use of gray water and to create a new Chapter 12 to establish the checklist for remodeling of functional areas and small additions. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "15."

5. A Resolution amending the *Administrative Procedures for the Santa Fe Residential Green Building Code*, to add Item 802.6 to the User Guide and to create new administrative procedures for the City of Santa Fe Residential Addition and Remodel Green Building Code ("RARGBC"). A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Calvert wished everyone a safe and Merry Christmas and a Happy Holiday Season, and asked everyone to drive carefully.

Councilor Rivera

Councilor Rivera wished everyone a Merry Christmas and a Happy New Year.

Councilor Ives

Councilor Ives would like to join as a "cosponsor of the last two of Councilor Calvert's extended list of new Ordinances to be voted on in late February, relating to the Green Building Code. I would also join as a cosponsor in due course by the measure to be introduced by Councilor Bushee."

Councilor Ives said he read a review of Obama's legislative style. He said many times he has been frustrated by his difference of opinion on the President's willingness to continue to engage recalcitrant members of the opposing party when it came to trying to put forth legislation. And he seemed even to go beyond the realm of reason in terms of trying to allow for the full debate of the issues and participation in that process. He said the article he read talked about that the President very much believed by working through the issues, even though contentious and many issues where it seems intractable going through that process, it ultimately results in something beneficial in terms of our democratic process.

Councilor Ives continued, "I want to thank all of you for participating in this discussion about the governance issues, because I think that's one where we started off from many divergent and opposing points of view and by working through those issues, we all got sort of got to a position where all of a sudden, we had something that actually seemed like, even though we may still have still disagreed with provision here or there, it was something we substantively all felt comfortable bringing forward to the people of Santa Fe. I don't think that's a process that necessarily is engaged in successfully in many governing bodies. So, my thanks and compliments to all of you for staying with that process, expressing opinions and working out the compromise on those various issues that's now allowing us to take something to the people of Santa Fe. For me, it is very much an affirmation of that style as I would describe that has frustrated me on the President's side, and I hope you will forgive me for the times I've frustrated you, and I would thank staff obviously for hanging in there on all those issues as well and the hard work."

Councilor Ives wished everyone a very happy and safe Holiday Season.

Councilor Bushee

Councilor Bushee introduced a Resolution authorizing the establishment of a Hospital Study Group for the purpose of gathering information and making recommendations related to the current general state of Christus St. Vincent Regional Medical Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17.

Councilor Bushee would like to cosponsor all of Councilor Calvert's introductions, with the exception of the Ordinance regarding contributions from potential City Contractors campaign of Calvert's.

Councilor Bushee said, regarding the Green Commercial Code, she would ask the City Manager to try and bring forward the Green Commercial Code which is languishing, and try to jump start that.

Councilor Bushee said the City has done what we can in terms of shelters, but she is very concerned right now, given the very cold weather, that we don't have a place for people who are kicked out on the street pretty early, 7:30 p.m. She is concerned about the ever-expanding homeless youth and adult population. She would like staff to look at resources we have available during the very cold winter to and see what we can do for warming centers or places where we can extend hours where people can stay and hang out. She believes there should be places where people can extend some hours in the cold weather. She would like a report from the City Manager as soon as possible in this regard.

Councilor Bushee wished Happy Holidays to all and to be safe.

Councilor Trujillo

Councilor Trujillo said he is withdrawing the electronic cigarette ordinance.

Councilor Trujillo introduced the following:

1. An Ordinance to the prohibition of the procurement of tobacco by minors; amending Subsection 16-15.4 SFCC 1987, to amend the definition of "tobacco product" and create a new definition for "electronic smoking device." He said this is being added to an existing Ordinance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "18."

   Councilor Bushee asked to cosponsor the Ordinance.

2. An Ordinance relating to Santa Fe Smoke Free Ordinance, Section 10-6 SFCC 1987; amending Subsection 10-6.2 to include findings related to electronic smoking devices and amending Subsection 10-6.3, to include definitions for "electronic smoking device" and "tobacco product." A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "19."

   Councilor Bushee asked what this Ordinance means, and Councilor Trujillo said the electronic cigarettes would fall under smoking for adults.

Councilor Trujillo introduced the following on behalf of Councilor Wurzburger:

1. A Resolution declaring City support for the "United for Homes" Campaign to raise revenue for the National Housing Trust Fund so that communities, nationwide, can be supported in their efforts to end homelessness. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

2. An Ordinance amending Section 14-8.11(F) SFCC 1987, to extend the reduced percentage requirements of the Santa Fe Homes Program (SFHP); amending Subsection 26-1.8, to continue implementation of a fractional fee schedule in lieu of constructing units for SFHP developments with two through ten total units; amending Section 26-1.15 SFCC 1987, to extend the reduced percentage of the required number of for sale SFHP homes in a development; and making such other changes as are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "21."

Councilor Trujillo said this has been one of the most memorable years he has spent on the Council since being elected. He said he would say to his colleagues, that he will always appreciate working with them, although we come from different backgrounds and we have our differences. He said, "What I do appreciate most is we take a vote, the vote is taken, and we move on with a new issue. And I've always appreciated that, because there never have been any hard feelings, and I've appreciated working with all of you. There are a few who will be leaving soon and I have appreciated working with you."

Councilor Trujillo thanked staff for all they have done this year, and said he will work with whomever is "sitting in this seat in a few months." He has enjoyed working with Mayor Coss and wished him luck in his future endeavors.

Councilor Trujillo wished everyone a safe and Happy Holiday Season, and a Merry Christmas and a Happy New Year.

Councilor Dominguez

Councilor Dominguez introduced a Resolution encouraging the City Manager to establish an

administrative policy that would clarify that the City Manager is allowed to grant administrative leave to employees who serve as a municipal representative on a non-City decision-making body, if it is determined to be in the best interest of the City. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."

Councilor Dominguez wished everyone Happy Holidays, and to be safe.

Councilor Dominguez thanked the City employees who have helped to make the City run for all of these years, certainly during his tenure as a City Councilor. He thanked the public for its work in helping to make this the best community it can be.

Councilor Dominguez said, "Happy Birthday to Deb."

Mayor Coss

Mayor Coss introduced a Resolution repealing Resolution No. 2013-1, relating to the Open Meetings Act; adopting the State of New Mexico Open Meetings Act, by reference; and adopting notice requirements. A copy of the Resolution Ordinance is incorporated herewith to these minutes as Exhibit "23."

Mayor Coss thanked his colleagues on the Governing Body for a good year, noting there was a lot of work, a lot of Committee meetings, noting it is ending as a good year for the City. He looks forward to the next two months with them in 2014. He thanked staff for their work this year, and encouraged the Governing Body to attend the employee Christmas Party tomorrow night and thank the employees for their work this year.

Mayor Coss said there is a Burger-Fry tomorrow sponsored by the Mayor's Committee, noting they raised so much money last year that the Burger-Fry will be free this year to thank all of the City employees for their support. The Burger-Fry will be held at the Monica Roybal Teen Center, 11:00 a.m. to 1:00 p.m. He said they always have veggie burgers.

Mayor Coss wished everyone a Merry Christmas and a Happy Holidays, and said he looks forward to seeing everyone in 2014.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:15 p.m.

Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

Melessia Helberg, Council Stenographer