



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
FEBRUARY 24, 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 in excess of those permitted in the current Public Health Order, 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/92434805597?pwd=S1NPZkVWUlhJR3FsbFRIVENUdW5kZz09>.

**Passcode: 421605**

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



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Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 924 3480 5597 - Passcode: 421605**

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.**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**

Councilor Garcia

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

Councilor Rivera

4. **INVOCATION**

Councilor Cassutt-Sanchez

5. **ROLL CALL**
6. **APPROVAL OF AGENDA**
7. **APPROVAL OF CONSENT CALENDAR**
8. **APPROVAL OF MINUTES**

- a. Special Governing Body Meeting – December 1, 2020
- b. Special Governing Body Meeting – January 21, 2021
- c. Regular Governing Body Minutes – January 27, 2021
- d. Special Governing Body Meeting – February 1, 2021
- e. Regular Governing Body Meeting – February 10, 2021



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## 9. PRESENTATIONS

- a. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, [jlapanhill@santafenm.gov](mailto:jlapanhill@santafenm.gov), 955-6848 and Kyra Ochoa, Interim Director of Community Health and Safety, [krochoa@santafenm.gov](mailto:krochoa@santafenm.gov), 955-6603)  
**INFORMATION ONLY**
- b. Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report (Rich Brown, Director, Community & Economic Development Department, [rdbrown@santafenm.gov](mailto:rdbrown@santafenm.gov), 955-6625 and Daniel Hernandez, Project Director at Proyecto LLC, Andrea Salazar, Assistant City Attorney, [asalazar@santafenm.gov](mailto:asalazar@santafenm.gov), 955-6303) **INFORMATION ONLY**

## 10. CONSENT CALENDAR

- a. Request for Approval of the Use of the 2018 NMGRT Reallocation of \$322,190 Capital Funds from the GCCC Mezzanine Project within Public Works for the Purchase of a Replacement Street Sweeper for the Streets Division. (Thomas Martinez, Interim Transit Director Streets Division, [tamartinez@santafenm.gov](mailto:tamartinez@santafenm.gov), 955-2402)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/08/21

Finance Committee: 02/15/21

Governing Body: 02/24/21

- b. CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_. (Mayor Webber, Councilor Villarreal, Councilor Rivera, and Councilor Vigil Coppler)  
A Resolution Designating the First Monday in March as "COVID-19 Memorial Day" in Remembrance of Those Who Have Lost Their Lives and in Honor of Those Who Continue to Suffer From the Impact of the Virus; and Urging Residents to Continue Taking Preventative Measures to Mitigate the Spread of the Virus. (Jesse Guillen, Legislative Liaison, [jbguillen@santafenm.gov](mailto:jbguillen@santafenm.gov), 955-6518)

**COMMITTEE REVIEW:**

Finance Committee: 02/15/21

Quality of Life Committee: 02/17/21

Governing Body: 02/24/21



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- c. Request for Approval of a Budget Increase (BAR) for the Purchase of Four Collection Vehicles, in the Total Amount of \$945,329; Rush Truck Center & Bruckner's Truck Sales Via the Cooperative Education Services and Chalmers Ford Via the Statewide Price Agreement. (Shirlene Sitton, ESD Division Director, [sesitton@santafenm.gov](mailto:sesitton@santafenm.gov), 955-2209)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/8/2021

Finance Committee: 02/15/2021

Governing Body: 02/24/2021

- d. Request for Approval of the Purchase of Four Collection Vehicles, in the Total Amount of \$945,329; Rush Truck Center & Bruckner's Truck Sales Via the Cooperative Education Services and Chalmers Ford Via the Statewide Price Agreement. (Shirlene Sitton, ESD Division Director, [sesitton@santafenm.gov](mailto:sesitton@santafenm.gov), 955-2209)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/8/2021

Finance Committee: 02/15/2021

Governing Body: 02/24/2021

- e. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$250,000 in FY21 to Wildland Fire Operations Including 15 Temporary Seasonal Wildland Employees. (Brian Moya, Assistant Fire Chief, [bjmoya@santafenm.gov](mailto:bjmoya@santafenm.gov), 955-3111)

**COMMITTEE REVIEW:**

Finance Committee: 02/15/2021

Quality of Life Committee: 02/17/2021

Governing Body: 02/24/2021

- f. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$62,000 FY21 to Fund the Consultant Team that Will Facilitate the Culture, History, Art, Reconciliation, and Truth (CHART) Process. (Pauline Kamiyama, Arts and Culture, [pkkamiyama@santafenm.gov](mailto:pkkamiyama@santafenm.gov), 955-6653 and Kristine Mihelcic, Director of Public Engagement, [kmmihelcic@santafenm.gov](mailto:kmmihelcic@santafenm.gov), 955-6846)

**COMMITTEE REVIEW:**

Finance Committee: 02/15/2021

Public Works and Utilities Committee: 02/22/2021



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Governing Body: 02/24/2021

- g. Request for Approval of Professional Services Contract (MUNIS Contract #3202481) with Santa Fe Conservation Trust for the Development of a Safe Routes to School Program Not to Exceed \$293,406 Funded by a Federal Transportation Alternative Program Grant. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-2105 and Erick Aune, Santa Fe MPO Senior Planner, ejaune@santafenm.gov, 955-6664)

**COMMITTEE REVIEW:**

Finance Committee: 02/15/2021

Public Works & Utilities Committee: 02/22/2021

Governing Body: 02/24/2021

- h. Request for Approval of Amendment #1 to Original Service Contract 20-0263 with FacilityBUILD, Inc. to Increase Compensation in the Amount of \$445,000 for Design/Build Services on a New Restroom in Downtown Santa Fe. (Curt E. Temple, Facilities Division Project Administrator, cetemple@santafenm.gov, 955-5937)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/08/2021

Finance Committee: 02/15/2021

Governing Body: 02/24/2021

- i. Request for Approval of the Purchase of Two Automated Side Load Collection Vehicles in the Total Amount of \$743,982 for Residential Recycling and Waste Collection Services; Rush Truck Center Via the Cooperative Education Services. (Shirlene Sitton, ESD Division Director, sesitton@santafenm.gov, 955-2209)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/8/2021

Finance Committee: 02/15/2021

Governing Body: 02/24/2021

- j. Request for Approval of Amendment No. 1 to MOA with the Santa Fe County in the Total Amount of \$0 for the Jointly Funded SF Film Office. (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/08/2021

Finance Committee: 02/15/2021



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Governing Body: 02/24/2021

- k. CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_. (Councilor Vigil Coppler, Councilor Garcia, and Councilor Villarreal)  
A Resolution Requiring Governing Body Approval Prior to Announcing the Availability of Any City-Owned Land, Buildings, or Other Real Property for Sale.  
(Andrea Salazar, Assistant City Attorney; asalazar@santafenm.gov, 955-6303 and Rich Brown, Economic and Community Development Director, rdbrown@santafenm.gov, 955-6625)

**COMMITTEE REVIEW:**

Public Works and Utilities Committee: 02/8/21

Governing Body: 02/10/21

Finance Committee: 02/15/21

Governing Body: 02/24/21

11. **DISCUSSION/ACTION ITEMS**

- a. CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_. (Finance Committee)  
A Resolution Requesting Approval of Second Quarter Budget Amendments for Fiscal Year 2020-2021. (Andy Hopkins, Principal Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

**COMMITTEE REVIEW:**

Finance Committee: 02/15/21

Governing Body: 02/24/21

- b. Request for Authority for the City Attorney's Office to Finalize Terms, and Mayor to Execute, a Cost Sharing Agreement with the County of Santa Fe and Las Campanas Water and Sewer Cooperative for the Lease-Purchase of Energy Efficiency Equipment and Improvements to be Performed Under the Energy Savings Performance Contract with Yearout Energy to Reduce the Energy Use of the Buckman Direct Diversion Project, Consistent with the Terms of the Parties' Joint Powers Agreement. (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622)

**COMMITTEE REVIEW:**

Governing Body: 02/24/2021



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- c. Request for Approval of an Agreement with the Buckman Direct Diversion (“BDD”) Board Allowing for the Installation of Energy Efficiency Equipment and Improvements at the BDD Project and Providing for the Transfer of Such Equipment and Improvements to the BDD Board. (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622)

**COMMITTEE REVIEW:**

Governing Body: 02/24/2021

- d. Request for Approval of an Agreement with the Estate of Tobin Williams for a Settlement Amount of \$500,000. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

**COMMITTEE REVIEW:**

Governing Body: 02/24/2021

**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), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe is a Party, Including, but not Limited to, Albuquerque City of, et al., v. New Mexico Taxation and Revenue Department, et al., D-202-CV-2018-08036, Regarding Historic Calculations and Distributions of Gross Receipts Taxes. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

**14. MATTERS FROM THE CITY CLERK**

**15. COMMUNICATIONS FROM THE GOVERNING BODY**

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

**16. ROLL CALL**

**17. PETITIONS FROM THE FLOOR**

**18. APPOINTMENTS**



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- a. Mayor's Youth Advisory Board – Miguel Angel Gonzalez Moreno

## 19. PUBLIC HEARINGS

- a. CONSIDERATION OF BILL NO. 2021-1. ADOPTION OF ORDINANCE NO. 2021-\_\_\_\_. (Councilor Rivera)

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. (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

- b. CONSIDERATION OF BILL NO. 2021-2. ADOPTION OF ORDINANCE NO. 2021-\_\_\_\_. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)

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

**COMMITTEE REVIEW:**



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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. CONSIDERATION OF BILL NO. 2021-3. ADOPTION OF ORDINANCE NO. 2021-\_\_\_\_. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)  
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. (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  
Public Works and Utilities Committee: 02/08/21  
Finance Committee: 02/15/21  
Governing Body (Public Hearing): 02/24/21

- d. CONSIDERATION OF BILL NO. 2021-4. ADOPTION OF ORDINANCE NO. 2021-4. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)  
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. (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  
Public Works and Utilities Committee: 02/08/21  
Finance Committee: 02/15/21  
Governing Body (Public Hearing): 02/24/21

20. **ADJOURN**

**UPCOMING PUBLIC HEARINGS**



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Meeting Date – March 10, 2021

**CONSIDERATION OF BILL NO. 2021-5. ADOPTION OF ORDINANCE NO. 2021-\_\_\_\_.** (Councilor Cassutt-Sanchez, Councilor Abeyta and Councilor Villarreal)

An Ordinance Amending Section 7-1.1 SFCC 1987 to Adopt the Newest Version of the International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division; and Amending Section 7-4.2 SFCC 1987, City of Santa Fe Green Building Code, to Update Code References in Conjunction with the Adoption of the 2018 International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division. (Jason Kluck, Assistant Planning and Land Use Director, [jmkluck@santafenm.gov](mailto:jmkluck@santafenm.gov), 955-6729)

Publication Date – February 17, 2021

**COMMITTEE REVIEW:**

Quality of Life Committee: 02/3/21

Public Works and Utilities Committee: 02/8/21

Governing Body (request to publish): 02/10/21

Governing Body (public hearing): 03/10/21

**City of Santa Fe Fiscal Year 2021 Annual Operating Budget Presentation and Fiscal Year 2022 Annual Operating Budget Public Hearing.** (Mary McCoy, Finance Director, [mtmccoy@santafenm.gov](mailto:mtmccoy@santafenm.gov), 955-6171)

**COMMITTEE REVIEW:**

Governing Body: 03/10/2021

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.