



Agenda REGULAR MEETING OF THE GOVERNING BODY FEBRUARY 12, 2014 CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2/7/14 TIME 11:23 ✓

SERVED BY _____

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – January 29, 2014
9. PRESENTATIONS
 - a) Muchas Gracias – Claudia Borchert. (5 minutes)
 - b) Update on LEAD Task Force. (Sergeant Jerome Sanchez and Monica Ault) (10 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State and Cooperative Price Agreements – Ten (10) Police Patrol Vehicles and Required Up-Fit Equipment for Annexation Expansion; CES/Don Chalmers Ford, MHQ of New Mexico, Grants & Technology, CDWG Government, CMS Communications, Motorola Solutions, Digital Alley, MPH Industries. (Deputy Police Chief John Schaerfl)
 - 1) Request for Approval of Budget Increase – Police Property Tax Fund.
 - b) Request for Approval of Amendment No. 1 to Construction Agreement – City-Wide Water Utility Construction and Repair Projects; Sub Surface Contracting, Inc. (Bill Huey)



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- c) Request for Approval of Water Rights Purchase Agreement – Within the Nambe-Pojoaque-Tesuque (NPT) River System; The Club at Las Campanas. (Rick Carpenter and Marcos Martinez)
- d) Request for Approval of Change Order No. 5 – Market Station Tenant Improvements; Sarcon Construction Corporation. (LeAnn Valdez)
- e) Request for Approval of Procurement Under State and Cooperative Price Agreements – Installation, Maintenance and Monitoring Services of City-Wide Fire and Alarms Systems; ATI Security, Inc. (Robert Rodarte)
- f) Request for Approval of Grant Awards – 2011 and 2013 State Homeland Security Sub-Grant Program; United States Department of Homeland Security and Federal Emergency Management Agency. (Andrew Phelps)
 - 1) Request for Approval of Budget Increase – Grant Fund
- g) Request for Approval of Funding for Improvements at Moto Cross Track Located in La Tierra in the Northwest Quadrant through 2008 Parks, Trails and Open Space Bond Fund. (Ben Gurule)
- h) Request for Approval of Grant Award and Governmental Services Agreement – Youth Conservation Corps Commission Project for Fire Department; State of New Mexico Youth Conservation Corps Commission and City of Santa Fe. (Porfirio Chavarria)
 - 1) Request for Approval of Budget Increase – Grant Fund
- i) Request for Approval of Professional Services Agreement – Fort Marcy Swimming Pool Roof and Sky Light Replacement and Renovation Project; Cooperative Educational Services and Roof Care. (Lisa Martinez)
- j) Request for Approval of Exempt Procurement and Professional Services Agreement – Santa Fe Community Television Public Access; Santa Fe Community College. (Joe Abeyta)
- k) Request for Approval of Procurement Under State Price Agreements – Purchase of Maintenance Materials and Supplies for the Streets Division; 3M Company, San Bar Construction and J & H Supply. (Randy Blake)



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- l) Request for Approval of Contract – Parking Equipment and Related Services for Parking Division; IPS Group, Inc. (PJ Griego)
- m) Request for Approval of Budget Increase – FY 2013/2014 Rent at Montoya Federal Building. (Marcos Tapia) **(Postponed at January 29, 2014 City Council Meeting)**
- n) In Accordance with Resolution No. 2013-107, One Day Community Convention Center and Parking Fee Waivers for Non-Profit Fundraising Events. (Jim Luttjohann) (Informational Only)
- 11. Request for Approval of Appointment of Municipal Court Pro Tem Judge Pursuant to §2-3.4(C) SFCC 1987; Stephen Pfeffer. (Judge Yalman)
- 12. State of the Municipal Court Report. (Judge Yalman)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending or Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant, Cameron-Swinerton, LLC, Gross Receipts Tax Refund Dispute, Project CIP #684. (Kelley Brennan and Judith Amer)

- 15. Action Regarding Pending or Threatened Litigation in Which the City of Santa Fe Is or May Become a Participant, Cameron-Swinerton, LLC, Gross Receipts Tax Refund Dispute, Project CIP #684. (Kelley Brennan and Judith Amer)
- 16. MATTERS FROM THE CITY CLERK
- 17. COMMUNICATIONS FROM THE GOVERNING BODY



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EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Audit Committee
 - Community Development Commission
- H. PUBLIC HEARINGS:
 - 1) Request from Joe Wade Fine Art for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Joe Wade Fine Art, 102 E. Water Street. This Location is Within 300 Feet of The Church of Antioch at Santa Fe, 207 Old Santa Fe Trail. The Request is for the ARTfeast Edible Art Tour to be Held on February 21, 2014 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
 - 2) COMMUNITY HEALTH CARE STUDY GROUP
 - a) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Bushee and Mayor Coss)
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. (Kate Noble) **(Postponed at January 29, 2014 City Council Meeting)**
 - b) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives)
A Resolution Calling for the Formation of a Community Health Working Group to Examine the Effects of the Affordable Care Act on the Delivery of Health Care Services to the Santa Fe Community, the Cost of Health Care in Santa Fe and Delivery of Health Care Services to the Indigent. (Kate Noble) **(Postponed at January 29, 2014 City Council Meeting)**



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- 3) CONSIDERATION OF BILL NO. 2014-1: ADOPTION OF ORDINANCE NO. 2014-____. (Councilor Bushee)
An Ordinance Amending Various Provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987. (Johnny Martinez) **(Postponed at January 29, 2014 City Council Meeting)**
- 4) CONSIDERATION OF BILL NO. 2014-2: ADOPTION OF ORDINANCE NO. 2014-____. (Councilor Trujillo and Councilor Bushee)
An Ordinance Relating 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". (Alfred Walker) **(Postponed at January 29, 2014 City Council Meeting)**
- 5) CONSIDERATION OF BILL NO. 2014-3: ADOPTION OF ORDINANCE NO. 2014-____. (Councilor Trujillo)
An Ordinance Relating to Santa Fe Smoke Free Ordinance, Section 10-6 SFCC 1987; Amending Subsection 10-6.2 to Include Findings Relating to Electronic Smoking Devices and Amending Subsection 10-6.3 to Include Definitions for "Electronic Smoking Device" and "Tobacco Product". (Alfred Walker) **(Postponed at January 29, 2014 City Council Meeting)**
- 6) CONSIDERATION OF BILL NO. 2013-42: ADOPTION OF ORDINANCE NO. 2014-____. (Mayor Coss)
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. (Fabian Trujillo) **(Postponed at January 8, 2014 City Council Meeting) (Postponed to April 9, 2014 City Council Meeting)**
 - a) Request for Approval of Economic Development Second Amended Project Participation Agreement Between the City of Santa Fe and Rodeo Property, Inc. **(Postponed to April 9, 2014 City Council Meeting)**
 - b) Request for Approval of Memorandum of Understanding Between the City of Santa Fe and Santa Fe County. **(Postponed to April 9, 2014 City Council Meeting)**

I. ADJOURN



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

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

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

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PUBLIC HEARINGS

REQUEST FROM JOE WADE FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT JOE WADE FINE ART, 102 E. WATER STREET. THIS LOCATION IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE ARTFEAST EDIBLE ART TOUR TO BE HELD ON FEBRUARY 21, 2014, FROM 5:00 P.M. TO 8:00 P.M.

Approved

22

COMMUNITY HEALTH CARE STUDY GROUP
CONSIDERATION OF RESOLUTION NO. 2014- ____ . 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

Postponed to 02/26/14

23-45

CONSIDERATION OF RESOLUTION NO. 2014- ____ . A RESOLUTION CALLING FOR THE FORMATION OF A COMMUNITY HEALTH WORKING GROUP TO EXAMINE THE EFFECTS OF THE AFFORDABLE HEALTH CARE ACT ON THE DELIVERY OF HEALTH CARE SERVICES TO THE SANTA FE COMMUNITY, THE COST OF HEALTH CARE IN SANTA FE AND DELIVERY OF HEALTH CARE SERVICES TO THE INDIGENT

Postponed to 02/26/14

23-45

CONSIDERATION OF BILL NO. 2014-2: ADOPTION OF ORDINANCE NO. 2014-5. AN ORDINANCE RELATING 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"

Approved [amended]

45-55

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 12, 2014**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, February 12, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder said he would like to postpone Item #9(a) under Presentations to the next meeting of the Council, because Claudia Borchert couldn't attend this evening.

Mr. Snyder would like to move Items #H(4) & #H(5) before Item #H(3) on the Evening Agenda, due to a staffing conflict.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the agenda, as amended.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Bushee moved, seconded by Councilor Bushee, 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 and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Wurzburger.

10. CONSENT CALENDAR

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 10, 2014, regarding Item 10(i) 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, February 10, 2014, regarding Item 10(k) is incorporated herewith to these minutes as Exhibit "2."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 10, 2014, regarding Item 10(l) is incorporated herewith to these minutes as Exhibit "3."

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – TEN (10) POLICE PATROL VEHICLES AND REQUIRED UP-FIT EQUIPMENT FOR ANNEXATION EXPANSION; CES/DON CHALMERS FORD, MHQ OF NEW MEXICO, GRANTS & TECHNOLOGY, CDWG GOVERNMENT, CMS COMMUNICATIONS, MOTOROLA SOLUTIONS, DIGITAL ALLEY, MHP INDUSTRIES. (DEPUTY POLICE CHIEF JOHN SCHAERFL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – POLICE PROPERTY TAX FUND.**

- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONSTRUCTION AGREEMENT – CITY-WIDE WATER UTILITY CONSTRUCTION AND REPAIR PROJECTS; SUBSURFACE CONTRACTING, INC. (BILL HUEY)**
- c) **REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – WITHIN THE NAMBE-POJOAQUE-TESUQUE (NPT) RIVER SYSTEM; THE CLUB AT LAS CAMPANAS. (RICK CARPENTER AND MARCOS MARTINEZ)**
- d) *[Removed for discussion by Councilor Bushee]*
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – INSTALLATION, MAINTENANCE AND MONITORING SERVICES OF CITY-WIDE FIRE AND ALARMS SYSTEMS; ATI SECURITY, INC. (ROBERT RODARTE)**
- f) **REQUEST FOR APPROVAL OF GRANT AWARDS – 2011 AND 2013 STATE HOMELAND SECURITY SUB-GRANT PROGRAM; UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND FEDERAL EMERGENCY MANAGEMENT AGENCY. (ANDREW PHELPS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- g) *[Removed for discussion by Councilor Dominguez]*
- h) **REQUEST FOR APPROVAL OF GRANT AWARD AND GOVERNMENTAL SERVICES AGREEMENT – YOUTH CONSERVATION CORPS COMMISSION PROJECT FOR FIRE DEPARTMENT; STATE OF NEW MEXICO YOUTH CONSERVATION CORPS COMMISSION AND CITY OF SANTA FE. (PORFIRIO CHAVARRIA)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORT MARCY SWIMMING POOL ROOF AND SKYLIGHT REPLACEMENT AND RENOVATION PROJECT; COOPERATIVE EDUCATIONAL SERVICES AND ROOF CARE. (LISA MARTINEZ)**
- j) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SANTA FE COMMUNITY TELEVISION PUBLIC ACCESS; SANTA FE COMMUNITY COLLEGE. (JOE ABEYTA)**
- k) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – PURCHASE OF MAINTENANCE MATERIALS AND SUPPLIES FOR THE STREETS DIVISION; 3M COMPANY, SAN BAR CONSTRUCTION AND J&H SUPPLY. (RANDY BLAKE)**

- l) **REQUEST FOR APPROVAL OF CONTRACT – PARKING EQUIPMENT AND RELATED SERVICES FOR PARKING DIVISION; IPS GROUP, INC. (P.J. GRIEGO)**
- m) *[Removed for discussion by Councilor Bushee]*
- n) **IN ACCORDANCE WITH RESOLUTION NO. 2013-107, ONE DAY COMMUNITY CONVENTION CENTER AND PARKING FEE WAIVERS FOR NON-PROFIT FUNDRAISING EVENTS. (JIM LUTTJOHAN). (INFORMATIONAL ONLY)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 29, 2014

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of January 29, 2014, as presented.

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

9. PRESENTATIONS

a) MUCHAS GRACIAS – CLAUDIA BORCHERT

This item is postponed to the Council meeting of February 26, 2014.

b) UPDATE ON LEAD TASK FORCE. (CAPTAIN JEROME SANCHEZ AND MONICA AULT.

Councilor Wurzbarger arrived at the meeting

Monica Ault, Attorney, Drug Policy Alliance, said she has been working with the Team since it started. She said a lot of progress has been made as follows: they drafted and released an RFP, overhauled Seattle's protocols to fit Santa Fe and awarded a contract on January 29, 2014, to LifeLink. They are very excited about the partnership and are working with Carol Luna Anderson to get the service provider up to speed and to have a program roll-out by the beginning of March.

Ms. Ault presented information regarding the recent LEAD Team trip to Seattle December 2 through 5, 2014, to visit its LEAD program, which was paid by a private grant. She said those going on the trip included, in addition to herself, were Captain Jerome Sanchez, Property Crimes Unit Detective Casey Salazar, District Attorney Angela Pacheco, Head Narcotics District Attorney Jason Widyard, and Detective Roberto Rodriguez. They met with all Seattle's stakeholders and the purpose of the trip was to see the program in action and learn from their progress as well as their mistakes.

Ms. Ault said they observed Seattle's Policy Coordinating Team Meeting, their Operational Work Group meeting, the prosecuting attorneys, their service provider Treatment Professionals, caseworkers, Down Seattle Association which was instrumental in Seattle's LEAD program, and with the Seattle Police Department. They were able to spend 5 hours with Seattle's ACT Team, and go on a buy bust with them, interact with them and ask questions about the program.

Captain Jerome Sanchez introduced Casey Salazar who will be helping on the project, noting he is a front line Detective that works with these individuals and "our clients" in the near future. He talked about the wide variety of stakeholders who are collaborating on the best way to target their particular issues there.

Detective Salazar reiterated that they were lucky enough to spend time with groups in Seattle that normally wouldn't be in the same room that are coming together working toward a common goal. He this is what he sees happening here which is impressive and gives him hope. On the trip, he was lucky enough to work with the anti-crime team on the streets and see how they operate. He said Seattle's problem is different from ours, but we can tailor it to work for us. They have a lot of open area crack sales on the street corners, and they are working to deal with that. He was impressed with the way law enforcement and stakeholders are approaching the problem.

Mayor Coss thanked everyone for the work they put into the LEAD report and making the trip to Seattle.

Terrie Rodriguez said there has been substantial interest in LEAD during this Legislature. She said two bills have been introduced in this session, and they would like to thank Representative Lucky Varela for being the sponsor in the house, noting he has committed \$40,000 of the \$200,000 requested. She said she also wants to thank Senator Nancy Rodriguez, the Senate sponsor. She said Representative Stapleton of Bernalillo County has introduced a House Joint Memorial asking for a study of LEAD across the State, noting Senator McSorley of Bernalillo County also expressed interest.

Ms. Ault said, with regard to the funding model, they are seeing the public/private partnership coming to fruition. She said the State funding is pending, and the funds received from Santa Fe have helped them to leverage other public funds as well as get the interest of major national foundations for support. She said the Drug Policy Alliance and the Santa Fe Community Foundation are partnering to do an analysis of what local and national foundations can do. They are in dialogue with the Ford Foundation, Open Society Foundation and Tide Foundation, and they are excited to see how Santa Fe can replicate a LEAD-like model and how we will create LEAD in a more rural setting. She is hopeful that we will have a true public private partnership for this and will keep you posted on that.

The Governing Body commented and asked questions as follows:

Councilor Dominguez said he is glad to hear there is some private money involved. He asked if they are looking at a 3-year sustained program for now for the short term.

Ms. Ault said it is 3 years to find funding to move and implement the program into a long term program.

Councilor Dominguez asked if the money from the private side is for the pilot program, and Ms. Ault said this is correct. He thanked her for her work and looks forward to the success of this in the short and long term.

Councilor Bushee asked when we will have the funding model in place.

Ms. [unidentified] said, "For the legislative dollars, right now HB 2 has to pass through the house. We already know that the \$40,000 is already in the language in HB 2, but it needs to pass and go to the Senate side for Senator Rodriguez's funding to amended into that. Unfortunately, we're sort of waiting to see if it passes. Beyond the Legislative dollars, I'm going to have Monica speak to the proposal they're working on for one large foundation."

Ms. Ault said , "With the pilot fund, we've been working on a large proposal, and hopefully we will know by April if we will secure that larger particular grant, but we also have some smaller grants, but they're all coming in at different time, because they have different deadlines.

Councilor Bushee asked if these are in-state or out-of-state.

Ms. Ault said, "The really large one is a national grant, so it is out of state, and there are some in-state local funds we've been trying to get at as well, but we're constantly keeping our eyes open for anything. So if you guys hear of anything, please tell us.

Councilor Bushee said it looks like a young, energetic group of folks are spearheading this, so it's pretty exciting.

Councilor Wurzbarger said, "I am very interest in the transfer aspect of what you're talking about. I spent ten years at the University of Southern California with a federally funded grant from the Justice Department that was transferred all over the country, so I would be happy to share some of that experience with you, because again, that's a dimension that can get a federal agency or, as you're looking toward the private foundations to bring money in, early on, even during the pilot if you are developing a model for how it can be transferred. Call me."

Councilor Dimas said, "I just want to tell you personally how excited I am about this program, and the community should be excited as well. I want to applaud each and every one of you for all the hard work you've done on this program. I've been there since the beginning and I have seen the progress, and I am excited for the future of the program, and praying that it's long term. It's been needed for many years now, and it's so heartening to see it's actually happening."

Ms. Ault said, "We couldn't have done the work if you hadn't allowed us to do the work, so thank you all for supporting such an innovative project here in New Mexico."

Mayor Coss noted Councilor Dimas was an original sponsor two years ago.

CONSENT CALENDAR DISCUSSION

10(d) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – MARKET STATION TENANT IMPROVEMENTS; SARCON CONSTRUCTION CORPORATION. (LeANN VALDEZ)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 10, 2014, regarding Item 10(d) is incorporated herewith to these minutes as Exhibit "4."

Councilor Bushee said she removed this item to vote against it, to be consistent with her vote so far.

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.

10(g) REQUEST FOR APPROVAL OF FUNDING FOR IMPROVEMENTS AT MOTO CROSS TRACK LOCATED IN LA TIERRA IN THE NORTHWEST QUADRANT THROUGH 2008 PARKS, TRAILS AND OPEN SPACE BOND FUND. (BEN GURULE)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 10, 2014, regarding Item 10(g) is incorporated herewith to these minutes as Exhibit "5."

A matrix, *MX Track Proposed Cost Estimate*, submitted for the record by Ben Gurule, is incorporated herewith to these minutes as Exhibit "6."

Councilor Dominguez asked if we received a State grant through Game and Fish in the amount of \$10,000, and Mr. Gurule said this is correct.

Councilor Dominguez said there is a Schedule attached to Exhibit 3, Planned Development during the period of October through December 2013, the City shall submit documentation as described in paragraph A.9, no later than January 15th of the following calendar year," but it doesn't give a year on the dates.

Ben Gurule said the grant money was used for the assessment and the development of the guidelines. He said the funding they are seeking tonight is for the implementation of those guidelines.

Councilor Dominguez said then the State funds were for development of the plan.

Mr. Gurule provided the breakdown of the costs [Exhibit "6"].

Councilor Dominguez said it looks like the improvements listed in Exhibit "6" are peripheral to the track, and not necessarily improvements to the track itself.

Mr. Gurule said the original problem we had was that Travelers couldn't insure the track because of the liability with the track. And these guidelines we're going to incorporate, there's "actually a station by station, site by site, on the track, different things that are going to happen to the track. He said there is a map in the packet that goes into specifics about what we're going to do at each location.

Councilor Dominguez said he understands and he read the plan, but the question he asked was, "These improvements, the \$54,450 are mostly for improvements to the, not the course itself, but the perimeter of the track. Maybe that's not the right way to put it, but it's not the track surface."

Mr. Gurule said this is correct. He said the funding is for materials for fencing, drainage improvements for the culverts, the waddles that are necessary whenever you do earth work, reseeding to reclaim areas that we've disturbed. So the actual improvements on the track itself, will be done by employees from Streets and Parks with City equipment, at the direction of the Governing Body and the Parks Department to go ahead and move it forward.

Councilor Dominguez said he is interested in the track itself. He said, "I understand that some of these things help reduce the liability, such as the signage with direction. How much is it going to cost us to upgrade the track itself. Or, is that all being done by in-house staff."

Mr. Gurule said it will all be done by in-house staff with City owned equipment, and "we are estimating it will be 4-6 weeks with heavy earth moving, grading and that kind of work."

Councilor Dominguez said, "There's no reason to delay that part of the improvements to the track, outside of what may be relevant to this. In other words, you can start working on the track as soon as you can."

Mr. Gurule said this is correct. He said, "However, Councilor, we can't allow it to be opened until we incorporate the remainder of those guidelines which is fencing, signage and so forth."

Councilor Dominguez asked who is supervising the building of the track.

Mr. Gurule said, "It will be myself, Richard Lopez, Chris Ortiz. We're going to have periodic visits from David Chester, who works for Great Outdoors, the other consultants we hired."

Councilor Dominguez asked if we are paying him more money to do that.

Mr. Gurule said, "No sir. It's part of the contract, as part of the original agreement with the Great Outdoors they would provide us with some on-site visits to see if we're headed in the right direction, or what's going on."

Councilor Dominguez asked, "Is he the only one that has any sort of qualifications to determine whether the grade is adequate. How are you going to determine whether there is sufficient grade, or anything on some of that track."

Mr. Gurule said, "David Catanach at Streets, has a tremendous amount of experience with grading and drainage and setting points and all of that. So he will also assisting us with making sure that we're following those guidelines as far as slopes and all of that."

Councilor Dominguez said, "But there is no MotoCross expert, necessarily, that is supervising this work."

Mr. Gurule said, "No sir."

Councilor Dominguez asked, "Is there any liability that we are subject to because of that."

Mr. Gurule said he doesn't know that answer.

Barbara Boltrek, Risk Manager said, "The insurance company is okay with the City doing what Great Outdoors has designed, as long as Great Outdoors comes back and inspects every so often."

Councilor Dominguez said, "So then Great Outdoors is going to be liable if something happens. Where does the liability stand. Do we have the proper people to determine whether or not Great Outdoors has designed an appropriate track."

Ms. Boltrek said, "The insurance company feels confident, because this company is a certified design engineer company, that is licensed and bonded, they feel confident that they have enough experience to direct us, and we can then follow what they've asked us to do."

Councilor Dominguez said, "Are you sure of that. I mean, if something happens, is Great Outdoors then liable for faulty design."

Ms. Boltrek said, "They could be, if that was the case, but ultimately it is our park, so we would need to insure it."

Councilor Dominguez asked Mr. Gurule the timeline to get the track open. He said, "The bottom line for me is that the whole reason that this exists is because we wanted to make sure we eliminate some of that activity from other parts of the community and centralize it, if you will. And so what are we looking at, in terms of opening it."

Mr. Gurule said, "Upon approval tonight, we'll do some take-offs on the materials necessary. We should hopefully get Recs by the middle of next week and we will do a Notice To Proceed, and we'll break down, probably starting Monday, with assistance from the Streets Department who is going to be working on Saturday and Sunday. He's going to be paying his staff overtime, because he can't afford to allow them during the week, but Parks will be there during the week with a grader, a loader and a backhoe. We'll have 3 operators there, we'll have our water truck there. So we're thinking about 4-6 weeks."

Councilor Dominguez asked Mr. Gurule if we will be soliciting the help from any of the people who actually are going to use the track to help with some of the design as it relates to what Great Outdoors recommended.

Mr. Gurule said, "Yes. It's City staff, with the assistance of volunteers, specifically Daniel Coriz. He's a member of the *I Ride*, the MX Group, and he has asked if he can assist in any way. And I said of course we would allow him to come in and help us where he can, because he has a lot of experience. So if the guideline says to cut it 3 to 1, or whatever, and it might be a little off or whatever, he probably could help us with stuff like that."

Councilor Bushee said, "I would really like to know if we build this with all the additional changes, if the non-profit is still being established, and if they're going to take this on and how that's going to work with the City', back to liability, but just oversight and maintenance and all of that. It's just been such a long haul. And then part two, is to know that whatever audits we conduct for that bond, this project will be included to make sure that the details are you know.... it's costing about double what we had initially talked about and with all these additional changes. I would like to see it open. And then you know, if they build it they will come, and it will be managed and all of those good things."

Mr. Gurule said, "During this process we were working with *I Ride*, that they would take over the maintenance portion of the track, and at that time they were not able to acquire the non-profit affiliation, which they now have acquired. So, we'll be working towards that with that *I Ride* group to hopefully assist with the maintenance and so forth. Based on the guidelines, it does not require an operator, so there's no need for an operator, but there's going to be a need for periodic maintenance and that's where we're hoping that volunteers will assist the City."

Councilor Bushee asked if we will have some kind of arrangement.

Mr. Gurule said it will be done through a joint powers agreement.

Councilor Bushee asked if they are willing to take on some of the maintenance, and Mr. Gurule said yes. Councilor Bushee asked if that is put together.

Judith Amer, Assistance City Attorney, said, "There are a variety of agreements that could be formed, and as has been stated, it was something we were very interested in entering into, I want to say, 8 months ago, but the organization hadn't been formed yet. I heard that was just recently formed, and we're going to work with them with some type of lease agreement, lease operating agreement, services agreement. We'll have to negotiate it with that organization."

Councilor Bushee said, "I never understood why the insurance company was able to dictate, and this might be for you Judy. I know it's motorized and there are liability concerns. Should we have a similar arrangement with our skate parks. We do the maintenance there. What I don't want to see are well intentioned non-profits.... I know they'll be there, because they helped create the thing. It puts a lot on a volunteer operation to keep it alive. And so, I just want to make sure that we have a backup plan if any of that falls through, in terms of the City being able to maintain it and take it on. You've already said you don't need to have that as a requirement to get this insured. It seemed picked on a little bit by the insurance company."

Ms. Amer said, in terms of the insurance, the City normally has to consult with their insurance company and find out what requirements they have in order to be able to provide sufficient insurance for any of our projects or facilities. Barb [Boltrek] might be able to speak to that."

Ms. Boltrek said, "I would just say that, like the State Parks, they were designed by a company and then accepted by the City and insured as part of that. So this is similar to anything that we actually undertake in the City."

Councilor Bushee said she wants to be sure it is going to be maintained if we invest this additional funding, and Mr. Gurule said, "Yes. It is our intention to continue to maintain it.

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

DISCUSSION: Councilor Ives said, "In the Buckman MX Track report on page 19, it says, 'A trained staff member with track riding experience should conduct regular maintenance and keep a track maintenance log to ensure consistency and thoroughness.' And they talk about 'maintenance and inspection should be conducted at least once a week.' Are those activities that are being taken on by the non-profit, or will the City be doing that."

Mr. Gurule said, "The City of Santa Fe Parks Department will upkeep all the maintenance until we have volunteer group that's willing to do it, and if there's ever a gap that the volunteer group falls apart or whatever, well yes, we will make sure that it is usable and functional."

Councilor Trujillo said, "It is a MotoCross Track. Can this also be used, maybe for a BMX".

Councilor Dominguez said, "I was under the impression that the Game & Fish grant indicated that it needed to be open and accessible for more than just MotoCross, and so I think that some of the other uses are a part of future phases. And if this is the case, do we still comply with the conditions of the grant."

Mr. Gurule said, "So there is a BMX almost in the same location. As far as ATV's, in these guidelines, there is like a training facility we will be building. And if we build that training facility, pretty much, the State has promised that we will continue to get grants for educational and maintenance purposes. So, inside that same footprint where the MotoCross is currently located and where we will be building a training