



# AGENDA

**SPECIAL MEETING OF  
THE GOVERNING BODY  
FEBRUARY 01, 2021  
12:00 PM  
ATTEND VIRTUALLY**

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## **SPECIAL PROCEDURES FOR SPECIAL 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 Special 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.

**Agenda:** The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **SALUTE TO THE NEW MEXICO FLAG**
4. **INVOCATION**
5. **ROLL CALL**
6. **APPROVAL OF AGENDA**



City of Santa Fe

# AGENDA

**SPECIAL MEETING OF  
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FEBRUARY 01, 2021  
12:00 PM  
ATTEND VIRTUALLY**

## 7. DISCUSSION/ACTION ITEMS

- a. CONSIDERATION OF RESOLUTION NO. 2021-\_\_\_\_. (Mayor Webber)  
A Resolution Extending the State of Emergency Proclaimed by Mayor Alan Webber on January 30, 2021, COVID-19 Emergency Proclamation VII, by Fifty-Six (56) Days, Pursuant to Section 20-1.2 SFCC. (Erin K. McSherry, City Attorney, [ekmsherry@santafenm.gov](mailto:ekmsherry@santafenm.gov), 955-6512)

## 8. 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.

<b>RECEIVED AT THE CITY CLERK’S OFFICE</b>	
<b>DATE:</b>	<b>January 8, 2021</b>
<b>TIME:</b>	<b>2:07 PM</b>

**SUMMARY INDEX**  
**Governing Body**  
**February 1, 2021**

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3. Salute to the State Flag	Led by Councilor Cassutt-Sanchez	1
4. Invocation	Led by Councilor Garcia	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Discussion/Action Items		
a) Emergency Proclamation Extension	Approved as proposed	2-8
8. Adjournment	Adjourned at 12:53 pm	9

**Minutes of the  
Special Meeting of the Governing Body  
Thursday, February 1, 2021  
Virtual Meeting at 12 Noon**

**1. CALL TO ORDER**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Monday, February 1, 2021, at approximately 12:03 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilor Romero-Wirth.

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

The Salute to the New Mexico Flag was led by Councilor Cassutt-Sanchez.

**4. INVOCATION**

The Invocation was led by Councilor Garcia.

The Governing Body observed a moment of silence for those who have recently died and their grieving families and those suffering from COVID or other diseases. We wish them well.

**5. ROLL CALL**

Roll call indicated the presence of a quorum remotely, as follows:

Members Present Remotely

Mayor Alan Webber  
Councilor Roman "Tiger" Abeyta  
Councilor Jamie Cassutt-Sanchez  
Councilor Michael J. Garcia  
Councilor Signe Lindell  
Councilor Christopher M. Rivera  
Councilor Carol Romero-Wirth  
Councilor JoAnne Vigil Coppler

Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager

Erin McSherry, City Attorney

Kristine Bustos-Mihelcic, City Clerk

Kyra Ochoa, Interim Director of Community Health and Safety

Bernadette Salazar, Human Resources Director

Carl Boaz, Council Reporter

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the agenda as published.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

**7. DISCUSSION/ACTION ITEMS**

a. CONSIDERATION OF RESOLUTION NO 2021-9. (Mayor Webber).

A Resolution extending the State of Emergency Proclaimed by Mayor Alan Webber on January 30, 2021, COVID-19 Emergency Proclamation VII, by Fifty-Six (56) Days, Pursuant to Section 20-1.2 SFCC. (Erin K. McSherry, City Attorney), [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 955-6512)

Ms. Bustos-Mihelcic read the caption.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Garcia, to approve Resolution 2021-8 as presented.

**Discussion on the motion:**

Councilor Abeyta asked Staff for clarification on the bags. He noted there is confusion about whether stores are allowed to charge the bag fee.

Ms. McSherry said the proclamation or orders issued a few proclamations ago, lifted enforcement of the single use ban on use of plastic bags for grocery stores and supermarkets specifically as defined as those whose majority of sales are food products. With much more information about transmission of COVID, there

is concern about transmission from surfaces and therefore, concern about customers using their own bags. This Order stops the rescinding of enforcement – puts the enforcement back into place. However, stores can choose not to handle customers' reusable bags, but customers may be allowed to fill their own reusable bags.

Councilor Abeyta reasoned that stores could charge ten cents for each of the bags.

Ms. McSherry agreed. The resumption of enforcement would begin on May 7, 2021.

Councilor Abeyta understood that people could use their own bags, but the store could require them to fill their own bags.

Councilor Romero-Wirth spoke "on that point," and asked if it says if you bring your own bag, you have to fill them yourself?

Ms. McSherry said no. The store may require that, but they don't have to. It is not mandatory, but the store can request that the customer fill their own bag.

Mayor Webber said regarding enforcement that it essentially puts things back the way they were pre COVID in the City Ordinance.

Councilor Garcia asked for clarity on use of plastic bags. We are easing the enforcement on it, allowing plastic bags to be used by customers without charge.

Ms. McSherry explained that was what the former order did, and this ends that now. There will not be plastic bags for people to use after February 7, except for what the ordinance allowed before where plastic bags could be used. Those circumstances would still permit plastic bags but not at stores.

Councilor Villarreal said, "On the point that talks about the Families First Coronavirus Response Act that expired December 31<sup>st</sup> she asked if Staff could explain where it says, 'As applicable to the extent that the City's Temporary COVID-19 rule adopted for similar purposes or existing administrative leave rules do not address them.'"

Ms. McSherry explained that we passed a temporary sick leave rule in March when the pandemic started that was not as broad as the Federal Act that passed later. So then our employees had broader access. In many circumstances, we can cover the City Manager's regular administrative leave authorities. But there may be others that don't cover the circumstances. So this covers those circumstances. We have fewer of them with fewer close contacts

across the City, so there is less need for it. We hope for a new federal policy which is being discussed today and would affect that on a day-to-date basis. We want to continue the benefit as broadly as possible for those that fall into the gap between what the City provided and what the federal government provided. It might be reinstated any day now.

Councilor Villarreal said the other item was reinstatement of enforcement on camping at an encampment. When we go to notify the folks that have encampments, is the City assisting them to move to a shelter?

Ms. McSherry said the City is trying not to remove people. This provision only applies to city parks.

Director Ochoa agreed. Camping can be done on city property but not at city parks. Officers can direct them to shelters including the Salvation Army. We are working to help them hopefully connect with services and to follow up when they don't want to go to shelters.

Councilor Villarreal asked in what areas of the City camping would be allowed.

Director Ochoa replied that not all city property falls within the proclamation. Some Arroyos that are not in waterways or others as determined by the Environment Department are allowed. We are looking at whether to further define that and what it all means.

Councilor Villarreal was asking just so we know what to say when people ask us.

When Director said remove from City parks, she assumed that baseball fields and basketball courts were now allowed to be used.

Ms. McSherry clarified that where State orders don't preclude it, they are open.

Councilor Villarreal asked where people would find the details on what is allowed for organized sports.

Ms. McSherry thought that link was included but is available at DOH. It talks about numbers, activities, etc.

Councilor Cassutt-Sanchez, to follow up on Councilor Villarreal's comment, she asked if the playgrounds are open.

Ms. McSherry said yes.

Councilor Cassutt-Sanchez said regarding the testing program, that she was looking for more information about Staff coming in, etc.

Ms. McSherry said Director Salazar could comment on that point. There are factors in play. Firefighters are trained. At-home is possible for certain employees who are working so that they can do it while they are working. We are not requiring testing for them but for those working outside home 100%, the City is requiring testing during their work hours. There could be flexibility for those working outside of the home part time.

Director Salazar said we have worked on a plan for categories of employees who are working outside the home and cannot leave their shift. It would work with the Fire Department to do the testing and also use virtual testing facilities during their work hours. They could potentially have the at-home kit processed. The City is partnering with the state Department of Health.

Councilor Rivera referred to page 3 and asked Dir. Salazar if we would test every other week for those who cannot tolerate it.

Director Salazar agreed.

Councilor Rivera asked when that will be available.

Director Salazar said it depends on when we will be getting the kits. She is working with DOH and estimated probably a couple of weeks. We can do the home test right away. Employees can just sign up on the website. She understood it is quick.

Councilor Rivera asked regarding plastic bags, to is responsible for communicating that change with all the stores.

Manager LaPan Hill said there are a number of mechanisms involved including the media channels.

Ms. McSherry added that when we make a change in a proclamation, we immediately send it out on all channels.

Councilor Rivera wondered if a week was enough time to do away with all the plastic bags they have had up to this point.

Ms. McSherry thought it was.

Councilor Rivera suggested a small grace period for stores.

Ms. McSherry they could tell us about their difficulties and Mayor Webber could allow it.

Councilor Rivera asked if the metering customers in the store at one time was still limited to 30%.

Ms. McSherry thought so. If it is in the order, it is still in place.

Councilor Rivera thought the State eased up on it.

Ms. McSherry said that change was to a wider category of stores. The City can be more stringent than the State.

Councilor Rivera mentioned that he was recently in a store, and he saw no monitor to keep it at 30%.

Ms. McSherry noted it just went into place, so the grocery store is responsible for metering and local Law Enforcement is responsible for the other orders.

Councilor Rivera guessed it is just chance if someone gets caught.

Ms. McSherry replied that they would respond to a report. She has had no calls on interpretation of it, but she would advise them if anyone asked.

Councilor Garcia recalled we had challenges around plastic bags. He has concerns on carrying out the single use ordinance on the books. When we were lax on it, much support came during the pandemic about that. What is our reasoning to put the enforcement back into place when the pandemic is at its height with new strains? Why enforce this again?

Ms. McSherry said the original moratorium on enforcements were based on health concerns of checkers' health. It was not an economic reason.

Councilor Garcia didn't see the difference of plastic or paper.

Ms. McSherry said it was more about people bringing in their own bags and not about materials.

Councilor Garcia understood but with plastic bags at no cost to them, we are showing we are not burdening people financially. When a grocery charges for a bag, do we collect that or are we allowing the moratorium for collecting on that tax?

Ms. McSherry said the City was not going to enforce it during the moratorium. The stores collecting the fees send the money to the City.

Councilor Garcia asked if the City would order the collection of fees starting on February 7.

Ms. McSherry agreed.

Councilor Garcia would like us to not move forward with enforcement. He was strongly against single-use bags but during the pandemic, if somebody doesn't bring their own bag, they can be charged up to 70 cents for a bag. That is a burden on people, especially if they are out of work. He wasn't sure how to strike that language in Item J. Also, he felt a week is not sufficient. He was in a store yesterday and they had boxes and boxes of plastic bags. We should stretch that out further.

Ms. McSherry said it is not in the proclamation order, but the Governing Body could introduce legislation. Today, the vote is only on extending the proclamation.

Councilor Vigil Coppler didn't think we should be charging for bags until we are out of the pandemic. It does affect people in the grocery stores. Ms. McSherry spoke about those who sell food or nonfood items. People need to buy diapers, toothbrushes, etc that are not food. She would like to change it today. What is the problem in making a motion and passing it right now? She agreed with Councilor Garcia on the bag charge.

Next, she asked about no camping City property. She asked if there was any protocol in place to monitor the cleanup. Some campers might leave trash behind and go to another place and leave more trash. We cannot just rely on them. Is there some protocol to follow up on a daily basis for cleanup? She thanked Staff for a thankless job, but it must be done by the City.

Director Ochoa said the proclamation before us prohibits any camping in any City park. So using a park is not allowed and moving from one park to another is also not allowed.

Ms. McSherry clarified that is in the Order, not the proclamation. There had been a moratorium on enforcing no camping and this order stops the moratorium.

Councilor Vigil Coppler understated. There is no camping in City parks.

Director Ochoa agreed, not in parks but allowed on city property that is not a city park.

Councilor Vigil Coppler asked what kind of protocol is used to monitor that so we would not get complaints like in Franklin Miles.

Director Ochoa said they are not set up for it at this time but will soon. And we would use the fire department to get people to shelter or other resources. And whether we want to sanction any city property for camping. Right now it is not ideal for camping in various places, but we are working on maps showing

possible camping areas and being able to communicate with them on a case-by-case basis to seek connection with those folks. We didn't prohibit camping in parks at the height of the pandemic but there is a balance between them and other places. It is not ideal.

Mayor Webber provided context on encampments. They are a subset of larger concerns of homelessness. The Councilor Vigil Coppler was enthusiastic attending that conference at the Convention Center. Community Solutions just got writeup in the New York Times to invest in homelessness. The Midtown campus continues to provide safe place for people to reside. The use of Pete's Place and hotel are diminished. The purchase of Santa Fe Suites has already begun to provide housing for homeless him and. We know people are in encampments. Staff go out to engage with them and most are not ready to move inside. So we seek to provide trust, monitor the numbers, and explore other options. We have looked at other places in New Mexico like Las Cruces to see how they address it. Some are concerned with the City-County boundary. People are not always willing to accept our offers. Last year we spent \$3.4 million to move them without other help for them. That is why Manager LaPan Hill and Director Ochoa are working through the fire department and parks was more comprehensive way to serve them.

On the paper bag-plastic bag discussion, this step just puts it back the way it was before COVID hit. We wanted to focus on sustainability and discourage proliferation of plastic bags that don't break down. They become a permanent part of our landscape. Bags brought from home can be paper or reusable and packed by the customer/owner of bags.

We've had Zoom calls with grocery managers on the issues. They are also concerned with safety of the community and their own workers. We want to head through yellow to green. Testing can help and maintain safety and keep people healthy.

Councilor Cassutt-Sanchez mentioned that the Governing Body recently approved buying a number of bags and asked if we have any left over to give out.

Mayor Webber held up one of those bags and said we are trying to find ways to get more bags out to people.

**VOTE:** The motion was approved on the following Roll Call vote:  
**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.  
**Against:** None.

Mayor Webber thanked everyone for the robust discussion of the issues.

**8. ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 12:53 p.m.

Approved by:



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Mayor Alan Webber

ATTESTED TO:



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Kristin Bustos Mihelcic, City Clerk

Respectfully submitted by:



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Carl G. Boaz, Council Stenographer