

City of Santa Fe, NM
Regular Meeting of the Governing Body
Wednesday, May 29, 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 - MAY 8, 2019

Minutes

[Minutes.pdf](#)

9. PRESENTATIONS

a) Proclamation – St. Michael’s High School Pony Express Dance Team. (Councilor Rivera, Councilor Abeyta and Councilor Romero-Wirth)

b) Proclamation – Sevastian Gurule. (Erik Litzenberg)

10. CONSENT CALENDAR

a) Request for Approval for Amendments No. 1 and No. 2 from the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging, to Increase the Contract Amount by \$171,508. (Gino Rinaldi, Senior Services Director, earinaldi@santafenm.gov, 955-4710)

[Item 10a.pdf](#)

b) Request for Approval of FY19-20 Children Youth & Families Department Contract Agreement 20-690-300-16738 for \$197,580, for Alternative to Detention Programs. (Julie Sanchez, Program Manager, jjsanchez@santafenm.gov, 955-6678)

[Item 10b.pdf](#)

c) Request for Approval of Human Services Committee Funding Recommendations, in the Total Amount of \$1,900,000, for FY 2019-2023; Various Local Non-Profit Organizations. (Julie Sanchez, Program Manager, jjsanchez@santafenm.gov, 955-6678)

[Item 10c.pdf](#)

d) Request for Approval and Recommendation of Award for Professional Services Agreement in the Amount of \$108,183.72, Exclusive of NMGR, for the Airport Road Traffic Signal Optimization/Progression Analysis; Lee Engineering. (John Romero, PW Engineering Division Director, jromero1@santafenm.gov, 955-6638)

[Item 10d.pdf](#)

e) Request for Approval of Amendment No. 1 in the Amount of \$25,122, Inclusive of NMGR, for Payment of Audit Certification Fees Associated with Ameresco's Scope of Work to the New Mexico Energy, Minerals and Natural Resources Department (CIP #646A, Energy Conservation Measures (ECM'S) and Associated Work Project; Ameresco, Inc. (Jason M. Kluck, PW Project Administrator, jmkluck@santafenm.gov, 955-9537)

[Item 10e.pdf](#)

f) Request for Approval of Construction Services Contract Using New Mexico State Price Agreement #50-000-15-00072 in the Amount of \$329,781.21, Inclusive of NMGR, for Parking Lot Rehabilitation Using GRT Funds Appropriated by Council in 2018 for Work at Genoveva Chavez Community Center; GM Emulsions, LLC. (Curt E. Temple, Public Works Project Administrator, cetemple@santafenm.gov, 955-5935)

[Item 10f.pdf](#)

g) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$53,883.57, Including Gross Receipts Tax, for Annual Inspection, Cleaning and Repair of Structural Firefighting Personal Protective Equipment - Turnout Gear; Fire W.I.R.E. (Brian Moya, Health and Safety Officer, bjmoaya@santafenm.gov, 955-3511)

[Item 10g.pdf](#)

h) Request for Approval of Professional Services Agreement, in the Amount of \$1,600,000, for Advertising Agency of Record with Vladimir Jones. (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

[Item 10h.pdf](#)

i) Request for Approval of Professional Services Agreement in the Amount of \$100,000 for Marketing Services, \$50,000 to be Funded by Santa Fe County; Northern New Mexico Air Alliance (NNMAA). (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

[Item 10i.pdf](#)

j) Request for Approval of Professional Service Agreement, in the Amount of \$150,000, for CRM Software; Tempest/iDSS Global LLC. (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

[Item 10j.pdf](#)

k) Request for Approval of Amendment No. 1 for a Term Extension, for Developing a Plan in Santa Fe for the 21st Century Library System; Godfrey's Associates, Inc. (Jeffery Donlan, Interim Library Division Director, jpdonlan@santafenm.gov, 955-6788)

[Item 10k.pdf](#)

l) Request for Approval of Advertising Services Contract in the Amount of \$74,027.38, Inclusive of NMGR, for Advertising Services for the Environmental Services Division; Hutton Broadcasting. (Michaela Beggins, Program Manager, mkbeggins@santafenm.gov, 955-2227)

[Item 10l.pdf](#)

m) Request for Approval of Change Order No. 2 in the Amount of \$536,585.85, Inclusive of NMGR and Term Extension, for the Wastewater Management Division Anaerobic Digester Project-CIP #950; Bradbury Stamm Construction. (Alan MacGregor, Engineering Supervisor, asmacgregor@santafenm.gov, 955-4623)

[Item 10m.pdf](#)

n) Request for Approval of Amendment No. 3 for an Increased Amount of \$50,000, Exclusive of NMGR and Term Extension, for Field and Drafting Services; Louie Cordova, LLC. (Dee Beingsner, Engineer, dabeingsner@santafenm.gov, 955-4231)

[item 10n.pdf](#)

o) Request for Approval of Amendment No. 1 in the Amount of \$500,000, Exclusive of NMGR and Term Extension, for On-Call Engineering Services for Utility Projects; AECOM Technical Services, Inc. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

[Item 10o.pdf](#)

p) Request for Approval of Amendment No. 2 in the Amount of \$172,758, Exclusive of NMGR and Term Extension, for FY 19/20 Phase I Engineering and Permitting/Preliminary Design Evaluation for Reuse Pipeline from Paseo Real Waste Water Treatment Plant to Rio Grande; Carollo Engineers, Inc. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

[Item 10p.pdf](#)

q) Request for Approval of Change Order No. 2 in the Amount of \$1,626,562.50, Inclusive of NMGR and Term Extension, for the Priority Line Replacements Project – CIP #3054 for FY 19/20; Sub Surface Contracting, Inc. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)

[Item 10q.pdf](#)

r) Request for Approval of Amendment No. 3 in the Amount of \$216,625, Inclusive of NMGR and Term Extension, for FY 19/20 City Wide Water Utility Pavement Restoration; TLC Plumbing & Utility, Inc. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)

[Item 10r.pdf](#)

s) Request for Approval of Amendment No. 1 in the Amount of \$189,765.63, Inclusive of NMGR and Term Extension, for FY 19/20 Emergency Repair for Operations and Maintenance – CIP #956; Alpha Southwest, Inc. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)

[Item 10s.pdf](#)

t) Request for Approval of Amendment No. 1 in the Amount of \$100,000, Exclusive of NMGR; Office of Archaeological Studies. (Paul Duran, Archaeologist, paduran@santafenm.gov, 955-4234)

[Item 10t.pdf](#)

u) Request for Approval of Amendment No. 2 in the Amount of \$1,763,023.50, Exclusive of NMGR and Term Extension, for Security Services for the Water Division, Utility Billing Division and Parks & Recreation Department; Chavez Security. (Rick Carpenter, Interim Water Division Director, rrcarpenter@santafenm.gov, 955-4206)

[Item 10u.pdf](#)

v) Request for Approval of Amendment No. 1 in the Amount of \$700,000, Exclusive of NMGR and Term Extension, for Database, Development and Training & Support Services; Mountain River Consulting. (Kathy Valdez, Interim Utility Billing Division Director, ktvaldez@santafenm.gov, 955-4348)

[Item 10v.pdf](#)

w) Request for Approval of Amendment No. 2 in the Amount of \$148,000, Exclusive of NMGR and Term Extension, for FY 19/20 Financial Services; Financial Consulting Solutions Group, Inc. Formerly JMA Municipal Advisors, Inc. (Shannon Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)

[Item 10w.pdf](#)

x) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law in Case #2019-29, in which the Governing Body Approved the Application by Richard Martinez of Martinez Architecture

Studio PC, Agent, for Tracie and David Jansen, Owner, for a Development Plan for the Consignment Warehouse on 0.67 Acres at 1728 Camino Carlos Rey. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

[Itm 10x.pdf](#)

y) CONSIDERATION OF RESOLUTION NO. 2019 . (Finance Committee)
Request for Approval of a Budget Amendment Resolution for the Quarter Ending March 31, 2019 (Third Quarter). (Andy Hopkins, Finance, Senior Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

[Item 10y.pdf](#)

z) CONSIDERATION OF RESOLUTION NO. 2019- . (Councilor Ives)
A Resolution Approving the Design and Installation Plan for Banners Along Guadalupe Street Between Paseo De Peralta (South) and West Alameda. (Liz Camacho, Economic Development and Communication Administrator, excamacho@santafenm.gov, 955-6042)

[Item 10z.pdf](#)

aa) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Owl's Liquor for a Transfer of Ownership of Liquor License No. 0402, with Package Sales Only, from Yoon Investments, Inc. to Lenagom Investments, LLC. This License will Remain at Owl's Liquor, 913 Hickox Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

[Item 10aa.pdf](#)

bb) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Tourism Santa Fe for a Waiver of the 300-Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine for the Canyon Road Art and Wine Stroll to be Held on July 17, 2019 With Wine Service from 4:00 p.m. to 6:00 p.m. The Event will be Held on Canyon Road Between Delgado and Camino del Monte Sol (Road Closure). Portions of this Area are Within 300-feet of the Santa Fe Monthly Meeting of Friends (Quakers), 630 Canyon Road. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

[Item 10bb.pdf](#)

cc) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Tres Colores Restaurant, LLC, for a Restaurant Liquor License (Beer and Wine), With On-Premise Consumption Only and Sunday Sales by the Drink to be Located at Tres Colores, 101 W. Marcy Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

[Item 10cc.pdf](#)

dd) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Lucky Goat for the following:

1) Pursuant to §60-6B-10 NMSA 178, Consideration of a Waiver of the 300-Foot Location Restriction to Allow the Sale of Alcohol at Lucky Goat, 500 Sandoval Street, Which is Within 300-Feet of the Santa Fe Jewish Center Chabad, 230 W. Manhattan Avenue. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

2) If the Waiver of the 300-Foot Location Restriction is Granted, Consideration of a Restaurant Liquor License (Beer and Wine), With Patio Service and On Premise Consumption Only, to be Located at Lucky Goat, 500 Sandoval Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

[Item 10dd.pdf](#)

ee) Request for Approval to Publish Notice of Public Hearing on June 26, 2019:

- 1) Bill No. 2019-13: An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Councilor Abeyta) (Julie Sanchez, Program Manager, jjsanchez@santafenm.gov, 955-6678)
- 2) Bill No. 2019-15: An Ordinance Amending Section 11-13 to Increase Transparency Regarding Competitive Sealed Proposals and Competitive Sealed Qualifications Based Proposals and to Amend Citations to State Statutes. (Councilor Lindell, Councilor Villarreal and Councilor Rivera) (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
- 3) Bill No. 2019-16: An Ordinance Granting to Public Service Company of New Mexico (“PNM”), a New Mexico Corporation, a Franchise to Furnish Electricity Within the City of Santa Fe, Santa Fe County, New Mexico, and Granting to PNM the Right to Use Any Public Highway, Street, Alley, Road, or Other Public Place Within the Present or Future Municipal Limits of the City of Santa Fe. (Mayor Webber) (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

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

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

[Item 10ee-3.pdf](#)

11. REQUEST FOR APPROVAL TO SUSPEND GOVERNING BODY PROCEDURAL RULE 1.B(3), PER RESOLUTION NO. 2016-64

Request for Approval of the Memorandum of Understanding with New Mexico Office of the State Engineer for Access to City of Santa Fe Facility in Order to Monitor Irrigation Deliveries to Acequia del Llano. (Alan G. Hook, Water Resources Coordinator, aghook@santafenm.gov, 955-4205)

[Item 11.pdf](#)

12. SANTA FE HOMES PROGRAM (SFHP)

Revised Santa Fe Homes Program (SFHP) 2019 Pricing Schedule. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346) (INFORMATIONAL ONLY)

[Item 12.pdf](#)

13. MATTERS FROM THE CITY MANAGER

14. 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 New Mexico v. Aamodt, Case 6:66-cv-06639-WJ-WPL and an Offer to Settle a Financial Dispute with the City that is Not Yet Filed as Litigation. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

15. APPROVAL OF SETTLEMENT AGREEMENT

Approval of an Agreement Pursuant to Section 611(g) of Title VI of the Claims Resolution Act of 2010, as Partial Settlement of State of New Mexico v. Aamodt, Case 6:66-cv-06639-WJ-WPL. (Marcos D. Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512)

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

- Economic Development Advisory Committee
- Santa Fe Film and Digital Media Commission
- Santa Fe River Commission

[Item G.pdf](#)

H. PUBLIC HEARINGS

- 1) CONSIDERATION OF BILL NO. 2019-4: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Romero-Wirth)

An Ordinance Amending Section 25-4.3 SFCC 1987 Regarding the Commercial Water User Rebate Program to Ease the Application and Rebate Administration Process, and to Clarify Certain Sections of the Code. (Andrew Erdmann, Water Resource Coordinator, paerdmann@santafenm.gov, 955-4204)

[Item H1.pdf](#)

- 2) CONSIDERATION OF BILL NO. 2019-8: ADOPTION OF ORDINANCE NO. 2019- . (Mayor Webber)

An Ordinance Authorizing the Execution and Delivery of a Loan Agreement By and Between the City of Santa Fe and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount not to Exceed \$23,800,000, for the Purpose of Defraying the Cost of Refunding, Paying, and Refinancing the 2009 Loan Agreement Dated September 14, 2009 With the New Mexico Finance Authority (College of Santa Fe Acquisition); Providing for the Payment of the Loan Agreement from Certain Gross Receipts Tax Revenues Distributed to the City; Providing that the Loan Agreement Will Constitute a Subordinate Lien Upon the Pledged Gross Receipts Tax Revenues; Providing for the Distributions of Gross Receipts Tax Revenues from the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority or Its Assigns Pursuant to an Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Delegating Authority to the Mayor or, in the Mayor's Absence, the City Manager or Finance Director, to Approve the Final Principal Amount, Interest Rates and Other Details of the Loan Agreement Within the Parameters Set Forth in this Authorizing Ordinance, and to Execute and Deliver a Pricing Certificate Reflecting the Final Terms of the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement. (Bradley Fluetsch, Cash & Investment Officer, bjfluetsch@santafenm.gov, 955-6885)

[Item H2.pdf](#)

- 3) CONSIDERATION OF BILL NO. 2019-9: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Romero-Wirth)

An Ordinance Amending and Repealing Various Sections of the Election Code, Section 9-1 SFCC 1987, to Accommodate Recent Changes in State Law Governing Local Elections; and Enacting a New Provision of the Election Code to Authorize Either the City Clerk or the Ethics and Campaign Review Board to Adopt Rules Applying the Code. (Yolanda Y. Vigil, City Clerk, yvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

[Item H3.pdf](#)

- 4) CONSIDERATION OF BILL NO. 2019-10: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Romero-Wirth)

An Ordinance Amending Sections 9-3.5, 9-3.8, and 9-3.9 SFCC 1987 Regarding the Public Campaign Finance Code, Adjusting the City's Qualification Process for Public Financing to Reflect Recent Changes in State Law. (Yolanda Y. Vigil, City Clerk, yvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

[Item H4.pdf](#)

- 5) CONSIDERATION OF BILL NO. 2019-11: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Romero-Wirth)

An Ordinance Amending Section 9-2.4 to Remove Reference to a Repealed State Law; and Repealing Section 9-2.17. (Yolanda Y. Vigil, City Clerk, yvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

[Item H5.pdf](#)

- 6) CONSIDERATION OF BILL NO. 2019-7: ADOPTION OF ORDINANCE NO. 2019- . (Councilor Ives and Councilor Vigil Coppler)

An Ordinance Relating to the Land Development Code, Chapter 14, SFCC 1987: Amending Subsection 14-6.3(D)(1) to Permit On-Street Parking to Meet Parking Requirements for Accessory Dwelling Units, to Impose Limits on the Height and Setback for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Primary Dwelling Unit and Accessory Dwelling Unit Except for Short Term Rental Unit, Voiding Existing Restrictive Covenants Set Forth in Ordinance 2008-5; and Making Such Other Stylistic or Grammatical Changes as are Necessary. (Carol Johnson, Land Use Department Director, crjohnson@santafenm.gov, 955-6617) (Postponed to June 26, 2019)

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.