



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 12, 2020 AT 4:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at santafe.primegov.com/portal/search.

Public Comment: To provide live public comment during *Petitions from the Floor* or *Public Hearings*, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/94599045794?pwd=aTBnMHhMblpEUm5kOGpTZ0VGSmdpZz0>. **Passcode: 433361**

Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: +1 (346) 248-7799 - Webinar ID: 945 9904 5794 - Passcode: 433361**

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.



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AFTERNOON SESSION - 4:00 P.M.

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**
 - a) Regular Governing Body Meeting – July 29, 2020
9. **PRESENTATIONS**
10. **CONSENT CALENDAR**
 - a. Request for Approval to Complete a Grant Application, and to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of \$1,750,904 for Transit Operating Expenses; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)
 - b. Request for Approval to Execute a Grant Agreement for FY2020 Congestion Mitigation Air Quality Funding in the Total Amount of \$71,773 for the Riderfinders Program; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)



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- c. Request for Approval of State of New Mexico, Aging and Long Term Services Department Intergovernmental Agreement (Grant) in the Amount of \$304,000 for the Senior Volunteer Programs: Foster Grandparent Program, Senior Companion Program and the Retired Senior Volunteer Program. (Melanie Montoya, Program Manager, mmmontoya@santafenm.gov, 955-4761).
- d. Request for Approval of Professional Services Agreement with HEI, Inc. for Booster Station 3 and Booster Station 4 VFD/RTU Replacements in the Amount of \$774,604 Plus NMGR. (Jonathan Montoya, Source of Supply Manager, jmmontoya@santafenm.gov, 955-4373)
1. Request for a Budget Adjustment Resolution (BAR) for the Professional Services Agreement with HEI, Inc. in the Amount of \$774,604.00 Plus NMGR.
- e. Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity from April 2019 Through April 2020 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2020 Through April 2021. (Zoe Isaacson, River and Watershed Project Administrator, zrisaacson@santafenm.gov, 955-6853)
- f. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from PM Wine, LLC , for the Following: (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
1. Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at PM Wine Distribution, 3138 Rufina Street, #A, which is Within 300 Feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle.
 2. Spirits and Wine Wholesaler Liquor License to be Located at PM Wine Distribution, 3138 Rufina Street, #A.
- g. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Sage Concept, LLC for a Transfer of Ownership and Change of Location of Inter-Local Liquor License #2791, with On-Premise Consumption Only and Patio Service from Cajun West Investments, LLC, dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel,



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725 Cerrillos Road. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

11. DISCUSSION/ACTION ITEMS

- a. Request for Approval of Amendment No. 2 to Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Public Safety Radio Communications System Solutions Project. The Additional Recording Channels and Associated Software and Services Added by Amendment No. 2 in the Amount of \$81,263.13 to be Split 50/50 between the County and the City - \$40,631.56 Each. (Paul Babcock, Fire Chief, prbabcock@santafenm.gov , 955-3112)

- b. Request for Approval to Publish Notice of Public Hearing on September 9, 2020:

BILL NO. 2020-21: An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Savant X, Inc. for Design Development, and Construction of Tenant Improvements; and Lease Payments, Expansion of a Corporate Research Center, a Local Economic Development Project. (Mayor Webber and Councilor Vigil Coppler) (Fabian Trujillo, Office for Business Growth Manager, ftujillo@santafenm.gov, 995-6912)

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a. In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Discussion of Pending or Threatened Litigation, Including But Not Limited to, Joining Certain Amici Briefs and a Quarterly Litigation Update. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)



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- b. In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Acquisition of the Santa Fe Estates Property. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

14. EXECUTIVE SESSION ACTION ITEMS

- a. Approval to Join Other Local Governments in Support of the City of Philadelphia in Fulton v. City of Philadelphia in the U.S. Supreme Court, to Defend the Rights of Local Governments to Enforce Nondiscrimination Policies in City Services. (Erin K. McSherry, City Attorney; ekmcsberry@santafenm.gov, 955-6512)
- b. Approval to Join the City of Chicago and County of Santa Clara in a Number of Amici Briefs Opposing a U.S. Health and Human Services Rule that Would Apply the Affordable Care Act's Section 1557's Discrimination Protections to Not Protect Gender Identity, Sexual Orientation, and Sex Stereotyping by Health Care Providers and Entities that Receive Federal Funding (85 Fed. Reg. 37,160); Weakens Protections for Access to Translation/Interpretation Services for Limited English Proficiency Speakers; and Limits the Scope of the Rule so that Health Insurers Would No Longer be Covered at All by Section 1557 in Cases Including, But Not Limited to, Washington v. HHS, Case No. 2:20-cv-01105 (W.D. Wash.); New York, et al v. HHS, Case No. 1:20-cv-05583 (S.D.N.Y.); Whitman-Walker Clinic, et al v. HHS, Case No. 1:20-cv-01630 (D. D.C.); Tanya Asapansa-Johnson Walker, et al v. Azar, Case No. 1:20-cv-02834 (E.D.N.Y.); and Boston Alliance of Gay, Lesbian, Bisexual, and Transgender Youth, et al v. HHS, Case No. 1:20-cv-11297 (D. Mass.) in a Local Government Amicus Brief Supporting a Motion for Preliminary Injunction/Summary Judgment. (Erin K. McSherry, City Attorney; ekmcsberry@santafenm.gov, 955-6512)

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION - 6:00 P.M.

17. PETITIONS FROM THE FLOOR



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18. **APPOINTMENTS**

19. **PUBLIC HEARINGS**

- a. CONSIDERATION OF BILL NO. 2020-17. ADOPTION OF ORDINANCE 2020-____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal)
An Ordinance Amending Section 14-11.4 of The Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person who has Violated the Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987. (Eli Isaacson, Land Use Department Director, eisaacson@santafenm.gov, 955-6830 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)
- b. CONSIDERATION OF RESOLUTION NO. 2020-____.
Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Designation for Approximately 8.59 Acres from Institutional to Low Density Residential. The Project Site Consists of Two Parcels Located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136). **(Postponed July 29, 2020)**
- c. CONSIDERATION OF BILL NO. 2020-16: ADOPTION OF ORDINANCE NO. 2020-____.
Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, Requests a Rezoning from R-1 (Residential-One Dwelling Unit Per Acre) to R-5 (Residential- Five Dwelling Units Per Acre). The Properties are Located at 4000 and 4100 Geo Lane and Total Approximately 8.59 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136) **(Postponed July 29, 2020)**
- d. Land Use Appeal No. 2020-2175-APPL of Case No. 2020-1732-HDRB. Appeal by Christina Halaburka of the May 12, 2020 Decision of the Historic Districts Review Board to Deny a Request to Demolish Thirteen (13)



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Horizontal Feet of a Wall Located at 868 East Alameda, which has Been Designated as a Contributing Structure in the Downtown and Eastside Historic District, and to Remove the Upper Stuccoed Portion of the Remaining Wall and Replace with Coyote Fencing to a Height of Five (5) Feet. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501) **(Postponed July 29, 2020)**

- e. CONSIDERATION OF BILL 2020-11. ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell, and Councilor Vigil Coppler)

An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for Design, Development and Construction of Tenant Improvements; and Lease Payments for Expansion of a New World Headquarters Facility, a Local Economic Development Project. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) (Postponed July 8, 2020 and July 29, 2020) **(Postponed to October 14, 2020)**

- f. CONSIDERATION OF BILL 2020-12. ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell, and Councilor Vigil Coppler)

An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for an Economic Development Loan Project for Lease Payments to Provide Assistance for the Negative Financial Impacts of COVID-19. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) (Postponed July 8, 2020 and July 29, 2020) **(Postponed to October 14, 2020)**

20. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.



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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 955-6521, five (5) working days prior to meeting date.