

City of Santa Fe, NM
Regular Meeting of the Governing Body
Wednesday, August 14, 2019
05:00 PM – Governing Body
City Council Chambers

AGENDA

AFTERNOON SESSION – 5:00 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**
Regular City Council Meeting – July 31, 2019
[Item 8 .pdf](#)
- 9. PRESENTATIONS**
- 10. CONSENT CALENDAR**
 - a) Request for Approval of a Budget Adjustment Increase to the CIP Business Units for Approved Budgets and Contracts for FY 2019/2020 for the Total Amount of \$3,692,550. (Shannon Jones, Shannon Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)
[Item 10a.pdf](#)

[Item 10a revised.pdf](#)
 - b) Request for Approval of One (1) Budget Amendment Resolution to Increase Fund/BU 5300.52300 to Fund the Salary Difference for the Water Division Director (Position 2327) for FY 19/20. (Shannon Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)
[Item 10b.pdf](#)

[Item 10b revised.pdf](#)
 - c) Request for Approval for Write Off of Aged Parking Permit Debt in the Amount of \$269,340.79 which is Uncollectable Due to Exceeding the Statute of Limitations that Prevents the Collection of these Funds. (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611) POSTPONED TO AUGUST 28, 2019

d) Request for Approval of State of New Mexico Audit Contract in the Amount of \$169,444, for the Financial and Compliance Audit Services for Fiscal Year Ending 6/30/19. This is the Third Year of the 3-year Contract Under RFP# 17/42/P. (Debra Harris-Garmendia, Controller, daharrisgarmendia@santafenm.gov, 955-6530).

[Item 10d.pdf](#)

[Item 10d revised.pdf](#)

e) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Abeyta)
A Resolution Repealing Resolutions 2000-47, 2003-18, and 2010-68, Which Created and Amended the Santa Fe Regional Juvenile Justice Board. (Julie Sanchez, Community and Youth Program Manager, jjsanchez@santafenm.gov, 955-6678)

[Item 10e.pdf](#)

[Item 10e revised.pdf](#)

f) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Rivera, Councilor Abeyta and Councilor Villarreal)
A Resolution Accepting a Grant from the New Mexico Department of Transportation Identified as DFA Appropriation ID D3408 NMDOT Control Number C5193408 to Plan, Design, and Construct Rights-of-Way Improvements to Agua Fria Street and South Meadows Road. (David Chapman, Technical and Grant Writer, dachapman@santafenm.gov, 955-6824)

[Item 10f.pdf](#)

[Item 10f revised.pdf](#)

g) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Lindell, Councilor Villarreal, Councilor Rivera and Councilor Abeyta)
A Resolution Accepting a Grant from the New Mexico Department of Transportation Identified as DFA Appropriation ID D3409 NMDOT Control Number C5193409 to Acquire Rights-of-Way for and to Plan, Design, and Construct Lighting and Sidewalk Improvements Along Harrison Road from Cerrillos Road to Agua Fria Street. (David Chapman, Grant Administrator-Writer, dachapman@santafenm.gov, 955-6824)

[Item 10g.pdf](#)

[Item 10g revised.pdf](#)

h) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Harris and Councilor Villarreal)
A Resolution Supporting the Eighth Annual Neighbor to Neighbor Food Drive; and Authorizing the Use of City Vehicles and Staff to Assist with Collection of the Donations. (John Munoz, Parks and Recreation Department Director, jpmunoz@santafenm.gov, 955-2142)

[Item 10h.pdf](#)

[Item 10h revised.pdf](#)

i) Request to Publish Notice of Public Hearing on September 11, 2019:
BILL NO. 2019-20: An Ordinance Amending Section 2-16 SFCC 1987, Office of Emergency Management, to Establish Definitions and to Provide for Expanded Planning Periods for the Office of Emergency Management; Amending Section 20-1 SFCC 1987, Powers of the Mayor During an Emergency, to Include Declaration of an Emergency and Other Powers of the Mayor in an Emergency; and Establishing Orders of Succession for Elected Officials and City Management. (Councilor Rivera) (David Silver, Emergency Manager, dmsilver@santafenm.gov, 955-6537)

[Item 10i.pdf](#)

[Item 10i revised.pdf](#)

j) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Arthur G. and Rosie L. Rivera 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 Bodega del Vino, 505 Cerrillos Road, Suite B101, Which is Within 300 Feet of the Santa Fe Jewish Chabad Center, 230 West Manhattan.

2) Transfer of Location of Inter-Local Dispenser Liquor License No. 28102 from DeSoto, 505 Cerrillos Road, Suites A101, A103C, A201 and A202 to Bodega del Vino, 505 Cerrillos Road, Suite B101.

[Item 10j.pdf](#)

k) New Mexico Fresh Foods Industrial Revenue Bonds

1) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Romero-Wirth, Mayor Webber, Councilor Ives and Councilor Lindell)

A Resolution Declaring the Intent of the City of Santa Fe to Issue [Taxable] Industrial Revenue Bonds in a Principal Amount up to Eighteen Million Dollars (\$18,000,000) to Finance the Acquisition, Construction, Renovation, Installation, and Equipping of a High Pressure Processing Facility in Santa Fe, New Mexico, for the Purpose of Inducing New Mexico Fresh Foods, LLC or its Successors or Assigns to Understake the Acquisition, Construction, Renovation, Equipping, and Installation of Such Project, and Authorizing the Giving and Publication of Notices in Connection with Such Bonds. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912)

2) Request to Publish Notice of Public Hearing on September 25, 2019:

Bill No. 2019-23. An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Taxable Industrial Revenue Bonds for the Benefit of New Mexico Fresh Foods, LLC, in an Aggregate Principal Amount Not to Exceed Eighteen Million Dollars (\$18,000,000) for the Purpose of Financing the Acquisition, Construction, Renovation, Installation, and Equipping of a High Pressure Processing Facility in Santa Fe, New Mexico, Authorizing the Execution and Delivery of a Lease Agreement Between the City and New Mexico Fresh Foods, LLC, an Indenture Securing Said Bonds, a Bond Purchase Agreement, Closing Documents, and Such Bonds in Connection Therewith; Providing for the Terms of the Series 2019 Bonds and Making Determinations as to the Sufficiency of the Lease Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and Any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Councilor Romero-Wirth, Mayor Webber, Councilor Ives and Councilor Lindell) (Fabian Trujillo), Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912)

[Item 10k-1.pdf](#)

[Item 10k-2.pdf](#)

[Item 10k-1 revised.pdf](#)

[Item 10k-2 revised.pdf](#)

l) Request for Approval to Change the Job Status of Assistant Land Use Director and Assistant Finance Director from Classified to Exempt. (Carol Johnson, Land Use Director, crjohnson@santafenm.gov, 955-6617; Erik Litzenberg, City Manager, djlitzenberg@santafenm.gov, 955-6848)

[Item 10l.pdf](#)

[10l - Additional Information.pdf](#)

[Item 10l revised.pdf](#)

11. REQUEST FOR APPROVAL OF APPOINTMENT OF MUNICIPAL COURT PRO TEM JUDGES

Request for Approval of Appointment of Municipal Court Pro Tem Judges Pursuant to §2-3.4(C) SFCC 1987: Ann Yalman; Angela R. Pacheco; Paul Biderman; Stephen Pfeffer and Daniel A. Sanchez. (Judge Virginia Vigil, vmvigil@santafenm.gov, 955-5054)

[2q_11_CD.pdf](#)

12. CONSIDERATION OF RESOLUTION NO. 2019-____. (COUNCILOR IVES)

A Resolution Authorizing the Sale and Consumption of Beer During Velo New Mexico's Santa Fe Mountain Fest on September 13-15, 2019, Pursuant to Section 23-6.2(B) SFCC 1987. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518; Isabella Sharpe, Council Liaison, ilsharpe@santafenm.gov, 955-6048)

[2r_12_CD.pdf](#)

13. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 11, 2019:

Bill No. 2019-25: An Ordinance Amending Section 23-6.2 SFCC 1987 Exempting Railyard Cars from the Requirements of Section 23-6.3 SFCC 1987; Changing the Requirements for When a Resolution Approving the Sale and Consumption of Alcohol on City Property Must be Adopted From Sixty Days Before the Event to Thirty Days Before the Event; and Amending Section 23-6.3 SFCC 1987 to Remove the Requirement to Post a Picture of the Manager in the Designated Drinking Area, Remove Restrictions on Alcohol by Volume Serving Sizes, and Change the Security Guard Requirement From Level Two to Level One. (Mayor Webber and Councilor Lindell) (Yolanda Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)

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14. MATTERS FROM THE CITY MANAGER

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H), Subpart (7), Discussion of Threatened or Pending Litigation in Which the City is or May Become a Participant, Including but Not Limited to Participating as an Amici in United States Department of Homeland Security v. Regents of the University of California, et al., v. and Other Potential Litigation. (Erin McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

16. REQUEST FOR APPROVAL TO JOIN AMICUS BRIEF

Request for Approval of the City of Santa Fe Joining Other Cities and Counties in an Amicus Brief to the United States Supreme Court in Department of Homeland Security v. Regents of the University of California, et. al., Supporting the University of California, Which is Seeking to Defend the Ninth Circuit's Injunction that has Retained in Place Deferred Action for Childhood Arrivals (DACA). (Erin McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

17. MATTERS FROM THE CITY CLERK

18. 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**

- Bicycle and Trails Advisory Committee
[Item G.pdf](#)

H. PUBLIC HEARINGS

1) CONSIDERATION OF BILL NO. 2019-13: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Abeyta)

An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Julie Sanchez, Program Manager, jjsanchez@santafenm.gov, 955-6678) (Postponed on June 26, 2019)

[Item H 1.pdf](#)

[Item H 1 revised.pdf](#)

2) CONSIDERATION OF BILL NO. 2019-24: ADOPTION OF ORDINANCE NO. 2019-_____.

Case #2019-40. 1849 Arroyo Chamiso Rezone. JenkinsGavin, Inc., Agent, for John & Janet Di Janni, Owners, Requests a Rezoning from R-1 (Residential - One Dwelling Unit per Acre) to R-2 (Residential - Two Dwelling Units per Acre). The Property is Located at 1849 Arroyo Chamiso and is Approximately 2.0 Acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

[2v H 2r OCR.pdf](#)

I. 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.

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.