



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 27, 2021  
4:00 PM  
ATTEND VIRTUALLY

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## 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 <https://santafe.primegov.com/public/portal>.

**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/96515256787?pwd=VktqZzk3Sjd5RHplUEpHWUNpYjE5QT09>

**Passcode: 434212**

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:965 1525 6787 - Passcode: 434212**

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**

Councilor Cassutt-Sanchez

3. **SALUTE TO THE NEW MEXICO FLAG**

Councilor Lindell

4. **INVOCATION**

Councilor Romero-Wirth

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Special Governing Body Meeting – January 4, 2021
- b. Regular Governing Body Meeting – January 13, 2021

9. **PRESENTATIONS**

- a. Department Update on Phase 1-A Arroyo Chamiso Crossing Study. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622) **INFORMATION ONLY**

10. **CONSENT CALENDAR**

- a. **CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_.** (Mayor Webber)



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A Resolution in Support of Senate Resolution 372 and House Resolution 835 and in Support of the 30 by 30 Campaign to Protect 30 Percent of Lands and Ocean by 2030. (Neal Denton, Sustainability Planner, [nhdenton@santafenm.gov](mailto:nhdenton@santafenm.gov), 955-2229)

**COMMITTEE REVIEW**

Quality of Life Committee – 01/20/21

Public Works and Utilities Committee – 01/25/21

- b. Request for Approval of Buckman Direct Diversion Shared Pool Agreement with Santa Fe County. (Jesse Roach, Water Division Director, [jdroach@santafenm.gov](mailto:jdroach@santafenm.gov), 955-4309)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- c. Request for Approval of Amendment No. 3 in the Amount of \$570,000 to Original Contract No. 19-0031 for On-Call Construction with GM Emulsion LLC. (Randy Lopez, Transmission and Distribution Supervisor, [rjlopez@santafenm.gov](mailto:rjlopez@santafenm.gov), 955-4246)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- d. Request for Approval of a Budget Amendment Resolution (BAR) from Cash Balance in Water Enterprise Fund to Fund the GM Emulsion LLC. Amendment No. 3 for On-Call Paving. (Randy Lopez, Transmission and Distribution Supervisor, [rjlopez@santafenm.gov](mailto:rjlopez@santafenm.gov), 955-4246)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- e. Request for Approval of Wastewater Collections Department Replacement Vehicle in the Total Amount of \$80,859.85 for Crane Assisted Sewer Repairs; Chalmers Ford Commercial Vehicles. (Michael Dozier, Wastewater Director, [mldozier@santafenm.gov](mailto:mldozier@santafenm.gov), 955-4642)

**COMMITTEE REVIEW:**



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Public Works and Utilities Committee: 01/11/21  
Finance Committee: 01/19/21

- f. Request for Approval of a Budget Amendment Resolution (BAR) to Move Funds from the Cash Balance WWMD Enterprise to the Wastewater Collections Vehicles Fund. (5000362.570950) to Purchase Replacement Unit for Fixed Asset No. 52913, 2007 F450 4X4 with Crane. (Mike Dozier, Wastewater Division Director, mldozier@santafenm.gov, 955-4642)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 01/11/21  
Finance Committee: 01/19/21

- g. Request for Approval of Amendment No. 3 to Mountain River's 4-Year Contract Adding Additional Funding Through June 30, 2021 in the Amount of \$350,000. (Nancy Jimenez Utility Billing Division Director, nljimenez@santafenm.gov, 955-4364)

1. Request for Approval of Budget Amendment Resolution to Fund Amendment No. 3 to Mountain River's 4-Year Contract.

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 12/14/20  
Finance Committee: 01/19/21

- h. Request for Approval of a BAR to Move Funds from the Cash Balance Enterprise Funds: Water Fund 505 in the Amount of \$100,000 and WWMD 500 in the Amount of \$100,000 to the Affordable Housing Trust Fund (2402750.501500) to Reimburse the Developer of the Siler Yard Apartment Community for the Cost of the Water Infrastructure for a Total Amount of \$200,000. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

**COMMITTEE REVIEW:**

Public Works and Utilities: 12/14/2020  
Finance Committee: 01/19/2021

- i. CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_. (Councilor Garcia, Councilor Vigil-Coppler, and Councilor Romero-Wirth)



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A Resolution Re-Establishing the Bicycle and Trail Advisory Committee.  
(Romella Glorioso-Moss, Projects Administrator, rsglorioso-  
moss@santafenm.gov, 955-6623)

**COMMITTEE REVIEW:**

Finance Committee: 01/19/21

Quality of Life Committee: 01/20/21

j. **Request to Publish Notice of Public Hearing on February 24, 2021.**

Consideration of Bill No. 2021-\_\_\_: An Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance (“UTO”); Amending Various Sections to Insert a Clause Stating that a Person Who Violates a Provision of the Particular Section is Guilty of a Penalty Assessment Misdemeanor; Creating a New Subsection 12-6-12.2A to Establish a Charge for Driving While Intoxicated with a Minor in the Vehicle; Amending Subsection 12-6-12.6 to Remove References to Driving When Privilege to do so Has Been Revoked; Creating a New Subsection 12-6-12.6A to Establish a Charge for Driving While License is Administratively Suspended; Creating a New Subsection 1-6-12.6B to Establish a Charge for Driving When the Privilege to do so Has Been Revoked; Amending Subsection 12-6-13.11 to Establish a Fine for Littering; Amending Subsection 12-10-4.1 to Permit the Use of a Portable Electronic Device to Show Proof of Insurance; Amending Schedule A of the UTO to Add the Fines Associated with the Addition of the Penalty Assessment Misdemeanor Provisions; and Amending Section 24-1.1 SFCC 1987 to Add the UTO as an Exhibit A to the end of Chapter 24, SFCC 1987. (Councilor Rivera) (Kyle Hibner, City Prosecutor, kjhibner@santafenm.gov, 955-5195)

**COMMITTEE REVIEW:**

Finance Committee: 01/19/21

Quality of Life Committee: 01/20/21

Governing Body (Request to Publish): 01/27/21

Governing Body (Public Hearing): 02/24/21

11. **DISCUSSION/ACTION ITEMS**

- a. Request for Approval of a Memorandum of Understanding with the Santa Fe Public Schools, No Financial Responsibility, Volunteer Station Agreement for the Foster Grandparent Program; Santa Fe Public Schools. (Anya Alarid, Interim Program Manager, aalarid@santafenm.gov, 955-4744)



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- b. **Request to Publish Notice of Public Hearing on February 24, 2021.**  
Consideration of Bill No. 2021-\_\_\_\_: An Ordinance Approving Global Management Performance Contract with Dalkia Energy Solutions, LLC, Subject to City Council Approval of a Separate Financing Transaction to Finance the Cost of the Global Management Performance Contract. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera) (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee – 01/25/21  
Governing Body (Request to Publish) – 01/27/21  
Finance Committee – 02/15/21  
Governing Body (Public Hearing) – 02/24/21

- c. **Request to Publish Notice of Public Hearing on February 24, 2021.**  
Consideration of Bill No. 2021-\_\_\_\_: An Ordinance Accepting Investment Grade Audit Report and Approving Energy Savings Performance Contract with Yearout Energy Services, LLC, Subject to City Council Approval of a Separate Financing Transaction to Finance the Cost of the Energy Savings Performance Contract. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)(Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee – 01/25/21  
Governing Body (Request to Publish) – 01/27/21  
Finance Committee – 02/15/21  
Governing Body (Public Hearing) – 02/24/21

- d. **Request to Publish Notice of Public Hearing on February 24, 2021.**  
Consideration of Bill No. 2021-\_\_\_\_: An Ordinance Approving Lease-Purchase Agreement and Escrow Agreement with Sterling National Bank for the Purpose of Financing the Installation of Energy Efficiency Measures in City Facilities Pursuant to the Energy Savings Performance Contract with Yearout Energy Services, LLC and the Global Management Performance Contract with Dalkia Energy Solutions, LLC. (Mayor Alan Webber, Councilor Lindell and



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Councilor Rivera) (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

## **COMMITTEE REVIEW:**

Public Works and Utilities Committee – 01/25/21

Governing Body (Request to Publish) – 01/27/21

Finance Committee – 02/15/21

Governing Body (Public Hearing) – 02/24/21

## 12. **MATTERS FROM THE CITY MANAGER**

- a. Covid Updates

## 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), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is a Party, Including a Quarterly Litigation Update and Discussion of a Proposed Amendment to the Settlement Agreement between the City of Santa Fe, Century Bank, Artyard Condominium Association and the Santa Fe Railyard Community Corporation, which Previously Dismissed Case D-101-CV-2016-01773. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

## 14. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval of an Amended Settlement Agreement between the City of Santa Fe, Century Bank, Artyard Condominium Association and the Santa Fe Railyard Community Corporation, Removing Certain Restrictions on Railyard Parcel B-1 in Exchange for a Parking Agreement with the City and an Amended Lease Agreement with the Santa Fe Railyard Community Corporation. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

## 15. **MATTERS FROM THE CITY CLERK**

## 16. **COMMUNICATIONS FROM THE GOVERNING BODY**



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## EVENING SESSION - 6:00 P.M.

17. **ROLL CALL**
18. **PETITIONS FROM THE FLOOR**
19. **APPOINTMENTS**
  - a. Mayor's Youth Advisory Board
20. **PUBLIC HEARINGS**
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.