



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 09, 2020
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 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 (Live): 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/92174323176?pwd=eXAvQ0lJTk1OTlFPRnVOQ2FDMHdpQT09>.

Passcode: 790263

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: 921 7432 3176 - Passcode: 790263**

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

AFTERNOON SESSION - 4:00 P.M.



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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 – November 10, 2020
 - b. Special Governing Body – November 18, 2020
9. **PRESENTATIONS**
10. **CONSENT CALENDAR**
 - a. Request for Approval of a Non-Client Agreement Collaborative Member Agency in the Total Amount of \$390,000 for Opiate Outreach Services; New Mexico Behavioral Health Services Division via Falling Colors. (Andres J. Mercado, Battalion Chief - MIH, ajmercado@santafenm.gov, 955-3604)
 - b. Request for Approval of State Price Agreement #70-000-16-00034AC in the Total Amount of Nine Hundred Ninety-Five Thousand Dollars (\$995,000) for the Purchase of a Ladder Truck from 411 Equipment, LLC. (Brian Moya, Health and Safety Officer, bjmoya@santafenm.gov, 955-3111)
 - c. Request for Approval of State Price Agreement #70-000-16-00034AE in the Total Amount of One Hundred Forty-Five Thousand Nine Hundred Sixty-Eight Dollars (\$145,968) for the Purchase of a Brush Truck and Equipment from



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- 411 Equipment, LLC. (Brian Moya, Health and Safety Officer, bjmoya@santafenm.gov, 955-3111)
- d. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$76,484.62 from the Water Enterprise Cash Balance to the Unused 2020 Balance of the Alpha SW Contract. (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 955-4373)
- e. Request for Approval to Join the San Juan Chama Contractors Association for an Annual Amount of \$2,615. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
- f. Request for Approval of Professional Services Contract with LSC Transportation Planning, Inc for the Purpose of Developing a Multi-Modal Transition Plan for the City of Santa Fe Not to Exceed \$225,000 Starting December 1, 2020 and Terminating on April 30, 2022. (Erick J. Aune, Santa Fe MPO Officer, ejaune@santafenm.gov, 955-6664)
- g. Request for Approval to Enter Into a Grant Agreement with the New Mexico Environment Department to Provide Reimbursable Funding for Electric Vehicle Charging Stations at the City's Public Parking Garages; the Grant Funds are Reimbursable in the Total Amount of \$26,303. (Neal Denton, Sustainability Planner, Environmental Services Department, nhdenton@santafenm.gov, 955-2229)
- h. CONSIDERATION OF RESOLUTION NO. 2020-____. (Mayor Webber)
A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 55th Legislature – State of New Mexico – First Session, 2021. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622 and Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)
- i. Request for Approval of the Budget Amendment Resolution-North Central New Mexico Economic Development District-Non Metro Area Agency on Aging Covid-19 CARES Federal Sub-Award. Item # 20-0591 (Munis Contract #3202384) in the Amount of \$166,644.57. The Covid-19 CARES Federal Sub-Award Grant Funds Will be Utilized to Provide Services to Our Eligible Senior Clientele Who Receive In-Home Support, Transportation, and Nutrition. (Gino



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Rinaldi, Senior Services Division Director,
earinaldi@santafenm.gov, 955-4710)

- j. Request to Publish Notice of Public Hearing on January 13, 2021.
BILL NO. 2020-35. An Ordinance Amending Section 16-15.2 SFCC 1987 to Remove the Possibility of Imprisonment for the Conviction of a Violation of the Section. (Councilor Rivera, Councilor Cassutt-Sanchez, Councilor Villarreal, and Councilor Garcia) (Kyle Hibner, City Prosecutor, kjhibner@santafenm.gov, 955-5195)
- k. CONSIDERATION OF RESOLUTION NO. 2020-____. (Councilor Garcia and Councilor Vigil Coppler)
A Resolution Adopting the City of Santa Fe Mitigation Plan. (Kyle Mason, Emergency Management Director, kamason@santafenm.gov, 955-6704)
- l. CONSIDERATION OF RESOLUTION NO. 2020-____. (Mayor Webber, Councilor Villarreal, Councilor Cassutt-Sanchez, Councilor Lindell, and Councilor Romero-Wirth)
A Resolution Urging the New Mexico State Legislature to Establish a State Public Bank, Owned By and For the People of New Mexico, During the 2021 Legislative Session. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

11. DISCUSSION/ACTION ITEMS

- a. Request for Approval of a Settlement Agreement with Gail Gilbert to Resolve Issues Related to Two Administrative Appeals Concerning Remodeling and Construction Projects at 503 Camino del Monte Sol, which is Located within the Downtown and Eastside Historic District, Case Nos. D-101-CV-2019-02819 and D-101-CV-2020-00979 (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)
- b. Request for Approval of Santa Fe Trails Agency Safety Plan. (Thomas Martinez, Transit Director of Operations, tamartinez@santafenm.gov, 955-2006 and David A. Chapman, Grant Administrator – Writer, dachapman@santafenm.gov, 955-2010)



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- c. CONSIDERATION OF RESOLUTION NO. 2020-____. (Councilor Villarreal)
A Resolution Extending the Earlier Start Time of Afternoon Sessions of Governing Body Meetings to 4:00 P.M. and Evening Sessions of Governing Body Meetings to 6:00 P.M. Through the June 30, 2021 Governing Body Meeting. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)
- d. CONSIDERATION OF RESOLUTION NO. 2020-____. (Councilor Lindell, Councilor Abeyta, Councilor Rivera, Councilor Vigil Coppler, Councilor Villarreal, and Councilor Garcia)
A Resolution in Support of the National Veteran Cemetery Administration's Veterans Legacy Program. (Julie Sanchez, Youth and Family Services Division Director, jjsanchez@santafenm.gov, 955-6678)
- e. Request for Approval of Amendment #1 to Service Contract 19-0653, Extending the Term Through 12/31/2021 and Increasing the Compensation by \$325,000 Plus NMGRT for On-Call Urban Planning and Economic Analysis Services; Strategic Economics. (Sam Burnett, Public Works Property Maintenance Manager, jdburnett@santafenm.gov, 955-5933)

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

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, Specifically the American Medical Response Ambulance Service, Inc., Public Regulations Commission Case 20-00125-TRM and Joining an Amicus with the City of Los Angeles and Other Local Governments in Support of the State of New Jersey and the Mexican American Legal Defense and Educational Fund (MALDEF) in an Appeal From the Southern District Court of Texas to the Fifth Circuit Court of Appeals in State of Texas v. United States (S.D. Tex. 1:18-cv-00068). (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512).

14. EXECUTIVE SESSION ACTION ITEMS

- a. Approval of a Settlement Agreement to Dismiss the City's Interest in American Medical Response Ambulance Service, Inc., Public Regulations Commission



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Case 20-00125-TRM. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303 and Michael J. Suber, Medical Officer, Santa Fe Fire Department, mjsuber@santafenm.gov, 955-3603)

- b. Approval to Join an Amicus Brief with the City of Los Angeles and Other Local Governments in Support of the State of New Jersey and the Mexican American Legal Defense and Educational Fund (MALDEF) in Their Intervention and an Appeal to the Fifth Circuit Court of Appeals in State of Texas v. United States (S.D. Tex. 1:18-cv-00068). (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

15. **MATTERS FROM THE CITY CLERK**

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

EVENING SESSION - 6:00 P.M.

17. **ROLL CALL**

18. **PETITIONS FROM THE FLOOR**

19. **APPOINTMENTS**

- a. Occupancy Tax Advisory Board

20. **PUBLIC HEARINGS**

- a. CONSIDERATION OF BILL NO. 2020-34. ADOPTION OF ORDINANCE 2020-____. (Councilor Rivera and Councilor Cassutt-Sanchez)
An Ordinance Amending Section 2-4.6 SFCC 1987 to Allow the City Manager to Enter Agreements Accepting Funds that Are Offered to the City Without Time to Place the Agreements on the Next Scheduled Governing Body Meeting, with Ratification by the Governing Body at the Next Scheduled Meeting for which the Deadline to Include the Matter on an Agenda Has Not Yet Passed; and Amending Section 11-4 to Allow the City Manager to Approve Grant Applications, Grant Awards, Grant Match Requirements, and Grant Agreements in Any Amount if the Deadline to Approve Such Documents Occurs Before the Deadline to Include the Application or Award on the Agenda



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for the Governing Body's Next Regularly Scheduled Meeting, with Ratification by the Governing Body at the Next Scheduled Meeting for Which an Agenda Has Not Yet Been Posted. (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

- b. Request for Approval of a Resolution and Bill Related to Impact Fees. (Carlos Gemora, Planner Senior, cegemora@santafenm.gov, 955-6670)
 1. CONSIDERATION OF RESOLUTION NO. 2020-____. (Mayor Webber)
A Resolution Adopting the "Impact Fee Capital Improvements Plan 2021-2027 for Roads, Parks, Fire/EMS, and Police" to Update the City's Impact Fee Capital Improvement Plan, Land Use Assumptions, and Impact Fees, as Required by the State Development Fees Act, NMSA 1978, Section 5-8-30.
 2. CONSIDERATION OF BILL NO. 2020-33. ADOPTION OF ORDINANCE 2020-____. (Mayor Webber)
An Ordinance Amending Section 14-8.14(C) SFCC 1987 to Add a Reference to the Impact Fee Service Area; Amending Section 14-8.14(E) to Adopt a New Impact Fee Schedule and Clarify Appropriate Land Use Categories as they Relate to Impact Fee Collection; Amending Section 14-8.14(G) to Add a Reference to the Impact Fee Service Area; Amending Section 14-8.14(J) to Add a Reference to the Impact Fee Service Area; Adding a Service Area Map as Exhibit F in the Appendix to the Land Development Code; and Establishing an Effective Date.
- c. CONSIDERATION OF BILL NO. 2020-32. ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal)
An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of One Thousand (1000) Short-Term Rental Permits in the City, to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person, to Prospectively Limit the Proximity of Short-Term Rental Units, to Require a Local Operator for Short-Term Rental Units, to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms, and to Clarify Other Provisions of the Short-Term Rental Ordinance; Amending the Land Use Code Definitions in Section 14-12.1 SFCC 1987 as They Relate to Short-Term Rental Units; Amending the Table of Permitted Uses, Table 14-6.1-1, Regarding Short-Term Rental Units; [and] Amending Section 12-2.3 SFCC 1987 to Clarify That a Short-Term Rental Unit



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is not a Group R-1 Occupancy for Purposes of Fire Inspections; and Amending Section 18-10.4 SFCC 1987 to Dedicate a Portion of the Municipal Gross Receipts Tax Generated from the Rental of Short-Term Rental Units to the Affordable Housing Trust Fund. (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

21. 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.