



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 10, 2014
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9/5/14 TIME 9:45 a

SERVED BY _____

RECEIVED BY _____

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 13, 2014
August 27, 2014
9. PRESENTATIONS
 - a) Proclamation – Recovery Month – September 2014. (5 Minutes)
 - b) Proclamation -- Childhood Cancer Awareness Month -- September 2014.
(5 Minutes)
 - c) Proclamation – Preparedness Month – September 2014. (Andrew Phelps)
(5 Minutes)
 - d) Renters' Rights Spanish-Language Novella Called "Tino el Inquilino".
(Alexandra Ladd) (5 Minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreement –
Athletic and Recreational Equipment for Ft. Marcy Complex; The Fitness
Superstore. (Ivie Vigil)
 - 1) Request for Approval of Budget Adjustment – General Fund Ft.
Marcy.



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- b) Request for Approval of Procurement Under State Price Agreement – Installation of Pavement Markings on Resurfaced Streets for Traffic Engineering Division; San Bar Construction Corporation. (Rick Devine)
- c) Request for Approval of Agreement Between Owner and Architect – Compressed Natural Gas (CNG) Facility Upgrade and Expansion (RFP #14/48/P); Huitt-Zollars, Inc. (Ken Smithson and Lawrence Garcia)
 - 1) Request for Approval of Budget Adjustment – Environmental Services Fund.
- d) Request for Approval of Procurement Under State Price Agreement – City Wide Pavement Resurfacing Projects. (David Catanach)
 - 1) Associated Asphalt & Materials, LLC
 - 2) EMCO of Santa Fe, LLC
- e) Request for Approval of Procurement Under State Price Agreement – City Wide Cold Milling for Pavement Resurfacing Projects; Albuquerque Asphalt, Inc. (David Catanach)
- f) Request for Approval of Consent to Transaction for Santa Fe Municipal Airport – Existing Ross Aviation Facility Rebranded to Landmark Aviation; LM U.S. Corporation Acquisition, Inc. d/b/a Landmark Aviation. (Francey Jesson)
- g) Request for Approval of Airport Manager to Accept Federal Aviation Administration Airport Improvement Program (AIP) Grant – Update to Airport Master Plan at the Santa Fe Municipal Airport. (Francey Jesson)
- h) Request for Approval of Amendment No. 4 to Professional Services Agreement – Include Task Orders #107 and #109 at the Santa Fe Municipal Airport; Molzen-Corbin & Associates, Inc. (Francey Jesson)
 - 1) Task Order #107 – Update Airport Master Plan
 - 2) Task Order #119 – Terminal Building Expansion Preliminary Design
- i) Request for Approval of Procurement Under Cooperative Price Agreement – 2014 Pierce Ladder Truck for Fire Department; Siddons-Martin Emergency Group. (Jan Snyder)



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- j) Request for Approval of Procurement Under State Price Agreements and Professional Services Agreement – City Wide Analytical Laboratory and Chemical Analysis Services for Water Division; Hall Environmental Analysis Incorporated. (Alex Puglisi and Robert Rodarte)
- k) Request for Approval of Sole Source Procurement and Professional Services Agreement – Education and Outreach for Santa Fe Watershed Management Program; Santa Fe Watershed Association. (Alan Hook)
- l) Request for Approval of Procurement Under State and Cooperative Price Agreements – Twenty (20) Replacement Police Vehicles for FY 2014/15; Various Vendors. (Deputy Chief Mario Salbidrez)
 - 1) Request for Approval of Budget Adjustment – Police Property Tax Fund and Animal Control Training Fund.
- m) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives)
A Resolution Directing Public Utilities Department Staff to Identify and Apply Federal and State Funding Sources for Water, Wastewater and Other Water Related Projects. (Alan Hook)
- n) CONSIDERTION OF RESOLUTION NO. 2014-____. (Councilor Trujillo)
A Resolution Authorizing the City of Santa Fe to Enter into a Cooperative Project Agreement with the New Mexico Department of Transportation for Receipt of Highway Safety Improvement Program Funds for a City Wide Pedestrian Signal Head Upgrade Project. (John Romero)
 - 1) Request for Approval of Cooperative Project Agreement – Funding for City Wide Pedestrian Signal Head Upgrade Project; New Mexico Department of Transportation. (John Romero)
 - 2) Request for Approval of Budget Increase – Project Fund.
- o) CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Ives and Councilor Rivera)
A Resolution Directing Staff of the Public Utilities Department to Study the Necessary Components of a Comprehensive Cross Connection Control Program and Ordinance Designed to Protect the City's Public Water Supply System. (Alex Puglisi)



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- p) CONSIDERTION OF RESOLUTION NO. 2014-____. (Mayor Gonzales and Councilor Ives)

A Resolution Directing Transit Division Staff to Develop and Execute a Pilot Project to Provide Santa Fe Pick-Up Service Between the Santa Fe University of Art and Design and the Railyard and Downtown Plaza Areas on Weekend Evenings, During the 2014 Fall Semester. (Jon Bulthuis)

- q) Request to Publish Notice of Public Hearing for October 8, 2014:

BILL NO. 2014-26: An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Various Sections to Make Technical Corrections and Minor Clarifications; and Making Such Other Changes That Are Necessary. (Councilor Lindell) (Greg Smith)

- r) CONSIDERATION OF RESOLUTION NO. 2014-____. (Mayor Gonzales)

A Resolution Relating to the People To The Plaza Resolution; Amending Resolution #2014-49 to Extend the Time Period in Which People Can Enjoy the Plaza With Reduced Traffic. (Kate Noble)

11. State of the Municipal Court. (Judge Ann Yalman)

12. Request for Approval to Amend the Santa Fe Railyard Conservation Easement Between the City of Santa Fe and The Trust for Public Lands. The Amendment Would Revise the Easement Boundary to Match Existing Conditions and Document an Exchange of City Railyard Property Allowing for Outdoor Restaurant Seating. (Robert Siqueiros)

13. CONSIDERATION OF RESOLUTION NO. 2014-____. (Councilor Dominguez)
A Resolution Calling for the Redistricting of the Four City of Santa Fe Council Districts Prior to the Municipal Election of 2016; and Directing that the Governing Body and Staff Collaborate to Develop an Ordinance Establishing the Citizens' Redistricting Commission as Required by the *Santa Fe Municipal Charter*. (Zachary Shandler)

14. MATTERS FROM THE CITY MANAGER

15. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(5), NMSA 1978, Discussion of Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe.



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16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Theater Grottesco for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at Jackalope, 2820 Cerrillos Road Which is Within 300 Feet of The Santa Fe Christian Fellowship Church, 2860 Cerrillos Road. This Request is for Theater Grottesco's Annual Fundraiser to be Held on Saturday, September 13, 2014 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
 - 2) Request from Joe Wade Fine Art for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Joe Wade Fine Art, 102 East Water Street Which is Within 300 Feet of The Church of Antioch at Santa Fe, 207 Old Santa Fe Trail. This Request is for the Roger Williams Solo Exhibition to be Held on Friday, September 12, 2014 from 5:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil)



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- 3) Request from After Hours Alliance for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages 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 a Lucha Libre Wrestling Match Followed by an Electronic Arts Showcase to be Held on Saturday, September 13, 2014 from 8:00 p.m. to 12:00 a.m. (Yolanda Y. Vigil)

I. ADJOURN

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

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

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

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SANTA FE CITY COUNCIL MEETING
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 10, 2014**

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, September 10, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excuse

Mayor Javier M. Gonzales
Councilor Bill Dimas

Others Attending

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

6. APPROVAL OF AGENDA

Brian Snyder would like to add a new item 9(e) on the Afternoon Session, a *Proclamation for a City-Wide Neighborhood Association Neighbor to Neighbor Food Drive Day*.

Mr. Snyder would like to postpone Item #12 on the afternoon agenda to the Council meeting of October 8, 2014.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives, Councilors Bushee, 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 Maestas, 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 Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10. CONSENT CALENDAR

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, September 8, 2014, regarding Item #10(r), is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ATHLETIC AND RECREATIONAL EQUIPMENT FOR FT. MARCY COMPLEX; THE FITNESS SUPERSTORE. (IVIE VIGIL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – GENERAL FUND FT. MARCY.**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – INSTALLATION OF PAVEMENT MARKINGS ON RESURFACED STREETS FOR TRAFFIC ENGINEERING DIVISION; SAN BAR CONSTRUCTION CORPORATION. (RICK DEVINE)**
- c) **REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – COMPRESSED NATURAL GAS (CNG) FACILITY UPGRADE AND EXPANSION (RFP #14/48/P); HUITT-ZOLLARS, INC. (KEN SMITHSON AND LAWRENCE GARCIA)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – ENVIRONMENTAL SERVICES FUND.**

- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY WIDE PAVEMENT RESURFACING PROJECTS. (DAVID CATANACH)**
 - 1) **ASSOCIATED ASPHALT & MATERIALS, LLC**
 - 2) **EMCO OF SANTA FE, LLC**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY WIDE COLD MILLING FOR PAVEMENT RESURFACING PROJECTS; ALBUQUERQUE ASPHALT, INC. (DAVID CATANACH)**
- f) **REQUEST FOR APPROVAL OF CONSENT TO TRANSACTION FOR SANTA FE MUNICIPAL AIRPORT – EXISTING ROSS AVIATION FACILITY REBRANDED TO LANDMARK AVIATION; LM U.S. CORPORATION ACQUISITION, INC., D/B/A LANDMARK AVIATION. (FRANCEY JESSON)**
- g) **REQUEST FOR APPROVAL OF AIRPORT MANAGER TO ACCEPT FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT – UPDATE TO AIRPORT MASTER PLAN AT THE SANTA FE MUNICIPAL AIRPORT. (FRANCEY JESSON)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – INCLUDE TASK ORDERS #108 AND #109 AT THE SANTA FE MUNICIPAL AIRPORT; MOLZEN-CORBIN & ASSOCIATES, INC. (FRANCEY JESSON)**
 - 1) **TASK ORDER #107 – UPDATE AIRPORT MASTER PLAN**
 - 2) **TASK ORDER #119 – TERMINAL BUILDING EXPANSION PRELIMINARY DESIGN.**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – 2014 PIERCE LADDER TRUCK FOR FIRE DEPARTMENT; SIDDONSMARTIN EMERGENCY GROUP. (JAN SNYDER)**
- j) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS AND PROFESSIONAL SERVICES AGREEMENT – CITY WIDE ANALYTICAL LABORATORY AND CHEMICAL ANALYSIS SERVICES FOR WATER DIVISION; HALL ENVIRONMENTAL ANALYSIS INCORPORATED. (ALEX PUGLISI AND ROBERT RODARTE)**
- k) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – EDUCATION AND OUTREACH FOR SANTA FE WATERSHED MANAGEMENT PROGRAM; SANTA FE WATERSHED ASSOCIATION. (ALAN HOOK)**
- l) ***[Removed for discussion by Councilor Maestas]***

- m) **CONSIDERATION OF RESOLUTION NO. 2014-72 (COUNCILOR IVES AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING PUBLIC UTILITIES DEPARTMENT STAFF TO IDENTIFY AND APPLY FEDERAL AND STATE FUNDING SOURCES FOR WATER, WASTEWATER AND OTHER WATER RELATED PROJECTS. (ALAN HOOK)**
- n) **CONSIDERATION OF RESOLUTION NO. 2014-73 (COUNCILOR TRUJILLO). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR RECEIPT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS FOR A CITY WIDE PEDESTRIAN SIGNAL HEAD UPGRADE PROJECT. (JOHN ROMERO)**
 - 1) **REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT – FUNDING FOR CITY WIDE PEDESTRIAN SIGNAL HEAD UPGRADE PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- o) **CONSIDERATION OF RESOLUTION NO. 2014-74 (COUNCILOR IVES AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF OF THE PUBLIC UTILITIES DEPARTMENT TO STUDY THE NECESSARY COMPONENTS OF A COMPREHENSIVE CROSS CONNECTION CONTROL PROGRAM AND ORDINANCE DESIGNED TO PROTECT THE CITY'S PUBLIC WATER SUPPLY SYSTEM. (ALEX PUGLISI)**
- p) ***[Removed for discussion by Councilor Lindell]***
- q) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR OCTOBER 8, 2014:**
BILL NO. 2014-26: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING VARIOUS SECTIONS TO MAKE TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL). (GREG SMITH)
- r) **CONSIDERATION OF RESOLUTION NO. 2014-75 (MAYOR GONZALES). A RESOLUTION RELATING TO THE PEOPLE TO THE PLAZA RESOLUTION; AMENDING RESOLUTION #2014-49 TO EXTEND THE TIME PERIOD IN WHICH PEOPLE CAN ENJOY THE PLAZA WITH REDUCED TRAFFIC. (KATE NOBLE)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 13, 2014
AUGUST 27, 2014**

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of August 13, 2014 and the Regular City Council meeting of August 27, 2014, as presented.

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

9. PRESENTATIONS

a) PROCLAMATION – RECOVERY MONTH – SEPTEMBER 2014

Councilor Lindell read the proclamation into the record declaring September 2014 as Recovery Month in Santa Fe, noting this is a "near and dear Proclamation to my heart." Councilor Lindell presented the Proclamation to the representative in attendance. She said Recovery Month is something we all should be celebrating, commenting we all have friends and family members in recovery. She said these diseases are just as deadly and fatal as cancer, diabetes and any other disease we might want to mention. She said, "It is incumbent upon us as their friends and family to celebrate their recovery."

b) PROCLAMATION – CHILDHOOD CANCER AWARENESS MONTH – SEPTEMBER 2014.

Councilor Dominguez read the Proclamation into the record declaring September 2014 as Childhood Cancer Awareness Month in Santa Fe.

Councilor Dominguez said when cancer strikes a family member it is difficult, and most especially if it is a child, and asked that we keep them in our prayers.

Mayor Pro-Tem Ives said the Making Strides Walk for Breast Cancer will be held on October 4, 2014, beginning at 9:00 a.m. at the Villa Linda Mall, and he looks forward to being there.

c) PROCLAMATION – PREPAREDNESS MONTH – SEPTEMBER 2014.

Councilor Rivera read the Proclamation into the record declaring September 2014 as Preparedness Month in Santa Fe, and presented it to Andrew Phelps who was accompanied by his daughter, Sandra. He thanked Mr. Phelps for all of the work he does, and invited him to speak about preparedness and said there is information on the City's website which can help people to get prepared.

Mr. Phelps said there are lot of activities going on this month, and there are a wealth of resources on the City of Santa Fe's website, www.santafenm.gov. They are inviting people to the Plaza Café Southside on September 25, 2014, at 10:00 a.m. for *Coffee and Catastrophes*, with representatives of the Police, Fire Department and himself, along with Mayor Gonzales who will be on hand to talk about emergency preparedness over coffee. He said there are twitter chats coming up at the end of the month. He urged people to check out the website, visit on Face Book or Twitter and find out what you can do to help to make sure we are prepared. He said, "As of September thirtieth, we don't stop being prepared. Preparedness is a year-round thing, and we try not to limit it to a month, but we recognize it this month. So thank you, and I appreciate the support of the Governing Body on this."

d) RENTERS' RIGHTS SPANISH-LANGUAGE NOVELLA CALLED "TINO EL INQUILINO."

A copy of a pamphlet *TINO El Inquilino* is incorporated herewith to these minutes as Exhibit "2."

Alexandra Ladd handed out copies of "Tino el Inquilino." She said it is more than a Renter's Rights Manual, it is how to be a renter as well. There is information in *El Inquilino* about making sure you sign a lease, and make copies of your receipts, and it's in Spanish. She said, "I bet that it looks nothing like any other governmental manual that anyone has seen recently, and we're very proud of that and we have Gabriel de Pablo here today to thank for this amazing vision." She said she and Mr. de Pablo worked together years ago on education and outreach around fair housing. They knew a lot of the abuses in the community were happening within the monolingual Spanish speaking parts of town, and did a Renter Rights' Manual, noting Mr. de Pablo has been instrumental in putting together *TINO El Inquilino*. She said the HUD materials were written by bureaucrats and lawyers and are "dense and terrible," and even worse when translated into Spanish.

Ms. Ladd continued, saying, "When we wanted to pick up this project again and revisit the Renter's Rights Manual and look at what needed to be updated, he [Mr. de Pablo] was the person I called. And he did some canvassing in the neighborhoods to check to see what the emerging issues around housing were. And while we had had a positive effect 10 years ago, we needed to get some more information out there again. And so Gabriel said, you know, this time around, let's really make it fun to read. So the idea behind this is that Tino is our renter. Tino goes to the Laundromat and runs into friends and neighbors and they say, we haven't seen you around. And he says, well I got evicted, and that starts this whole conversation about housing and housing issues, and problems people were having with their landlords or getting a proper home for their disabled daughter, etcetera, etcetera. And because it is told from the point of view of characters, they feel real and accessible, and they use colloquial language, and present concepts in ways that feel relevant and important."

Ms. Ladd continued, "We think people are going to stop and actually read this, which is a huge challenge when you're printing materials for the public. So this is Phase 1. We're going to do this in English most likely, maybe tweaking the characters a little bit, and we also will do a little You Tube animation, and it's on the City's website. And ultimately, we would really like to see this get around the

State, because I think it's got State-wide application. I think there are communities all over the State that would benefit from getting this information out there. And with that, I don't know if Councilor Trujillo, you got the sneak preview of the novella earlier today, is there's any comment you want to add on it, or if anyone has any other questions, I would be happy to answer questions."

Councilor Trujillo said this is a great novella. He said one of the things he told her is they are having Independence Day at Ragle Park this weekend, and that would be a great place to distribute the novella, commenting it isn't for any one segment of the population, and should be distributed City-wide, especially for renters. He said this is a great thing, and he's glad you did it, noting is long overdue and this is something unique. It isn't the typical governmental manual.

Councilor Bushee asked if the Landlord-Tenant Hotline is bilingual.

Ms. Ladd said it is not bilingual, and it charges for its services.

Councilor Bushee said she just learned that they charge something like \$30. She asked if the City just stopped funding the Hotline.

Ms. Ladd said yes, and that happened during her hiatus from the City, so doesn't know exactly what happened.

Councilor Bushee said the previous Hotline was user-friendly for tenants.

Ms. Ladd agreed, saying, "She was very good at telling people what to do, which is usually what tenants in crisis needed, oh, this is what your letter should say, and this is how you should handle it."

Councilor Bushee said she can't ask that the Hotline be bilingual if the City isn't funding it. She thanks Ms. Ladd and Mr. De Pablo for doing this and hopes she gets it around and hopes this sparks other parts of the State to want to investigate what we need to do. She would like to see rental units to stay as rental units and not to be turned into condos because that's where the money is, noting a 15 year rental project at the railyard. She would like to continue to subsidize, in some way, housing, and offer more programs like this one.

Mayor Pro-Tem Ives said he likes the idea of doing You Tube, noting the City has production facilities if you can find a cast of characters to do the different scenarios in Spanish and load that at the City's website, which could be another great way to share this across the community in a very significant work. He thanked everyone for their good work, saying it looks great.

e) PROCLAMATION – CITY-WIDE NEIGHBORHOOD ASSOCIATION NEIGHBOR-TO-NEIGHBOR FOOD DRIVE DAY IN SANTA FE

Councilor Trujillo read the Proclamation into the record declaring September 20, 2014, as City-Wide Neighborhood Association Neighbor-to-Neighbor Food Drive Day in Santa Fe.

CONSENT CALENDAR DISCUSSION

- 11(I) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – TWENTY (20) REPLACEMENT POLICE VEHICLES FOR FY 2014/15; VARIOUS VENDORS. (DEPUTY CHIEF MARIO SALBIDREZ)**
- 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – POLICE PROPERTY TAX FUND AND ANIMAL CONTROL TRAINING FUND.**

Councilor Maestas explained the reason he removed this item for discussion. He has no doubt of the need to replace Police fleet vehicles, noting there is budget. However, he wants to learn more about the vehicle replacement policy, noting he has questions about the fleet size.

The Governing Body commented and asked questions as follows:

- Councilor Maestas asked the reason there is no fleet replacement policy, and what factors are involved in decisions regarding vehicle replacement.

Deputy Chief Salbidrez said he understands this question has been asked, and nothing has been put in place recently. He noted he has just been appointed to this position and also has considered this issue, and said we need to define categories where we need to replace vehicles/units. He said, for example if recommended, we will set a 5-year replacement policy, or once the vehicle reaches 100,000, replacement of that vehicle would be considered. He said a third category he was thinking about was if the vehicle is proper for the needs, or if it has spent a lot of time in the shop getting repairs and it costs too much to correct it. Would we then consider it, in our own category, a lemon and cut our losses instead of continuously spending more and more money in repairs to the vehicle to make it work. He said, "I honestly don't know the reason" we've never implemented a vehicle replacement policy, but we do need to look at it.

- Councilor Maestas said he supports this request, but it is conditioned on the development of a vehicle replacement policy.
- Councilor Maestas said there wasn't a lot of supporting information to justify the replacement of vehicles, and thought it was much too subjective. He thanked the Deputy Chief for providing the requested information. He said he had requested a listing of vehicles to be replaced by age and mileage. He said he would like to have a discussion about the size of the fleet. He said the

Deputy Chief sent him information on units which were auctioned last year and which were auctioned this year, but there was no year or mileage indication which is okay. He said his math indicates that in 2014, 17 units were auctioned, 14 units were sent to other departments, and 1 unit was released to County Corrections.

- Councilor Maestas asked what determines the total size of our fleet, if there is a reserve fleet of unassigned vehicles for special operations, and if there is a formula which "spits out" the total number of recommended fleet. He is trying to understand how we can auction all these vehicles and assign them to other departments before the vehicles actually have been replaced. He asked if the vehicles have been purchased.

Deputy Chief Salbidrez said the vehicles haven't been purchased, and he is in attendance to request the purchase of the 20 additional vehicles. He said with regard to auctioned vehicles, the vehicles are prepared for auction in accordance with age, mileage and such. He said he thought he had included a unit/fleet inventory prepared by Fleet Manager Eric Sanchez, and he currently is tracking any vehicle 2011 or older including the mileage which are all Impalas, with the exception of two Chevrolet Tahoe K-9 unit vehicles and one Xterra. He has a copy of that and can provide that to Councilor Maestas if he would like it.

- Councilor Maestas said he received the information on the units in the existing inventory, but there was no information on the age and miles of those which already have been auctioned and sent to other departments.

Deputy Chief Salbidrez said he doesn't have that information for those vehicles.

- Councilor Maestas said he wants to know how you determine the total fleet size, and the logic or policy behind sending a Police unit for auction or transferring it to another department.

Deputy Chief Salbidrez said currently there is no policy. However, regarding the fleet size we look at the number of officers we have currently, the number to be acquired in the near future and the number of detectives we currently have, noting they have to provide them with vehicles under the POA contract. They try to stay on top of the ability to provide these units. He said they do have loaner units which are used when a vehicle is out of service. There are special units for SWAT, EOD and these kinds of items, noting they keep an inventory of these units for these specific officers as well.

Deputy Chief Salbidrez continued, saying the vehicle given to County Corrections was a K-9 unit we no longer were using. He said last week a Mesilla Valley police officer contacted the fleet manager asking if we had surplus units they could purchase from us at a cheaper or lower rate they could afford, noting they were down to one unit because they had crashed two. He spoke with the Chief and asked if that was a plausible option for us, noting we want to be neighborly with other agencies in the State, and we will definitely consider that.

Deputy Chief Salbidrez said when vehicles go to auction, the recommendation will come from the fleet manager, and sometimes Risk Management, depending on what may have happened with the vehicle. If it was involved in a crash and the repair outweighs the value of the vehicle, many times Risk Management will advise us not to repair it and it will go to auction and we'll have to replace it. Primarily the practice depends on the year and the mileage. He said on the list, for 2011 vehicles and down, some of them only have 40,000 or 47,000 miles, which raises his eyebrow and he questions the reason they have so little mileage. Also, unfortunately, some of these units were spending more time in the shop than on the field, and the reason they were auctioned.

- Councilor Maestas asked if some of the vehicles are still under the basic warranty mileage coverage, and if we can replace them.
- Deputy Chief Salbidrez said they have exceeded the 3 year warranty, reiterating these are 2011 and older model vehicles, but the 2012 to 2014 would fall within a warranty. He isn't totally familiar with the warranty year they give us, but believes the mileage is in line with the 3 years and they would no longer be under warranty.
- Councilor Maestas said in 2014, the total of those sent to auction, those sent to other departments and the K-9 unit, is 32, which means there are 32 vehicles out of the fleet and now we're going to add 20 vehicles. He asked how many extra vehicles we have, how many would we like to have how many we use, and if we use a pool. He asked if there is a policy saying we need at least 15 additional, unassigned vehicles in the fleet.

Deputy Chief Salbidrez reiterated that there is no policy, but what they are projecting forward are the number officers which are allocated which we can potentially hire – do we have a vehicle for each officer when they are hired. We are trying to make sure there are good, operable vehicles for release to new hires. It doesn't mean the new hire receives a brand new vehicle, noting we do have to follow the POA contract on vehicle assignment regarding seniority, etc. He said there are loaners for patrol, for investigations and he holds three unmarked loaners for use where a police officer can't drive a marked unit.

- Councilor Maestas said in his Memorandum he indicates he is considering officers that commute versus officers that live in the City, and perhaps the inner City mileage is harder mileage. He asked if that means that vehicles driven by officers residing in the City can be replaced at a lower mileage than vehicles assigned to someone that lives outside the City. Is this part of the informal policy.

Deputy Chief Salbidrez said it is referring to the wear and tear on the in-City vehicle due to constant stop and go, compared to the constant travel spent commuting. The person who lives in town has less vehicle miles, and we'll probably keep that vehicle for 5 years which has been the practice since he came on board. If a vehicle driven out of town reaches 100,000, it will be placed on the list for replacement. He said this person may or may not be jumped to the top of the list for a new unit. He said the POA contract provides that anything 15,000 miles or less is considered to

be a new unit, and anything above that mileage can be issued to anybody including the officers driving out of town.

- Councilor Maestas said he had asked staff to identify which units were assigned to commuting officers outside the City. He wanted to follow the logic behind replacement. He asked if there is anything in the policy with regard to assignment of vehicles.

Deputy Chief Salbidrez reiterated that the POA contract is the guideline for issuance of police units, starting with the most senior person when they need a new unit, and progress until they reach the bottom of the list and then start over. He said it would be necessary to negotiate with the POA to deviate from that plan so we aren't going against what we have negotiated in the past.

- Councilor Maestas said he isn't advocating that we do anything contrary to the union agreement. He said, "I want to make it clear that I want to make sure that you all have the right equipment to do your jobs successfully. And I understand this kind of equipment is very specialized, a high demand that needs to be at the ready, full capacity. So I'm not trying to undermine that in any way, but I do take issue with the fact that we don't have a vehicle replacement policy. I think Councilor Lindell sent me some information on some cities that do have council approved, real sensible policies that basically apply the very factors that you consider informally – age, mileage. I think they even calculate depreciation based on cost to repair or rehabilitate and they actually make a call if it is getting near the end of its design life, and you have an estimated cost to repair that exceeds the salvage value, just forget about it. Just sell the jit. But I'd like to see that formalized, because this a significant investment."

Councilor Maestas continued, "And we all want to make sure the decisions we make are objective. I just felt there was a little bit too much subjectivity in the logic and rationale behind the justification to replace these vehicles. Based on the data I have received, I have no doubt you guys are looking at all these objective factors. But I really do think we need a policy that calculates an ideal, total fleet size, when we surplus a vehicle and replace it. A policy that helps us make decisions in transferring these units to other departments. And that's the last that I think I would want to see it. If I'm satisfied with it and it helps your objective decision-making, and optimizes the fleet and keeps it at top operating capacity then that's great. But I feel we need a formal vehicle replacement policy. And then I think we can better understand the relationship between the decisions we're making here, and what the administration is bound to in the union agreement as well. We don't want to get crossways with that, and ensure any kind of future policy is in line with the current union agreement."

Deputy Chief Salbidrez agrees that we need a formal structure to make a prudent evaluation of the replacement of vehicles. He has looked at some, and if you have any ideas or knowledge about this, he would like you to share it with him so it can be considered.

MOTION: Councilor Maestas moved, seconded by Councilor Dominguez for purposes of discussion, to approve this request, subject to the development of a vehicle replacement policy to be brought to the City Council in two months, or less.

DISCUSSION: Councilor Maestas asked if two months is sufficient time to do this.

Deputy Chief Salbidrez said he supports a timeline and believes they can do it within the two weeks.

Councilor Bushee asked if the motion means the purchase isn't approved until we have a policy.

Councilor Maestas said no, it is subject to.

Councilor Bushee said, "I am clarifying. You are saying we are approving this and you would like to ask for a policy."

Councilor Maestas said, "Yes. Within two months."

Councilor Bushee said there should be an FIR that tells her very explicitly the source of the funds for this purchase, and in the cover Memo, you are saying the Police Property Tax Fund and the Animal Control Training Fund. She asked how much is from the Animal Control Training Fund, saying from her perspective, that is a misappropriation of those funds. She said that money came from increasing the animal licensing fee, and the funds were dedicated specifically to providing training to our Animal Services personnel. She has followed-up and asked if there has been training. However, it was never meant to be used for something like this, and requested a break-out of the funds.

Deputy Chief Salbidrez said he would defer the question to Nancy Jimenez

Ms. Jimenez said the Animal Services Truck is \$26,107, noting it is broken out in the Memorandum on page 2.

Councilor Bushee said then the only money being taken from the Animal Services Training Fund is for a vehicle.

Ms. Jimenez said this is correct, it is the F-250 truck so we can put a kennel on the back..

Councilor Bushee asked how much is in the Fund and if it ever has been used for training.

Ms. Jimenez said, "Oh yes. There is about \$86,000 sitting in cash right now. We receive about \$21,000 a year in revenue. And our Animal Service employees go to training, depending on what level they are. We try to send two per year to a training. It just depends on what levels they are training, and if there is enough per diem and so on and so forth."

Councilor Bushee said when they made changes to the Animal Services Ordinance a decade or more ago and it was changed from Animal Control to Animal Services, and she requested they take some of the funds and begin training the staff and she doesn't know that buying a vehicle falls under that.

Ms. Jimenez said, "We can definitely check the ordinance. I know this would be the third fiscal year that we have purchased a truck from this line item."

Councilor Bushee reiterated the process which resulted in the funding which was to be used for training. She would like a report on the training. She prefers the funds not be used to purchase vehicles, but in achieving the goals.

Ms. Jimenez said they can provide that report.

Councilor Bushee said, with regard to the other issue, she doesn't know how the policy follows in terms of the POA Agreement. However, it would seem to her that there should be a way to try to delineate... "but we really shouldn't be sending the biggest gas guzzlers 45 miles south." She said she doesn't want the larger SUV vehicles being driven to Rio Rancho.

Chief Garcia said, "Yes, we are currently evaluating that right now. Eric Sanchez, our Fleet Manager has been directed to take those vehicles, those F-350, the F-250 and reassign them to officers living within the City limits. So yes, we are working on that right now as we speak."

Councilor Bushee would like to investigate the vehicles given to the Public Safety Aides which were given Nissan Xterras and which she mostly sees on the highway going north. She never understood why we were purchasing large SUVs for Public Safety Aides to begin with. She said, "I'm not trying to micromanage this in any way, but I can say, I'm pretty sure if you issued Priuses, not so many would drive very far south."

Chief Garcia said, "Probably not."

Councilor Dominguez how long will it take to get the vehicles.

Deputy Chief Salbidrez said Fleet Manager Sanchez told him that the Ford company shuts down twice a year to build just police units and the next build will be in October or November, so we won't see the new vehicles until sometime in December 2014.

Ms. Jimenez said, to get this build for October, we would need to get the Purchase Order to the company on Monday.

Councilor Dominguez asked if the Purchase Order is ready to go.

Ms. Jimenez said yes. It is in the system and all they need is approval tonight, and it will be approved and printed tomorrow so we can get it to the vendor, if not, we won't be able to order the vehicles until January when the factory reopens.

Councilor Dominguez asked Mr. Snyder if he is comfortable with that.

Mr. Snyder said, "There is a purchase requisition in the system that is waiting for approval, is what I heard her say, and until the approval happens, then it won't be released."

Councilor Dominguez asked Mr. Snyder if he has talked with the Procurement Officer about that.

Mr. Dominguez said he will let Mr. Rodarte speak to that.

Councilor Dominguez said, "I'm asking you Brian, if you've talked to them about any of this."

Mr. Snyder said, "I have not talked with them at all about this."

Robert Rodarte said, "At my request, I have asked them to put the requisition in the system which is not a legal, binding document at this point. I had them scan all of the information that is front of you onto the requisitions related to each company on there. It's sitting there until I officially get the answer tonight, a yes or no from here. When I get back to my office I will approve it. Once you approve it today, and I go back and approve it, then it's a legal, binding document. All they're doing is doing advance work, and we do want to meet the deadline on Monday."

Councilor Dominguez said, "The reason I'm asking, because the motion is subject to....what happens if we do not get a policy in two months."

Deputy Chief Salbidrez said, "We will."

Councilor Dominguez asked, "What happens then Robert."

Mr. Rodarte said, "Right now you are voting on approval of this equipment and the vehicles. That's telling me go. That change here, we can't go in there and stop the order. In other words, if we waited for the change, we'd be out in December, to give them two months. Right now, we're legally ordering what is in front of you, not this change. If they don't finish in two months, you'll have to deal with them, not what we approve tonight."

Councilor Dominguez said, "No, we'll be dealing with the administration and figuring out why we didn't get a policy in two months is really what it comes down to in my mind. I guess the reason I'm asking, I'm supportive of the motion, but I want to make sure that staff does get a policy in place. And I do not want it to seem as if, by approving this, they can just not get to the policy until two months before the next order is done. That is the reason I'm bringing this up, is because, and you don't have to answer Chief. I'm not asking any questions for you right now, but I think where I'm getting at is we need to make sure that there

is indeed a policy in place. And it begs the question to me, actually, as much as I am in support of the motion, are you comfortable, Brian, approving or moving this forward without a policy in place, even though we're going to have one in two months."

Mr. Snyder said, "It is my understanding that these are replacements for vehicles that have reached their useful life, so with that in mind, I am comfortable moving forward. And I would be directly involved with the Police Department in making sure that policy does come back before I approve taking the proposed policy to Public Safety and ultimately to the Council within the next two months, so I'll work directly with them. I did want to clarify my understanding of the motion. I had heard 'subject to,' and then I also heard a clarification that it was more along with the recommended approval. So I want to make sure that I'm understanding the motion."

Mr. Brennan said, "As I understand the motion... I was going to suggest that it be restated to approve and bring back a vehicle replacement policy to the Council within two months. So it's not an and, and it's not a subject or a condition."

FRIENDLY AMENDMENT: Councilor Maestas and Councilor Dominguez would like to restate the motion as follows: Councilor Maestas moved, seconded by Councilor Dominguez, to approve this request, with direction to the staff that a vehicle replacement policy will be brought to the City Council within two months. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said the bottom line is that we need to get that policy in place, sooner rather than later. He said, "I don't necessarily want to hold this item up, although I think that the administration is going to have to make sure to get a policy in place in two months."

Councilor Lindell as how many vehicles we disposed of in 2014, were SUVs.

Deputy Chief Salbidrez said, "In fact, I don't believe we've actually disposed of any vehicles. We were still sitting on a very old K-9 unit that's there. We still have the three Tahoes that were designated as K-9 unit at one point. One is still assigned to a Sergeant, the other two are parked in the lot, so I don't believe we have gotten rid of any SUV."

Councilor Lindell said, "My point with this, is I'm not comfortable and I can't support.... I want you to have cars, I want you to have the 20 cars you're asking for, but I don't think it is prudent for us to increase our fleet by 10 SUVs. I think they cost more money. And I notice in the packet we have the window sticker on the Mustang, but we don't have any window stickers on anything else as to what their gas mileage is. And I can only assume, from personal experience, that SUVs don't get as good a gas mileage as sedans do. Would that be true?"

Deputy Chief Salbidrez said, "Mayor Pro-Tem Ives and Councilor Lindell, you are correct."

Councilor Lindell said, "We're increasing... I don't have any problem with us getting 20 new cars. What I have a deep problem with is that we're increasing the number of SUVs, rather than purchasing sedans."

Deputy Chief Salbidrez said, "If I can give you some background on the reasons behind it. These Sports Utility Vehicles were initially issued to SWAT members, EOD members, we have the bike unit on there, we have auxiliary crime scene techs, and we're continuously expanding this department into those areas. So we continuously need to give our officers more and more and more tools, and we need to expand our tool box."

Deputy Chief Salbidrez continued, "I personally being a Lieutenant on the streets at one point, was at a crash and asked an officer to get his traffic cones. The officer told me I don't have them. I almost lost my mind there, because we're supposed to have these traffic cones for public safety. I came home when it all came to an end. I met with him and I asked him why don't you have the traffic cones. And the officer who was in SWAT said, can I show you my unit, an Impala. His trunk is completely full of all the extra equipment he's having to carry for his extra duties, plus the back seat where he is supposed to transport the people we arrest, had all his files, all his daily documents he needed to do his job. And he said, I honestly just don't know where to put them any more."

Deputy Chief Salbidrez continued, "So with that said, as we continue to task these officers with more and more duties we're having to look toward larger vehicles to accommodate the equipment they have to carry. For example, Sergeant Troy Baker who is in EOD, had problems with this as well, regarding the availability to put his equipment in there."

Councilor Lindell said, "I'm sorry. I can't support us purchasing 10 more SUVs. I think it's really too expensive and uses too much gas, which goes to the next question. Do any of the police units available on the market today, are any of them ecoboost cars or anything like that."

Mr. Rodarte said, "In December 2012, we were here at a Council meeting and we discussed this. The direction of the Governing Body was not to use the ecoboost motors. And we were instructed to buy this type of vehicle with a certain motor size. And what you're seeing on the break-down in there, that motor size is the one requested by the Governing Body to move forward on, on all these Ford vehicles. So that's what you see in the SUV, and you will also see it in the Ford Taus, they do have the same type of engine that was requested by the Governing Body and to stay away from the ecoboost engine at the request of Councilor Dimas, and we abided by that. And that's what you're seeing in the vehicles right."

Councilor Bushee said, "I don't think it was the Council, by the way. I think it might have been a Councilor."

Mr. Rodarte said it was at the direction of the Governing Body.

Councilor Lindell said, "Well, this is a different Governing Body, and times have changed. I think gas prices are good bit different than they were then, and I think we also have a commitment by the City at this time to lower our carbon footprint. I think that's a reasonable way for us to proceed with that. So, it's something I think we need to be looking at."

Councilor Lindell said, "One more thing I wanted to ask about is, would the cars that we dispose of, do we reuse any of the equipment that is on those cars."

Deputy Chief Salbidrez said, "Yes, we do."

Councilor Lindell asked, "Will some of these cars be equipped with equipment that we've taken off from cars that will be disposed of?"

Deputy Chief Salbidrez said, "Yes they will. In fact the breakdown shows that some of them have to purchase new equipment such as video cameras and things of that nature, but our build, we save some costs by reusing some of the radios that we have in units or vehicles going to auction or we're going to get rid of, so we will have some cost savings there."

Councilor Trujillo said, "Okay, dealing with an optimum fleet, I understand what Councilor Maestas wants to do, but in two months, I'm being realistic, you won't come up with a policy in two months. I do this for a living, fleet management. What we need to do really, is not only Police vehicles, you need to include all vehicles in the entire City. You need front loaders, you need plows. This is something we had discussions about seven years ago. There are programs and companies out there that do fleet management. I use a program where I can tell you from day one, I say, the birth to death of a vehicle. These are the things I think we as the City need to move forward on and get these kinds of programs to help us to better manage our fleet."

Councilor Trujillo continued, "Councilor Maestas you were saying, we ought to be able to know if a car is a lemon and let's get rid of it. How many miles has it exceeded the maximum. The policy has to be made, but realistically, I would like to see the entire City, not just the Police, and including the Fire Department and Public Works. If we really want to get hold of our entire fleet, that's the only way we are going to manage our fleet and at the same time, we also need to look at these systems in terms of fueling as well. I would like to throw that out to you, because, two months, it isn't going to happen, I can guarantee you. It took me almost 7 months to build a policy for the State. The whole thing is, if we could get a committee, and that might have to be by resolution, but bringing everybody in, including Fire, Police, Public Works the entire fleet in one document. I'm just going to leave it to you to decide whether to pursue that, but I'm not going to stop you guys from getting your vehicles, because that's something we need."

Councilor Trujillo continued, "Councilor Lindell, I do understand carbon footprint and all of that, but you have to understand. Yes, they're SUVs, but with that much equipment used by the Police, you're looking at fuel economy of 16.23. It's unfortunate. Maybe somewhere down the line Congress can act and make these motor companies get better fuel mileage. I see no reason they can't get 30 or 40 miles per gallon, and they can. The technology is there, they just don't want to move on it. So, I'll leave it at that."

Councilor Rivera said, "I too am trying to wrap my head around what a policy would look like. But right now, I presume you have 20 vehicles which are at, or near or possibly over 100,000 miles."

Deputy Chief Salbidrez said, "Yes, we have 24 currently that the Fleet Manager has at the Huey Lot."

Councilor Rivera said, "So if we had a policy that was cut off at 100,000, and a certain amount of years in place, you're really asking for less vehicles than you would really need."

Deputy Chief Salbidrez said, "Yes. That is correct."

Councilor Rivera said, "Your Inventory Exempt, you are taking money from the property tax. Has that been in savings for a while, or do you use that yearly for various reasons?"

Ms. Jimenez said, "It is budgeted. We have \$600,000 in the Inventory Exempt, so we would be using part of that for the equipment for the cars and still have funds left over for the rest of the fiscal year for any other equipment that we may need to purchase."

Councilor Rivera said, "So, if we did a policy based on, hypothetically 100,000 miles, we're already purchasing less vehicles that we would under a hypothetical policy. Is there going to be enough funding to cover the real needs you are going to have as far as mileage or years in vehicles. And how much more money are we talking about?"

Ms. Jimenez said, "No. In this current fiscal year budget we put in \$1.3 million for 35 vehicles and of course the budget was approved for \$900,000, and we're spending about \$800,000. So, no, we need more money than what we were planning on. It was reduced to 20 vehicles this year. We did purchase 25 last year, which was \$1.1 million or \$1.2 million in vehicles last year."

Councilor Rivera said, "Thank you and that's exactly what I thought. So, in the development of procedure or process, whatever you call it, please include a realistic budget of cost. Because the one thing I don't want is for you to have to come back for more funds."

Councilor Bushee said, "In the development of the policy, maybe you'll reveal the thinking of the kinds of vehicles and why we need them and all that. But just in your comment about needing the SUVs with more space, then why do we need a V-8 Ford Mustang?"

Deputy Chief Deputy Chief Salbidrez said, "The Mustang was a decision made by the Chief, and that's not going out to an officer to use it for patrol purposes. It's going out to the Community Relations Division offices that go and visit schools, and go and do the cruise night here on the Plaza, that have the interaction with the public so we can grab that attention for the officers, give them a talking point. I look at it more from my own 5-year old daughter, and if she would be excited to talk to an officer because there was a nice car she can look at. It is in a sense trying to bridge that gap with our community so we can interact. It is also a marketing tool for us. We are promoting our Department continuously in that area with our public and with our people."

Councilor Bushee said, "Okay, this is a sidebar, then maybe you want to not keep using the big SWAT vehicle during public events like Zozobra and things, because that thing is intimidating and not very community friendly. Just a thought."

Councilor Maestas said, "I'm ready to wrap up my remarks. I didn't realize that we did not have any kind of vehicle replacement policy throughout the City. So I think we should look at this as perhaps a model we can use, in fact. And I don't think we need any kind of formal action, but Brian if you can maybe have other Departments that manage other fleets be a part of this group that will develop a fleet replacement policy. Granted, there could be some differences in the replacement policy regarding the Police Department, but I'm sure they already are applying tried and true factors, like age, mileage, repair, recurring non-preventive maintenance repairs. So maybe we can use this effort City-wide to work toward that vision that Councilor Trujillo has. Okay, we're going to get the Police Department's vehicle replacement policy before us in two months. And who knows, maybe we'll get the rest of the City within the next two months after that. So if we can make this effort more inclusive and start working on fleet replacement policies for other departments. Do you think that's possible."

Mr. Snyder said, "I think that's possible. I'm a little reluctant to include it in the same policy as the Police Department. As many of you see driving around town, we have vehicles dating back into the early 1990's, late 1980's driving around town from the standpoint of Parks vehicles and various different divisions and department. So I'm a little reluctant to combine it with the same criteria, stringent criteria that we have for Public Safety – Police and Fire. As well as I'm working on some things with Nick Schiavo and John Alejandro looking at all our assets, defining those. And frankly, during our budget process, I am aware of at most, we only had a couple of vehicles in the entire budget because we have a lot of vehicles we don't utilize very well. So it's defining the vehicles we have and as a new vehicle request comes in, we're using the internal fleet to provide that vehicle. So we're doing a number of things. I'm definitely in favor of getting a policy, but I think I need to go through that evaluation, as well as to have a stand-alone policy for the Public Safety, Fire and Police, is what I would recommend."

Mayor Pro-Tem Ives said he understands the need for a slightly different policy in terms of emergency vehicles used by Police and Fire, because they do get some extraordinary use. He is in favor of looking at vehicles that are as eco-friendly as possible and cost conscious as possible on the issue of mileage. He concurs with those who said that we established direction to not get the ecoboost engines. He would be reluctant to approve any other acquisition that does not consider those factors going forward.

Mayor Pro-Tem Ives asked, "How long has this request been in the works within the Department. How long have you known you would be coming forward with this."

Ms. Jimenez said, "We started the process once the budget was approved, so back in May we started collecting all of the car and equipment quotes, all of the contracts that are tied into and required for this. Initially started, I think the day was July.... July 31 is the day of the Memo, to go to Public Safety and then Finance, and now at Council."

Mayor Pro-Tem Ives said, "I raise that question, simply because I hate being told that if we don't act now, it's going to be another 4-5 months before we can do anything. That cuts our capacity to look at those policies in an intelligent and timely way. And again, I can tell you, just again on a going forward basis, if I had the sense that the Council was getting jammed, I will express myself on myself on that point and look to turn down requests unless someone can prove there are dire circumstances that compel us forward in that regard. So, again, I would request, on a going forward basis when you anticipate these needs, bring them forward early enough so we can actually have debate and input from the Governing Body, as opposed to just being offered the opportunity to do yeah or nay and look at the possibility of not providing necessary and adequate equipment to our officers, which I know everyone sitting up here is loathe to do. We do look forward to having not only the best trained officers, but the best equipped officers."

Mayor Pro-Tem Ives continued, "I am curious about the amount of materials that officers are carrying in their trunks, because the Impala trunk space, while not as luxurious as some, is not certainly by any means inadequate to what would seem a reasonable use of space. Again, I find that as a justification for the SUVs to be running into some questionable grounds just in my mind. And again, if you want to come forward making that point, it would be better to understand that a little more from my perspective, again on a going forward basis. I don't want to stand in the way of this as other Councilors have requested. I do think it is important to see our policy and I will be curious to see how that policy addresses the issue of use of new vehicles in terms of travel. And I realize there are guidelines or requirements in the union contract. I don't know if that calls for... because I haven't looked at that specific provision, the allocation of new vehicles based upon seniority and some cycling system which seemed to be implicated in some of the remarks being made. So many questions to answer, and happy to work with you on that policy from my perspective."

Councilor Trujillo said, "You guys can call me any time. I'm willing to meet with you guys and I can share with you my knowledge. I'm willing to help you guys and maybe we can come up with a great policy."

Councilor Rivera said, "Robert, I do recall the conversation that you alluded to here in the Council Chambers, and if you can bring some of that information that I think was provided back then with regard to... flexfuel is what we were talking about, and the lower gas mileage that you get with different types of fuels. And I don't know if there have been any studies on the ecoboost, but if you could try to gather some of that information for us as well, that would be helpful. Thank you."

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

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

Against: Councilor Lindell

MOTION TO AMEND THE AMENDED AGENDA: Councilor Rivera moved, seconded by Councilor Bushee, to reconsider the previous approval of the agenda to hear Item #11 next on the agenda and to approve the agenda, as amended..

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

11. STATE OF THE MUNICIPAL COURT. (JUDGE ANN YALMAN)

Judge Yalman presented information from her Memorandum dated August 28, 2014, to Mayor Gonzales, City Councilors, City Manager Brian Snyder, regarding the State of the Municipal Court. Please see this Memorandum for specifics of this presentation.

Mayor Pro-Tem Ives asked if some of the training is in the agreement for acquisition of the new software.

Judge Yalman said she isn't counting that training. Last fall we sent everyone to Albuquerque and had training there, and then someone from the company spent two weeks at the Court and this was their basic training to learn the software. She said they are still having issues and training issues and protocol issues and processes they have to work on, so it's an ongoing thing. However, they did comply with what was set forth in the contract. She said there was one thing they thought they would need, so they negotiated for more training from the company. This is all covered in the original agreement. She said there was a free training in Albuquerque right before the Clerks' training. The training in Sacramento was not free but the Administrative Office of the Courts and Judicial Education covered the whole costs for her staff to attend.

Mayor Pro-Tem Ives asked, "Have you been compelled to require, as a Court, with the AOC requirements for electronic filing in any capacity."

Judge Yalman said, "No, and I've actually looked into it and I'm not rushing there. We do have the traffic. There is a way to transfer it electronically and then we get a hard copy, but we also get Police records electronically transferred. We look into transferring the criminal complaints, but they're not entered electronically at the Police Department, so that's what we're not doing. But AOC doesn't tell us very much except that we need to have some kind of automation. They don't really govern municipal court."

Mayor Pro-Tem Ives said the Judge said the Police complaints aren't entered electronically, saying he thought all cars had been outfitted with computers and all of the paraphernalia necessary to do that.

Judge Yalman said many of the traffic tickets are entered, but the complaints often are typed up somewhere else, and she doesn't think they are doing that in their cars. She said, "We thought they were entered electronically, but we found out that they're not."

Mayor Pro-Tem Ives asked Judge Yalman if she is engaging in any efforts to work with the Police Department to get that done electronically.

Judge Yalman said, "Mayor Pro-Tem, with all due respect, we're going to have fewer cases, thanks to the City Council, so I haven't been pushing them."

Mayor Pro-Tem Ives said it seems from an efficiency perspective, if we are so well computerized, that we should take advantage of those opportunities and encouraged her to engage the Police Department in that discussion.

Judge Yalman said she feels like this is a Police Department issue, and she doesn't feel they are over-burdening the Municipal Court. She said when looking at the software, they were trying to get everything electronic. However, she doesn't feel the filing of paper complaints is a burden to the Court, and feels it is their decision if it is something they want to do, and doesn't feel she wants to say to them, 'you've got to do this so we can use it in our new system.' She said they are managing pretty well with what they are doing. She said, "I sometimes think that something electronic sometimes takes a whole lot more work than counting by hand, so it's up to the Police Department if they want to do it, I feel. We would certainly welcome it, but I don't see it as a big thing."

Councilor Bushee asked if the lines are less long.

Judge Yalman said, "On parking days, I think so."

Councilor Bushee said she was speaking of the new system where she was backed up a bit.

Judge Yalman said, "I hope so. I mean there are still problems occasionally, but I think they're working themselves out."

Councilor Bushee asked if the Court forms are in both Spanish and English.

Judge Yalman said, "Yes and no, partly because some of our forms are official, although initially I had them translated, I'm not convinced that we should have official judgment and sentences in Spanish that other people will have to rely on. We do have the guilty plea forms in Spanish, and we have forms that are advisory forms in Spanish. But initially I was going to have official forms in Spanish, but then I decided it's not just for the defendant, it's for other people that have to be able to understand them as well. So, we do not. And I think that's an issue the Supreme Court and AOC are looking at. So I've been hesitant to just do that on my own. They want us to follow their forms."

Councilor Bushee said she would like the City Attorney to weigh-in on that, noting she raises this issue because the Police Department forms are in straight-up English. She said, "I will try and remember that we do that as well in our P.D."

Judge Yalman said, "The Police also have standardized forms that the Supreme Court encourages us to use, so their forms are in English. Particularly at the Municipal Court, they don't give us any leeway to modify them."

Councilor Bushee said, "I understand. I just mean the standard sort of form like, why are you here, get in line... just to make sure."

Mayor Pro-Tem Ives thanked Judge Yalman for being here this evening.

Judge Yalman thanked the Governing Body for hearing her out of order on the agenda.

10. CONSENT CALENDAR DISCUSSION

11(p) CONSIDERATION OF RESOLUTION NO. 2014-76 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A PILOT PROJECT TO PROVIDE SANTA FE PICK-UP SERVICE BETWEEN THE SANTA FE UNIVERSITY OF ART AND DESIGN AND THE RAILYARD AND DOWNTOWN PLAZA AREAS ON WEEKEND EVENINGS, DURING THE 2014 FALL SEMESTER. (JON BULTHUIS)

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, September 8, 2014, regarding this item, is incorporated herewith to these minutes as Exhibit "3."

Councilor Lindell said she sees that this is a Resolution directing "Transit Division Staff to develop and execute a pilot project." She said she has to think it's developed, if we are going to execute it starting September 18, 2014, and asked if this is correct.

Mr. Bulthuis said, "It is correct in that we have a draft service plan that has been put on the table."

Councilor Lindell how long will it take to implement the draft Service Plan.

Mr. Bulthuis said the direction Resolution would send to staff is to have the service to begin on September 18, 2014, so approximately one week from tonight.

Councilor Lindell asked if the draft will be completed in the next day or so, and Mr. Bulthuis said yes.

Councilor Lindell asked if there will there be a fee associated with these rides.

Councilor Bulthuis said no. As structured in the Resolution, it is an extension, kind of a service of the Santa Fe Pickup operations and that's a fare-free operation at the present time.

Councilor Lindell asked the hours of service.

Mr. Bulthuis said it is 6:00 p.m. to 11:00 p.m., so approximately 5 hours.

Councilor Lindell said she remembers some discussion that it didn't seem late enough, and asked the reason the hours weren't extended.

Mr. Bulthuis said at the Finance Committee meeting, representatives of the University were in attendance, and it was at their direction and it was their understand in meeting with the student focus groups talking about this, that the 6:00 to 11:00 p.m. service house for the pilot project was acceptable to them. However, they would like for us to consider longer hours if the route as presented is successful.

Councilor Lindell asked the budget with the hours identified.

Mr. Bulthuis said the estimated cost to continue the service beyond the pilot project into a regular schedule, would be less than \$18,000. However, we have existing equipment, and given the restructuring of staff hours due to the transition of the Santa Fe Pickup to Transit, we are able to develop and offer the pilot service without adding budget. Reassignment of staff is what they're looking at, noting it is 15 hours a week in total.

Councilor Lindell said we must be taking 15 hours away from somewhere else.

Councilor Bulthuis said that would be a reasonable assumption. However, in looking at how the Santa Fe Pick-up service was delivered in the past, and maintaining that level of service, we can do that with existing staff assigned to that program. So there was room there in terms of better management, better staff assignments, that we're now saying can be applied to this program if it is endorsed by the City Council.

Councilor Lindell said this calls for a report to us on November 12, 2014, and Mr. Bulthuis said that is correct.

Councilor Lindell said the reason she probably won't support this, is because it isn't set up as a pathway to success, although she supports it conceptually and supports the night time economy concept. She said we are using a benchmark to evaluate the success, as having the average numbers of riders per hours of service in comparison to the system-wide average. She thinks that would be almost an impossible number to hit with a program that's starting next week and running for two months.

Councilor Lindell said, "So I think that, with what we've asked for and how we've set this up to evaluate it, I think it's almost impossible for this program to be successful, and that's my great concern with it. Because I would like it to be successful."

Councilor Maestas said he made his concerns known at the Finance Committee meeting. However, prior to that meeting, he had asked for information regarding lessons learned on the Night Wave shuttle, which basically serves the same purpose but of a much shorter duration than the pilot. He said he requested information in advance, but he didn't get the information until the day of the meeting, although he requested to get it well in advance. He said in the information provided to him, apparently a survey was done of the shuttle riders during the Night Wave temporary promotion. One of the top questions was what are the hours you want, and they overwhelmingly wanted the hours to extend to 2:00 a.m.. He said when this first came before us, the 11:00 p.m. ending time made this initiative fall short."

Councilor Maestas said he will reluctantly support this, because one of the issues with the Night Wave Shuttle was the lack of marketing and awareness to the people who would use the shuttle. He is going to give the marketing a chance in the pilot and hopes we can get more data from the riders. In Finance, we discussed if it were deemed successful and there is a recommendation to expand, we would be talking about going above and beyond the existing budget. Right now, the proposed pilot is within the budget. We discussed what would be compromised if there were to be a BAR, and what tradeoffs would we make. We discussed that there are other parts of the City that have more fundamental needs for public transportation – to work, to school. He doesn't see a way forward to expansion right now, even if this is successful. It would mean making some hard choices in terms of additional funding and expansion. He said right now SFUAD is not a willing partner and doesn't want to participate financially with us. He said we need some willing partners, willing financial partners which we don't have.

Councilor Maestas said he is willing to approve this and gather information, reiterating he doesn't see a sustainable way forward even if it is successful, and he is prepared to have the discussion about tradeoffs, because he doesn't want to compromise badly needed services in other parts of the City to expand this program, noting he isn't optimistic about future expansion of this program.

Councilor Bushee said she is trying not to over-think this request, because it does not require a budget increase at the moment, but we are going to have to have the bigger discussion. She is ready to let this pilot program work. She hasn't given up her pursuit of a shuttle to the ski basin to get our kids skiing again through the school program, noting that was in the queue long before the pilot. We are going to have to decide our priorities in terms of our routes. She has concerns about us picking up people at the University to bring them downtown to drink.

Councilor Dominguez said, "I want to thank Councilor Maestas for his words, because when I brought that up at Finance, it was to recognize the fact that there are lots of communities in our community that need that connectivity. You're talking about access not only to school and work, but just to be able to buy groceries and have access to health care, so I appreciate those comments. And I think what it really comes down to for me, I shouldn't say what it comes down to, but part of the argument, part of the discussion, is all of those folks who are talking about this effort or initiative, and how positive it will be, and how much it will potentially increase the GRTs and our economy should be, and hopefully will be, out there to have that discussion and advocate for those people who need public transportation for those reasons. So in a roundabout way, I'm in support of this, because like Councilor Maestas, I'm a little skeptical. Nonetheless, I think it is something we can begin to grow on and lead into some of those arguments about possibly providing transportation to those sectors of our community who really need it for quality of life and everyday human necessities. That is what I'm looking for, in approving this, is where this takes and leads our discussion, not only among this Governing Body, but those folks in the community who are so adamant that we have this program."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to adopt Resolution No. 2014-76, to implement the pilot program, incorporating the proposed amendments which are in the packet.

DISCUSSION: Councilor Dominguez clarified that the motion includes the recommendations from the Finance Committee, and Councilor Maestas said yes.

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

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

Against: Councilor Lindell.

12. **REQUEST FOR APPROVAL TO AMEND THE SANTA FE RAILYARD CONSERVATION EASEMENT BETWEEN THE CITY OF SANTA FE AND THE TRUST FOR PUBLIC LANDS. THE AMENDMENT WOULD REVISE THE EASEMENT BOUNDARY TO MATCH EXISTING CONDITIONS AND DOCUMENT AN EXCHANGE OF CITY RAILYARD PROPERTY ALLOWING FOR OUTDOOR RESTAURANT SEATING. (ROBERT SIQUEIROS)**

Postponed to the meeting of October 8, 2014.

13. **CONSIDERATION OF RESOLUTION NO. 2014-77 (COUNCILOR DOMINGUEZ). A RESOLUTION CALLING FOR THE REDISTRICTING OF THE FOUR CITY OF SANTA FE COUNCIL DISTRICTS PRIOR TO THE MUNICIPAL ELECTION OF 2016; AND DIRECTING THAT THE GOVERNING BODY AND STAFF COLLABORATE TO DEVELOP AN ORDINANCE ESTABLISHING THE CITIZENS; REDISTRICTING COMMISSION AS REQUIRED BY THE SANTA FE MUNICIPAL CHARTER. (ZACHARY SHANDLER)**

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2014-77, with two amendments as follows:

Page 3, line 9, amend as follows: ".... no later than ~~September 1, 2015~~ June 2015..."

Page 3, line 9, add the following: "BE IT FURTHER RESOLVED, that upon on passage of this Resolution, the City of Santa Fe shall issue an RFQ to begin compiling the demographics that will be needed for the redistricting..."

DISCUSSION: Councilor Dominguez said the Resolution speaks to getting staff moving and doing some of this work.

Mayor Pro-Tem Ives asked if an RFQ is a Request for Qualifications, and was advised that it is.

Mayor Pro-Tem Ives asked if we are anticipating hiring an independent contractor to do the development of the demographic work.

Councilor Dominguez said he imagines staff has done this before, but yes.

Mr. Snyder said, "Yes. We will be hiring staff through an RFQ process for a consultant."

Councilor Bushee said, "I'm supportive of redistricting. I'm super supportive of the independent commission. I am interested in seeing the details. And first question through is, Kelley it has to be in an ordinance form."

Ms. Brennan said, "I'm sorry Councilor, when you said it, what are you referring to."

Councilor Bushee said, "Be it Further Resolved, you will develop an Ordinance dealing with the appointment and deliberation processes in a timeline. So I'm presuming it has to be an ordinance."

Ms. Brennan said, "Yes."

Councilor Bushee said, "Okay. So, I don't know if you've got ideas you want to speak about now in terms of how you're going to keep that independent. But I will say that we had an independent person and company and contractor to do the demographics, and the mapping, and then the Council chose to do what it wanted to do. So, I want complete assurances that we're going to come up with a process that follows our new Charter that requests and requires that we are completely independent from this commission."

Councilor Dominguez said, "That is absolutely the intent. And so I do have some ideas about how to do that. I think those ideas and I will be in discussions with members of the community and the Governing Body, of course, to flesh and flush some of that stuff out, but those details will be in the ordinance that we will begin working on as soon as this is approved."

Councilor Bushee said, "I can just tell you that may have been one of my least favorite experiences, ever, serving on this Council, the way we went about redistricting the last time."

Councilor Dominguez reiterated that the intent is to be as independent as possible and to take politics out of it. He said, "How possible that is in Santa Fe, is maybe another question."

Councilor Bushee said, "Again. The RFQ I'm presuming is not so much for the development of the independent commission, but there ought to be somebody weighing-in on how to do that."

Ms. Brennan said, "I think the intent of the RFQ is to find somebody who is an expert in the things we probably would not expect the members of the Commission to handle. And obviously, this directs staff to come up with a plan, and we would come up with a plan that complied with the Charter requirements."

Councilor Bushee said, "Again, Kelley, I can't emphasize enough, staff may have had a plan before to actually have an independent person to provide all that information, the demographics. Then pure politics was what ran the decisions. So I want some understanding of how, or who could direct this to be an independent commission. I don't want staff liaison, I don't want political appointments. I really.... again, I can't say this in any other way, other than this needs to be an independent commission to do this redistricting. It should have been the last time. So, I am very interested in seeing what arises from there, and adding my own input. I did that with our Auditing Committee. I had the Judge make the appointments. It seemed fairly objective and distanced. I don't know if you have to hire the League of Women Voters or some other non-profit who has no bone to pick in this whole thing. But it needs to be done."

Councilor Maestas said what is important is who provides the direction. What scenarios should be developed to comply with the principles of the Charter, and of course the population tolerances for population balance among the Districts. He said, "I don't know that we need to discuss that now, but I want to make sure that any paid consultant or expert that assists is directed, maybe indirectly, by the Commission, in terms of directing them to come up with certain scenarios for their deliberations. I want to make it clear that there isn't some kind of interference or intermediary or bureaucratic protocol that would provide distance between the consultant and the Commission. So I want to make sure that we have that transparency there as well."

Mr. Snyder said, "It is my understanding that the Commission will set the scope for the consultant, so it is exactly what you're saying."

Councilor Maestas said, "I did have one issue and I think I've raised this issue before and that is public input."

Mr. Snyder said there will be public involvement.

Councilor Dominguez said, "If a person or consultant has information they may be able to provide, that they need to make that available to the Commission."

Councilor Maestas said, "I realize the structure of the Resolution only includes the principles in the Charter that will dictate the framework of the process. But there is one issue that I'm concerned about that is not an established principle in the Charter with regard to redistricting, and that is minimizing the splitting of voting precincts. I've been involved in redistricting before. In that effort, we had to split a lot of precincts that caused a lot of confusion. I'm not proposing that we amend the Charter and add this as principle." Councilor Maestas said he would like to amend the Resolution to add language to minimize the splitting of voting precincts in the process of redistricting, as a consideration to augment the principles in the Charter.

Councilor Dominguez asked Mr. Shandler if this is part of what is in the New Mexico Constitution when it comes to redistricting. That's not part of the rules or the overarching boundaries that we have to consider.

Mr. Shandler said, "I'm not familiar with that being a State Constitutional Requirement. I think the purpose of tonight's Resolution is just to copy and paste from the Charter. The proposed Ordinance may have some additional items, and maybe that would be the time we would include your comments."

Councilor Maestas said that would be fine.

CLARIFICATION OF THE MOTION BY THE CITY CLERK: Ms. Vigil said, "I would just like to, for clarification on your amendment, so there's actually 3 references to the September date, so it will be on page 2, line 25, page 3, line 4 and page 3 line 9. We'll change all of those dates." Councilor Dominguez said, "That is true, and I was looking at the last Be It Further Resolved. Yes. It should be consistent."

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

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

Against: None.

Mayor Pro-Tem Ives said, "Given the time, 7:07 p.m., I would propose we take a 10-minute break, come back, do the evening session and then as a final matter, bring forth the Matters from the City Manager, Matters from the City Attorney Executive Session, Matters from the City Clerk and Matters from the Governing Body to conclude our meeting, if this is acceptable to all here."

MOTION TO AMEND THE AMENDED AGENDA: Councilor Trujillo moved, seconded by Councilor Dominguez, to reconsider the previous approval of the agenda, as amended, to move Items 14, 15, 16 and 17 to the end of the Evening Agenda, and to approve the amended agenda, as amended..

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

END OF AFTERNOON SESSION AT APPROXIMATELY 7:10 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 7:20 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
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
Councilor Bill Dimas

Others Attending

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

F. PETITIONS FROM THE FLOOR

Mayor Pro-Tem Ives gave everyone 5 minutes to petition the Governing Body.

A written statement for the record, submitted for the record by Mariam Leth-Espensen, is incorporated herewith to these minutes as Exhibit "4."

Mariam Leth-Espensen read a statement into the record with regard to her property at 622 Castillo Street. Please see Exhibit "4," for specifics of Ms. Leth-Espensen's statement.

Ms. Leth-Espensen said, "I shall continue to share with you everything I learn, and as you may have gathered, I'm not giving up. I think I have the points here that needs to be addressed. I thank you for your time. I certainly will share with you this document that I retrieved from the District Court. Perhaps it should be handed over to the Mayor when he returns and to the City Attorney.

Mayor Pro-Tem said, "We should give a copy to the Recorder and she can make sure that copies get to the City Attorney's Office and to the Mayor."

STENOGRAPHER'S NOTE: The materials were provided to Yolanda Vigil, City Clerk, as indicated above, but were not entered for the record.

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) REQUEST FROM THEATER GROTTESCO FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT JACKALOPE, 2820 CERRILLOS ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE CHRISTIAN FELLOWSHIP CHURCH, 2860 CERRILLOS ROAD. THIS REQUEST IS FOR THEATER GROTTESCO'S ANNUAL FUNDRAISER TO BE HELD ON SATURDAY, SEPTEMBER 13, 2014, FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of September 4, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter of no opposition in the packet from Pastor Jesse Morales, Santa Fe Christian Fellowship Church.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Lindell, to grant the request for the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at Jackalope, 2820 Cerrillos Road, for Theater Grottesco's Annual Fundraiser on Saturday, September 13, 2014 from 5:00 p.m. to 8:00 p.m.

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

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

Against: None.

- 2) **REQUEST FROM JOE WADE FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF WINE AT JOE WADE FINE ART, 102 EAST WATER STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THIS REQUEST IS FOR THE ROGER WILLIAMS SOLO EXHIBITION TO BE HELD ON FRIDAY, SEPTEMBER 12, 2014, FROM 5:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of September 5, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter of support in the packet from Reverend Daniel P. Dangaran, The Church of Antioch at Santa Fe.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to grant the request for the waiver of the 300 foot location restriction and approve the dispensing/consumption of beer and wine at Joe Wade Fine Art, 102 East Water Street, for the Roger Williams Solo Exhibition on Friday, September 12, 2014 from 5:00 p.m. to 7:00 p.m.

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

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

Against: None.

- 2) **REQUEST FROM AFTER HOURS ALLIANCE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF THE TIERRA ENCANTADA CHARTER SCHOOL @ ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR A LUCHA LIBRE WRESTLING MATCH FOLLOWED BY AN ELECTRONIC ARTS SHOWCASE TO BE HELD ON SATURDAY, SEPTEMBER 13, 2014, FROM 8:00 P.M. TO 12:00 A.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of September , 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting there is a letter in the packet from Director Daniel P. Benavidez, Tierra Encantada Charter School @ Alvord station they have no opposition to this request. The applicant also is seeking to obtain a letter from the Santa Fe Public Schools.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to grant the request for the waiver of the 300 foot location restriction and approve the dispensing/consumption of alcoholic beverages at El Museo Cultural de Santa Fe, 555 Camino de la Familia, for a Lucha Libre Wrestling Match followed by an Electronic Arts Showcase, to be held on Saturday, September 13, 2014, from 8:00 p.m. to 12:00 a.m.

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

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

Against: None.

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(5) NMSA 1978, DISCUSSION OF COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND ALL BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE.

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, that the Council go into Executive Session for discussion of collective bargaining negotiations between the City of Santa Fe and all bargaining units representing the employees of the City of Santa Fe, in accordance with §10-15-1(H)(5) NMSA 1978.

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

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

Against: None.

The Council went into Executive Session at 7:35 p.m.

*Councilor Trujillo departed the meeting during the Executive Session
because of a family emergency*

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 8:35 p.m. Councilor Rivera 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, Dominguez, Lindell, Maestas and Rivera voting in favor of the motion, no one voting against and Councilor Trujillo absent for the vote.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. 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 September 10, 2014, is incorporated herewith to these minutes as Exhibit "5."

Councilor Rivera

Councilor Rivera wished his daughter a Happy Birthday today, September 10th, noting it is her 19th Birthday. He wished his mother a Happy Birthday who had a birthday on Sunday, September 7th.

Councilor Lindell

Councilor Lindell said there is a Santa Fe Community Recovery Fair, on Sunday, September 21, 2014, 1:30 p.m. to 4:30 p.m. at the Friendship Club on Rosina Street. She said there will be all kinds of booths there. This is a celebration of people in recovery, and they are inviting friends family and the entire community to come together and celebrate that these people are in recovery, noting some people are celebrating very very long term recovery. There will be exhibits, workshops and a free barbeque. She said everyone is invited to come.

Councilor Dominguez

Councilor Dominguez asked Mr. Snyder to make sure that we give a big thanks to staff for all the work they've done over the past two weeks during Fiesta and Zozobra. He said people don't know how much work is done behind the scenes for the organizations as well as by the City of Santa Fe. He said it is a huge resource.

Councilor Bushee

Councilor Bushee introduced the following:

1. An Ordinance amending Subsection 20-6.1 SFCC 1987 to clarify that it is unlawful to possess one ounce or less of marijuana and certain marijuana paraphernalia. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said she understands from Kelley Brennan that this needs to be done to state emphatically that it is illegal to possess one ounce or less of marijuana.

2. A Resolution establishing administrative procedures relating to civil penalties for marijuana and marijuana paraphernalia possession and restating that possession of one ounce or less of marijuana is the lowest law enforcement priority of the City of Santa Fe Police Department. A copy of the Ordinance is incorporated herewith to these minutes as "7."

Councilor Bushee said these are being done as a follow-up in terms of defining policy.

Councilor Bushee said, "I have been getting calls and requests, and I just would love, and I understand there's maybe a meeting tomorrow, and maybe they can phone me during that meeting. For those of you who did not know, or maybe you do know, we received \$3.2 million from the federal government to do the Acequia underpass, after all that wrangling about where we should spend and reallocate money. So that will be coming forward, but the piece that is missing is the little entrance there, the little triangle that is partly owned by Santa Fe Southern, and overseen by the Railyard Corp., and I guess it must be an easement of the City's of some kind. So the caboose which is overly-graffitied most of the time is there. There's a miniature plan already somebody designed to do some kind of tot lot, which I don't think anybody really wants kids sitting there at that crossroads of traffic. And a couple of other things."

Councilor Bushee continued, "So I would really love to find out if there is money in any budget to actually make that be an entrance into the City, but also a connection of the Railyard, and have it also emphasize the Acequia Trail. So, whatever version, I don't know. There's still a little flexibility on some of the money. I don't know if that falls under Trails, but let's see what we have and what we don't have, because the reallocation is calling for the City to provide a match to receive these funds. I think it would be foolhardy to not receive that money. But that little section needs to be dealt with and the graffiti needs to end and we need to do something nice there."

Councilor Bushee continued, "I think that's it, other than I do want to say that this Zozobra was one of the best I've ever attended, and I've attended almost every one for 31 years. I really, really appreciated that it was a big crowd and it was a fairly well behaved crowd."

Councilor Bushee said, "I really wasn't joking about that big SWAT tank machine. I know some people like it, but it's fairly intimidating. That's my personal take on that one, but it was a great event."

Councilor Bushee said, "I noticed that the River Commission is going to have the issue of Michael Smith and his good deeds on their agenda. Maybe we could take and learn from this lesson of someone who is trying to contribute to the City and have, I don't know if it's Public Works, or Parks, or who formulates the policy. I know when we had Fabian and we were putting community gardens together, we wanted to encourage, not discourage that kind of volunteerism. So if you need to create parameters, if we need to have a legal way in, in terms of liability, I don't know what. We've had lots of folks offer in the past. We just had a cleanup on the Plaza with people painting. It just seems we ought to have some way to

formally recognize and provide direction so we don't send out this message that we would not like you to help us. I'm sure the River Commission will get into greater detail about the effects on the River, but overall that kind of work.... I can remember years back when we had all that cement in the River and a bunch of folks wanted to get rid of it, and came and said we'd come out and do it. And another former City Attorney said no, we can't let you out there and do those kinds of things. So I would really love to have some way to organize that and make a policy that sends the right message."

Councilor Lindell

Councilor Bushee Lindell asked to sign on as a cosponsor of the Ordinance introduced by Councilor Bushee.

Councilor Maestas

Councilor Maestas said, "I too want to commend, particularly Public Works, for really making the City look really good, especially the gateways on Old Pecos Trail and the north entrance on St. Francis. I received a compliment from some people in Quail Run. They basically said they had never seen Old Pecos Trail look that good. So I realize Public Works has a lot of competing needs, and an established schedule and sometimes we tend to disrupt that schedule, but I think it's worth it to really make the City look good for these special events." He asked the City Manager to please convey my thanks, not just for their hard work, but for their flexibility and understanding and maybe pulling off normal schedules to really beautify our City in conjunction with these special events.

Councilor Maestas continued, "The other thing too, is we're still seeing some fallout from the whole Bachelor proposal, and just, for the record, I think it would be good. Maybe Brian, can you just give us a brief status report. Or, if you choose not to do it now, maybe at a future meeting, because a lot of people still don't understand that no money was to be spent unless the City was selected. But I think when we spoke, you said it was pretty much dead, once producers saw the fallout and our vote. But then when I read a subsequent newspaper article, Randy was basically saying, hey man, we're still in contention. So can you, for the record, just kind of maybe give us a brief update. Or again, I'll just give you the option of talking about it at the next Council meeting. But I'm really concerned about the fallout and the misunderstanding, and I think for something as controversial as that, requires us to at least provide some updates to the public if it's still in play. If it's dead, it's dead, let's call it dead. So can you...."

Mr. Snyder said he will provide a detailed update at the next Council meeting, and he would ask each of the Councilors to let him know if they have questions they would like Randy or him to address as part of the update, he would be glad to do so at the next Council meeting.

Councilor Maestas said, "What I want to know is has any money been expended, thus far. Are these producers still looking at the City as a potential location to shoot. I just want to know if it's still in play and if any money has been expended, and maybe a reiteration of the fact that well, really, the primary budget request would only be expended if the City is selected."

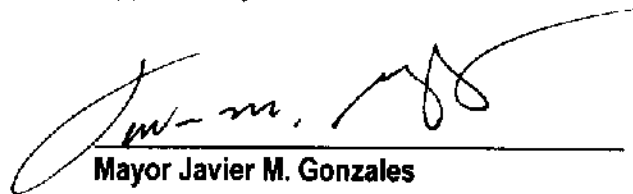
Mayor Pro-Tem Ives

Mayor Pro-Tem Ives introduced an Ordinance relating to sewer service charges amending Rule 8 of Exhibit A of Chapter 22 SFCC 1987, to increase the monthly service fee and monthly usage fee for the wholesale rate; relating to extra-strength surcharges – amending Rule 12 of Exhibit A of Chapter 22 SFCC 1987, to increase the mass base charge; and making such other changes as are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:00 p.m.

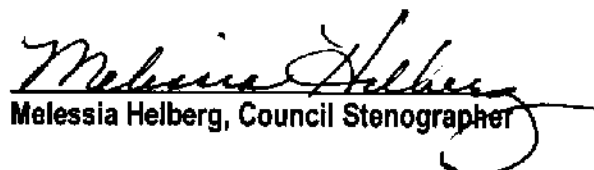
Approved by:


Mayor Javier M. Gonzales

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, SEPTEMBER 8, 2014**

ITEM 12

REQUEST OF APPROVAL OF A RESOLUTION RELATING TO THE PEOPLE TO THE PLAZA RESOLUTION;
AMENDING RESOLUTION #2014-49 TO EXTEND THE TIME PERIOD IN WHICH PEOPLE CAN ENJOY THE
PLAZA WITH REDUCED TRAFFIC (MAYOR GONZALES) (KATE NOBLE)

PUBLIC WORKS COMMITTEE ACTION: Meeting cancelled due to lack of Quorum; Forward with No
Recommendation

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE			
COUNCILOR DIMAS			
COUNCILOR DOMINGUEZ			
COUNCILOR RIVERA			

Exhibit "1"

TINO

EL INQUILINO



* A copy of Exhibit "2" is available in its entirety in the City Clerk's Office *

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, SEPTEMBER 8, 2014**

ITEM 9

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A PILOT PROJECT TO PROVIDE SANTA FE PICK-UP SERVICE BETWEEN THE SANTA FE UNIVERSITY OF ART AND DESIGN AND THE RAILYARD AND DOWNTOWN PLAZA AREAS ON WEEKEND EVENINGS, DURING THE 2014 FALL SEMESTER (MAYOR GONZALES AND COUNCILOR IVES) (JON BULTHUIS)

PUBLIC WORKS COMMITTEE ACTION: Meeting cancelled due to lack of Quorum; Forward with No Recommendation

UNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE			
COUNCILOR DIMAS			
COUNCILOR DOMINGUEZ			
COUNCILOR RIVERA			

Exhibit "3"

September 10th 2014

Responding to letter from Ms. Brennan, City Attorney, dated July 28th, 2014.

Ms. Brennan claims that it is uncertain that the property owners, who were affected by the 1953 District Court Decree pertaining to Lot Descriptions abutting Loma Lane received proper notice.

Documents retrieved from the District Court make it abundantly clear, that everyone affected by the Decree was notified.

With regard to the status of Loma Lane, in earlier documents referred to as Loma St., it is true that the City was not a party in this 1953 lawsuit. There was no reason for the City to be a party. The Lawsuit was not about the street, the measurement of the street was a result of the legal descriptions of the lots.

Loma Lane (Street) is a remnant of a prior 2-way public street, Castillo St., from which the neighborhood received it's name Castillo Place. Castillo Street connected Hillside to Palace at the old St. Vincent Hospital. The Easements were presumably created to facilitate access to this remnant after the construction of Paseo de Peralta.

Ms. Brennan believes, "that the City can claim only a 38foot right-of-way due to the unusual circumstances under which Loma Lane became public."

There are no unusual circumstances.

Loma Lane/Castillo St. was public before the 1953 Decree, and Ms. Brennan has yet to provide any legal documentation defining said street to the measurement of 38 feet.

I have provided a Legal Document, 1953 Decree declaring Loma Lane (Street) to measure 50 feet in width, which was the measurement when I moved here in 1988.

There has never been a need for a taking of eminent domain.

The 2000 Survey conducted on my behalf mirrors the 1953 Decree.

The 1995 Lot Line Adjustment Survey Plat by red Mountain Engineers does not show encroachment. However, in the Notes #7: "This survey may not reveal that which may be disclosed by a complete title binder and is subject to all restrictions etc".

I have collected all pertinent documents, Warranty Deeds and Survey Plats pertaining to 622 Castillo Place going back to before the 1953 Decree and up to the present ownership. The Lot Description is not mirrored by the reality of the lot manifestation. It is true that the east/west line should measure 100 feet, as noted by Ms. Brennan, who here refers to the 1953 Decree, but the lot as been moved into Loma Lane and delineated by coyote fences.

There is also no mention in Ms. Brennan's letter of the 6 parking spaces on 622 Castillo Pl. with back-out into Loma Lane and the northern easement, which violates zoning according to the Zoning Action Sheet of 1994, which I provided you with, the last time I spoke to you.

Ms. Brennan seems to form opinions without proper legal back up. It is all very confusing, and I am not a lawyer. I shall ask my son, Robert E. Kohn, KohnLawGroup, L.A. to help me identify that, which is legally relevant. I shall continue to share with you, and I am not giving up!

Exhibit "4"



CITY COUNCIL MEETING OF
September 10, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SUBSECTION 20-6.1 SFCC 1987 TO CLARIFY THAT IT IS UNLAWFUL TO POSSESS ONE OUNCE OR LESS OF MARIJUANA AND CERTAIN MARIJUANA PARAPHERNALIA.	Public Safety Committee - 9/16/14 Finance Committee - 9/29/14 City Council (request to publish) - 10/8/14 City Council (public hearing) - 11/12/14
Lindell	A RESOLUTION ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES FOR MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION AND RESTATING THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA IS THE LOWEST LAW ENFORCEMENT PRIORITY OF THE CITY OF SANTA FE POLICE DEPARTMENT.	Public Safety Committee - 9/16/14 Finance Committee - 9/29/14 City Council (scheduled) - 10/8/14
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule

Exhibit "5"

Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE RELATING TO SEWER SERVICE CHARGES – AMENDING RULE 8 OF EXHIBIT A OF CHAPTER 22 SFCC 1987 TO INCREASE THE MONTHLY SERVICE FEE AND MONTHLY USAGE FEE FOR THE WHOLESALE RATE; RELATING TO EXTRA- STRENGTH SURCHARGES – AMENDING RULE 12 OF EXHIBIT A OF CHAPTER 22 SFCC 1987 TO INCREASE THE MASS BASE CHARGE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.	Finance Committee - 9/29/14 Public Utilities Committee - 10/1/14 City Council (request to publish) - 10/8/14 City Council (public hearing) - 11/12/14
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505) 955-6518, mdbyers@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-__

INTRODUCED BY:

Councilor Patti Bushee

Councilor Signe Lindell

AN ORDINANCE

AMENDING SUBSECTION 20-6.1 SFCC 1987 TO CLARIFY THAT IT IS UNLAWFUL TO POSSESS ONE OUNCE OR LESS OF MARIJUANA AND CERTAIN MARIJUANA PARAPHERNALIA.

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

Section 1. Subsection 20-6.1 SFCC 1987 (being Ord. #2014-29, §3) is amended to read:

20-6.1 Possession Prohibited; Lowest Law Enforcement Priority; ~~Possession Prohibited~~; Civil Fine.

A. It is unlawful for a person intentionally to possess one (1) ounce or less of marijuana or paraphernalia intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana into the human body.

B. It is the duty of the police department to make possession of one ounce or less of marijuana the lowest law enforcement priority.

~~B~~C. A person who possesses one ounce or less of marijuana may be fined no more than

1 twenty-five dollars (\$25.00). It is not a violation of this section for a person to possess marijuana
2 obtained pursuant to a valid prescription or order of a practitioner while acting in the course of his
3 professional practice or as authorized by the Controlled Substances Act, Section 30-31-1 NMSA
4 1978.

5 [C]D. A person possessing paraphernalia intended for use, or designed for use in ingesting,
6 inhaling, or otherwise introducing marijuana into the human body may be fined no more than twenty-
7 five dollars (\$25.00).

8 APPROVED AS TO FORM:

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11 _____
12 KELLEY A. BRENNAN, CITY ATTORNEY
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M/Melissa/Ordinances 2014/Marijuana Clarification

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INTRODUCED BY:

Councilor Signe Lindell

**ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES
FOR MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION AND
RESTATING THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA IS THE
LOWEST LAW ENFORCEMENT PRIORITY OF THE CITY OF SANTA FE POLICE
DEPARTMENT.**

WHEREAS, Section 20-6.1 of the Ordinance states that “It is the duty of the police department to make possession of one ounce or less of marijuana the lowest law enforcement priority;” and

1

Exhibit "7"

1 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
2 **CITY OF SANTA FE** that the Governing Body hereby establishes the *Administrative Procedures*
3 *for the City of Santa Fe Marijuana and Marijuana Possession Ordinance*, attached hereto as Exhibit
4 A.

5 **BE IT FURTHER RESOLVED** that in accordance with Section 20-6.1 SFCC 1987, the
6 Governing Body hereby restates that possession of one ounce or less of marijuana is the lowest law
7 enforcement priority for the City of Santa Fe Police Department.

8 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2014.

9
10 _____
11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

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14 _____
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

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18 _____
19 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *CAO/M/Melissa/Resolutions 2014/Marijuana Adm. Procedures*

ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE

MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION ORDINANCE

1. PURPOSE

The purpose of these administrative procedures is to establish procedures for City of Santa Fe (the “City”) staff, the Governing Body, and any agent of the City to implement and administer the City of Santa Fe Marijuana and Marijuana Paraphernalia Ordinance (the “Marijuana Ordinance” adopted as Ordinance No. 2014-29).

2. AUTHORITY

2.1 The Marijuana Ordinance is enacted under the express statutory authority conferred upon municipalities to enact ordinances pursuant to their police power (NMSA 1978, § 3-17-1(B) (1965)) and to define and abate nuisances and impose penalties (NMSA 1978, § 3-18-17(A) (1965) and also pursuant to any and all such other authority as may be applicable including but not limited to the City’s recognized authority to protect the general welfare of its citizens.

2.2 The Marijuana Ordinance is adopted pursuant to the City of Santa Fe’s powers under its municipal charter which was effective March 15, 1998, pursuant to the Municipal Charter Act (NMSA 1978, §§ 3-15-1 to 3-15-16) and Article 10, Section 6 of the New Mexico State Constitution.

2.3 The Marijuana Ordinance is codified in the Santa Fe City Code as §20-6 SFCC 1987.

2.4 These administrative procedures were adopted by Resolution No. 2014-___. All changes to the administrative procedures shall be reviewed and approved by resolution of the governing body.

3. SCOPE

This document (the “Administrative Procedures”) sets forth responsibilities, procedures and standards for administrative actions necessary to implement and enforce the Marijuana Ordinance.

1 **4. RESPONSIBILITY FOR ADMINISTRATION**

2 **4.1 City Attorney's Office** – The City Attorney's Office or its designees shall be
3 responsible for the following functions with regard to administration of the Marijuana
4 Ordinance and the Administrative Procedures more fully set forth below.

5 **4.1.1** Administering all functions of the Marijuana Ordinance, except for those
6 which are specifically described as the responsibilities of the Santa Fe Police
7 Department, the Finance Department, or any other City department, and
8 providing overall coordination among the City's departments.

9 **4.1.2** Providing forms, information, and technical assistance with regard to the
10 administration of and compliance with the Marijuana Ordinance.

11 **4.1.3** Assisting in training police officers and other City employees in the
12 implementation and enforcement of the Marijuana Ordinance.

13 **4.1.4** Representing the City and the Santa Fe Police Department in hearings before
14 administrative hearing officers and in litigation arising out of the
15 implementation or enforcement of the Marijuana Ordinance.

16 **4.1.5** Performing other functions as required by the Marijuana Ordinance.

17 **4.1.6** Performing other functions not specifically described in the Marijuana
18 Ordinance or these administrative procedures, but essential for successful
19 administration of the Marijuana Ordinance and within the powers and
20 abilities of the office.

21 **4.1.7** The City Attorney's Office's responsibilities do not include or supersede
22 those responsibilities of the Santa Fe Police Department in carrying out its
23 law enforcement functions.

24 **4.2 Staff** – Administration of the Marijuana Ordinance shall be delegated to one or more
25 staff in the City Attorney's Office. The staff shall specifically be responsible for:

1 4.5.2 Conducting the hearing in a professional, ethical and judicious manner.

2 4.5.3 Providing a basic explanation of the process to any person present at the
3 hearing.

4 4.5.4 Swearing witnesses and taking testimony.

5 4.5.5 Determining whether the issuance of a citation is supported by a
6 preponderance of the evidence.

7 4.5.6 Providing written notice of the hearing officer's decision, either immediately
8 following the hearing or within two days of the due process hearing.

9 **5. APPLICABILITY**

10 These Administrative Procedures are applicable to any effort by the City or its employees to enforce
11 the Marijuana Ordinance.

12 **6. DEFINITIONS**

13 The following definitions shall apply as used in these Administrative Procedures unless the context
14 clearly indicates or requires a different meaning:

15 *Administrative hearing officer or hearing officer* means a person appointed by the City
16 Manager to conduct a hearing and render a written decision based on evidence presented at the
17 hearing.

18 *City* means the City of Santa Fe.

19 *District Court* means the First Judicial District Court, County of Santa Fe, State of New
20 Mexico.

21 *Hearing or due process hearing* means a hearing conducted by an administrative hearing
22 officer to determine only if the police officer should have issued the citation based on a
23 preponderance of the evidence. The due process hearing is informal and not bound by the technical
24 rules of evidence.

25 *Mail* means any item properly addressed with postage prepaid delivered by the United States

1 Postal Service or any other public or private enterprise primarily engaged in the transport and delivery
2 of letter, packages and parcels.

3 *Person* means natural persons.

4 *Police department* means the Santa Fe Police Department.

5 *Preponderance of the evidence* means the greater weight of the evidence, not necessarily
6 established by the greater number of witnesses testifying to a fact but by evidence that has the most
7 convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from
8 all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue
9 rather than the other.

10 7. **RESPONSE TO A FINE.**

11 Within fifteen (15) days from the date of issuance of a fine pursuant to the Marijuana Ordinance, the
12 recipient of the fine shall pay the fine or submit a request for a hearing.

13 7.1 **Payment of the fine.** Upon receipt of the fine, the recipient may elect to admit the
14 violation and pay the fine. To proceed under this paragraph, the recipient shall forego
15 contesting the violation by signing and dating the fine notification on a space
16 provided and returning the fine notification with payment to the City of Santa Fe at
17 the address indicated on the fine notification, within fifteen (15) days. The City may
18 provide alternative methods of payment of fines using the internet or other on-line
19 services. There shall be a fifty dollar (\$50.00) penalty for any payment tendered that
20 is not honored or is returned for any reason.

21 7.2 **Request for hearing.** The recipient of a fine may submit a request for hearing by so
22 indicating and returning the fine notification to the City at the address indicated on
23 the fine notification, within fifteen (15) days of the date of the fine notification. There
24 is no fee for a hearing. The hearing shall be scheduled by the hearing officer.

25 8. **DEFAULT WITH FORFEIT OF HEARING ON THE MERITS.**

1 If the City does not receive payment of the fine or a request for a hearing within fifteen (15) days
2 from the date of the fine notification, the recipient of the fine is in default. Default automatically
3 results in liability to the recipient for the administrative violation and the recipient is barred from
4 requesting or obtaining any hearing on the merits of the fine after the date of the default. The City
5 shall mail the notice of default to the recipient of the fine. The notice of default shall inform the
6 recipient that they have fifteen (15) days from the date of mailing of the notice of default to pay the
7 fine. If the default is not cured within fifteen (15) days, the City may pursue all remedies for
8 collection of the debt and is entitled to an award of reasonable attorney's fees incurred. An uncured
9 notice of default shall be entered into the records of the City's police department and, at the City's
10 discretion, the default may be cured even after fifteen (15) days from the mailing of the notice of
11 default by payment in full, or the default may be promptly sent to a contracted collection agency and,
12 once sent to a collection agency, the default may only be cured by payment to the collection agency.

13 **9. DUE PROCESS HEARING.**

14 The recipient of a fine notification, pursuant to the Marijuana Ordinance may request that a hearing
15 be scheduled before a hearing officer.

16 9.1 The hearing shall be held within fifteen (15) City business days of receipt of the
17 request unless the hearing is continued with agreement of the parties.

18 9.2 The hearing shall be informal and not bound by the technical rules of evidence.

19 9.3 The hearing officer shall only determine by a preponderance of the evidence, whether
20 there was a violation of Section 20-6.1 SFCC 1987.

21 9.4 The hearing officer shall provide written notice of the hearing officer's decision,
22 either immediately following the due process hearing or within two days of the due
23 process hearing.

24 9.5 The hearing officer's decision may be appealed to the first judicial district court
25 pursuant to 1-074 NMRA.

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2014-____**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

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8
9
10 **AN ORDINANCE**

11 **RELATING TO SEWER SERVICE CHARGES – AMENDING RULE 8 OF EXHIBIT A**
12 **OF CHAPTER 22 SFCC 1987 TO INCREASE THE MONTHLY SERVICE FEE AND**
13 **MONTHLY USAGE FEE FOR THE WHOLESALE RATE; RELATING TO EXTRA-**
14 **STRENGTH SURCHARGES – AMENDING RULE 12 OF EXHIBIT A OF CHAPTER 22**
15 **SFCC 1987 TO INCREASE THE MASS BASE CHARGE; AND MAKING SUCH OTHER**
16 **CHANGES AS ARE NECESSARY.**

17
18 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

19 **Section 1. Rule 8 A. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-**
20 **3, Exhibit A, as amended) is amended to read:**

21 **8. Sewer Service Charges.**

22 **A. Connected to City Sewer**

23 **1. Single Family Residential Sewer Service Fees and Usage Fees.**

24 Single family residential sewer service fees and usage fees shall apply if
25 a sewer customer is served by city water and meets the single family

1 service classification for water as set forth in Chapter 25 SFCC 1987. If
2 not served by city water, single family residential sewer service fees and
3 usage fees shall apply where the sewer connection serves only one unit*
4 for normal domestic sewage.

5 a. *In city limits:*

6

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

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10 b. *Inside presumptive city limits:*

11

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

<u>Effective Date</u>		<u>Monthly Service Fee</u>	<u>Monthly Usage Fee</u>
<u>a</u> <u>January 1, 2015</u>	<u>Connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$3.82 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$13.75/unit*</u>
<u>I</u> <u>January 1, 2016</u> <u>n</u>	<u>Connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$4.01 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$14.43/unit*</u>
<u>c</u> <u>January 1, 2017</u>	<u>Connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$4.21 per 1000 gallons of water**</u>
<u>t</u> <u>January 1, 2017</u> <u>y</u>	<u>Not connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$15.16/unit*</u>
<u>January 1, 2018</u>	<u>Connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$4.42 per 1000 gallons of water**</u>
<u>January 1, 2018</u>	<u>Not connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$15.90/unit*</u>
<u>January 1, 2019</u>	<u>Connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$4.64 per 1000 gallons of water**</u>
<u>January 1, 2019</u>	<u>Not connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$16.70/unit*</u>

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
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January 1, 2015	Connected to county water	\$4.48/unit*	\$3.95 per 1000 gallons of water**
January 1, 2015	Not connected to county water	\$4.48/unit*	\$14.22/unit*
January 1, 2016	Connected to county water	\$4.70/unit*	\$4.14 per 1000 gallons of water**
January 1, 2016	Not connected to county water	\$4.70/unit*	\$14.92/unit*
January 1, 2017	Connected to county water	\$4.93/unit*	\$4.34 per 1000 gallons of water**
January 1, 2017	Not connected to county water	\$4.93/unit*	\$15.62/unit*
January 1, 2018	Connected to county water	\$5.17/unit*	\$4.55 per 1000 gallons of water**
January 1, 2018	Not connected to county water	\$5.17/unit*	\$16.39/unit*
January 1, 2019	Connected to county water	\$5.42/unit*	\$4.77 per 1000 gallons of water**
January 1, 2019	Not connected to county water	\$5.42/unit*	\$17.17/unit*
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2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one

unit* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010 b	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012 c	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

<u>Effective Date</u>		<u>Monthly Service Fee</u>	<u>Monthly Usage Fee</u>
^b <u>January 1, 2015</u>	<u>Connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$3.82 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$13.75/unit*</u>
<u>January 1, 2016</u>	<u>Connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$4.01 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$14.43/unit*</u>
^f <u>January 1, 2017</u>	<u>Connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$4.21 per 1000 gallons of water**</u>
^g <u>January 1, 2017</u>	<u>Not connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$15.16/unit*</u>
<u>January 1, 2018</u>	<u>Connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$4.42 per 1000 gallons of water**</u>
^e <u>January 1, 2018</u>	<u>Not connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$15.90/unit*</u>
<u>January 1, 2019</u>	<u>Connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$4.64 per 1000 gallons of water**</u>
^p <u>January 1, 2019</u>	<u>Not connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$16.70/unit*</u>

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
January 1, 2015	Connected to county water	\$4.48/unit*	\$3.95 per 1000 gallons of water**
January 1, 2015	Not connected to county water	\$4.48/unit*	\$14.22/unit*
January 1, 2016	Connected to county water	\$4.70/unit*	\$4.14 per 1000 gallons of water**
January 1, 2016	Not connected to county water	\$4.70/unit*	\$14.92/unit*
January 1, 2017	Connected to county water	\$4.93/unit*	\$4.34 per 1000 gallons of water**
January 1, 2017	Not connected to county water	\$4.93/unit*	\$15.62/unit*
January 1, 2018	Connected to county water	\$5.17/unit*	\$4.55 per 1000 gallons of water**
January 1, 2018	Not connected to county water	\$5.17/unit*	\$16.39/unit*
January 1, 2019	Connected to county water	\$5.42/unit*	\$4.77 per 1000 gallons of water**
January 1, 2019	Not connected to county water	\$5.42/unit*	\$17.17/unit*

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010 b	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*
January 1, 2015	Connected to city water	\$6.22/unit*	\$3.82 per 1000 gallons of water***
January 1, 2015	Not connected to city water	\$6.22/unit*	\$13.75/unit*
January 1, 2016	Connected to city water	\$6.52/unit*	\$4.01 per 1000 gallons of water***
January 1, 2016	Not connected to city water	\$6.52/unit*	\$14.43/unit*
January 1, 2017	Connected to city water	\$6.84/unit*	\$4.21 per 1000 gallons of water***
January 1, 2017	Not connected to city water	\$6.84/unit*	\$15.16/unit*
January 1, 2018	Connected to city water	\$7.18/unit*	\$4.42 per 1000 gallons of water***
January 1, 2018	Not connected to city water	\$7.18/unit*	\$15.90/unit*
January 1, 2019	Connected to city water	\$7.53/unit*	\$4.64 per 1000 gallons of water***
January 1, 2019	Not connected to city water	\$7.53/unit*	\$16.70/unit*

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water***
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
<u>January 1, 2015</u>	<u>Connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$3.95 per 1000 gallons of water***</u>
<u>January 1, 2015</u>	<u>Not connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$14.22/unit*</u>
<u>January 1, 2016</u>	<u>Connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$4.14 per 1000 gallons of water***</u>
<u>January 1, 2016</u>	<u>Not connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$14.92/unit*</u>
<u>January 1, 2017</u>	<u>Connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$4.34 per 1000 gallons of water***</u>
<u>January 1, 2017</u>	<u>Not connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$15.62/unit*</u>
<u>January 1, 2018</u>	<u>Connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$4.55 per 1000 gallons of water***</u>
<u>January 1, 2018</u>	<u>Not connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$16.39/unit*</u>
<u>January 1, 2019</u>	<u>Connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$4.77 per 1000 gallons of water***</u>
<u>January 1, 2019</u>	<u>Not connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$17.17/unit*</u>

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1 4. Exceptions to Commercial Sewer Service.

2 Mobile home parks; commercial greenhouses; churches; properties
3 owned by the U.S. government, the state of New Mexico, the city of
4 Santa Fe, the county of Santa Fe and the Santa Fe board of education;
5 and state accredited private elementary and secondary schools and
6 colleges shall not be considered commercial sewer services and shall be
7 considered residential sewer service.

8 **Section 2. Rule 8 B. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-**
9 **3, Exhibit A, as amended) is amended to read:**

10 B. Not Connected to City Sewer.

11 1. Accessible to city sewer system

12 (as defined in subsection 22-2.1 SFCC 1987)

Effective Date	Cost per unit*/lot
January 1, 2010	\$5.85 per unit* or if no unit* \$5.85 per lot
<u>January 1, 2015</u>	<u>\$6.22 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2016</u>	<u>\$6.52 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2017</u>	<u>\$6.84 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2018</u>	<u>\$7.18 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2019</u>	<u>\$7.53 per unit* or if no unit* \$5.85 per lot</u>

19 2. Not accessible to city sewer system No charge.

20 **Section 3. Rule 12. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-3,**
21 **Exhibit A, as amended) is amended to read:**

22 **12. Extra-Strength Surcharge. See the definition of COD in subsection 22-2.1 and**
23 **Section 22-10 for information related to the extra-strength surcharge.**

24 12.1. The Surcharge fee shall be equal to:

25 $0.9 \times (C-D) \times F \times cf \times L$, for users whose discharge has been tested, and

0.9 x (M-D) x F x cf x L, for users whose discharge has not been tested.

Where:

C = COD concentration in the user's discharge stream in milligrams per liter (mg/l)

D = Average domestic sewage COD concentration, established at 550 milligrams per liter (mg/l).

F = Average water use in million gallons per month as shown in the water division records.

cf = 8.34. A factor to convert the units of milligrams to pounds per million gallons.

L = The mass based cost of providing air to remove the COD in wastewater.

The cost has been established at the following costs:

Effective Date	Cost per pound
January 1, 2010	\$0.51
January 1, 2015	\$0.54
January 1, 2016	\$0.56
January 1, 2017	\$0.59
January 1, 2018	\$0.62
January 1, 2019	\$0.65

M = Mean COD concentration in the user's sewage disposal as tested.

0.9 = Represents ninety percent of the water used through a water meter as being discharged into the sanitary sewer.

Or:

Monthly water usage x 0.00337*L = Amount of monthly surcharge fee.

12.2 The resampling fee shall be equal to: \$75.00 and shall not be sampled more than once per calendar year.

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APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY