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SANTA FE CITY COUNCIL MEETING  
Wednesday May 13, 2015**

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Approved w/amendments 13-14

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THAT ARE NECESSARY

Approved 14-15

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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 13, 20125**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Peter N. Ives, on Wednesday, May 13, 20125, 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**

Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Members Excused**

Mayor Javier M. Gonzales

**Others Attending**

Brian K. Snyder, City Manager  
Marcos Martinez, Assistant City Attorney  
Yolanda Y. Vigil, City Clerk  
Melissa Byers, Assistant City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

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

**VOTE:** The motion was approved on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Rivera moved, seconded by Councilor Dominguez, to approve the following Consent Calendar, as amended.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

- a) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FUNDING OF RAILYARD’S EVENTS AND MARKETING FOR FISCAL YEAR 2015/16; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
- b) **REQUEST FOR APPROVAL OF GRANT AWARD – FISCAL YEAR 2014/15 RIDEFINDERS PROGRAM; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION AND REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE TOTAL AMOUNT OF \$84,004. (KEN SMITHSON)**
- c) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN 2012 CIP BOND FUNDS ALLOCATED TO TRANSIT FROM FUND 5400 INTO FUND 5409 IN THE AMOUNT OF \$50,000. (KEN SMITHSON)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) ADA-ACCESSIBLE REPLACEMENT VEHICLES FOR SANTA FE PICK-UP SERVICES; CREATIVE BUS SALES, INC., AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$100,000 IN 2014 CIP BOND FUND. (KEN SMITHSON)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FIVE (5) HURST EDRAULIC AUTO EXTRICATION RESCUE TOOLS FOR FIRE DEPARTMENT; L.N. CURTIS & SONS. (JAN SNYDER)**
- f) **REQUEST FOR APPROVAL OF 2014 GENERAL OBLIGATION BOND AWARD AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$162,773; DEPARTMENT OF CULTURAL AFFAIRS, NEW MEXICO STATE LIBRARY DIVISION. (PATRICIA HODAPP)**



- g) *[Removed for discussion by Councilor Bushee]*
- h) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR LODGERS' TAX BUDGET ESTIMATE TO THE AMOUNT PROJECTED IN FEBRUARY 2015 FOR THE TOTAL FY 2014/15 WHICH ADJUSTS ALLOCATIONS TO THE LODGERS' TAX RECIPIENT FUNDS IN THE AMOUNT OF \$1,189,729. (RANDY RANDALL)**
- i) **CONSIDERATION OF RESOLUTION NO. 2015-39 (MAYOR GONZALES, AND COUNCILORS BUSHEE, DOMINGUEZ AND RIVERA A RESOLUTION RELATING TO CHILD HUNGER; PROCLAIMING SUPPORT FOR COMMUNITY EFFORTS TO ENSURE THAT ALL CHILDREN AGES 0-18 ARE ABLE TO ACCESS AT LEAST ONE HEALTHY MEAL PER DAY. (CHRIS SANCHEZ)**
- j) *[Removed for discussion by Councilor Bushee]*
- k) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 10, 2015:**
  - 1) *[Removed for discussion by Mayor Pro-Tem Ives]*
  - 2) **BILL NO. 2015-16: AN ORDINANCE AMENDING THE CITY OF SANTA FE ALARM SYSTEM ORDINANCE, SECTION 20-5 SFCC 1987, TO CLARIFY CERTAIN PROVISIONS; AMEND THE FINES FOR FALSE ALARMS; AND AMEND LATE REPORTING FEES THAT ARE ASSESSED AGAINST ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES (COUNCILOR RIVERA). (DEPUTY CHIEF MARIO SALBIDREZ)**
  - 3) **BILL NO. 2015-17: AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987, TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE (MAYOR GONZALES). (LISA MARTINEZ)**
  - 4) **BILL NO. 2015-18: AN ORDINANCE AMENDING SECTION 12-8-1.3 OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE TO AUTHORIZE THE GOVERNING BODY TO MAKE SPEED LIMIT ALTERATIONS IN THE CITY OF SANTA FE THROUGH THE ADOPTION OF A RESOLUTION (COUNCILOR TRUJILLO). (JOHN ROMERO)**
- l) **ANNUAL REPORT, SANTA FE RIVER TARGET FLOWS; ANNUAL REPORT FOR "TARGET YEAR" ACTIVITY FROM APRIL 15, 2015 THROUGH APRIL 14, 2015; AND ANTICIPATED ACTIVITY FOR THE TARGET FLOW YEAR OF APRIL 15, 2015 THROUGH APRIL 14, 2016. (MELISSA McDONALD). (Informational Only)**

- m) **REQUEST FOR APPROVAL OF THE 2013 ANNUAL WATER REPORT PURSUANT TO SECTION 25-9.6 SFCC 1987; SUMMARIZING THE STATE OF THE CITY OF SANTA FE'S WATER DIVISION. (ROBERT HOOK)**
- n) **REQUEST FOR APPROVAL OF THE 2015 ANNUAL WATER BUDGET REPORT PURSUANT TO SECTION 25-9.6 SFCC 1987. (ANDREW ERDMANN)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 29, 2015**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of April 29, 2015, as presented.

**VOTE:** The motion was approved on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

**9. PRESENTATIONS**

- a) **INTRODUCTION AND WELCOME – AUBREY DUNN, COMMISSIONER OF PUBLIC LANDS.**

Aubrey Dunn, Commissioner of Public Lands, said Commissioner Dunn, thanked the governing Body and the Philip Baca family for working collaboratively to make an economic development a reality. He said the lease is the result of several months work of diligent effort on behalf of the City and Land Office staff. He said, "It is my sincere hope and my expectation that this lease will not only enhance public safety with the new fire station, but also greater economic development opportunities for the citizens of Santa Fe. On top of these benefits, the beneficiaries of the Trust will receive increased financial returns. This demonstrates how the City of Santa Fe and the Land Office can work together to attract jobs and reduce taxpayer burden and I thank you."

Mayor Pro-Tem Ives said, on behalf of the City, he would express our great appreciation for being able to work with you and the rest of your staff on this transaction. It is good to know that the Fire Station will have a new home where it needs to be in our City and thanked Commissioner Dunn for his willingness to work with the City on this transaction.

Commissioner Dunn said it is his pleasure, noting the lease has been delivered to Mr. O'Reilly, so everything is set to go.

Commissioner Dominguez thanked Commissioner Dunn on behalf of the residents of District 3 for working with the City because that fire station will be of great benefit to the residents of the community in District 3, noting this is a population that needs as many amenities as we can provide.

Commissioner Maestas said he is gratified to see the Commissioner's support of the City through this lease. He said both Commissioner Dunn and the City demonstrate a lot of foresight in identifying this land parcel to provide public safety facilities for the newly annexed area – it truly is a win-win situation. He said, "I want to thank you for continuing the practice to provide parking. Commission Dunn opens his parking lot during the evening so restaurants and its patrons can use them, in the absence of any kind of formal agreement. It's much appreciated by the restaurant owners in my District, and I thank you for continuing that practice." He thanked Commissioner Dunn for attending the meeting.

Councilor Bushee added her thanks to Commissioner Dunn for attending, saying we share the Capitol City as our home base. She said over the years, we've had different land uses and the Land Office has always been collaborative, and thanked him for continuing that "very friendly posture," and asked him to let the City know if there is something we can do for him or the Office.

Councilor Trujillo thanked him for the lease for the fire station, and for the parking. He said on Saturday, we will be holding our Fishing Derby and invited the Commissioner to come out and watch the kids catch fish. He thanked him for allowing the cities to park there during the Fishing Derby.

Commissioner Dunn said, "It's my pleasure. I only have one concern, is I have a couple of staff members I'm afraid are going to up all night trying to fish.

Councilor Trujillo said they can't start until 7:00 a.m.

**b) PROCLAMATION – CHRIS CHAVEZ DAY – MAY 14, 2015; KIVA PROGRAM GRADUATE.**

Councilor Maestas talked about the KIVA Program and its work in the community, noting KIVA stands for Keeping Independent Visions Alive. It is a community based instructional transition program whose goals are to teach employment, social and independent living skills to students 18-22 with disabilities to promote independence. He said it is gratifying to be a small part of the special celebration. He introduced Coach Joe Rachel and Susan Lujan, Principal, and Alyssia Lujan-Blea, a teacher.

Coach Rachel said he has been working with Chris Chavez for 2 ½ years, and Chris embodies everything we try to teach at the KIVA Program. He is proud that Chris has become very independent and has grown into a very fine young man who is graduating from the program and going into the world, and wished him well.

Councilor Maestas read a proclamation into the record declaring May 14, 2015 as Chris Chavez Day in Santa Fe, and gave a copy of the proclamation to Chris.

Chris Chavez thanked everyone and his family for this honor.

**c) ST. MICHAEL'S HIGH SCHOOL PONY EXPRESS – CLASS 4A STATE SPIRIT CHAMPIONS. (COUNCILOR RIVERA)**

Councilor Rivera gave a brief history of Coach Lydia, noting they attended St. Michael's together, and the State Championships she has won during her career. He congratulated the Pony Express on their success.

Councilor Bushee and Councilor Lindell added their congratulations and good luck for future success for the Pony Express.

Coach Lydia said the Pony Express won second at National in Orlando, Florida, competing against teams from much larger schools.

Courtney, a member of the Pony Express, thanked the City for hosting them today. She said they work hard, getting up every morning at 5:45 a.m. to practice six days a week, commenting since it is a year-round sport, they don't get a break.

Councilor Rivera, assisted by Councilors Bushee and Lindell, presented a plaque to the St. Michael's High School Pony Express, the Class 4A State Spirit Champions for 2015. The Pony Express then honored the Governing Body with one of their routines.

**d) PROCLAMATION – COACH SID MONROE DAY: MAY 16, 2015 – LACROSSE COACH AT SANTA FE PREPARATORY SCHOOL. (MAYOR GONZALES)**

Mayor Pro-Tem Ives said Sid Monroe is the Lacrosse Coach at Santa Fe Prep. He said Mayor Gonzales is attending his daughter's Lacrosse dinner in Albuquerque, and sends his regrets, but celebrates the success of the Lacrosse program.

Mayor Pro-Tem Ives read a proclamation into the record declaring May 16, 2015, as Coach Sid Monroe Day in Santa Fe, and presented the proclamation to Coach Monroe.

Coach Monroe thanked everyone for this honor. He said, "It's not about one player, it's not about one coach. This is a team. There's a whole bunch of people out there that helped make this work. It's good to have the repeat State champions here in the room with us, and this is about growing a great game in the City of Santa Fe."

Councilor Bushee said this is a very athletic game, noting that her niece played La Crosse in high school and in College. She said it is a growing sport and she is grateful you have put Santa Fe on the map. She offered the City's help if additional Lacrosse fields are needed.

Councilor Trujillo said he would like to have the entire team at the next meeting to honor and acknowledge them for their State Lacrosse championships back to back, and Mr. Snyder said that has been arranged for the next meeting.

**e) PROCLAMATION – PEDIATRIC STROKE AWARENESS MONTH – MAY 2015.  
(MAYOR GONZALES)**

Mayor Pro-Tem Ives read the proclamation into the record and presented it to Rita Granger.

Rita Granger said she is the grandmother of Penelope Hooper, age 8 who suffered a stroke as a 7-year old. Ms. Granger gave a brief overview and history of pediatric strokes, symptoms and treatment, saying it is hoped that new neural pathways will grow and Penelope will recovery. She he said Penelope is on the road to recovery, but it is a long road. She said she wanted to make the world aware that kids can suffer strokes and to be aware of the symptoms. She said Penelope was born in Santa Fe, but now resides in Hobbs, New Mexico.

Councilor Lindell thanked Ms. Granger for attending the meeting and making us aware of this. She asked her to extend our best wishes for a speedy recovery to Penelope, and for her continued success in the future.

Councilor Bushee added her thanks, saying she didn't realize children this young could have strokes.

Ms. Granger thanked the Governing Body for this opportunity and acknowledgment of this issue, commenting that Penelope sends her thanks to the Governing Body.

Councilor Dominguez wished Penelope the best and said we will keep her in our thoughts and prayers

**f) SANTA FE PREVENTION ALLIANCE; RECOGNIZING SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION NATIONAL PREVENTION WEEK – MAY 17 THROUGH MAY 23, 2015. (COUNCILOR DOMINGUEZ)**

A copy of *About the Santa Fe Prevention Alliance*, entered for the record by Shelley Mann-Lev, is incorporated herewith to these minutes as Exhibit "1."

Councilor Dominguez read the proclamation into the record declaring May 17 through 23, 2015, as Substance Abuse and Mental Health Services Administration National Presentation Week, and presented the proclamation to Ramona Lopez, of the Santa Fe Prevention Alliance.

Ramona Flores-Lopez, Chair, Santa Fe Prevention, said she and Shelley Mann-Lev the Director, would like to take a few moments bring the Governing Body up to date on their activities since the Governing Body adopted a Resolution in 2008, adopting our vision which says, "Santa Fe County is where no one drinks alcohol before the age of 21, adults model alcohol use, and no one drinks and drives." They have provided expert testimony on many issue affecting health involving underage drinking. The work is

based on data driven, evidence based, education prevention and environmental strategies, noting the Strategic Model they used is included in the Council packet. Ms. Flores-Lopez reviewed the information in Exhibit "1." Please see Exhibit "1," for specifics of this presentation.

Shelley Mann-Lev, Director, highlighted the results which are in the packet [Exhibit "1"], and on the website. Please see Exhibit "1" for specifics of this presentation.

Councilor Dominguez thanked the Alliance for their work, noting many of the policies we have in place are the result of the work they have done. He said the literature talks about drinking and driving in the past 30 days, which has increased by 1%. He said with all the successes we've seen, what is the reason this one is flat.

Ms. Mann-Lev said they wonder the same thing, and are doing a focused analysis of high school students. They are seeing big reductions among high school and middle school youth reporting riding with a drinking driver. However, there is a hard core group of youth who are involved in binge drinking who are still drinking and driving. There are other communities with smaller percentages of that, and they are in the process to do more study to find out more about those kids. The data they have is for kids who are in school, and they are exploring ways to get more information on out of school youth which is a concern.

Councilor Dominguez asked what they have done to capture data on the disengaged or disconnected youth.

Ms. Mann-Lev said they use this data because it is consistent and it is a large group of youth. She works with the Santa Fe Public Schools to make sure they participated at a very high level in the youth risk and resiliency survey, noting they have really good data on in-school youth. It is fabulous data, but in talking about all our youth, it's not. They are in the process of developing some mechanism and will be exploring with some of their partners who work with some of our youth to see if there is a way. They are doing postcard surveys of those youth who are not in schools to look at their issues. They are hoping to get more regular and periodic measures to look at what's happening with out of school youth.

Councilor Dominguez said there is data connecting the use of prescription medication and heroin use, and asked if they have data that makes that connection.

Ms. Mann-Lev said over the past two years the Alliance has gotten very involved in the opioid, and co-host Santa Fe Opioid Safe and have been doing both a study and developing a strategic plan which is on the website, to address the opioid issue. It is being driven significantly by the huge available of prescription opioids, pain killers, and our youth have entered into that. When they first started measuring, 13% of the high school youth said they had used a painkiller to get high in the last month. As they have driven that down in small ways, you see a switch. When it's hard to get painkillers, and they are expensive because they are on the street, then people switch to heroin. We have one of the highest heroin use rates in the State among youth that are in school – 6% or 1 out of 20 of kids in school are saying they have used heroin in the last month. They are quite concerned.

Ms. Mann-Lev said, "Early initiation, what you do first matters, and how early you do it in particular, really makes a difference. So when kids start using whatever they start using, alcohol, marijuana, tobacco, pain killers, abusing other prescription drugs before the age of 13, before the age of 11, those impacts radiate on their lives at levels that are of great concern, and in our State and in our City.... you've heard me come before you and say, two years ago, we had the highest rate of early initiation in the nation, we're now down to 4<sup>th</sup>. And it's not because other states have gotten worse, we're getting better. And on you can see early initiation is going down. In terms of painkiller use, we've got to prevent them from doing it in the first place. We are working with a variety of strategies and partners. We need to prevent the initiation of painkillers to get high in the first place, or we're going to see that conversion to heroin or that mixing because an opioid is an opioid, whether it's heroin or oxycontin, or vicodin, hydrocone. It is something to be concerned about and it is something the Santa Fe Prevention Alliance is developing and beginning to implement a comprehensive plan."

Ms. Mann-Levy noted there are two permanent disposal sites for prescription medicine, at the Fire Department and at Ft. Marcy, and urged people to get rid of unused prescription medicines.

Councilor Dominguez thanked Mann-Lev for this useful information.

Councilor Trujillo said we talk about marijuana and we don't want our kids to have it, commenting it is a starter drug. He said some Councilors passed a law to make marijuana a misdemeanor. He said, "My thought on it, and this is just me talking. I think we send the message that it is a misdemeanor in Santa Fe, even though our Police Officers can write it up as a misdemeanor by our law, or write it under State law. It's a wrong message we're sending – it's just a misdemeanor, and if you get caught with a little bit of pot, it's okay, because you're not going to jail. It's just a fine. I don't know if you have any statistics since the law is barely in place. I'm not speaking for anybody else on the Council, this is just my thought."

Ms. Mann-Lev said they would encourage him to look at their website, [www.santafepreventionalliance.com](http://www.santafepreventionalliance.com), and they've developed an issue brief, and marijuana is a very important policy issue and there are some things that may be relevant as we move forward. It's a challenge being faced across the nation, and the last thing we want to see is more of our youth using marijuana.

Councilor Dimas said, "It's actually not even a misdemeanor. This Council decriminalized marijuana. State-wide, it's still a petty misdemeanor, actually. It's really not even against the law here in Santa Fe now. Except that, and I want to stress this, no matter what this Council tries to do, they cannot tell Police Officers their job. They cannot tell them that they have to decriminalize it and issue citations to an administrative hearing. The Officers still have the power and the discretion to issue misdemeanor citations if they so desire. And I want that perfectly clear. Our Police Department knows that. I've stated it numerous times, and I will continue to state it, that our Police Department does have that discretion to do as they wish, however they feel. I have encouraged the Police Department and the people that I know on the Police Department, that if they catch someone with marijuana in their vehicles, that's it's still DUI, driving under the influence, and if they've got it in their vehicles, they're probably smoking it while they're driving. That still impairs that person any way you look at it. So, if that is the case, then I think that our Police Department probably has recognized that already, and is probably issuing those misdemeanor

citations or they are actually placing people under arrest for DWI, because it's still an offense any way they look at it. That's all I want to say."

Councilor Dominguez said, "Those are rhetorical questions I guess, but a specific question I have for you is, would you say, with regard to policy and the emergence of marijuana in our communities, that there is still a lot of data to be gathered to really look at the impacts from a policy perspective, not from a substance abuse perspective."

Ms. Flores-Lopez said, "I think that's the case, and when this issue first came up, we started to do the research like we do, and there's still a lot of work to be done in this area. Work to be done, what's effective. And I know there is a concern that people can get criminal records for minor possession, and that was the impetus. But if you look at the full picture, the whole environment, we're still gathering the data. There's a lot of unanswered questions."

Councilor Dominguez said it is a relatively new thing in our country and a big huge debate is happening. He said, "Part of my rhetorical piece is that there's still a lot information that we need to gather to understand how that particular issue is impacting and affecting not only people on an individual basis, but our society as a whole and in general. So keep on bringing that information to us, again, it's very very valuable."

Mayor Pro-tem Ives said he would echo that exactly, which is, "Thank you for bringing that information to us, but more importantly bringing your efforts to our community, because the statistics you presented certainly show that impacts are being had in our community. And I know your organization coordinates so much of those efforts, especially the educational ones across our community. From a grateful community, thank, and thank you too to the Captain and all of the members of the Police Force that are out there assisting in these efforts on a daily basis."

**g) PROCLAMATION – BIKE TO WORK WEEK – MAY 11 THROUGH MAY 15, 2015.  
(COUNCILOR BUSHEE)**

Councilor Bushee read the Proclamation into the record declaring May 11 through 15, 2015, as Bike to Work Week. She said she will present the Resolution at the next B-TAC meeting.

Councilor Bushee said she is issuing a challenge to the Governing Body. We have an annual competition with the County, and we need you on a bicycle at about 4:30 p.m. in front of the Old Courthouse on bicycle, with a helmet, and we will do a convoy to the Railyard Park for a series of events. She said the Bike to Work Day is Friday, and you can start at 7:45 a.m. to 8:30 a.m. on the Plaza for free burritos. From 2:00 p.m. to 4:00 p.m., there will be booths and tables at the Railyard Plaza with lots of freebies, lots of bike shops to tune up your bicycle, fix flats. From 4:00 p.m. to 6:00 p.m., the Cloacas Folk Band at the Water Tower stage. The convoy challenge begins at 4:00 p.m. There is the goathead pinata for the kids at about 5:45 p.m., full of good toys and prizes for kids, and 6:00 p.m. there is the first annual bicycle technology industry bicycle community awards. 8 people from the community will be getting awards. At 6:00 p.m., they will be giving away the Gazzetta Cinelli bicycle and the Mayor will do that



drawing. She said the Bike and Brew happens all week and there all kinds of things. She said go do the Metropolitan Planning Organization's website, you will see all kinds of activities that are going on, including free concerts over the weekend, mostly focused on the Railyard.

Councilor Bushee said, "I have to give us kudos. I know the Mayor will be speaking with Larry Burke from *Outside Magazine* about how important bicycling has become to our local economy. And so I want to emphasize that as well. And I want to say that we are now a Silver designated bicycle friendly community from the American League of Bicyclist and we are also a Silver designated bicycle friendly community which isn't quite the term but we hit Silver for mountain biking as well. And I just came from a ribbon cutting for the new flow trail.... I want to issue challenges. We used to challenge around playing ice hockey. It's time to get the bikes out folks, dust them off and take the goatheads out of the tires, pump them up and let's do it. I know Councilor Maestas is quite the bike rider, so let's all join them, and that includes all of you. Melessia you don't have to if you don't want to. Everybody out there, get your bike out and join us on Friday. Thank you."

Mayor Pro-Tem Ives thanked Councilor Bushee "always for your advocacy for Santa Fe as a biking community whose designations can only pay off in terms of the health of our people, as well as the attractiveness of our City and its tourism economy, and I hope everybody does get out to Bike and Brew this weekend and has a fabulous time."

Councilor Bushee said she attended the ribbon-cutting ceremony at the trailhead and broke the ribbon by riding a mountain bike through it.

## **CONSENT CALENDAR DISCUSSION**

### **10 (g) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – CITY VIDEO SURVEILLANCE PROJECT – FINAL PARK SITES; CHAVEZ SECURITY, INC. (RENEE MARTINEZ)**

Councilor Bushee said she is a little disappointed to see that one camera was removed from the Los Montoyas Community Church based on data telling us there weren't many crimes. She said perhaps people aren't reporting them, but she knows of 3. Her is concern that we're putting cameras in other parks where there is a lot of activity. She said, "But what happens in both the Dale Ball Trailhead and the La Cuchara parking lot, is people go off on their mountain bikes, or hikes or walking their dogs and their cars are just sitting there and ready for 'smash and grab' kinds of things. I just want to segue from what I mentioned, how important outdoor activity has become as an industry for our local economy, and the last message you want to send to our visitors, and hotels that are promoting our La Tierra Trail system, noting that our Convention Center is promoting it. It's a family-friendly, accessible, award winning trail system that just keeps getting better and it's what got us to our Silver designation. When we have somebody's bicycle stolen, or their car or truck broken into, just to repair the window... I know the head of Pedal Queens, which I belong to, had her car broken into. She didn't have anything in it, and it was a very expensive inconvenience."

Councilor Bushee continued, "And so I'm just going to suggest that if there's more money, or I'm going to try to make an amendment tonight, I don't know, but it needs to get back on the list. I'm also going to keep emphasizing that this can't be delayed. At the Dale Ball Trails, the season has already begun, and they're already breaking windows, and it's also happening at Las Tierras. It moves around, once they figure out we're watching in one area. They're sitting ducks there. And I'm disappointed that it fell off the list. I don't see why Frenchy's Park has 4 cameras. What's happening there that's so significant. People are walking there from their neighborhoods. There's crime in the neighborhood surrounding Frenchy's Field, and I am concerned. Maybe one camera can go from there. I don't know, but I know you're going on Police stats, but I read on Face Book and I get called by people, and it's happened at least 3 times already this year in La Tierra. I think it would behoove us to put that back in there.

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve this request with an amendment to put one camera at Los Montoyas Community Church back on the list.

**DISCUSSION:** Councilor Dominguez said he doesn't oppose the motion, but he wants to know the fiscal impact, or if it will be moved from one location to another which he isn't interested in doing.

Councilor Bushee said there is always a contingency fund or a reallocation fund, and she doesn't know how much one camera costs. She doesn't know if the issue is there isn't an electric connection, but we can do solar and all kinds of things. She wants to put it on the list for staff to back and look to see where they can find the funds to put the one camera back there.

**CLARIFICATION OF THE MOTION:** Councilor Dominguez asked if that is a motion to approve this request with direction to staff to find funding, and Councilor Bushee said yes. Councilor Dominguez said he could support that motion, and believes it would be worth it to take care of it.

Councilor Maestas said his understanding is that we don't do any live monitoring. We record video footage and if there is an incident, it would be used for investigation purposes.

Ms. Martinez said that is correct.

Councilor Maestas asked how many investigations we have had that used video footage from our cameras.

Richard [?] said he knows of no incidents where the Police have retrieved data for investigations.

Councilor Maestas said we have discussed managing this massive amount of data, and now we're going to have lapel cameras which could be a separate IT issue, but it is still an issue of video data storage. He asked Ms. Martinez about adding another camera and if we have the hardware capacity for storage, and can we accommodate the lapel cameras.

Ms. Martinez said, "For this particular system we did acquire enough storage for all the cameras in scope for archiving for a 2 year period, which was based on discussions with the legal team regarding record

retention. As for the storage we're using for the Policy body cams and vehicle cameras, we have a separate solution and we just recently expanded our capacity because of the piloting of the body cameras. Yesterday we had a presentation on a strategic roadmap for IT, and based on some work we did in March... and one of the things we did project is we will have additional storage demand because of more use of video for surveillance as well as for Police and Fire and so forth. So that is on the strategic roadmap as something we're going to need to plan for. We haven't done that yet, but it is on our roadmap for planning."

Councilor Maestas said he thought the Dale Ball Trail was already equipped with cameras.

Ms. Martinez said there are two, one on Canyon Road which is already equipped and the other one in Hyde Park is on the list now.

Responding to Councilor Maestas, Councilor Bushee said the additional camera is for the La Tierra Trail parking at the Unitarian Church on Los Montoyas.

Councilor Dimas asked if, in the future, we are still looking at doing the whole deal with cameras with monitoring at peak periods and times. He knows we cut it short by just installing the cameras, and left out what he considers the most important part which is monitoring all the parks on a 24 hour basis. He said it is expensive, but we only went half way with it.

Ms. Martinez said at this time there is no budget nor plan for real time monitoring, and "it would be up to some of our stakeholders to say we need this and to budget for it."

Councilor Dimas said we need to take a hard look at that, and he would encourage looking for funding to incorporate real time monitoring in the near future.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**10 (j) CONSIDERATION OF RESOLUTION NO. 2015-40 (COUNCILOR MAESTAS). A RESOLUTION RELATING TO THE MUNICIPAL GROSS RECEIPTS TAX ORDINANCE, SECTION 18-10 SFCC 1987; DIRECTING STAFF TO EVALUATE THE ALLOCATION AND EXPENDITURE OF GROSS RECEIPTS TAX DEDICATED FOR THE PUBLIC BUS SYSTEM AND QUALITY OF LIFE PURPOSES FOR FY 2012/2013, FY 2013/2014 AND FY 2014/2015 SO THAT THE GOVERNING BODY MAY DETERMINE WHETHER TO AMEND THE DEDICATION PROVISION OF SECTION 18-10 SFCC 1987. (OSCAR RODRIGUEZ)**

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, May 11, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "2."

A copy of an Amendment Sheet proposed by the Public Works Committee, is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee said in Public Works the Committee asked for this to be expanded to include the original Resolution and Ordinance and any other historical perspective of how monies have been added or subtracted from Transit and to the Qualify of Life Programs.

Councilor Bushee read the amendments from the Public Works Committee into the record. Please see Exhibit "3" for the amendments.

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-40, with the amendments proposed by the Public Works Committee.

**DISCUSSION:** Councilor Bushee said she wants the amendment "to apply to the current Resolution as it's written other than the timeframe and the amount of information that comes forward, so as long as that covers that, I'm okay with this amendment. Are you good with that, the lawyers, and Mr. Martinez indicated that he is.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None

**10 (k) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 10, 2015:**

- (1) BILL NO. 2015-15: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL). (GREG SMITH)**

Councilor Ives said hasn't been in any of the prior discussions in Committee with regard to what specifically the changes are. He asked what are the changes, and do any of the changes impact anything coming through the City for any type of review and approval.

Greg Smith said, "If you look at the second page of the bill, you'll see the bottom line that says Sheltered Care Facilities. The changes have slightly bolder boxes around them. A formatting error was made that the Council approved with a number of amendments in October 2014, and there is no text entered in that bill for sheltered care facilities. The item came to the attention of staff when a member of the public made an inquiry for the potential for locating a facility of that size. There have been no permits or other types of applications for those facilities that have been affected to date."

Mayor Pro-Tem Ives said to summarize, the additions were specifically approved by action of the Governing body in October.

Mr. Smith said, "In October, the Governing Body voted on a bill that inadvertently eliminated all of the text from those columns. This is restoring that text back to the way it was before the October error."

Mayor Pro-Tem Ives asked how we know it was an oversight as opposed to something intentional by the Governing Body at that time.

Mr. Smith, "We took a close look at the text of the reports that went to the Planning Commission and the Governing Body, and at that point we discovered there was nothing in the report that directed the attention to that change. We concluded that it was inadvertent. And of course as the staff, we worked directly with the Planning Commission and other affected bodies when drafting those amendments that it was apparently an oversight as the result of a formatting problem with the bottom of the page where the text stayed visible and entries in the columns was inadvertently deleted."

Councilor Pro-Tem Ives said then you have indicated that this reinsertion and correction doesn't affect anything presently pending before the City, and Mr. Smith said that is correct.

**MOTION:** Mayor Pro-Tem Ives moved, seconded by Councilor Bushee, to approve this request.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

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**END OF CONSENT CALENDAR DISCUSSION**  
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**11. MATTERS FROM THE CITY MANAGER**

Mr. Snyder said he has one matter, regarding the opening of Zia Station. He said, "Staff has followed the two Resolutions we have on the books, No. 2011-44 and No. 2011-45, as well as all the input from Finance Committee, Public Works Committee, various committees and the Council. We followed it,

had ENNs, we've had traffic studies replicating a train stop in front of that station, looked at the backup and the traffic. Staff approved it, and we're ready to move forward with that. In addition, I received a memo or a letter from the developer who is anxious to move forward with this, and is willing to put a 150,000 bond aside to cover the design and construction of opening of this facility. I just wanted to bring it to your attention. The next step for the City is for myself to send a letter to DOT to let them know we are interested in moving forward with the station at this time.

Councilor Trujillo asked, once we send the letter to the DOT, what is the timeframe.

Mr. Snyder said staff will be working directly with the developer, and he doesn't have a specified timeframe at this time.

Councilor Bushee said she was out there less than a year ago with Keith Wilson and other staff to meet with some people who were concerned about handicapped safety and access, and she never heard back from anybody. She said it's not her District. They called her and she called that meeting, and she would really like to know the result, because it was in anticipation of opening the station. She said, "The whole thing is kind of a downhill slope and very difficult for people to navigate. So I would be interested in that, and I know you said there was an ENN, but I know there's a lot of neighborhood interest in that area. And again, I don't represent that part of town, but I would suggest those that you might consider having a meeting before all of this happens, but I would like a result of what came about from our meeting."

Mr. Snyder said he will follow-up on the status of the handicap access as the development plan develops, and that should be considered.

## **12. MATTERS FROM THE CITY ATTORNEY**

### **EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §§10-15-1(H)(7 &8) NMSA 1978, DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING, WITHOUT LIMITATION:**

- 1) CONSIDERATION OF THE REQUEST OF MONTGOMERY & ANDREWS THAT THE CITY WAIVE A CONFLICT OF INTEREST FOR THE LIMITED PURPOSE OF CHALLENGING ORDINANCE 2015-11;**
- 2) DATAMATIC, LTD., CASE 13-42337; AND**
- 3) DISCUSSION AND UPDATE ON THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY.**

**MOTION:** Councilor Bushee moved, seconded by Councilor Trujillo, that the Council go into Executive Session pursuant to §§10-15-1(H)(7 & 8) for discussion regarding threatened or pending litigation in which the City of Santa Fe is or may become a participant, including, without limitation: 1) Consideration of the request of Montgomery & Andrews that the City waive a conflict of interest for the limited purpose of challenging Ordinance 2015-11; 2) Datamatic, Ltd., Case 13-42337, and 3) discussion and update on the dispute resolution provision of the Water Resources Agreement between the City of Santa Fe and Santa Fe County.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

The Council went into Executive Session at 6:35 p.m.

#### **MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:20 p.m. Councilor Dominguez moved, seconded by Councilor Bushee, 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 Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell and Maestas voting in favor of the motion, no one voting against, and Councilors Trujillo and Rivera absent for the vote.

#### **13. ACTION REGARDING THE REQUEST OF MONTGOMERY & ANDREWS THAT THE CITY WAIVE A CONFLICT OF INTEREST FOR THE LIMITED PURPOSE OF CHALLENGING ORDINANCE 2015-11. (KELLEY BRENNAN)**

**DISCLOSURE:** Councilor Maestas said, *"I'll be abstaining from this vote, as I have recused myself regarding the matter that pertains to the banning of minis as a solid waste nuisance, so I'll be abstaining."*

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, that on advice of staff, that we move to waive that conflict.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell and Councilor Rivera.

**Against:** None.

**Abstain:** Councilor Maestas.

**Absent for the vote:** Councilor Trujillo.

**13. ACTION REGARDING DATAMATIC, LTD., CASE 13-42337. (KELLEY BRENNAN)**

No action.

***Mayor Pro-Tem Ives exercised the prerogative of the Chair  
and moved Items #15 and #16 to the end of the agenda***

**END OF AFTERNOON SESSION AT 7:25 P.M.**



## **EVENING SESSION**

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

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:25 p.m. There was the presence of a quorum as follows:

#### **Members Present**

Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

#### **Members Excused**

Mayor Javier M. Gonzales

#### **Others Attending**

Brian K. Snyder, City Manager  
Marcos Martinez, Assistant City Attorney  
Yolanda Y. Vigil, City Clerk  
Melissa Byers, Assistant City Clerk  
Melessia Helberg, Council Stenographer

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

*Mayor Pro-Tem Ives gave each person 2 minutes to speak to the issue*

**David McQuarie, 2997 Calle Serrada**, said he would like to ask Councilor Bushee about the Zia Station. As far as he knows the Mayor's Committee on Disability will not look at the plan because they were designated as commercial according to the previous City Manager. The City put in curb cuts and approved curb cuts on Zia Road from Galisteo to Yucca last Fall. They did not give the Mayor's Committee the opportunity to view the plan or to comment, they just went ahead and did it. They did it in such a way that people can't cross the road from Galisteo to Yucca, unless they're willing to go down Yucca to the signal light, because the one we can't get to on St. Francis isn't accessible. So that's 3/4 mile down and back for the disabled. You can cross, but I can't. Why. I asked that and I was told *[inaudible]*. About 10 years ago, City staff was advised to do a policy on key intersections for crossing, but it hasn't been done yet. It came up again recently, 2 years ago when a girl from KIVA fell off the bus stop onto Rodeo Road, so we started asking questions. The City Traffic Engineer has made that intersection of Cordova Road and Rodeo Road closed to all pedestrians which is ridiculous, because that section is the main entrance for the Chavez

Center. So pedestrians on the south side of Rodeo have to go 1½ miles out of the way to get to the Chavez Center, and pedestrians have to jaywalk. He asked if that is proper. He is asking why, all of a sudden does the Committee on Disabilities seem to be passed over on all decisions, and not even allowed to make comments. Why. I'm a citizen of Santa Fe.

**Tomas Rivera, Chainbreaker Collective**, said Chainbreaker is an economic and environmental justice organization with 400 dues-paying members in Santa Fe. They work on transportation and housing issues. He asked everyone with Chainbreakers who is in attendance in support of Councilor Maestas' Resolution. He said Councilors Maestas and Dominguez are cosponsoring a bill to introduce the Residents Bill of Rights, which is the result of a campaign of one year. It has been a grassroots effort, and they have talked with hundreds of community members throughout Santa Fe to find out the major housing issues with which they are dealing and potential policy solutions. This Resolution is a first step in creating a framework for how housing and urban planning policy should be made in Santa Fe in a way that benefits all people in Santa Fe. He said they had a rally outside when the Governing Body was in Executive Session, and he hoped they were able to hear them. He said we're here celebrating this as an important first step and will continue to be here as this moves through the City Council, and said they hope it will lead to future ordinances with "teeth and binding this." They are happy to meet as time goes on and to answer any questions, and hope you will consider supporting this when it's time to vote.

**Valerie Block Salazar Romero, who goes by Valerie Romero**, said she supports the Residents Bill of Right because it gives equal opportunity to all. We are here to request an equal/level playing field for all. She is a student, and about done with her Bachelor's and working on a second Associates Degree, and will be graduating with honors. She wants to ensure all voices are heard, and asked the Governing Body to support the resolution when it comes to a vote.

**Martin Guite** said he is a member of Chainbreakers as well. He said he is a service leader in his community where he lives, works and attends school. He resides on south side, and rides his bicycle daily and uses public transportation as well. He said we all need each other and must care for one another. He is here to ask for your support for the residents bill of rights. He said in a great hope for unity, they are working in a capacity for unity and fairness for the southside Airport community. He said it is obvious that problems exist and the south side is greatly underserved, to the point of causing disparities. He said more than 50% of the residents are cost burdened due to paying more than 30% of their incomes for rent, noting rents have risen 25% in the last few years, while incomes have stayed flat. Too many people have lost their jobs due to public transportation or the lack of public transportation in the Airport corridor. There is one route that services Airport Road. The regularity of service is not frequent enough during the week and way off on the weekends. The bus schedules are out of wack and do not coincide with one another causing unnecessary delays. On Sundays he has been late for work or has to wait two hours plus just to get to St. Francis Drive. He said people on Airport are car dependent which is another burden. He said the support

of the Resident's Bill of Rights will help them to create a positive living environment that will strengthen the entire community.

**Madeline Pryor** said she is a renter and has lived at Plaza de Monte for 10 years, noting it is a senior rental property that until recently was owned by Presbyterian Medical Services and was a stable, wonderful community. It has been sold and she has an absentee landlord and has no idea what her rent will be 6 weeks from now. She said she knows the owner is an LLC that offices in Albuquerque. She supports the Residents Bill of Rights. She hopes she lives in a City that will support residents that live here and will consider affordability and equality. She encourages you to look seriously at and adopt the Residents Bill of Rights.

**Erica Johnson, works for AmeriCorps and Habit for Humanity.** She bikes to work every day. She said affordable housing is important, because if she lives far away it is hard for her to get to work in the morning with the crazy traffic right off Cerrillos Road. She is building affordable houses for Habitat for Humanity, as well as working with volunteers that serve the country and they are having a hard time finding affordable housing. She also works with YouthWorks and a few are living at Pete's Pets Shelter. She said if she made enough money she would bring them into her home, but as a volunteer and her rent more than half her income, she is unable to help them. She said it would be wonderful if our community could help our youth get off the street.

**Annette Ramos De Villarreal, 1820 Mann,** said this is an issue close to her. If it hadn't been for the Good Will people she wouldn't have found a place in Santa Fe. They helped her with her deposit and to get going. She said it is hard to pay utilities, and sometimes she is late in order to make it. She said the older generation in the County are getting edged out and go to cheaper place. She represents the homeless as well as veterans and single parents. It is important to give safeguards to people who are disenfranchised and really need the help.

**Rebecca Whitaker** said she works on Airport Road and is a former resident of the south side. She also is paying more than 50% of her income for rent, and it is still substandard conditions. She is a social worker, and works with homeless youth in an independent living facility. When she first started this work she was surprised that homelessness among our youth is reaching epidemic proportions in Santa Fe, particularly for the south side. The youth at the facility are aging out of the foster care system, exiting juvenile detention or are having problems at home and need a safe place to go, or leaving their families who are homeless to reach personal stability. She said this is problematic because families are being separated and the youth comes to us, and it is hard for them to stay in communication with each other when transportation is an issue and they're having to fend for themselves in whatever facility they are in to follow the rules. She said transportation definitely is an issue, and if you are homeless, how can you afford

transportation if you can't afford a place to live. They are having to rely on buses to get around and there is a lack of adequate bus services. Many residents feel they don't have a voice or a face in our community. She invited them to come tonight, but they are skeptical that anybody would care what they have to say. Homelessness causes many problems in our society, especially for youth. If you are homeless as a child, you have more than a 50% chance of experiencing chronic homelessness as an adult. It robs young people of hope for the future and obtaining stability. They need to know our elected officials understand that, and keep them in mind as they make policies that affect our lives.

## **G. APPOINTMENTS**

### **Audit Committee**

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointment to the Audit Committee:

Carolyn Gonzales – to fill unexpired term ending 11/2015.

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to approve this appointment.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

### **Santa Fe City and County Advisory Council on Food Policy**

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointments to the Santa Fe City and County Advisory Council on Food Policy:

John Alejandro (City of Santa Fe Employee) – to fill unexpired term ending 01/2017; and  
Susan J. Perry (City of Santa Fe Employee) – Reappointment – term ending 01/2017.

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

**DISCUSSION:** Councilor Bushee asked if these employees are also liaisons to the Committees, noting it is unusual to have employees on a committee.

Ms. Vigil said the enabling legislation does require 2 employees from the City and the County.

Councilor Bushee asked if there is a separate liaison.

Ms. Vigil said there is a separate staff liaison.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

### **Veterans Advisory Board**

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointments to the Veterans Advisory Board:

Chris Calvert, Chair (Homeless Service – term ending 05/2017);  
Chris Abeyta (Arts Oriented) – term ending 05/2027;  
Kenneth Dettelbach (Housing Service – term ending 2016);  
James A. McCormick (Financial Services) – term ending 05/2016;  
Frank Pierce (Veteran) – term ending 05/2017;  
Carmen M. Rodriguez (Business Community) – term ending 05/2016; and  
Gregory Scargall (Other - Education Training) – term ending 05/2017.

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

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

### **Community Hospital and Health Care Study Group**

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointments to the Community Hospital and Health Care Study Group:

Ann S. Fullerton (Knowledgeable Consumer Representative);  
Rudy Blea (Knowledgeable Consumer Representative);  
Lily Love, M.D. (Southwest Care); and  
Earl Potter (One Christus St. Vincent Board Representative).

Councilor Bushee asked how many appointments are left to be done and when they will have a Chair so they can meet.

Ms. Vigil said the group is composed of 30 members and these appointments make a total of 16.

Councilor Bushee asked if this means we can't meet until there is a full committee, reiterating she wants a Chair, and asked that this message be relayed to the Mayor. She believes we can meet preliminarily to set our schedule and such.

Ms. Vigil said she thinks after the next Council meeting there will be enough for a quorum.

Councilor Bushee said, "Okay, please add a quorum and a Chair that's missing."

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve these appointments.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

#### H. PUBLIC HEARINGS

- 1) **REQUEST FROM PARALLEL STUDIOS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR "Currents 2015: Santa Fe International New Media Festival," to be held on June 12, 2015 fro 6:00 p.m. to 12:00 a.m. (Yolanda Vigil)**

The staff report was presented by Melissa Byers, Assistant City Clerk, noting there is a letter in the packet from Carl Gruenier, Santa Fe Public Schools stating that the District will refrain from issuing a decision regarding opposition or non-opposition to the request.

#### Public Hearing

There was no one speaking for or against this request.

#### The Public Hearing was closed

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction and approve the dispensing;/consumption of beer and wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia, for "Currents 2015: Santa Fe International New Media Festival, to be held on June 12, 2015, from 6:00 p.m. to 12:00 a.m, with all conditions of approval as recommended by staff.

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

**For:** Mayor Pro-Tem Ives, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**Absent for the vote:** Councilor Bushee.

- 2) **REQUEST FOR APPROVAL OF AFFORDABLE HOUSING DRAFT 2015/2016 ANNUAL ACTION PLAN. (MARGARET AMBROSINO)**
  - a) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FY 2015/16 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLOCATION IN THE AMOUNT OF \$430,042.**
  - b) **REQUEST FOR APPROVAL OF FY 2015/16 CDBG GRANT ADMINISTRATION IN THE AMOUNT OF \$100,000.**
  - c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS FY 2015/16 AFFORDABLE HOUSING TRUST FUND (AHTF) ALLOCATION IN THE AMOUNT OF \$412,000.**

Mayor Pro-Tem Ives asked if separate motions are needed, and Ms. Vigil said no, as long as the motion specifies that the motion is for all of the requests.

### **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 Item H(2), H(2)(a), H(2)(b) and H(2)(c).

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

**For:** Mayor Pro-Tem Ives, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**Absent for the vote:** Councilor Bushee.

3) **CONSIDERATION OF BILL NO. 2015-13: ADOPTION OF ORDINANCE NO. 2015-13 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A VEHICLE VENDOR ORDINANCE; AMENDING SUBSECTION 18-1.2 TO AMEND THE DEFINITIONS OF "ITINERANT FOOD VENDOR" AND "ITINERANT VENDOR;" AMENDING THE TITLE OF SECTION 18-8; REPEALING SUBSECTION 18-8.9 "STREET VENDORS; PERMIT REQUIREMENTS" AND CREATING A NEW SUBSECTION 18-8.9 ENTITLED "VEHICLE VENDORS;" AMENDING SUBSECTION 18-8.10 TO ESTABLISH SPECIAL EVENT VENDOR FEES AND VEHICLE VENDOR FEES; AMENDING SUBSECTION 23-5.2 RELATED TO SPECIAL EVENT SPONSOR LICENSES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE. (MATTHEW O'REILLY)**

a) **CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_ (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.**

A proposed amendment to Bill No. 2015-13, proposed by Councilor Lindell, is incorporated herewith to these minutes as Exhibit "4."

Matthew O'Reilly said there is an amendment to the Resolution in the packet, and an amendment proposed to the Ordinance has been handed out [Exhibit "4"].

*The Governing Body commented and asked questions as follows:*

– Councilor Maestas said he was asked a question from Roque Garcia a Plaza Vendor who couldn't be here this evening. He said there is some confusion, noting we made changes recently to the Plaza Vendors Ordinance. He said Mr. Garcia is concerned about the high prices of the Plaza vendor permits relative to the low price of these vehicle vendor permits, and asked if there is a large inequity in permit prices.

Mr. O'Reilly said it's really apples and oranges. The Plaza Pushcart Ordinance which came through the Council recently allows exclusive use of the Plaza itself by up to 6 vendors who can be there all day and at all times of the year. The current Street Vendor Ordinance proposed this evening currently allows a vehicle to use a City parking space for up to two hours. They are not given a specific location and can be anywhere, but are not allowed within the Plaza, the Plaza periphery or on the Plaza Park.



- Councilor Maestas asked Mr. O'Reilly to define the Plaza periphery.

Mr. O'Reilly read the definition into the record as follows: "An area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets to the west, Alameda Street on the south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary streets." He said it is a much bigger geographical area than the Plaza and the Plaza Park.

- Councilor Maestas said then these itinerant vendors would be forbidden from selling within the designated Plaza area.

Mr. O'Reilly said the current Ordinance prohibits street vendors within the Plaza periphery, the area he just read into the record. The Ordinance before the Council maintains that prohibition and does not allow vehicle vendors to be within that area. The Resolution that accompanies the Ordinance allows 3 vehicle mobile vendors to be within the Plaza periphery area. The Ordinance maintains the prohibition, and the Resolution allows 3 locations within the Plaza periphery.

- Councilor Maestas asked why we didn't require the mobile vendors to have a CRS location for the purposes of taxation within the City limits. He said some local governments do require that. He asked for clarification and the reason we wouldn't require that their CRS location be at a location within the City limits for the purposes of realizing the benefits from the taxes.

Mr. O'Reilly said he understands it is the policy of the Business License Office of the City to require that anyone issued a business license of any type, including this one, will be required to show proof that they have a CRS ID number. They are still required to pay New Mexico gross receipts tax and any State and federal income tax on proceeds generated from the operation of the business. He said he imagines they would put their home address because they won't be receiving mail on the City street or in a parking lot.

- Councilor Maestas asked if we could require as a condition of the business license a location for taxation within the City limits. He wants to be sure the City benefits from the tax revenues by expanding this program.

Mr. Martinez said, "I think, I confess I'm going to have to research the answer to that question, because I can't answer it off the top of my head. I can see them using a home address and considering it a home business. But, I would have to get back to you at a later date to answer that question, whether we could legally require them to put an address within the City limits. I do think the way the Gross Receipts and Compensation Tax Act works is such if they are performing services that are taxable within the City limits, they would be subject to the local option gross receipts tax that the City has imposed, and they would be responsible for that."

Mr. Martinez continued, "The other possibility is the City has the ability to request audits from individuals that it knows operate within the City limits for the amounts of taxes that are reported to Taxation and Revenue, so we could do a random sampling of entities that way, too. And Tax and Revenue can provide that information to the City. I know that authorization was recently granted, I think, in 2012 by the Legislature to municipalities."

Responding to Councilor Bushee, Mr. O'Reilly said on page 5 of the Ordinance, page 8 of the packet, starting on line 14, Item #4 talks about mobile vehicle vendors that sell food and beverages. He said, "It was necessary to insert the additional provision, and if you look at the Amendment Sheet, it's saying that on line 14 on that page 5, we're going to insert this language, and then right below, the editor's notes said the sections will be renumbered accordingly."

- Councilor Bushee said then it's a whole new Section, and asked what it is trying to achieve.

Mr. O'Reilly said this is a complicated Ordinance in the sense that it touches many departments of the City and one of the areas it touches is the City's rules on parking. Currently, the City has different zones for parking – parking allowed up to one hour, two hours or four hours. Those zones are established by the City. He said because the Ordinance allows a mobile vehicle vendor to stay in one parking space for up to 3 hours, it's possible that they could park for up to 3 hours in an existing parking zone that only allows parking for 2 hours. He said the new Parking Division Director suggested this language as a way of addressing that issue.

- Councilor Bushee asked if we also are addressing the Resolution, or if you are waiting on that, and Mr. O'Reilly indicated, non-verbally, that the Resolution is being addressed.
- Councilor Bushee said she thinks we should have a system similar to the Plaza vendors if there is going to be competition around the corner on the Plaza. She would like to see something addressed in the Ordinance. She asked if changes were made to the Resolution, commenting she has no idea of how people might be interested in this, but it could be a free for all. She is looking for changes to the Resolution.
- Responding to Councilor Lindell, Mr. O'Reilly said on packet page 23 there is a proposed amendment to the Resolution.
- Councilor Bushee asked if this came through the Committee process and Councilor Lindell said yes.

Mr. O'Reilly said the proposed amendment to the Resolution is on packet page 23, and Item #3 of the proposed amendment states, "The city manager is authorized to adopt administrative procedures for the management and enforcement of the use of the above locations should the need arise." Mr. O'Reilly said these are the 3 locations within the Plaza periphery.

- Councilor Bushee said then you didn't get specific about that in your Committee. *[note: there was no audible response]*
- Councilor Bushee said the Ordinance is strict about who can serve from a cart on the Plaza, and asked the reason we wouldn't have similar criteria for a new vehicle within the Plaza periphery.
- Councilor Lindell said, "I'm not sure what your question is, Councilor."
- Councilor Bushee said, "I think it's exactly where Councilor Maestas is trying to go in terms of, you're essentially just crossing the street, and you've got 3 spaces. And we charge now and it's going up to \$3,000 and some dollars to have a food cart. On top of that, we have a selection committee, we have jurors, we have the whole thing. What I'm asking is why we didn't take some kind of approach that at least gave us.... because the whole justification for raising the rates for the food vendors is that this is prime real estate downtown and we should really be having an equitable system, and so I'm asking, why did we choose to go this route."
- Councilor Lindell said, "I think that as Mr. O'Reilly said, I think you're comparing apples to oranges. People who are Plaza pushcart vendors essentially are renting the exact same space every day all year round. They have access to one space, it's their space and they can use it every day. These are 3 spaces where any licensed food truck can come and vend in one of those 3 spaces, so it's a very very different thing. We are not renting that space to one vendor."
- Councilor Bushee said, "But, by default, say there's only 3 food trucks that want to fill those spaces. By default, every day, they arrive, plug in somewhere some kind of generator, something, well that's what we get when we have trucks during Fiestas. I see Bang Bite and all of them they're plugged in. Well, in any case, we have again, prime real estate owned by the City, you just cross the street. Let's just say there's only 3 food trucks. We don't have to worry about a lottery and if they show up every day, this is their spot. This is kind of how it went with the tour guide folks. We almost had rumbles over the years about who would get the first spot, so visitors would go right there. I'm just saying that I feel like this, not that I'm one for over-regulation, I just feel like this completely missed that, and I don't understand why. Again, I'll wait for the public hearing, I'm just asking the thinking."
- Councilor Maestas said he spoke with some of the vendors during Community Day, and others are concerned about this and the perceived inequity and the higher pushcart vendor permit prices and then the much much lower proposed permits for the truck vendors that are going to be in the periphery of the Plaza. He said the Murphys that sell popcorn decided not to apply for another pushcart vendor permit, and are very dismayed to the point where they don't want to participate any more as a Plaza vendor. He said he has heard the number of applicants went way down and there were only 7 applications for pushcart vendor permits, although doesn't know if that is true. He has spoken with two, long standing, well liked Plaza vendors and they are completely dismayed based on the direction we're going and the whole fee structure, and it started with the higher fees.

- Councilor Maestas continued, saying he thinks there needs to be some consideration in the allowance of the additional vendors in the periphery and perhaps to consider a different rate structure for those vendors. He said, "I see it as kind of an infringement on the established market, the exclusive market that we claimed to offer the Plaza Pushcart vendors. He said Roque Garcia called Councilor Dimas as well. He said the Murpheys said they don't want to play any more and said, 'Good luck.' He said this is troubling to me, and so I really think we need to really consider where we're going."
- Councilor Dominguez said, "I'm not quite sure when we started to get too concerned about competition. I thought that competition was good, and I see this as a way to really just start the process in getting some of these things defined. I think these things can be amended at any time when they need to be, but I'm not necessarily in decided whether or not right now, anyway, without having some information or process that's taking place about whether we should do one amount versus another amount without some practice in place to measure that."
- Councilor Dominguez said, "To your question, Councilor Bushee, I agree. If there's only 3 vendors and we kind of corner that market, that is true, but what if there are 15. We don't know that. We don't know how many there are. And I think what this does is it potentially opens it for other people who are thinking about getting into that market, to be able to get into that market, because they have an affordable opportunity to kind of get it started. And so I'm not asking you any questions Councilor Bushee, I'm just making rhetorical comment as is everyone else."
- Councilor Bushee reiterated that she will make her comments after the public hearing."

### **Public Hearing**

*Mayor Pro-Tem Ives gave everyone 3 minutes to speak to the issue*

**Jennifer Lind, Executive Vice-President, First National Bank, Santa Fe.** Ms. Lind said she has been with First National for 30 years. Her biggest concern first, is having food trucks parked right outside the bank. She said Mr. O'Reilly explained that has been changed to across the street and off Lincoln and she thanks the City for that. However, she has concerns in going past midnight with the food trucks out there. She thinks security is a big issue for the bank, and it certainly is in their parking lot. She gets to work every morning and they are pulling beer bottles out of the parking lot. She said trash is a constant issue downtown, and they have a hard time with the trash that they have right now. She is concerned with what it will be when trucks are out there until 1:00 to 2:00 a.m. She hasn't heard anything about police enforcement, trash pick-up, etc.

**John Dressman, Santa Fe Downtown Merchants Association,** said it is news to him that they have moved it from the location next to the bank, and asked if that is what is happening, and where it was moved.

Mayor Pro-Tem Ives said in the packet it is indicated there will be 2 spots across the street from the Bank and one up Lincoln Avenue, all on the street adjacent to the museum.

Mr. Dressman said the thing that brought his letter to the Governing Body a while ago, is that when Mr. O'Reilly sent out the original packet, the cost was listed as only \$300 for three signs on parking meters. Mr. Dressman said, "And my question was what about the Police. What about Parks and what about sanitation. Don't those things cost something. There will be hamburgers that fall off onto the sidewalk, and there's going to be grease spots. There's going to be paper plates floating around. Who is going to pick those up. Now I know for instance, at some of the events that happen on the Plaza, my store which is on Lincoln, there is a vendor across the way for some of the events that sells corn-on-the-cob, and every year, people get out of the heat of the day and come over under the shade of the portal and drop their corn-on-the-cob in front of my store. And I clean that up, not the City, even though the City is charging those vendors for that service. That's the kind of thing that the thought process isn't reflecting in the legislation as I read it. Again, I wasn't aware that it was moving. Quite frankly, I think from my point of view and from our Association's point of view, this thing really isn't ready to go. It really needs to be fine tuned."

Mr. Dressman continued, "The point I was going to make is what is the definition of the Plaza and the Plaza periphery. If that first parking spot on Palace Avenue, right at Lincoln, next to the bank, if you imagine the portal of the First National Bank and the street, if the nose of that truck is one foot in front of that, it is one foot into the Plaza, because the Plaza is defined as the façade of the First National Bank. So you have a lot of these strange little issues, and quite frankly, I don't think that it's fair to the 22 restaurants that are within one block of the Plaza to do this in the evenings. Thank you."

**Nick Marial, owner of Tia Sophia's Restaurant downtown**, said, "I feel a little bit like the Lorax. I'm speaking for the trees that didn't show up tonight. I feel kind of odd that I'm the person here, because it probably affects me the least, because I'm not open for dinner. But I have a number of concerns about this. You walk downtown in the dead of summer and the trash cans are all overflowing as it is. Are you going to clean up the trash some more if we do this. Are you going to provide facilities, because there are people who need to wash their hands or use the john. During events we have porta potties out there. Are we going to have porta potties. I have a lot of the same concerns as these folks. Who is going to clean up the mess. Where are these people going to use facilities. Somebody was talking about comparing apples and oranges."

Mr. Marial continued, "I've got some concerns about the inequities of this from a restaurant point of view, from a restaurant that has a permanent presence downtown. This is apples and oranges, but it's still all food. These people are going in for 3 hours and they're going to come in for the 3 best hours. You're going to see more competition during the dead of summer than there are people downtown. And I don't know what the permit is, but I can guarantee it doesn't make up for all the costs that we restaurant owners have to deal with every day of the year. We've got downtown rents to contend with. We have a heavy water fee tacked onto our sewerage by the City that these people won't have to pay. How are food inspections going to work on food trucks. I don't know how that works. Are they going to get inspected."

Liability insurance, I pay for liability insurance on my restaurant if someone trips. I don't think these people have to pay the same sort of liability insurance. I have a full staff, I have 20 jobs I supply and that incurs and unemployment tax, which went up by a lot. I'm not here to complain about that, but that's a cost that I have to pay. I don't think a food truck with maybe 1 or 2 employees has to deal with. There's a lot of cost and we're there every day of the year, keeping the occupancy of downtown Santa Fe up, keeping Santa Fe looking good. Even on the off seasons when there's nobody there. I guess this got me in a bit of a tizzy because it just seems really unfair. It doesn't seem like a very even playing field. They're coming in the best hours, take the skim off the top as somebody put it. I just don't see making up for that."

**Mary Chavez, First National Bank**, said her concern are lack of facilities. She said most restaurants close at midnight, and asked where these vendors are going to be able to utilize the restrooms. She said we all know that's a concern downtown. She can see people going to La Fonda to use the restroom. She said people urinate and defecate in the bank parking lot because there's no other place to use the restroom. She is also concerned about the time frame as well.

**Mark Lovato, First National Bank**, and retired procurement officer. He said the comments on competitiveness stirred up past experiences and he wants to comment on that. He said in looking at the Street Cart Vendor requirements in the Ordinance there is a large disparity between what those individuals have to adhere to versus the vehicle vendor. The Street Cart vendors have to have a certain quality of food and a requirement for specific insurance, which is lacking in the Mobile Vendor Ordinance. He said you can't have true competition unless you are on equal terms.

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

*The Governing Body commented and asked questions as follows:*

- Councilor Bushee understands wanting to open it up throughout the City, and thinks most of the Ordinance is passable this evening. She thinks the Resolution could use some more work and more input from the downtown merchants to the Plaza vendors to try to put this on equal footing. She doesn't want somebody investing in a truck and then we do what we did with the Plaza vendors and jack the rates up by 300%. She would like to deal with this now in the Resolution. She said the main contention are the new Plaza peripheral spaces. She said there are people that are interested in the Ordinance and opening it up City wide. She has had concerns from the start. She said now you've moved it across the street right in front of the museum shop which is open in the summer to attract customers. They will have new smells, new noises and all kinds of things.
- Councilor Bushee continued saying we have needed a bathroom downtown on the Plaza forever. She has made that as a directive as we pursue family or gender neutral restrooms. She has asked we pursue a restroom somewhere in the vicinity of the Plaza that is a public restroom, but she hasn't had progress report, but will get to that later this evening. She said, even with that, these

folks that have come tonight have every right to express how hard it is to keep the doors open with the expensive rents we have downtown. She applauds accessibility which is where the Plaza Cart Vendor ordinance came from, and we maybe have over-regulated and overpriced that now. She wants to take more time with issues around the Plaza, these new trucks and that Resolution. She has no problem opening the Ordinance City-wide to provide accessible food and make it follow regulations so it is in the proper parking spaces and such, but she has bigger concerns with the Resolution.

- Councilor Dominguez said, "I appreciate your comments about making sure we have food access throughout the City, because quite frankly, we have food vendors on the south side, and I'm not quite sure what folks are too concerned about. Many times these are opportunities for people to get a foot in the door and start businesses and maybe open a restaurant. At that point, it becomes a level playing field. And I think that's something I support, is how do we set that groundwork to allow and give small business owners the opportunity to get their foot in the door. It's no secret that mobile food vending is becoming very popular throughout the Country and is popular on the south side. There are concerns people have such as trash, which is some of the things he has experienced with some of the vendors on the south side. But if we can handle it on the south side, we should be able to handle those impacts, grease on the floor, trash, the regulations, the enforcement of it all. We should be able to do that on the Plaza as well."
- Councilor Dominguez continued, "When I look at the competition piece, I'm not looking at it so much as competing interests between mobile food vendors and restaurants and the Plaza vendors there now. I'm talking about the competition that could potentially exist with the opening of small businesses." He said they will need loans from banks and to understand the regulations. He thinks this kind of program helps small business owners get their feet wet and get their foot in the door. He said in talking about fairness, it depends on what position you're taking. He said what is fair is making sure we give people an opportunity to succeed in the small business environment.
- Councilor Trujillo said he has the same thoughts as Councilor Dominguez and wants to see competition and for new businesses to have the opportunity. He said the Plaza belongs to the entire community not just to certain people. His concern is dealing with the fairness of the situation, commenting that Roque Garcia called him as well. He said we make the Plaza vendors technically jump through hoops, but we're not requiring the same from the new vehicle food vendors. He said that isn't fair. He said the biggest issue he has in supporting this is the issue of fairness. He thinks we should charge the vehicle food vendors the same and require them to jump through the same hoops to make it fair.
- Councilor Dimas asked what time the established Plaza vendors have to close.

Mr. O'Reilly said he is unsure, noting there is a section in Chapter 16 which has curfews for City Parks at 10:00 p.m., which also applies to the Plaza. He said by the time the mobile vendors are allowed to be downtown it's 6:00 p.m., and the Plaza vendors have gone home. He doesn't have the full answer to that question.

- Councilor Dimas asked the rationale for allowing the new street vendors to stay until 2:00 a.m.

Mr. O'Reilly said, "To be clear. The Plaza Pushcart vendors are allowed exclusive usage of the Plaza and the Plaza Park unlike any other business in the City. The mobile vendors can sell things other than food, and are not given exclusive rights to any place and could vend after 6:00 p.m., per the Resolution. It's completely different from what the Pushcart Vendors get and the rights they have under the Ordinance to be on the most expensive real estate in the southwest I would say. The mobile vehicle vendors don't have those rights. They're not given the same rights. They show up if those 3 spaces are taken, it's too bad for them that night. They're going to have to drive to another location outside the Plaza periphery."

Mr. O'Reilly continued, "And I will say, we know Councilors and Councilor Dimas, that every year, at least that I've been working for the City, the City issues all of its street vendor permits right away at the beginning of the year. Why. Because we only issue 10. The City currently restricts what we're calling vehicle vendors to 10. So there aren't going to be just one or two or 3 or 10, we think there will be more. We hear anecdotally that people want there to be more. So I don't think we'll see a situation where there are only 3 vehicle vendors only and they sort of camp on those spots inside the Plaza periphery. That's not going to happen. There will be different people there at different times. And the Ordinance prohibits anyone from holding or reserving those spaces in any way."

- Councilor Dimas said people are going to compete for spaces, and there will be trash and everything else they're referring to. He said the restroom issue has been there for many years, and hopefully that will be resolved in the near future. He also is concerned about the costs to the Plaza vendors who are there now, and he sees an inequity there. And it may be apples and oranges, but if they have to pay more, to make it fair for everyone, the costs have to be equitable along the same lines. He said, "I'm not real sure where this going to go, but I can see a problem. I always look at the negative part of this thing, and the thing I see is we're going to start getting mobiles starting to fight over those spaces. And one is going to try to overpower the other. I can see this happening in the future with people competing in these spaces, and it could get very fierce. We don't need any more public safety issues on the Plaza. I am playing the Devil's Advocate on that part of it. Personally, I think we need a little more work on this. I'm not ready to support this at this point. That's all I have."
- Councilor Lindell said she spoke with Parks about increased trash and has them on some ready alert and they're aware of it. She said it's not like other businesses and pushcart vendors downtown don't generate trash. She said this is economic development, and we're had a call from people wanting to do this. The Community College has a food truck program that they're



promoting. It seems like something reasonable for us to try. If it isn't successful, it's something we can look at in a few months to see if we need to do something different. She said we've heard from people that they want this downtown. She said part of the Ordinance provides they have to keep their area clean and they have regulations like any other business for getting a license for the truck, having insurance. She thinks we're getting a little in the weeds on this that these are 3 spaces for food trucks to go into. She said La Fonda has borne the brunt of public restrooms downtown for a long time. She thinks this is something we've heard from a lot of people they would like to have. They have tried to put safeguards into this for existing restaurants, making sure that all over the entire City that these vehicle vendors can't be within 150 feet of an existing restaurant entry.

**MOTION:** Councilor Lindell moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2015-13, including the proposed amendment.

**MOTION:** Councilor Lindell moved, seconded by Councilor Bushee, to postpone the Resolution at this point in time.

**DISCUSSION ON BOTH MOTIONS:** Councilor Lindell said this has been through numerous committees and all of a sudden it's problematic. It's a little discouraging.

**CLARIFICATION ON MOTION TO ADOPT THE ORDINANCE:** Mr. O'Reilly asked if the motion to adopt the Ordinance includes the proposed amendment and Councilor Lindell said yes.

Councilor Bushee said she isn't on the Committees which this has been through. She said, "My point originally on the fee structure that it is \$100 a year, and if it encourages the Street Food Institute, an arm of the Community college, then she has no problem with a non-profit having a different kind of rate. However, that's not built into the legislation. She is grateful we will have more time for discussion with business owners downtown and Plaza vendors and everybody, but it's different when you're talking about the Plaza. It is different. The concentration of activity on the Plaza is unlike anywhere else in the City. She would like to encourage that a slot be designated for the Street Food Institute and have a non-profit rate structure.

Councilor Bushee continued saying Councilor Dominguez knows as well as anyone we don't change a blade of grass on the Plaza without a lot of input. This is, by extension, a part of the Plaza. And it's important. She isn't saying we shouldn't have a lively downtown after-hours. We need to be clear up front with people who are going to invest in a truck as to the costs in the long run, rather than saying down the road we have to charge more. She applauds all of those who brought this forward, and appreciates Councilor Lindell's work on this. She thinks the Ordinance is good to go.

Councilor Bushee continued, "I am concerned though that the fee structure is set in there and if we pass the Ordinance and we want to change the Resolution and set up a separate fee structure for how we want to do this, if we can do that without amending the Ordinance."

Mr. O'Reilly said yes.

Councilor Bushee asked for a lawyer's opinion on that.

Mr. Martinez said, "Councilor Bushee, I believe that the fees in the bill are only for the business license fees So on page 8 of the bill, page 11 of the packet. I'm sorry, it's on page 7 of the bill, 10 of the packet, paragraph 10. Also on page 12 of the packet, paragraph 27 does define the fees for business licenses."

Councilor Bushee said she was talking about the language on page 9, line 16, Item 27 which provides: "Vehicle vendors as defined, \$100 per vehicle. The annual vehicle vendor fee shall include any applicable annual fire inspection fees....." which we added on top of the Plaza vendors.

Mr. Martinez said, "Those also relate to the Business License Fees Councilor Bushee."

Councilor Bushee said it's specific to vehicle vendors, but "whatever you all say. I want some flexibility if we're discussing that, to create maybe a category for non-profits.... I don't think by extension you want to open the Plaza Vendor Ordinance either. So that's my only question, my only hesitation. I don't want to not move on this Ordinance, I just don't want to tie us up later."

Councilor Trujillo said then it's first come, first served.

Mayor Pro-Tem Ives said, "On that point, I believe it was indicated earlier that initially that is not regulated, but the power is given to the City Manager to adopt appropriate regulations, correct me if I'm wrong in that."

Councilor Trujillo said, "I want to see more trucks, but I don't know how to put it in place. This doesn't pertain to those vehicles parked around the Plaza. Is there going to be some mechanism in place Matt. My discussion we had was about the cost, how we make the Plaza Vendors pay all this money because that's prime real estate as it's been stated."

Councilor Dominguez said, "Point of Order Mayor Pro-tem. I think the Resolution is being postponed." And Councilor Dimas said we haven't voted on that yet.

Councilor Bushee said, "It's just a question about whether or not we could then change, by Resolution, the fee structure for those 3 spaces. But this Ordinance does dictate the \$100 fee. Could we supplementally deal by resolution for any additional other fees. And I got yes from the Land Use Director, but I'm asking the lawyer if that causes a problem, that's all."

Councilor Trujillo said, "My question is if we are going to have an inspector going out there and would he assess the fees, if we do decide on extra fees just for those people that are here. Is that how we're going to do it, I don't know. I'm not trying to make this difficult. I'm just saying you have those vendors that will be parked around the corner, and you're just saying \$100, yet we make the Plaza vendors jump through hoops. You know we do, and how much it costs them. This is where for me, it's not fair."

Councilor Dominguez said he hears what Councilor Trujillo is saying, but “the point is that the main sponsor of the bill has recognized that and that’s why she has moved to postpone so those questions can be explored and answered.”

Councilor Rivera said, “I want to applaud Councilor Lindell for bringing this forward, and I continue to support this and think it’s a good Resolution and a good Ordinance as well. I think at some point when the Plaza vendors started working their way on the Plaza, obviously fees weren’t that high because we just raised them. This is a new program, something that’s just starting up. Let’s give it an opportunity to see what it’s going to do and then make adjustments as we go. I think that is the beauty of what Councilor Lindell put together. It gave us some flexibility moving forward. We can look at making those changes, so I continue to support that.”

Councilor Rivera continued, “And again, I have a little bit of a hard time with some of the people that came out, because they had to get their foot in the door at some point. And now that they’re there, they want exclusivity, they just want the Plaza for themselves. And anything that can be done to eliminate competition just seems wrong. So again, everybody wants in until they’re there, then nobody else can come aboard. And again, the Plaza is for everybody and I think it’s something that will benefit economic development and really benefit the people of this community. So I applaud you for that. I continue to support it.”

Mayor Pro-Tem Ives said he does not find the differential in what’s being charged between the Plaza vendors, versus what is proposed for the vehicle vendors, to be out of order at all. The points have been made that those who are permitted on the Plaza have secure locations for a period of a year and he understands there is very little limitation on the timeframes they are allowed to occupy the space, and they may be able to do that 24/7 which doesn’t make sense from a presence perspective. If you look at the timeframe that’s built into this Ordinance which is 6:00 p.m. to 2:30 a.m., you’re talking about 8½ hours, and 2-4 hours of which will not see a great deal of business. Anybody who drives around the Plaza past 10:00 p.m., probably can count the people there on one hand. He said 1/3 of the time – take the \$3,000, knock it down to \$1,000, take the \$1,000 cut it in half again for the timeframes they are allowed to be there, and that takes you down to \$500. And then you remove the exclusivity and put it on whatever type of lottery system or showing up first system it’s going to be based on. And quite frankly, the \$100 does not seem out of the realm of anything unusual to him in terms of what is being offered. It is off the Plaza, it is between hours that are not necessarily the most productive for purposes of operating a business, but are designed to try and bring people downtown and enliven the Plaza area in the evenings which he thinks is a large part of the primary thrust here. He thinks this is something we need to get on with. It’s something he supports doing, notwithstanding the 1 or 2 arguments about unfairness he’s heard, that that really makes total sense to him. He stands in favor of this as proposed initially, and hopes we pass both of these tonight.

Councilor Maestas commended the sponsors. He said this is a measure to stimulate and encourage entrepreneurs, get businesses started and offer some variety in some of the food and add to the vibrancy of Santa Fe. He supports the Ordinance and its intent and sees nothing but good things coming from it. His focus has been on the Plaza periphery and the only basis for his concern is from direct feedback from the vendors. He said the Murpheys told him of their plight and how they had to wait 5 years for a permit, and

then within a matter of months, we had, what he considers to be a diminishment of the exclusivity of holding a pushcart vendor permit on the Plaza, by adding more permits, reducing the permit period and adding to the permit cost. He said the Murpheys reminded him that their season, realistically is only 6-7 months, given the winter time. It certainly isn't a year round presence, even if it is a year round permit.

Councilor Maestas said he would remind everyone about the discussions we had about light pollution and the use of generators by buskers. Generators are prohibited to be used on the Plaza by any busker, and he doubts the pushcart vendors can use generators or supplemental lighting. But with these vendors, he would gather they are going to use generators and have significant lighting to attract customers. We need to be mindful of the impacts to the Plaza periphery – in general, to the existing vendors. He agrees we should try this, but he disagrees with the philosophy in looking at the amendments to the Resolution, by changing the time from 1:00 a.m. to 2:30 a.m., commenting that it is a late significant change, changing the spaces. He said this has caused some shock treatment to some of the businesses on the Plaza. He commends Councilor Lindell for taking a go-slow approach, commenting he doesn't believe the Resolution is ready, but he is in full support of the Ordinance and commends the sponsors for bringing it forward.

Councilor Maestas said, "Point of order. We have two motions on the floor."

Mayor Pro-Tem Ives said we have one motion to pass the Ordinance and another one to postpone the Resolution. He asked when the Resolution will come back to the Governing Body, and said he hopes we're not going to send this on another endless round of committees where people do not speak up, but rather bring it directly back here.

Councilor Bushee said, "We didn't let the attorney answer the question that started this whole Round-Robin as to whether or not we could set the fee structure for those 3 spots by Resolution."

Mr. Martinez said, "Councilor Bushee, I've been talking to Melissa Byers here, and we reviewed how the pushcart vendors annual license fees were established, and they were established by resolution."

Councilor Dominguez would like to be date specific on the postponement.

Mayor Pro-Tem Ives said we should take it as two different motions and we can deal with that very specifically.

**FRIENDLY AMENDMENT:** Mayor Pro-Tem Ives would like to postpone the Resolution to the next meeting of the City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mayor Pro-Tem Ives said the motion currently before us is to approve the Ordinance with the amendments.

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

**For:** Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

Mayor Pro-Tem Ives said this brings us to a vote on the Motion to postpone the Resolution to the next Council meeting.

**FRIENDLY AMENDMENT:** Mayor Pro-Tem Ives would like to amend the motion to bring this matter back directly to the Council two weeks hence.

**DISCUSSION ON THE FRIENDLY AMENDMENT:** Councilor Bushee said this was a public hearing and would suggest you need a meeting with some of the folks that were here and/or the Plaza vendors – that's her idea of what will transpire between now and then and asked if this is possible.

Mayor Pro-Tem Ives asked if Resolution requires a public hearing.

Mr. Martinez said, "A Resolution does not require a public hearing."

Councilor Bushee said, "I know, but you managed to put it on tonight. I thought the idea of postponement was for more public input. Am I wrong?"

Councilor Lindell said, "That's not how I made the motion. If you want to withdraw your second that would be fine."

Councilor Bushee said, "You didn't postpone to a date specific and so we're having that debate now and I understood you to be postponing it to deal with some of the issues that were raised tonight of potential inequities and/or a non-profit rate and/or all of the above. So I didn't hear any direction and I would like to see some direction that says we're going to discuss some of those topics with those concerned."

Councilor Dominguez said, "I wouldn't agree with that. The people who were here that were concerned left, and I think that the concern that we have as individual Councilors, we can pursue those questions and comments or whatever we're looking for without having that public hearing."

Councilor Bushee said, "I seconded it because the Sponsor seemed to be responsive to the concern. And just bringing it back here in two weeks without any process..... I don't feel like withdrawing my second either, so you're going to have to make some motions. It's not friendly."

**THE AMENDMENT WAS NOT FRIENDLY TO THE SECOND.**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Lindell, to postpone the Resolution to the next meeting of the City Council on May 27, 2015.

**CLARIFICATION:** Ms. Vigil asked, "If I may, will your motion include closing the public hearing, or that will be on later. It won't. Okay."

Mayor Pro-Tem said, "We have a superceding motion to postpone until the next City Council on May 27, 2015, which has been seconded. Any further discussion on the motion that is currently before us."

**DISCUSSION:** Councilor Maestas said, "Can't there be any kind of... Matt do you recommend like a bare bones committee referral on the Resolution with proposed amendments. It seems futile for us to just bring it back in two weeks without any kind of effort to consider amendments. I suppose the Council can make amendments, but is there any appropriate Committee maybe that we could at least notify some of the folks to attend a committee meeting. I think at a minimum, we should at least make a concerted effort to invite them to an appropriate committee meeting and consider some amendments from Councilors. What committee do you suggest. Business & Quality of Life."

Mr. O'Reilly said, "I can tell you that the Nighttime Economy Task Force, the Business & Quality of Life Committee, and the other committees this went before, everything was approved unanimously. I hesitate to recommend to the Council what committees they think this should go to."

Councilor Maestas said, "I don't advocate having a formal public hearing for the Resolution, but I would like maybe to give that latitude to the appropriate committee chairs and give us time as Councilors to submit amendments to the fee structure or whatever."

Mr. O'Reilly said, "Based on what I've heard in the last 20 minutes from the Governing Body, I was envisioning probably getting a call from Councilor Lindell at 8:01 a.m. in the morning, telling me to clear my calendar and start working on these issues that came up tonight. And then her reaching out to those among the Governing Body that she thought she needed to and asking me to touch base with other people. And if the Governing Body wants to hear this back in two weeks, we'll have to hustle to get some meaningful ideas going here based on what I've heard tonight. So don't know if this process is served well by going to additional committees, but rather by working directly with the Councilors that have concerns and reaching out to others in the community that have expressed concerns and doing that as fast as possible."

Councilor Maestas said, "I do think it's important for us, I think out of respect for the folks that waited a very long time, some of the bank employees, to conduct direct outreach and solicitation of recommendations. I know what they told us, but it would be good to come back and say, hey we heard you, these are some of the amendments that we proposed, are you okay with it. I just want to make sure that we're sensitive to them coming in and waiting and providing their feedback. Is there any way we can maybe extend that."

**FRIENDLY AMENDMENT:** Councilor Maestas asked, "Would you as a friendly amendment just consider maybe at least to add another week to allow not just for the amendment process, but to allow staff time to at least get back to the folks that were here, particularly those that represented interests around the areas where the trucks would be. I just think that would be a good gesture. Again, we can be as quick as possible, but if you consider, what is our advertisement for the captions, it's 72 hours. Right."

**DISCUSSION ON THE FRIENDLY AMENDMENT:** Ms. Vigil said, "We would get it to the New Mexican next Friday for publication on Tuesday, and we would post on Friday as well."

Councilor Maestas said, "Realistically, the caption wouldn't change right, but perhaps the content would. I'm just trying to get an idea of how much time we have, which is less than two weeks which is not a lot of time."

Ms. Vigil said, "If you would like the items, any proposed amendments to be in the packet, they would have to be in by the Friday prior to the meeting which would be May 22, 2015, and we're at May 13<sup>th</sup> today."

Councilor Dominguez said, "As the maker of the motion, I would say Councilor Maestas, I certainly appreciate that. I think that any chance we get to try to be as inclusive and as transparent as we can, we always strive for that. But I will say that what I hear is that the debate is not necessarily with the public. I think the debate is with us here. I think maybe you have one or two Councilors that want to hear from the public that maybe wasn't a part of the Committee process before. But I certainly have heard from the public. I certainly have met with them and I certainly have tossed it around and thought about it. I guess just in the name of less bureaucracy in trying to get happen, it's not something I would support now, but I certainly appreciate what you're saying."

#### **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

Councilor Trujillo said it can go to Public Works for a public hearing the following Monday before Council, although he will be out of town and won't be there to vote on it.

Councilor Bushee said, "I really misunderstood then the postponement. I understood the postponement to acknowledge that there were some things to iron out, so I don't understand the urgency and the unwillingness to spend the time to do that ironing out. There are concerns up here that stem from calls from people. You met with the public, but I don't think you went downtown and went to the Plaza merchants and to the Plaza vendors."

Councilor Dominguez said, "You don't think so."

Councilor Bushee said, "I don't know, but I certainly have been hearing.."

Councilor Dominguez said, "I live right across the street from one of those Plaza vendors, so believe me, I have heard."

Councilor Bushee said, "All I'm saying is. We were going to make a motion up here to postpone and have a process, so when the Sponsor made the motion herself, I seconded it and took that as a good faith effort to go out and try and work out the issues that were raised tonight, so I do not understand the rush to judgment here and say that, well, between all of us up here, we'll figure it out in two weeks. I think it should have a public hearing at Public Works. I think we should get more information from Street Food Institute about if there is real interest there. It's gone to Committees that don't have Councilors on them, a lot of the committees. In any case, what's the urgency of why couldn't it have a public hearing at Public Works when the Chair is there and have people come. I don't understand. You're laughing, but I'm not understanding."

Councilor Dominguez said, "I think the motion has been made. I think that certainly we could try to hammer out those details tonight and see where the votes would have gone. I think the main sponsor of the motion has taken these things into consideration, and I don't want to speak for her, the fact that it has been to more than one committee, the fact that we had a public hearing tonight, the fact that we all have different ideas of what a good piece of legislation might look like. And I think it's really up to the Governing Body to decide whether or not they want to come up with those good pieces of legislation or not. My sense of urgency is not that there's a sense of urgency, it's the sense that we need to move things on and this isn't helping."

Mayor Pro-Tem Ives said, "On that point we are close upon the Summer season and I think to have this in place and up and operating in June, it's very important that we take action on this in May. I would also point out that the Mayor is not present, and presumably would be at our meeting on the 27<sup>th</sup>, and that alone is a factor to be considered in the length of time that we postpone this. So I think it's reasonable to postpone it to the next Council meeting. It gives any Councilor who desires to do so, an opportunity to submit amendments that can be considered when the matter comes back again to Council. I would only point out, too, that this matter has been moving through the process for an extended period of time. It was approved by Public Works on April 6<sup>th</sup>, it was approved by Finance on March 30<sup>th</sup>, I believe. So it's not that it hasn't been a lot of time through the process, subject to great scrutiny over that course of time. We've had much time to consider it. So."

Councilor Dimas said, "I have the utmost confidence in Councilor Lindell to get this thing resolved one way or the other, and I'm sure you're right when you say she'll be on the telephone with Matt at 8:01 in the morning and try to get this thing resolved. So my confidence is in you, Councilor Lindell to get this worked out, and then I'm sure it will work out for everyone on the Council. And that's the final word I have for it."

Councilor Rivera said, "I agree. I think it's a little unfair to be putting all of this on Councilor Lindell, though. She put out a Resolution that's been vetted through the process, committee process, whether they have Councilors or not. Some of those committees do have Councilors. She's not recommending changes to her own Resolution, it's other Councilors that are making it, so they should be the ones to be calling Matt and saying, hey how can we get these changes to come forth. It's not Councilor Lindell's job I think to put the changes forth."



**VOTE ON THE MOTION TO POSTPONE THE RESOLUTION:** The motion to postpone the Resolution to the next meeting of the City Council on May 27, 2015, was approved on the following Roll Call vote:

**For:** Mayor Pro-Tem Ives, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** Councilor Bushee.

- 5) **CONSIDERATION OF BILL NO. 2015-14: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_ (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO CHANGE THE LEVEL OF SECURITY REQUIRED FOR PROFESSIONAL BASEBALL GAMES AT FORT MARCY BALL PARK. (KELLEY BRENNAN). (Withdrawn)**

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*The Governing Body then resumed consideration of Afternoon Agenda Items #14 through #19*  
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**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**19. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of May 13, 2015, is incorporated herewith to these minutes as Exhibit "5."

**Councilor Dimas**

Councilor Dimas said he had his speech class in high school in this room, and it brings back memories when he hears all these speeches from all these Councilors every Council meeting, and "I feel like I'm back in speech class again. Thanks for the memories."

Responding to the Mayor Pro-Tem, Councilor Dimas said, "I absolutely did pass that course."

### **Councilor Maestas**

Councilor Maestas introduced a Resolution providing a framework for housing and urban planning policy; directing staff to seek solutions to Santa Fe's housing affordability crisis; specifically as it relates to gentrification, inequity and a widening gap between rich and poor in Santa Fe.

Councilor Maestas said he would like to co-sponsor the Mayor's bill regarding the DAPA Program.

### **Councilor Bushee**

Councilor Bushee said she also would like to cosponsor the Mayor's bill on the DAPA Program.

Councilor Bushee introduced a Resolution directing the Public Utilities staff to identify how the City of Santa Fe may develop, implement, own and operate a community solar program for the benefit of the citizens of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said in reference to the Zia Station opening and accommodations for those with disabilities, she wants to make sure that any of the plans for the Zia Station and/or the commercial development make their way through the Mayor's Committee on Disabilities.

Councilor Bushee said she would like an update at the next Public Works Committee meeting on the progress in locating a possible site for a downtown public restroom.

Councilor Bushee reminded everyone to be in front of the County Courthouse at 4:15 p.m., on Friday, with their bike and helmet.

### **Councilor Dominguez**

Councilor Dominguez thanked staff for their work on Community Days, commenting it was started by Councilor Bushee and it's one of his favorite events.

Councilor Dominguez reminded everyone that tomorrow at 3:00 p.m., we will continue with the Budget Hearings. He said the agenda has been published and provided. His hope is we can make a recommendation to the Governing Body.

### **Councilor Lindell**

Councilor Lindell had no communications.

### **Councilor Trujillo**

Councilor Trujillo reminded the community and the Governing Body that on Saturday, 7:00 a.m. to 12 noon, they are holding the Annual Fishing Derby. Any child 11 years or under is invited to the Santa Fe River between Galisteo and Old Santa Fe Trail to catch fish. The public can't come fishing until Saturday morning, and the Police will be out to ensure nobody fishes before that time. He said after 12:00 noon on Saturday, anybody with a valid fishing license from New Mexico Game & Fish can fish.

Councilor Trujillo reminded everyone that next Wednesday, May 20, 2015, at 6:00 p.m., at Ft. Marcy, the Santa Fe Fuegos will start their season to defend their 2014 championship. He urged everyone to attend and get behind the team.

### **Councilor Rivera**

Councilor Rivera congratulated his daughter Samantha who will be graduating from High School next Thursday, and said this Saturday she completed a certificate program with the Santa Fe Community College, so she will be walking at the SFCC for her certificate as well.

### **Mayor Pro-Tem Ives**

Mayor Pro-Tem Ives introduced, on behalf of Mayor Gonzales, a Resolution directing staff to work with community groups to develop a plan of action to ensure that students and parents are able to access the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) Program and an expanded deferred action for childhood arrivals (DACA) Program, assess the financial capability from the City to support a private/public initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Ives said he would join as a co-sponsor, as well as a co-sponsor of Councilor Bushee's Resolution in regard to a community solar program.

## **I. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:25 p.m.

Approved by:

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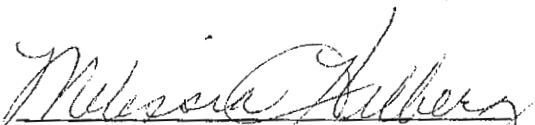
Mayor Javier M. Gonzales

ATTESTED TO:

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Yolanda Y. Vigil, City Clerk

Respectfully submitted:



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Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
May 13, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on May 13, 2015 beginning at 6:40 p.m.

**The following items were discussed:**

- 1) In Accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7-8), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Request of Montgomery & Andrews that the City Waive a Conflict of Interest for the Limited Purpose of Challenging Ordinance 2015-11.

PRESENT

Councilor Bushee  
Councilor Dimas  
Councilor Dominguez  
Councilor Ives  
Councilor Lindell  
Councilor Maestas  
Councilor Rivera  
Councilor Trujillo

ABSENT

Mayor Gonzales

STAFF PRESENT

Brian K. Snyder, City Manager  
Yolanda Y. Vigil, City Clerk  
Melissa D. Byers, Assistant City Clerk  
Marcos D. Martinez, Assistant City Attorney

- 2) In Accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7-8), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Datamatic, Ltd., Case 13-42337.

PRESENT

Councilor Dimas  
Councilor Dominguez  
Councilor Ives  
Councilor Lindell  
Councilor Maestas  
Councilor Rivera  
Councilor Trujillo

ABSENT

Councilor Bushee  
Mayor Gonzales

STAFF PRESENT

Brian K. Snyder, City Manager  
Yolanda Y. Vigil, City Clerk  
Melissa D. Byers, Assistant City Clerk  
Marcos D. Martinez, Assistant City Attorney

- 3) In Accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7-8), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Discussion and Update on the Dispute Resolution Provision of the Water Resources Agreement Between the City of Santa Fe and Santa Fe County.

PRESENT

Councilor Bushee  
Councilor Dimas  
Councilor Dominguez  
Councilor Ives  
Councilor Lindell  
Councilor Maestas  
Councilor Rivera  
Councilor Trujillo

ABSENT

Mayor Gonzales

STAFF PRESENT

Brian K. Snyder, City Manager  
Yolanda Y. Vigil, City Clerk  
Melissa D. Byers, Assistant City Clerk  
Marcos D. Martinez, Assistant City Attorney

- 4) In Accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7-8), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Santa Fe County Hold Harmless Gross Receipts Tax.

PRESENT

Councilor Bushee  
Councilor Dimas  
Councilor Dominguez  
Councilor Ives  
Councilor Lindell  
Councilor Maestas  
Councilor Rivera  
Councilor Trujillo

ABSENT

Mayor Gonzales

STAFF PRESENT

Brian K. Snyder, City Manager

Yolanda Y. Vigil, City Clerk

Melissa D. Byers, Assistant City Clerk

Marcos D. Martinez, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 7:20 p.m.

  
Yolanda Y. Vigil, City Clerk