

CARDENAS, GERALYN F.

From: STEFANIE BENINATO <stebeni@zianet.com>
Sent: Monday, July 28, 2025 3:56 PM
To: CARDENAS, GERALYN F.
Cc: WEBBER, ALAN M.; aachavez@santafenm.gov; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; CASTRO, ALMA G.; GARCIA, LEE A.; LINDELL, SIGNE I.; CASSUTT, JAMIE A.; FAULKNER, PILAR FH.
Subject: petitions from the floor and public comment
Attachments: nsca_strength_and_conditioning_professional_standards_and_guidelines.pdf; DSC01388.JPG

Importance: High

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Geralyn

When i click on the link to submit petitions from the floor or public comments, I am sent to a page to pay my utility bill. It is now 3:30

Below is my Petitions from the Floor. There is an attachment of approximately 24 pages concerning case d 101 cv 2021 1743 and a photo that should be attached to the comment of the Sidewalk that goes no where.

Below that are three public comments. One for resolution amending the City's Charter to Require Governing Body Consent Before a Mayor Can Remove a City Manager, City Attorney, or City Clerk, Except During the First 180 Days of a Mayor's Term.

The second for A Resolution amending city charter to Allow Five Councilors to Suspend or Remove the City Manager, City Attorney, and City Clerk at a Regularly Scheduled Meeting.

The third limiting mayor to vote to break a tie.

Thank you

Stefanie Beninato

IMHO Malfeasance and Evidence of Dishonest Lawyer and Dishonest Expert d 101 CV 2021 01743

The lawyer, Scott Hatcher continues to state in pleadings that the photos taken at 9:03 AM on 3 Aug 2021 were taken at the time of the incident even though the incident report is timed at 8:30AM. He also knows that the city has no video showing the weight room between 7:30AM to 10AM that morning and no photos or videos of the weight room from dec 2018 or from may 2021 through 2 August 2021. There are also no set up plans or inspections to document the location of the machines involved in the incident in which I was injured at 8:30 or prior to that time. The city in discovery admitted to moving the machines twice. The photos from 3 August 2021 at 9:04AM and an undated photo are the only photos showing the location of the RockAb machine after the incident. My email from 24 Aug 2022 dates the second to just after that date. The first move was at 9:04AM immediately following the incident.

Now Hatcher says I hit a piece of rubber—the only rubber is on the bench press rack where the bar rests. I have been consistent from the incident report on through that I hit my head on a weight bar (it is 1.75 inches in diameter and steel). WHY are we paying this man taxpayer money to deliberately misrepresent the facts?

Hatcher now hired an “expert” from FL who is a paid for expert and who teaches fitness management. This man said the only standard applicable came from the National Strength and Conditioning Association (NSCA) which is an organization that teaches and certifies fitness coaches and trainers and has very little to do with management of commercial/government gyms. He said the standard was between 2 to 3 ft from the base of one machine to another. If it is 2 ft then it leaves only 5 inches between the weight bar and the Rock Ab machine to go between the machines; if it is 3 ft then you have 17 inches. This alleged expert said the NSCA has no standards concerning the distance the weight bar has to be from the next machine. That is totally false. I found the NSCA’s Strength and Conditioning Professional Standards and Guidelines and on p 17 it gives calculations to create a safe zone for the use of a bench press. It counts the length of the entire bar (7 ft) and adds 4 to 6 ft (2 per side) depending on whether you are on the bench or squatting between the rack, In other words 11-13 ft total...If using the bench, it includes the length of the bench plus 3 ft in the calculation. NSCA attachment.

The expert has not stated what the distance was in the photo between the machines upon which he based his opinion and the expert cannot do so with any reliability because the scale is distorted since the photos were taken by a cell phone then transferred as an email attachment and then blown up to an 8 1/2 x 11 photos—The city did not use a ruler or measuring tape to indicate the distance at the time the cellphone photos were taken. Therefore, there is no reliable scale and so the “expert” has given a best estimate of the distance at 9:04 AM 3 August 2021 between the rack supporting the weight bar and the Rock Ab machine as 2 to 3 feet. The difference is crucial when someone like myself has a shoulder span of 15 inches.

The expert has failed to address the negligence of the city in not having a setup plan, failing to follow manufacturer’s specifications and inspections—all in the NSCA’ guidelines (4.1-4-3 and 6.1) that he claims to be familiar with. If the staff was doing inspections, they should have discovered the machines were too close. PS Inspections are required under the Tort Claim Act.

Shame On the City, its staff lawyer Frank Ruybalid and its hired gun Scott Hatcher for continuing to stone wall so Hatcher can waste more taxpayer money. Absolute Malfeasance

Ruybalid has opposed even sitting down to talk with me about the evidence because “he doesn’t want the other party telling the city what to do”—what a crock and that from a lawyer who had to plead guilty to 15 counts of withholding evidence in major criminal cases and being under the CO Supreme Court’s supervision for 2 years not to lose his license.

When Are You The City Council Going To Direct The City Attorney To Go To Settlement Talks?

The Sidewalk to Nowhere—another waste of taxpayer resources—It has only been Nine Years since I began filing complaints against the owners of the west side of the 1100 block of Don Cubero because of deteriorating sidewalks and curbs. I have submitted photos showing nonexistent sidewalks and crumbling curbs. The two councilors from Dist 2 supposedly put in requests concerning the upkeep and as of last month GASP the city put in at the corner of Don Fernando and Don Cubero on the west side of Don Cubero a part of a sidewalk for disability access. Problem is it goes no where—it falls off into gravel and dirt going South *Really?!!!*

This is the best Public Works can do after NINE years?????

THREE PUBLIC COMMENTS

Resolution re City Council mayor needing council approval to remove city manager, city attorney and city clerk

If we have a strong mayor form of government, then we should allow the mayor these hires and fires. Let the mayor hang him, her or themselves and show competency and courage or dishonestly and corruption. Perhaps a limit on how many times the mayor may fire someone in a certain period of time and a remedy if it becomes absolutely apparent it is based on cronyism and corruption.

Resolution re 5/8 city councilors voting to suspend or fire city manager, city clerk, city attorney. Although I would like the council to be able to suspend one of these officials, it has caused a lot of political maneuvering and personal attacks in the past. I would only support removal if the Ethics Code got changed to include lying to the council or the public—that is take it out of the preamble and make it one of the causes for charges under the ethics code. I think to remove it should include proven dishonesty including lying, bribes, kickbacks and other corruption or a strong showing of failure to meet the job's requirements and only if it can be proven after a quasi judicial hearing

Resolution limiting mayor to vote only to break a tie. This was the procedure before the current mayor was elected almost 8 years ago. It makes sense to me because otherwise we do not have enough separation between the executive and legislative branches. Strongly support