



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
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 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/94497090315?pwd=VzE2UUR1WDIxUndLckITZDJKRzd2Zz09>. **Passcode: 943334**

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



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THE GOVERNING BODY
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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: 944 9709 0315 - Passcode: 943334**
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 Romero-Wirth

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

Councilor Abeyta

4. **INVOCATION**

Councilor Vigil Coppler

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Special Governing Body Meeting – April 6, 2021
- b. Special Governing Body Meeting – April 8, 2021
- c. Regular Governing Body Meeting – April 14, 2021

9. **PRESENTATIONS**



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THE GOVERNING BODY
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- a) COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Kyra Ochoa, Acting Community Health and Safety Director, krochoa@santafenm.gov, 955-6603) **INFORMATION ONLY**
 1. COVID 19 Outreach and Education Efforts.
- b) 2021 Legislative Session Update. (Presentation by Mark Duran) **INFORMATION ONLY**
- c) Annual Review of the City's Code of Ethics. (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502) **INFORMATION ONLY**

10. CONSENT CALENDAR

- a. Request for Approval of Memorandum of Agreement (MOA): A Partnership between the Santa Fe Public Schools and the Economic Development Department to Provide Temporary Staff. (Janice Krish, Economic Development Specialist, jakrish@santafenm.gov, 955-6915 and Richard Brown, Director, Community & Economic Development, rdbrown@santafenm.gov, 955-6625)
COMMITTEE REVIEW:
Public Works and Utilities Committee: 03/29/2021
Finance Committee: 04/19/2021
Governing Body: 04/28//2021
- b. Request for Approval of NMDOT Cooperative Project Agreement S100660 to Construct "Canada Rincon Trail from Calle Mejia to Camino Francisca/ Avenida Rincon" Project in the Amount of \$900.000, Terminating on October 30, 2022. (Romella Glorioso-Moss, PW Project Administrator, rsglorioso-moss@santafenm.gov, 955-6632)
 1. Request for Approval of a Budget Adjustment Resolution (BAR) to Budget NMDOT Grant Funding of \$768,960.
COMMITTEE REVIEW:
Finance Committee: 04/19/2021
Public Works & Utilities Committee: 04/26/2021
Governing Body: 04/28/2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
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- c. Request for Approval of Amendment No. 1 to an Information Technology Agreement to Extend the Term to August 31, 2022 and to Proportionally Increase the Compensation from Six Hundred Fifty-Four Thousand Dollars (\$654,000) for Three (3) Years to One Million Ninety Thousand Dollars (\$1,090,000) for Five (5) Years for Parking's Citation Administration and Revenue Reconciliation System; Conduent State and Local Services, Inc. (Conduent). (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

COMMITTEE REVIEW:

Finance Committee: 04/19/2021

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/2021

- d. Request for Approval of a Professional Services Contract for PK Public Relations for the Water Conservation Public Relations and Public Outreach through FY 2024 in a Total Amount of \$254,791.27. (Andrew Erdmann, Water Conservation Specialist, paerdmann@santafenm.gov, 955-4223)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 04/12/2021

Water Conservation Committee: 04/13/2021

Finance Committee: 04/19/2021

Governing Body: 04/28/2021

- e. Request for Approval of Amendment No. 5 to HDR Engineering, Inc. for the Wastewater Digester Project Engineering Construction and Design Contract for an Extension of Time and Funding to Complete the Digester Project for a Period of Time Not to Exceed the Requisite Time for the Project Completion and Subsequent Period in the Total Amount of \$190,579. (Mike Dozier, Wastewater Division Director, mldozier@santafenm.gov)

1. Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$190,579 from Cash Balance to Fund the HDR Contract Amendment No. 5.

COMMITTEE REVIEW:

Public Works and Utilities Committee: 04/12/2021

Finance Committee: 04/19/2021

Governing Body: 04/28/2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
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- f. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber, Councilor Romero-Wirth, Councilor Abeyta, Councilor Garcia, Councilor Vigil Coppler, Councilor Lindell, and Councilor Cassutt-Sanchez)
A Resolution Establishing a Work Plan for Improving Access to Affordable Housing Opportunities for Residents of the City of Santa Fe. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Introduced: 03/31/21
Public Works and Utilities Committee: 03/29/21
Governing Body: 03/31/21
Finance Committee: 04/5/21
Quality of Life Committee: 04/7/21
Public Works and Utilities Committee: 04/12/21
Quality of Life Committee: 04/21/21
Governing Body: 04/28/21

- g. Request for Approval of Kitchen Angels Contract #19-0590 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21
Public Works and Utilities Committee: 04/26/2021
Governing Body: 04/28/21

- h. Request for Approval of Esperanza Shelter Contract #19-0589 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21
Public Works and Utilities Committee: 04/26/2021
Governing Body: 04/28/21

- i. Request for Approval of Youthworks Contract #19-0582 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson,



AGENDA

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Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- j. Request for Approval of Literacy Volunteers Contract #19-0588 Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- k. Request for Approval of The Life Link Contract # 19-0592 Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- l. Request for Approval of Coming Home Connection Contract #19-0591 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- m. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Governing Body's Decisions in the Following Land Use Cases



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
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and Land Use Appeal. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

1. Unanimous Decision in Case #2020-2898 to Grant the Request by Zia Station, LLC, to Approve a General Plan Amendment for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road;
2. Unanimous Decision in Case #2020-2914 to Grant the Request by Zia Station, LLC, to Approve a General Plan Amendment for Approximately 1.9 Acres at the Southwest Corner of St. Francis Drive and Galisteo Road;
3. Decision by a Majority of the Governing Body in Case #2020-2900 to Approve a Rezoning to Amend the Boundaries of the South Central Highway Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road;
4. Decision by a Majority of the Governing Body in Case #2020-2899 to Approve a Rezoning from R-1 (Residential – One Dwelling Unit Per Acre) to C-2 PUD (General Commercial – Planned Unit Development) for Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road, Subject to a Condition that No Short-Term Rental Uses Shall be Permitted;
5. Decision by a Majority of the Governing Body in Case #2020-2901 to Approve a Preliminary Development Plan for a Mixed-Use Planned Unit Development to be Developed in Two Phases at the Northwest and Southwest Corners of St. Francis Drive and Zia Road, Subject to Conditions of Approval; and
6. Decision by a Majority of Members of the Governing Body to Deny Appeal #2021-3256-APPL and Affirm the Historic District Review Board's Denial of a Request by Laura Chock in Case #2020-3006-HDRB to Replace a Pedestrian Front Gate and Add a Stuccoed Arch Feature to a Contributing Yard Wall Structure at 542 Camino del Monte Sol, in the Downtown and Eastside Historic District.

COMMITTEE REVIEW:

Special Governing Body: 04/06/2021

Special Governing Body: 04/08/2021

Regular Governing Body: 04/28/2021

- n. Request for Partners in Education Contract #20-0568 Amendment 1, to Amend the Scope of Services for Engagement Coaches to Provide Outreach and Navigation Services to Improve Student Engagement. (Elizabeth Peterson,



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
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Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Finance Committee: 04/19/21

Public Works/ Utilities: 04/26/21

Governing Body: 04/28/21

- o. Request for La Familia Contract Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/07/2021

Public Works: 04/26/21

Governing Body: 04/28/21

- p. Request for Santa Fe Dreamers Contract Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life Committee: 04/07/2021

Public Works: 04/26/21

Governing Body: 04/28/21

- q. **Request to Publish Notice of Public Hearing on May 12, 2021.**

Consideration of Bill No. 2021-11. An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.3 SFCC 1987 To Reassign the Authority to Appoint the, Members of the Commission to the Ethics and Campaign Review Board and to Reassign the Authority to Appoint the Commission's Chairperson to the Commission's Members; and Amending Section 6-16.2 SFCC to Add the Duty of Appointing the Independent Salary Commission Members to the Ethics And Campaign Review Board's Powers And Duties. (Councilor Garcia, Councilor Lindell, and Councilor Vigil Coppler) (Jesse Guillian, Legislative Liaison, jbgullian@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 04/14/21

Quality of Life Committee: 04/21/21

Public Works and Utilities Committee: 04/26/21

Governing Body (Request to Publish): 04/28/21



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
ATTEND VIRTUALLY

Finance Committee: 05/3/21

Governing Body (Public Hearing): 05/12/21

11. DISCUSSION/ACTION ITEMS

- a. CONSIDERATION OF RESOLUTION No. 2021-____. (Councilor Rivera and Councilor Abeyta)

A Resolution Requesting Approval of Amendment No. 1 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500383 Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Regina Wheeler, Public Works Director, rawwheeler@santafenm.gov, 955-6622 and Tom Graham, ADA Coordinator, tmgraham@santafenm.gov, 955-6654)

COMMITTEE REVIEW:

Public Works and Utilities: 04/26/21

Governing Body: 04/28/21

12. MIDTOWN OVERVIEW

Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report. Report: Incremental Development Next Steps. (Daniel Hernandez, Project Director at Proyecto LLC; and Rich Brown, Director, Community & Economic Development Department, rdbrown@santafenm.gov) **INFORMATION ONLY**

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, Parts (H)(5), (H)(7), and (H)(8), Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, Attorney-Client Privileged Quarterly Update Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Party, and Discussion of Property Disposition, Specifically Property Located at 730 Alto Street. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

15. MATTERS FROM THE CITY CLERK



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
ATTEND VIRTUALLY

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Legislative Introductions

EVENING SESSION - 6:00 P.M.

17. **ROLL CALL**

18. **PETITIONS FROM THE FLOOR**

19. **APPOINTMENTS**

20. **PUBLIC HEARINGS**

- a. **CONSIDERATION OF RESOLUTION 2021-____.** (Mayor Webber, Councilor Abeyta and Finance Committee)
A Resolution Adopting the City of Santa Fe's Fiscal Year 2021/2022 Operating Budget and Organizational Chart. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

COMMITTEE REVIEW:

Special Finance Meetings: April 13, 14 & 15, 2021

Special Finance Meetings: April 20, 21, & 22, 2021

Governing Body (Public Hearing): April 28, 2021

- b. **CONSIDERATION OF BILL NO. 2021-8. ADOPTION OF ORDINANCE 2021-____.** (Councilor Rivera, Councilor Romero-Wirth, and Councilor Lindell)
An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.1 SFCC 1987 to Make Clarifications; Amending Section 6-19.2 SFCC 1987 to Change the Effective Date of the Salary to Align with the Term for Mayor Set Forth in the Santa Fe Election Code, Section 9-1 SFCC 1987; Amending Section 6-19.3 SFCC 1987 to Establish an Application Process and Modify Length of the Commissioners' Terms; and Amending Section 6-19.4 SFCC 1987 to Set the Future Schedule for the Independent Salary Commission. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
ATTEND VIRTUALLY

Governing Body (Request to Publish): 03/31/2021
Finance Committee: 04/5/21
Governing Body (Public Hearing): 4/28/21

- c. CONSIDERATION OF BILL NO. 2021-9. ADOPTION OF ORDINANCE NO. 2021-____. (Councilor Lindell, Mayor Webber, and Councilors Abeyta, Romero-Wirth, and Cassutt-Sanchez)
An Ordinance Amending Section 11-14.5 SFCC 1987 to Dedicate Half the Sales From Any Sale or Lease of City-Owned Land and Buildings to the Affordable Housing Trust Fund; and Amending Section 26-3.6 to Add the Dedication to the Affordable Housing Trust Fund. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346 and Rich Brown, Community Development Director, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21
Governing Body (Request to Publish): 03/31/21
Finance Committee: 04/5/21
Quality of Life Committee: 04/7/21
Governing Body (Public Hearing): 04/28/21

- d. CONSIDERATION OF BILL NO. 2021-10. ADOPTION OF ORDINANCE NO. 2021-____. (Mayor Webber)
An Ordinance Amending Section 18-11.3 SFCC 1987 to Define “Taxable Premises” Consistently with State Statute and to Add a Definition for “Permanent Resident”; Amending Section 18-11.8 to Make it Consistent with State Statute; Amending Section 18-11.17 to Differentiate Between the Occupancy Tax and the Convention Center Fee, and to Dedicate the Occupancy Tax Collected on the Thirty-First Day and Subsequent Days to the Affordable Housing Trust Fund; Amending Section 26-3.6 to Add the Dedication to the Existing List of Dedications to the Affordable Housing Trust Fund; and Making Such Other Changes as are Necessary. (Randy Randall, TOURISM Santa Fe Director: rrandall@santafenm.gov, 955-6209 and Brad Fluetsch, Planning and Investment Officer: bjfleutsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21
Governing Body (Request to Publish): 03/31/21



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2021
4:00 PM
ATTEND VIRTUALLY

Finance Committee: 04/5/21
Quality of Life Committee: 04/7/21
Governing Body (Public Hearing): 04/28/21

21. **ADJOURN**

22. **UPCOMING PUBLIC HEARINGS**

a. **Meeting Date – May 12, 2021**

Public Comment on the 2021 – 2022 Annual Action Plan to be Submitted to HUD. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 505-303-9868)

COMMITTEE REVIEW:

Governing Body: 04/14/21

Governing Body: 05/12/21

Appeal #2021-3393-APPL of Case #2020-3111-HDRB. Appeal by James and Jay Heneghan of the Historic Districts Review Board's Denial of an Application to Construct a New Single-Story Residence at 314 North Guadalupe, in the Westside-Guadalupe Historic District (Sally A. Paez, Assistant City Attorney, 955-6501)

COMMITTEE REVIEW:

Governing Body: 05/12/21

Appeal #2021-3393-APPL. of Case #2020-3111-HDRB. Appeal, owners James and Jay Heneghan Seek Reversal of the Historic Districts Review Board's March 9, 2021 Decision to Deny an Application to Construct a New Single-Story Residential Structure at 314 North Guadalupe, Located within the Westside-Guadalupe Historic District. (Sally A. Paez, Assistant City Attorney, 955-6501)

COMMITTEE REVIEW:

Governing Body: 05/12/21

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.



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APRIL 28, 2021
4:00 PM
ATTEND VIRTUALLY**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

SUMMARY INDEX

Governing Body

April 28, 2021

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1. Call to Order	Convened at 4:06 p.m.	1
2. Pledge of Allegiance	Led by Councilor Romero-Wirth	1
3. Salute to the State Flag	Led by Councilor Abeyta	1
4. Invocation	Led by Councilor Vigil Coppler	1-2
5. Roll Call	Quorum Present	2-3
6. Approval of Agenda	Approved as amended	3
7. Approval of Consent Calendar	Approved as amended	3-4
8. Approval of Minutes		
a) Special Meeting on April 6, 2021	Approved	4
b) Regular Meeting on April 14, 2021	Approved	4
9. Presentations		
a) COVID-19 Update	Presented	4-8
b) Legislative Update	Presented	8-11
c) Code of Ethics	Presented	11-12
10. Consent Calendar	Listed	12-25
e) Wastewater Digester Contract	Approved	13-14
f) AH Workplan Resolution	Approved as amended	14-18
g) Kitchen Angels Contract	Approved	18-19
m) Land Use Cases FF/CL	Approved as amended	20-23
q) Salary Commission Resolution	Approved	23-25
11. Discussion/Action Items		
a) NMDOT Grant Resolution	Approved	25
12. Midtown Overview	Presentation	25-27
13. Matters from the City Manager	None	27
14. Matters from the City Attorney	Recommendation	27
Executive Session	6:48-8:22, 11:07-11:27	27, 49
15. Matters from the City Clerk	Comments	28
16. Communications from Governing Body	Communicated	28-30
Evening Session	Began at 8:37	30
17. Roll Call	Quorum Present	31
18. Petitions from the Floor	Petitions made	31-32
19. Appointments	None	32
20. Public Hearings		
a) FY22 Operating Budget	Approved	32-44
b) Independent Salary Commission	Approved	44-45
c) Land Sales and Leases Funds	Approved as amended	46-47
d) Taxable Premises Ordinance	Approved	47-48
Executive Session continued	11:07 – 11:27 pm	48-49
21. Adjournment	Adjourned at 11:30 pm	49-50

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, April 28, 2021
Virtual Meeting**

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 Wednesday, April 28, 2021, at approximately 4:06 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 Abeyta.

4. INVOCATION

The Invocation was led by Councilor Vigil Coppler.

Councilor Vigil Coppler – remembered and gave condolences to the family of Bernabe Leyba, also known as Ernie and Ernie’s Chile Roasting. He passed away on April 22 at age 84. He and his wife Mary, ran the business out of their home for 41 years on Santa Clara Drive. He was a very joyful man, and they did a great job, and all the family was involved.

Councilor Villarreal recognized the passing of Arsenio Archuleta at 99 years of age on April 21. He was a very generous, honest and hardworking man and will be missed. She also recognized Archie Blea who was known in northern New Mexico for his extensive career and service in New Mexico schools for over 50 years. His death was unexpected on Thursday, April 22 and she expressed condolences to his family and friends.

Councilor Lindell remembered Joan Alire. She was not sure anyone on this Council knew Joan. But Ms. Ochoa and our Fire Department knew her. She lived in a house near Ft. Marcy for a long time. She thanked the staff members that showed Joan tremendous kindness and the Fire Department and the crew from Ft. Marcy. Her struggles were great. Despite Ms. Ochoa's and the Fire Department's efforts, they didn't have the outcome they hoped for. She was lifelong member of this community and a part of us.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

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

None

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Kyra Ochoa, Community Services Director
Brian Williams, Acting Emergency Management Director
Regina Wheeler, Public Works Director
Yodel Catanach, Purchasing Supervisor
Alexandra Ladd, Affordable Housing Director
Sally Paez, Assistant City Attorney
Elias Isaacson, Land Use Director

Nicole Ramirez-Thomas, HDRB Staff Liaison
Noah Berke, Planning Supervisor
Rich Brown, Economic Development Director
Geronimo Griego, Interim Fire Marshal
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

The Minutes of April 8 were not ready to approve, and that item was removed from the agenda. There were no other changes to the agenda.

MOTION: Councilor Lindell moved, seconded by Councilor Garcia, to approve the agenda as amended with approval of the April 8 minutes removed.

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. APPROVAL OF CONSENT CALENDAR

Councilor Lindell asked for item 10(e) to be removed for discussion.

Councilor Cassutt-Sanchez asked for item 10(f) to be removed for discussion.

Councilor Romero-Wirth asked for item 10(g) to be removed for her recusal.

Mayor Webber asked for item 10(q) to be removed to recuse himself.

Councilor Rivera asked for item 10(m) to be removed for discussion.

Councilor Lindell noted two items are on the Mayor's Salary Commission and the two Governing Body members have declared as candidates. She wanted to ask them to recuse themselves from that vote, so there is no appearance of impropriety on either of them.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve the Consent Calendar as amended with items 10l, 10(f), 10(g), 10(m) and 10(q) removed for discussion.

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.

8. APPROVAL OF MINUTES

a. Regular Governing Body Minutes – April 6, 2021

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Lindell, to approve the minutes from April 6, 2021 as presented.

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.

c. Minutes of April 14, 2021

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the minutes from April 14, 2021 as presented.

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.

9. PRESENTATIONS

- 1) COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Kyra Ochoa, Acting Community Health and Safety Director, krochoa@santafenm.gov, 955-6603) **INFORMATION ONLY**
 1. COVID 19 Outreach and Education Efforts.

Manager LaPan Hill was joined by Ms. Rubina Cohen.

Manager LaPan Hill announced the Governor's new framework today and she is looking closely to see how that affects internal operations and otherwise, with that, she turned to Director Ochoa.

Director Ochoa reported that 49% of New Mexico residents have at least one shot and 67% in the County have at least one. The County team is happy with progress in vaccination. 46.2% are fully vaccinated.

Regarding concerns on 87507 and 87505, 87507 has one of the highest percentages for vaccination and 87505 also right now.

Ms. Cohen reported on the outreach efforts. She shared her screen which said, Communications Strategy is being led by the Community Development Committee, Community Outreach Department and Firefly Strategies.

- 1 – educate using DOH provided info
- 2 – Make it frequent and repetitive
- 3 – adding on and growing the messaging to match status.
- 4 – making them in Spanish and English, and
- 5 – targeting 87507 and 98505

Outreach

1. Printed material in English and Spanish
2. Community partners to distribute.
3. Digital ads.

Printed materials were managed by Youthworks and Chainbreaker with a tote bag distribution campaign. They delivered 7,800 of them at residents' doors in apartments, mobile homes, etc. The tote bags had information on CONNECT, evictions, promise Five to Save Lives booklet and 5 masks and 5 hand sanitizers. Santa Fe Libraries are also doing vaccine registration flyers, and safe practices. Digital ads are on social media (Facebook and Instagram) across devices not internet reliant and have been running since November 2020. She displayed some of the

handouts. Email communications in Spanish were linked to Spanish resources.

Next steps were:

1. I wear my mask for ... Campaign.
2. Santa Fe Line Myth Busting videos by Capital High.
3. Chainbreaker door-to-door vaccine registration and vaccine events information
4. Youthworks booklet and flyer distribution in 87505 and 87507
5. Community Parks and Plaza signs for masking and Santa Fe Promise
6. Radio Ads
7. Continue to keep ALLTOGETHERSANTAFE. Org and PROMESA sites updated.

Regarding Impact, she posed the question: Is the strategy working?

1. New Mexico leads the nation as most vaccinated state.
2. Santa Fe County has 67% with one and almost 50% fully vaccinated.
3. 87505 and 87507 lead with most vaccinated zip codes in Santa Fe County

So the impact has been tremendous and so has the collaboration. She invited feedback and ideas. Her email - @fireflystrategies.com.

Councilor Lindell thanked her for the presentation. She suggested to include groceries and drug stores. They call her around 3:30 to say they have extra vaccine today and will have to dispose of it if they cannot find arms to vaccinate. She calls around to people looking for a place to get vaccinated. It would help to have a central clearinghouse to do that work. Maybe Ms. Cohen could find a way to make that work. That – rather than media – would count shots in the arms.

Councilor Garcia commented, regarding strategy for focus and priority, that with the CDC orders yesterday, that masks are not needed as much, he strongly urged the City to get people out to get vaccinated. He believed our community is aware of the mask resistance from a year ago and visitors coming in are not so aware of it. One any given day, about half of tourists here are without masks. He believed in our ordinance, but vaccine is the priority message. How we can engage to see who has and who hasn't – I completely agree with Councilor Lindell – for phone in on vaccine left over. That is how Councilor Garcia got his shot. If you have

both shots, don't need to wear a mask outside. A majority of our community supports it.

Ms. Cohen thanked him for that. We are not deleting messages but adding messages and lately they have been more on vaccinations. We did share the amendment in the mask order. But he is right – we want to move from 50% to 60% and more in the next days. The focus has been mostly on vaccinations.

Councilor Garcia was glad to hear that. He supported the “I wear my mask because >>>” or “I got my shot because >>>.” There is so much stigma going around – crazy things that are nonsense.

Ms. Cohen said students at Capital HS have been carrying the message around vaccinations. She was excited to get those videos to the community.

Councilor Garcia supported our youth and hopefully their peers will follow suit and their families. “Sign me up for both campaigns.”

Councilor Rivera asked Director Ochoa if there was any traction on registering and vaccinating on the same day.

Director Ochoa agreed. At the Desert Sage site and Capshaw there are now walk-in sites to do both at once. DOH is pursuing that. Christus has a phone number to register and get an appointment but you are right that one-stop shop is the way to go. We are looking at small sites, mobile sites and the fire department vaccinations to seniors. We are being creative.

Director Williams spoke about the vaccination events where people don't register on site but do telephone registrations.

Councilor Rivera asked about people not showing up for second doses and whether those go to waste.

Director Williams said they are not wasted. The site staff load up as they go along. And have less at day end. People get called.

Councilor Cassutt-Sanchez asked if there is any way to link in with DOH text messaging.

Director Ochoa was not aware but will look into it.

Councilor Cassutt-Sanchez asked what situations required wearing a mask presently.

Ms. Bustos-Mihelcic said the City staff involved does meet at least weekly and look at the messaging and make the shift as new information comes out. We are really focused on vaccinations – looking at incorporating the mask information now.

Councilor Romero-Wirth agreed it is not easy to decipher and all we can do to simply spread the message.

b) 2021 Legislative Session Update (Presentation by Mark Duran)
INFORMATION ONLY

Mr. Duran acknowledged the legislative team representing Santa Fe. They are so committed to our City and many have high-ranking positions. We had a positive outcome because of them. The 60-day was incredible with a few bumps along the way. They accomplished the entire agenda according to the Constitution by working on statutory legislation and various themes that got passed. He listed some legislation that passed.

They were actively involved in the Community Solar Act and the retirement system changes. They were not successful on everything, but they worked hard on the 3% tax cap amendment.

Capital outlay was successful for Santa Fe this year. He listed some of the wins. Streets, bike paths, etc. The Midtown campus did very well. City Staff also did a great job during the 60-day session. City Manager LaPan Hill provided input from department heads. He appreciated her and Director Wheeler who does a great job and Mayor Wheeler for great strategy with legislators and the Council too for their help in updating the resolution and advocacy.

Mayor Webber thanked him for a good overview. Mr. Duran should have thanked himself for bringing home what we wanted.

Councilor Vigil Coppler emphasized that SB 90 affected all New Mexico firefighters, not just in Santa Fe. That bill was supported by many across the State to equalize retirement benefits for all PERA members. Over 2,000 fire fighters were benefited. It finally passed and was signed by the

Governor. We have tried for three years to get it through. It is a monumental change and rightly so and long awaited. Secondly, the airport – this Council passed a resolution with priorities and somewhere along the way the airport was removed. It was disappointing to her and we did not even get a memo why the airport was taken off. She was not sure how much Mr. Duran was aware of.

Mr. Duran was not quite sure. The Airport was never taken off the list. It was always on the priority list. It is the Legislators who make the decision. At the Legislative Breakfast, they had a request for the airport. And it was almost 65% at that time. And a spreadsheet was done on it. They had an agreement not to include it this year. But it never came off the list and we always have submitted it as a capital outlay priority. Every time a shift is made, we contact Mayor Webber and Manager LaPan Hill. And with the parks, we got all district priorities funded with more than enough money. But the airport never came off the list.

Councilor Vigil Coppler said Staff told her it was. But Mr. Duran certainly knew what was on it. When our legislative priorities change after a resolution is passed, there should not be any surprises, but communication is always needed. For those of us who communicate with legislators or testify and for those interested in the airport, it is surprising to hear there was a shift. We do need to spend the money we already have and get the airport moving. And it is not pleasant to hear them say the money has not been spent. Often that money gets taken away when it is unspent.

Mr. Duran replied that the priorities never change.

Councilor Villarreal thanked Mr. Duran for the report. Councilors don't always respond to the emails, but we read them. This was a productive session – more than in the past. It helped to have a virtual session. She asked to know more about the 3% tax cap.

Mr. Duran explained it is very much about disparity and second homes in Santa Fe. But it is a statewide issue and for homes that are passed on through estates, the issue could be much bigger. There are overwhelming impacts for the City if the cap is removed. Without that, it could be raised to 10% potentially.

Councilor Villarreal suggested maybe later on we can think about what we can do in Santa Fe County. We have such a different scenario here than elsewhere in New Mexico. She asked him to send information to her on who worked on it.

Mayor Webber raised the question of the relationship of Mayor and Councilors and what our Charter says about who can speak for the City in testimony. He asked if the Charter allows any member of the Governing Body to speak on behalf of the City.

Ms. McSherry said the Charter is not specific to lobbying, but the Mayor is the designated spokesperson for the City.

Mayor Webber reasoned that when Mark Duran was working with him, it was in accord with the City Charter that he was to work with the Mayor as opposed to more broadly work with the entire Governing Body.

Councilor Vigil Coppler clarified that her comments were about the airport and she fully understood that things do change, and we have to pivot but without communication in matters like that, it does all of us good to know about the change and that communication was not there. So to find out from elsewhere and not from my own City is not good. It was not that you don't have the authority but what is the reason to have a resolution if it can be changed without a vote. Her concern was that things move quickly during the Session and policy changes, so it is good to get a memo or phone call when they change.

Councilor Garcia said Councilor Vigil Coppler touched on what affected him. More communication flowing with the Governing Body to share that information is important. If it needs another resolution, he would be happy to oblige.

Mayor Webber responded that Mr. Duran made it clear that the airport was not removed. The comment that came to him was at least one instance when a person was there to speak on behalf of the City, and it was not him.

Councilor Rivera asked for clarification. The assumption is that only the Mayor can speak on behalf of the City at the Legislature.

Mayor Webber said anyone can testify as a member of the Governing Body or an elected official. But the specifics of saying, "I am here to represent the City of Santa Fe is not an authority that is widely distributed under the Charter.

Ms. McSherry clarified that the lobbying contract authorizes Mr. Duran to speak on behalf of the City. And the Mayor can delegate for those with specialized knowledge. Designating authority is the way to do that.

Councilor Rivera understood the resolution with priorities allows us to speak on behalf of the City with regard to the resolution we passed on our priorities.

Ms. McSherry said the Mayor could ask others to speak.

Mayor Webber thanked Mr. Duran.

- c) Annual Review of the City's Code of Ethics. (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
INFORMATION ONLY

Mr. Martinez shared his screen for his code of annual Ethics Review. Each official that is under the ethics code, gets a copy of it. He went through a definition of Code of Ethics, which is codified by City Ordinance. There are other ethics rules and he mentioned some of them like the federal Hatch Act.

Mr. Martinez went through each section of the Ethics Code and made comments on them for the Governing Body, including Conflict of Interest, required disclosures, gifts, improper transactions, misuse of confidential information, misuse of City resources, nepotism, financial dealing with subordinates, improper political campaigning, granting employment as a political reward, honoraria, bullying by Governing Body members, retaliation and whistleblower protection, the Government Conduct Act, contracts involving public officers or employees, penalties for violations, and enforcement.

Councilor Garcia thanked Mr. Martinez. He recommended that net time, the annual report should not be done during a regular Governing Body meeting. There is insufficient time for appropriate questions, and this had to be rushed but it should not be so.

Councilor Vigil Coppler asked if there is any type of coverage on public officials – like malpractice insurance.

Mr. Martinez said it would depend on the nature of the complaints. For some of them, the City covers the liability already. Fines are not covered by the City and he didn't think those violations would be covered. There is no provision for covering attorney fees either.

Councilor Vigil Coppler knew our Ethics Code doesn't cover Governing Body member to Governing Body member. She asked if that would go to State Ethics Board?

Mr. Martinez said that also depends on the nature of the complaint. It might be handled by the City ECRB.

Mayor Webber thanked Mr. Martinez and we can take this back up or have personal consultations on it or have him back for a deeper delve into it.

10. **CONSENT CALENDAR**

- a. Request for Approval of Memorandum of Agreement (MOA): A Partnership between the Santa Fe Public Schools and the Economic Development Department to Provide Temporary Staff. (Janice Krish, Economic Development Specialist, jakrish@santafenm.gov, 955-6915 and Richard Brown, Director, Community & Economic Development, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 03/29/2021

Finance Committee: 04/19/2021

Governing Body: 04/28//2021

- b. Request for Approval of NMDOT Cooperative Project Agreement S100660 to Construct "Canada Rincon Trail from Calle Mejia to Camino Francisca/ Avenida Rincon" Project in the Amount of \$900,000, Terminating on October 30, 2022. (Romella Glorioso-Moss, PW Project Administrator, rsgloriosomoss@santafenm.gov, 955-6632)

1. Request for Approval of a Budget Adjustment Resolution (BAR) to Budget NMDOT Grant Funding of \$768,960.

COMMITTEE REVIEW:

Finance Committee: 04/19/2021

Public Works & Utilities Committee: 04/26/2021

Governing Body: 04/28/2021

- c. Request for Approval of Amendment No. 1 to an Information Technology Agreement to Extend the Term to August 31, 2022 and to Proportionally Increase the Compensation from Six Hundred Fifty-Four Thousand Dollars (\$654,000) for Three (3) Years to One Million Ninety Thousand Dollars (\$1,090,000) for Five (5) Years for Parking's Citation Administration and Revenue Reconciliation System; Conduent State and Local Services, Inc. (Conduent). (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)

COMMITTEE REVIEW:

Finance Committee: 04/19/2021

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/2021

- d. Request for Approval of a Professional Services Contract for PK Public Relations for the Water Conservation Public Relations and Public Outreach through FY 2024 in a Total Amount of \$254,791.27. (Andrew Erdmann, Water Conservation Specialist, paerdmann@santafenm.gov, 955-4223)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 04/12/2021

Water Conservation Committee: 04/13/2021

Finance Committee: 04/19/2021

Governing Body: 04/28/2021

This item was removed for discussion by Councilor Lindell:

- e. Request for Approval of Amendment No. 5 to HDR Engineering, Inc. for the Wastewater Digester Project Engineering Construction and Design Contract for an Extension of Time and Funding to Complete the Digester Project for a Period of Time Not to Exceed the Requisite Time for the Project Completion and Subsequent Period in the Total Amount of \$190,579. (Mike Dozier, Wastewater Division Director, mldozier@santafenm.gov)

1. Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$190,579 from Cash Balance to Fund the HDR Contract Amendment No. 5.

COMMITTEE REVIEW:

Public Works and Utilities Committee: 04/12/2021

Finance Committee: 04/19/2021

Governing Body: 04/28/2021

Ms. Bustos-Mihelcic read the caption for this item. Director Mike Dozier was available.

Councilor Lindell thanked Director Dozier referred to the last page of the memorandum, background and summary in the first sentence of the second paragraph and asked if the City is paying for travel for consultants from foreign countries.

Director Dozier said it was a great question. The people coming here, were not paid to come here from companies out of Germany to verify startup and correct placement of equipment. They observed it being put in place and the start up. The charges were not for them, but it was causing some of the delays.

Councilor Lindell pointed out that they are not coming over for free. She asked if we would get invoices from these companies and if there were travel or per diem limitations in the contract.

Director Dozier said the contract was for design, but this contract is for the project construction.

Councilor Lindell understood that and asked if the only supplier who could do this was the supplier from Germany.

Director Dozier said, "That is the only one from out of the country. The rest of the suppliers are in this country."

Councilor Lindell asked if we could have gotten a domestic company to do that work.

Director Dozier said what the company actually did was trained someone from Albuquerque to do the work but now travel restrictions are being lifted and he believed people from that company would be on site.

Councilor Lindell was concerned with that – to hire companies that involve foreign travel. She knew the amendment is going through, but she was not supporting it for that reason.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to approve Amendment No. 5 and the Budget Adjustment Request to fund it as presented.

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

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

Against: Councilor Lindell.

This item was pulled for discussion by Councilor Cassutt-Sanchez.

- f. CONSIDERATION OF RESOLUTION NO. 2021-21. (Mayor Webber, Councilor Romero-Wirth, Councilor Abeyta, Councilor Garcia, Councilor Vigil Coppler, Councilor Lindell, and Councilor Cassutt-Sanchez)
A Resolution Establishing a Work Plan for Improving Access to Affordable Housing Opportunities for Residents of the City of Santa Fe. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Introduced: 03/31/21

Public Works and Utilities Committee: 03/29/21

Governing Body: 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Public Works and Utilities Committee: 04/12/21

Quality of Life Committee: 04/21/21

Governing Body: 04/28/21

Ms. Bustos-Mihelcic read the caption for the resolution establishing a workplan and Director Ladd was available.

Councilor Cassutt-Sanchez said there were two amendments that she cosponsored, and she wanted to move them. We need a larger motion first. And then introduce the amendments.

Ms. McSherry agreed.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Romero-Wirth, to approve the Resolution establishing a work plan as presented.

Amendment to the Motion:

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Villarreal, to amend the Resolution as Councilor Villarreal proposed in the packet on page 1, on page 2, line 11, on page 3 line 6 and line 15 and line 22 with a new paragraph, page 3, line 25, and on page 4, lines 11, 12 and 14.

VOTE: **The first amendment 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.

MOTION: **Councilor Cassutt-Sanchez moved, seconded by Councilor Garcia, to further amend the resolution on page 4, line 3 to insert a new paragraph: “Be it further resolved that within 30 days of the adoption of this resolution, the Governing Body will consider, as a nonvoting discussion item, a list of these proposals and recommendations along with the City Council Standing Committee each need to be assigned to. At this time, the Governing Body will be able to propose any additional ideas to ensure that all potential revenue the Governing Body members would like to explore are included in this process. The list does not exclude the possibility or additional proposals or recommendations to come forward in the future and be considered as part of this advocacy.**

Discussion on the Second Amendment:

Ms. McSherry pointed out that part of this amendment was a non-voting item and suggested it be clarified.

Councilor Cassutt-Sanchez said it was to provide an opportunity for a discussion about the different courses the Governing Body wants to be exploring and that there is always a difference of opinion among the members of the Governing Body as well as among members of the public as to which committees we would send them to for further exploration so that we could all follow along as we wanted to. It would be an opportunity for brainstorming so that all Councilor voices and ideas were identified. She commented that a lot has happened since the original discussion a long time ago.

Councilor Garcia felt, given the recommendation from the City Attorney, it might be best to strike “non” from the amendment. If a Councilor wanted to add something that was not on the list, we would not be excluding them from that process.

Mayor Webber asked the City Attorney if that would address the concern she had.

Ms. McSherry thought it would and some sort of action needs to happen.

Mayor Webber said that means we need to amend the proposed amendment as proposed by Councilor Garcia.

Councilor Cassutt-Sanchez agreed to remove “nonvoting” before “discussion.”

Ms. McSherry said, to be proper, the motion should be withdrawn, and a new motion made.

Councilor Cassutt-Sanchez withdrew her motion. Councilor Garcia withdrew his second.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Garcia, to further amend the resolution on page 4, line 3 to insert a new paragraph: “Be it further resolved that within 30 days of the adoption of this resolution, the Governing Body will consider, as a discussion item, a list of these proposals and recommendations along with the City Council Standing Committee each need to be assigned to. At this time, the Governing Body will be able to propose any additional ideas to ensure that all potential revenue the Governing Body members would like to explore are included in this process. The list does not exclude the possibility or additional proposals or recommendations to come forward in the future and be considered as part of this advocacy.

VOTE: The second amendment (as modified) 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.

VOTE: **The main motion as amended 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.

Councilor Villarreal asked Ms. Bustos-Mihelcic to add her name as cosponsor. She had cosponsored this but has not been listed on it.

Ms. Bustos-Mihelcic agreed to do that.

At 6:00, Mayor Webber notified those in the attendee room that the afternoon session is running late tonight.

This item was pulled for discussion by Councilor Romero-Wirth

- g. Request for Approval of Kitchen Angels Contract #19-0590 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

Councilor Romero-Wirth – recused herself as Kitchen Angels Board and she left the meeting.

MOTION: **Councilor Lindell moved, seconded by Councilor Rivera, to approve the Kitchen Angels Contract Amendment as presented.**

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 Vigil Coppler, and Councilor Villarreal.

Against: None. Councilor Romero-Wirth was not present for the vote.

Councilor Romero-Wirth returned to the virtual bench after the vote was taken.

- h. Request for Approval of Esperanza Shelter Contract #19-0589 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- i. Request for Approval of Youthworks Contract #19-0582 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- j. Request for Approval of Literacy Volunteers Contract #19-0588 Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- k. Request for Approval of The Life Link Contract # 19-0592 Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth

Peterson, Children and Youth Program Manager,
empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

- I. Request for Approval of Coming Home Connection Contract #19-0591 Amendment No. 1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/7/21

Public Works and Utilities Committee: 04/26/2021

Governing Body: 04/28/21

Item (m) was pulled for discussion by Councilor Rivera:

- m. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Governing Body's Decisions in the Following Land Use Cases and Land Use Appeal. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
 1. Unanimous Decision in Case #2020-2898 to Grant the Request by Zia Station, LLC, to Approve a General Plan Amendment for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road.
 2. Unanimous Decision in Case #2020-2914 to Grant the Request by Zia Station, LLC, to Approve a General Plan Amendment for Approximately 1.9 Acres at the Southwest Corner of St. Francis Drive and Galisteo Road.
 3. Decision by a Majority of the Governing Body in Case #2020-2900 to Approve a Rezoning to Amend the Boundaries of the South Central Highway Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road.
 4. Decision by a Majority of the Governing Body in Case #2020-2899 to Approve a Rezoning from R-1 (Residential – One Dwelling Unit Per Acre) to C-2 PUD (General Commercial – Planned Unit Development) for Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road, Subject to a Condition that No Short-Term Rental Uses Shall be Permitted.

5. Decision by a Majority of the Governing Body in Case #2020-2901 to Approve a Preliminary Development Plan for a Mixed-Use Planned Unit Development to be Developed in Two Phases at the Northwest and Southwest Corners of St. Francis Drive and Zia Road, Subject to Conditions of Approval: and
6. Decision by a Majority of Members of the Governing Body to Deny Appeal #2021-3256-APPL and Affirm the Historic District Review Board's Denial of a Request by Laura Chock in Case #2020-3006-HDRB to Replace a Pedestrian Front Gate and Add a Stuccoed Arch Feature to a Contributing Yard Wall Structure at 542 Camino del Monte Sol, in the Downtown and Eastside Historic District.

COMMITTEE REVIEW:

Special Governing Body: 04/06/2021

Special Governing Body: 04/08/2021

Regular Governing Body: 04/28/2021

Councilor Rivera asked if Ms. McSherry has an answer to the question he had asked earlier.

Ms. McSherry recommended he abstain and not recuse.

Ms. McSherry explained how it worked.

Councilor Rivera decided he would stay.

Councilor Romero-Wirth explained that a yes vote was not about the substance but to verify the decision was accurate.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Abeyta, to approve the request as presented.

Discussion on the Motion:

Councilor Villarreal, to clarify, noted this is not on Zia Station but on the appeal of the date for the Laura Chock case.

Councilor Vigil Coppler asked, in the Findings of Fact and Conclusions of Law, if the vote at the hearing should not say that Councilor Rivera was absent from the vote.

Ms. Paez said she could add a statement to that effect in the FF/CL. She would state and Councilor Lindell and Councilor Rivera were absent from the vote.

Amendment to the motion:

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to amend the motion, adding the statement in the findings of Fact and Conclusions of Law, that Councilor Lindell and Councilor Rivera were not present for the vote.

Discussion on the motion:

Councilor Rivera pointed out that he and Councilor Lindell were actually absent.

Ms. McSherry still recommended that they be shown as abstentions.

Councilor Rivera said he could still vote to approve #6. He asked if #6 could be separated out.

Mayor Webber agreed and recommended withdrawing the main motion as amended.

Councilor Vigil Coppler withdrew her motion and Councilor Villarreal withdrew her second.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve Items 1-5 in the Findings of Fact and Conclusions of Law as amended.

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

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

Against: None. Councilor Lindell and Councilor Rivera abstained.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Vigil Coppler, to approve Item #6 in the Findings of Fact and Conclusions of Law as presented.

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.

Ms. Bustos-Mihelcic explained the on-hold choice for the future. For getting out of the room and back.

- n. Request for Partners in Education Contract #20-0568 Amendment 1, to Amend the Scope of Services for Engagement Coaches to Provide Outreach and Navigation Services to Improve Student Engagement. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Finance Committee: 04/19/21

Public Works/ Utilities: 04/26/21

Governing Body: 04/28/21

- o. Request for La Familia Contract Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life: 04/07/2021

Public Works: 04/26/21

Governing Body: 04/28/21

- p. Request for Santa Fe Dreamers Contract Amendment #1, Term Extension of One Year from 06/30/21 to 06/30/22. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 470-3186)

COMMITTEE REVIEW:

Quality of Life Committee: 04/07/2021

Public Works: 04/26/21

Governing Body: 04/28/21

Item (q) was pulled for discussion by Mayor Webber.

- q. **Request to Publish Notice of Public Hearing on May 12, 2021.**
Consideration of Bill No. 2021-11. An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.3 SFCC 1987

To Reassign the Authority to Appoint the, Members of the Commission to the Ethics and Campaign Review Board and to Reassign the Authority to Appoint the Commission's Chairperson to the Commission's Members; and Amending Section 6-16.2 SFCC to Add the Duty of Appointing the Independent Salary Commission Members to the Ethics and Campaign Review Board's Powers and Duties. (Councilor Garcia, Councilor Lindell, and Councilor Vigil Coppler) (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 04/14/21

Quality of Life Committee: 04/21/21

Public Works and Utilities Committee: 04/26/21

Governing Body (Request to Publish): 04/28/21

Finance Committee: 05/3/21

Governing Body (Public Hearing): 05/26/21

Ms. Bustos-Mihelcic read the caption and noted Mr. Guillen was available if needed.

Mayor Webber is left the room and Councilor Lindell assumed the Chair duties for this matter.

Councilor Vigil Coppler withdrew as a cosponsor and also left the room.

MOTION: Councilor Garcia moved, seconded by Councilor Abeyta, to approve publishing notice of the public hearing as presented.

Discussion on the Motion:

Councilor Villarreal was curious why this was not combined with the hearing tonight.

Ms. McSherry explained this amendment could have been combined but they occurred separately.

Councilor Villarreal understood and thanked her.

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

For: Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Mayor Webber and Councilor Vigil Coppler were not present for the vote, having recused themselves.

Mayor Webber and Councilor Vigil Coppler returned to the meeting after the vote.

11. **DISCUSSION/ACTION ITEMS**

a. **CONSIDERATION OF RESOLUTION No. 2021-22.** (Councilor Rivera and Councilor Abeyta)

A Resolution Requesting Approval of Amendment No. 1 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500383 Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Regina Wheeler, Public Works Director, rawwheeler@santafenm.gov, 955-6622 and Tom Graham, ADA Coordinator, tmgraham@santafenm.gov, 955-6654)

COMMITTEE REVIEW:

Public Works and Utilities: 04/26/21

Governing Body: 04/28/21

Ms. Bustos-Mihelcic read the caption for this item.

MOTION: Councilor Garcia moved, seconded by Councilor Abeyta, to approve Resolution 2021-22 as presented.

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.

12. **MIDTOWN OVERVIEW**

Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report. Report: Incremental Development Next Steps. (Daniel Hernandez, Project Director at Proyecto LLC; and Rich Brown, Director, Community & Economic Development Department, rdbrown@santafenm.gov) **INFORMATION ONLY**

Director Brown and Daniel Hernandez were present.

Mayor Webber requested this report and discussion be concluded no later than 7:00.

Director Brown shared his screen showing the Action Plan with 9 actions which he listed verbally. Some are in process and others coming forward. #2 is one in action now – rezoning the Site – Development Framework Plan. It is due May 15 and waiting for final budget approval. The first task will be to confirm the scope and terms for the plan and approval.

Mr. Hernandez said #4 it to reuse Existing Buildings for community Purposes: Fogelson Library Complex, Visual Arts Center, Garson Performance Theater – to assess for possible institutional use; align with land use and develop planning; develop a method for soliciting and evaluating proposals that are due June 30. The public information presentation will be on May 12.

#7 is to identify parcels for mixed-income and affordable housing development, prioritize as part of framework planning and develop a method for soliciting and evaluating proposals by August 30.

#8 is Access and Establish a Public Mechanism. Meetings are underway to evaluate potential development structures; Research is underway for potential infrastructure/utilities funding methods. This is due by July 30.

#9 is Public Engagement for Development Planning. The initial tool kit recommends finalizing outline as community and the Sustainable Development Tool Kit outline, coordinating schedule between Land Use plan team and public engagement team. Focus engagement activities for public input/feedback through spring and summer 2021. Due in January 2022 – Public information presented on July 14.

Mr. Hernandez shared the websites which are being updated now. They are also uploading many documents now.

Councilor Garcia asked if the due dates signified Governing Body action.

Mr. Hernandez said the dates were just topic oriented presentation. He said he should make a slide for dates of Governing Body approvals.

Councilor Vigil Coppler pointed out that Councilors got this in an email today about 10 a.m. So the public doesn't see it until now. She asked why it cannot be loaded on Prime Gov ahead of time.

Director Brown said the report has been in the system. This is just a distillation which we can put in PrimeGov.

Councilor Vigil Coppler said it is not on PrimeGov and last time we discussed transparency. We do this for the public, not just for the Governing Body. So in addition to Mr. Hernandez's slides that he said he would provide, to load it all into PrimeGov, even if after the fact. But in the future, download it to PrimeGov well before the meeting.

13. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

14. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry recommended the closed executive session.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(5), (H)(7), and (H)(8), Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, Attorney-Client Privileged Quarterly Update Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Party, and Discussion of Property Disposition, Specifically Property Located at 730 Alto Street. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

Mayor Webber advised the public it might be lengthy closed session.

Councilor Abeyta said when the Council gets property located, he will recuse himself.

Councilor Villarreal asked if we need all items because it pertains to a public hearing item.

Ms. McSherry said yes. At least the first item must be completed before the budget hearing. There is a lot to talk about and she preferred to deal with what needs to be done only and go back later for the rest.

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to go into executive session to discuss the matters listed on the agenda as recommended by the City Attorney.

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.

The Governing Body went into closed executive session at 6:48 p.m.

The Governing Body ended the executive session at 8:10 and returned to open session at 8:22 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to return from closed executive session, stating for the record that the only matter discussed was the first item listed on the agenda.

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.

15. **MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

16.

COMMUNICATIONS FROM THE GOVERNING BODY

a. Legislative Introductions

Councilor Rivera introduced a resolution for extreme drought conditions restricting fireworks within the City and prohibiting other fire.

Councilor Cassutt-Sanchez had no introductions.

Councilor Abeyta introduced an ordinance relating to Chapter 14. Councilor Lindell is a cosponsor.

Councilor Lindell had no introductions.

Councilor Garcia had concerns on the street lighting project. With the increased concerns, he asked that the Governing Body pause the process until we can properly address the unanswered problems with demonstration sites. When we began the contract with Dahlkia on 4000K and how to request a waiver from DOT, he facilitated conversations of administrative staff with DOT staff. He had asked to be part of the conversation, but the administrative staff decided not to include him. It not only creates division but lack of transparency. We should not leave people out. He went to the demonstration at Frenchy's Park Friday night and there were lots of concerns from committee members – misinformation and folks left there with more questions than when they arrived. We requested specifications of the plan and those have gone unanswered. It should be readily accessible and shared with the community. So there are lots of challenges and we need to hit pause and address it in a way that satisfies the public. It is a great project but need to implement so we don't have to go back and fix it. So he asked that we pause it for now.

Councilor Villarreal wished the SFHS basketball team and Capital HS team good luck. Whoever wins will be good for the City with a place at state tournament.

Councilor Vigil Coppler asked the City Manager when the therapy pool at GCCC will open.

Manager LaPan Hill said she would have to consult with staff on that.

Councilor Vigil Coppler asked about the libraries opening. She is getting constituent complaints about the gym being partially open when the therapy pool is not open. Some of it has no rhyme or reason and she was at a loss to explain it She saw no reason for it not to be opened.

She also asked when the City will institute watering restrictions.

Manager LaPan Hill said that was another she will have to get back to Councilor Vigil Coppler on. She had no specific date.

Councilor Vigil Coppler commented that Albuquerque has their schedule out and it is quite clear. If trees and shrubs are not watered now, they will eventually be unresistant to the diseases that are coming. In Albuquerque, April is two times per week but no restrictions on time of day. Even in the winter it is once a month. It is important to get that message out. She also had complaints on the streetlight demonstrations and stressed the importance to label the lighting the public is looking at. They are not labeled so no one knows what they are looking at to assess. It seems a waste of time - like driving around looking at Christmas lights. The demonstrations are supposed to be about different levels of lighting.

Councilor Romero-Wirth gave a shout out to her daughter whose birthday is on Monday.

Mayor Webber introduced the third quarter BARs and will join in on an effort to provide better and more information on the street lighting project. We need to go back and to know the current status quo on streetlights – costs, risk factors from outages and lighting levels and how we compare with Tucson and others, options for reducing glare and turning off lights at midnight. A fact base where now there is no agreement about facts. It would simplify the conversation. He enjoyed being there Friday night with lots of folks. He went over to Jaguar where individuals had different concerns. He encouraged everyone to get out and have their voice heard for public feedback.

Amendment to the Agenda:

Ms. McSherry asked for an Agenda amendment to return later to executive session.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt-Sanchez, to amend the agenda by moving the remainder of the Executive Closed Session to the end of the agenda.

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.

EVENING SESSION – 8:37 P.M.

17. 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

None

18. PETITIONS FROM THE FLOOR

Diane McClennan, 110 Calle Paisano, thanked the Governing Body for the opportunity to speak. She was very concerned with the streetlighting design Her experience was off intense glare. The new lighting does have intense glare and scattered light and has light pollution in the sky. Light fixtures have BUG Ratings (Backlight, Uplight, Glare). The professional ratings are from 0 – 5 with 5 being worst. She guessed the BUG ratings for these were inappropriate and could be dangerous for drivers and pedestrians. We need zero B, zero U, and 1-2 Glare. Also, the LED emitters need to be recessed more than they are now. They do need metallic aperture shielding. And this lighting doesn’t appear to have those fixtures. If Dahlkia cannot provide those, she requests that the contract be put on hold and renegotiated. They are not supplying what we need. She felt like the City is rushing it and needs to proceed with a full understanding. She hoped people will view the presentation tomorrow evening with invites from Santa Fe Trust.

Stefanie Beninato spoke about the Midtown campus. She noted that some buildings are being considered but historic status is not being considered and she hoped it will be. Regarding water restrictions, she said the watering at the Plaza

waters the benches and sidewalks. It needs to be adjusted to not water the sidewalks. She appreciated Councilor Vigil Coppler's concern at GCCC. There is no change at Ft. Marcy. They claim to not have the money to make the improvements at Ft. Marcy. They could open the family restroom as needed. She has told the City didn't have it and showed a response that she finally got today.

At Ft. Marcy, she said it would be nice to have an air lock. She said she has gotten a lot of criticism for speaking, but she just happened to be first and didn't appreciate that.

Robert Morlino said on the streetlight project, he has been biking on Gov Miles Road at night will illumination and without posters on the poles he cannot know the difference. There is confusion in the protests. He felt the street was well illuminated and the street a little brighter. He was surprised at all the debate on issues.

There were no other petitions at 8:48 p.m.

19. **APPOINTMENTS**

There were no appointments.

20. **PUBLIC HEARINGS**

- a. CONSIDERATION OF RESOLUTION 2021-23. (Mayor Webber, Councilor Abeyta and Finance Committee)

A Resolution Adopting the City of Santa Fe's Fiscal Year 2021/2022 Operating Budget and Organizational Chart. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

COMMITTEE REVIEW:

Special Finance Meetings: April 13, 14 & 15, 2021

Special Finance Meetings: April 20, 21, & 22, 2021

Governing Body (Public Hearing): April 28, 2021

Ms. Bustos-Mihelcic read the caption for adopting the FY22 Operating Budget. She noted Alexis Lotero, Interim Finance Director, was here for this item.

FINANCE COMMITTEE RECOMMENDATION

Councilor Abeyta spoke as Chair of the Finance committee, recommended adoption of the FY 22 Budget with a few adjustments. The first was to the Economic Development Department for a \$692,000 increase to transfer one person from Public Works to that Department and a corresponding

decrease in Public Works budget for that transfer. Second was Planning and Land Use Department decrease by \$746,671 in salaries, wages and benefits category and the impact fee fund to accurately reflect salaries and benefits. The Public Utilities Department Environmental Services Division budget decrease by \$542,760 in the contractual and utilities category to accurately reflect the contractual needs for the Division. Overall, the Finance Committee recommended approval with total expenditures at \$347.3 million. The budget includes money to allocate new positions to various departments and restore money and raises for employees without more to be paid, and money for affordable housing. It is a budget that hopefully opens us back up.

He thanked City Staff and especially the Finance Department. He never had to create a budget under these circumstances. We put the budget together over Zoom and everyone did a tremendous job. It is optimistic and helpful will get all staff back to work and provide to the community the services they deserve. Thank you.

PUBLIC COMMENT

Miles Conway, 495 NM 592, thanked the Governing Body for their hard work. He represented the 400 builders in the Santa Fe Area Homebuilders Assn. "We will put any type of lighting in your home and abide by all the rules. Most builders get up at 5 am so most who had planned to speak had to leave this meeting with Zoom weariness." He noted that comments were submitted online. He was looking forward to meeting in person. The budget looks good. The construction industry is working 24/7 to make people's dreams come true. Many are remodeling too. So we appreciate the increases for the Land Use Dept. With streamlining of their processes, we would accomplish even more for this community that we love very much."

ACSFME 3999 Representative said, "We come before you with a heavy heart. We found out about the 4% increase offered but with strings attached." He listed the strings, including longevity incentives etc. "Whatever is left will go to raises. We have several problems: It doesn't affect the programs that have been stagnant. The portion doesn't cover all the needs. Management staff have received 4% without strings after raises in the current year. Why are these strings attached? Union employees received nothing at end of last year.

We ask you to amend the budget and separate the 4% increase with no strings attached like administration and management get. Don't leave us struggling trying to meet ends with less than 4% raise. Don't leave programs unfunded because the tradeoff is an either/or situation. Funds can be made

available. Treat AFSCME employees fairly and respectfully with the raises they need without strings attached.

Michael Barrio, Executive Director of the Santa Fe Action Coalition. The coalition works to make affordability and access. Thanks for support for the Land Use increase. The LUD is a critical piece for Affordable Housing.

Tomas Rivera, Chainbreaker Collective representative, said Chainbreaker has over 700 members in Santa Fe. Displacements and evictions are coming at the end of COVID. Many of the items took long time coming. Chainbreaker has been working with Councilor Villarreal. The budget implications are deeply appreciated with your investment in the community and especially during this critical time. We appreciate the leadership of City Council. We will report on evictions and we do see dire predictions for the future. 4,000 residents have held in their homes by the duct tape of the moratorium. Rental assistance is out, and they are looking forward to continue working with the City in some recommendations already put forward. He will report again in June. And Chainbreaker will do what we can to avoid the crisis coming up.

Stefanie Beninato appreciated all the work on the budget and funding for Santa Fe Affordable Housing Trust Fund. It is happy to help people and not be a victim. Some of the assistance will go to owners. She also appreciated the tenant hotline for mediation. That will solve a lot of problems. She was a little concerned with cuts in administration in LUD and wondered how many new staff or how much of the budget was going to outside consultants. The process doesn't seem to get implemented.

Lastly, proper management doesn't need a wage increase. They started high and got increases last year. She didn't know the 4% was tied to conditions. That is unfair with none on the highest management. We really need starting pay at \$15/hour. We can't get lifeguards when pay is not \$15/hour. The City also needs to rethink recreational cannabis coming. She urged the Governing Body to start employees such as lifeguards at \$15/hour.

Rob expressed his support for this budget and applaud everyone for putting it together by Zoom. Money for the AHTF is great. Also what Miles said about increases for Land Use to make permitting more efficient. He was impressed with the people who work there. On public safety, pay raises are warranted for the police and fire fighters have difficult jobs. He hoped the City could have more who don't need to be armed. Costs for cruisers are often pushed off. And there is need for any damage to be accounted He was not in favor for police cars to be taken home. Some live far outside the areas served.

Matt Seguro, President of Santa Fe Homebuilders, echoed what Miles and Michael said. He was for support of Land Use Staff. That increase serves in two ways. Some people turn to predatory contractors because they don't get a permit and the work is done poorly. By increasing the budget for Land Use, we will increase revenue from permits and rid ourselves of predatory roofers Thank you.

There were no others from the public.

Questions from Governing Body to Staff

Councilor Villarreal thanked Staff for answering questions during the budget hearings. The one she still had was police numbers from last year that were vacant positions that were still funded and not frozen. She asked what is funded but still vacant. There were differences around what was frozen. Last year, they were just vacant. She asked if they are still trying to fill them and if there was any more information.

Director Lotero agreed they did have some unfunded last year. Mr. Lovato is the keeper of positions to answer.

Mr. Lovato said there were 199 funded positions and 29 vacant unfunded. Three were frozen but were utilized by retired police officers. That brought the count to 26 for FY 21 and now they are funding 215 positions and 13 are frozen so total 228 for the total for FY 22.

Councilor Villarreal – so 215 positions funded and 13 vacant but out of 215, how many are vacant.

Mr. Lovato stated that 13 of those were newly vacant frozen will be funded and 13 remain frozen.

Councilor Villarreal said she asked because we wanted to know what was cut and understood vacancies from last year are continuing.

Mr. Lovato said the total of vacant positions was 35 vacant position – 22 sworn and 13 unsworn.

She had no other questions.

Councilor Vigil Coppler wanted an answer on how much is taken from reserves to fund this budget.

Mayor Webber asked if she was asking for General Fund reserves or all reserves.

Councilor Vigil Coppler asked what meets the State regulations.

Director Lotero General Fund reserves are subject to the State minimums. The City also has other reserves. Anthony Hopkins was pulling it up right now.

Mr. Hopkins said the General Fund reserves minimum is 10% and the City maintains that instead of the 1/12 reserve as required by DFA. It does not include revenue or transfers. The 10% is \$10,297,262. Adding the projected cash of \$17.3 million, leaves us right on the money for 10% minimum reserve. He didn't pull up the reserve total for all funds. He mentioned some of the funds included. That is net use of cash. Some funds use no reserve. Utility is adding to the reserve right now.

Councilor Vigil Coppler understood the Utility reserves are not being used except for utilities in this budget.

Mr. Hopkins noted there is a significant surplus in Utilities and any use will be for utilities projects.

Councilor Vigil Coppler understood the balance right now and asked how much of the General Fund budget is from reserves.

Mr. Hopkins said the amount from General Fund reserves is just over and above the 10% reserve - \$17.35 million in cash and \$7.05 million next year from reserves would maintain \$10.3 million in General Fund reserves.

Councilor Vigil Coppler had heard some reserves are being used for recurring expenses. She thought that was bad practice. The employee insurance is coming from reserves. Do we generally use reserves for recurring costs?

Mr. Hopkins agreed it is best to only use reserves for significant one-time costs. He opined that AH costs may not be sustainable in the long haul. As a general rule, she was correct to use reserves only for one-time expenses. But we are in the COVID pandemic and what reserves are for. That is to get through hard times until the economy recovers. The local economy is improving but still in a downturn. That is what reserves are for.

Director Lotero added that our local requirements are higher than DFA requirements and we are still maintaining our higher local reserve level. We are just coming through a major disaster and that doesn't preclude another major disaster. It is always good to have more than what is required.

Councilor Vigil Coppler noted the City is not operating with a flat budget either. In hard times, you would tend to have a flat budget and not spending out of reserves, just to operate in a safe manner. The part that makes her nervous, if we have excess reserves, she guessed they are not reserves. We are spending them, and she got that. We were told we were \$100 million in the red and later was told \$89 million and then \$49 million. And now we have a healthy budget increase and keeping more than the state requires but spending and budgeting the rest. That made her nervous. She was not totally comfortable with those numbers. It is hard to realize we have come from \$100 million deficit to a sizable increase in budget.

She asked about our bond rating.

Mr. Fleutsch said at the end of last year, we looked at the bond tests. As long as we remain above the critical bond tests of projected \$109 million, about \$65 million is pledged to creditors. The debt service for that is about \$22 million. So we are almost three times covered as our debt service. That keeps us at a very strong AA+ rating. And we project a steep reduction of debt service in the next few years. He had no concern about our current rating.

Councilor Vigil Coppler observed that we have not had an audit that tells us we are going in the right direction and cognizant of what we need to know. It all makes her a little nervous. She didn't feel that we are on solid ground because we don't have information and the outside auditor's review.

Councilor Vigil Coppler was in support of PLUD improvements. She asked Director Isaacson about performance standards. She gets many complaints about housing permits. When she calls, some change happens. She asked where the performance standards are and how the money improves anything.

Director Isaacson said the increase in General Fund revenue to his Department is in the form of unfrozen vacancies and more FTEs so we can be more responsive to our customers. A challenge is where one individual is responsible for an entire portion of workflow. So we are adding some redundancy as well. This last year has been very challenging. We do business over the counter usually and he hoped the increases will allow more online services.

Councilor Vigil Coppler wondered what standards address how many days or hours to get from one point to the next and a standard for issuing a permit. She knew that can be done because she has done it before. If we offer the best customer service with taxpayer money allotted, we should have good outcome results.

Director Isaacson said they do have targets for review times. And they are not always able to hit those targets. More complex applications take more time. But we are more consistent in turnaround times. We are also doing a better job with the new software for tracking. And we can identify where the problems are.

Councilor Vigil Coppler, regarding the salary increases, was concerned about how the raises were determined. There have been various communications, but in general, 4% to non-union employees and 4% increase to union employees and 3% to department directors was in the budget. So she had some misunderstanding in how that translates to money in employees' pockets. The word, salary increase means "I am going to get an increase." She understood it is not true for the union employees but a bucket of money the union can determine how to apportion. She understood the concerns raised here tonight.

The other thing said at the budget hearings was that probationary employees would not get the raise. She thought this was a merit increase. But this is an across-the-board increase. If it was merit, there would need to be a performance review. She had not heard a word about performance.

She asked Manager LaPan Hill about it.

Manager LaPan Hill agreed it is across the board increase. 4% for non-union employees and with all unions, CBA, the amount is negotiated as equivalent to... It is the union's right to determine how it will be allotted to the members.

Councilor Vigil Coppler pointed out that exempt employees are on probation every day. Why would we exclude probation employees? Why do we want to fall further behind in the compensation plan to equalize jobs?

Ms. Salazar said there are different rules in the system. This is consistent with the way the increases were done. It is not as black and white, and you might think. It is like the way they were done in 2019.

Councilor Vigil Coppler you say the City is not negotiating for probationary employees but with the union employees, they negotiate that. But to exclude them from the budget, it impacts the CBA.

Ms. Salazar explained that probationary employees are not in the union. So with an executive on probation, that employee will be covered under the CBA at completion of probation.

Councilor Vigil Coppler said a compensation plan gets broken with those kinds of decisions. She didn't see how this can be the right way to approach

this. We deny an employee a raise and create a morale problem. If they are hired at the wrong time, they are not eligible. Some will get it, and some won't when hired a few days apart. It is not merit. Maybe it is a COLA. She didn't know what the 4% was tied to. She didn't think it is fair to call it a salary increase but union people don't get 4%. She heard things like safety boots and protective clothing as prescribed by OSHA. Why would they have to negotiate that out of a salary raise.

Ms. Salazar clarified that safety clothing is negotiated in the CBA – uniforms, etc.

Manager LaPan Hill said that is covered in the CBA.

Mayor Webber pointed out that in the current budget there is money for all of those items and the union would like more money in the budget for those items. AFSCME wanted more money for those items.

Councilor Vigil Coppler noted that is part of negotiations. But it was somewhat disingenuous to say it was a salary increase.

Mayor Webber did not understand her point. Every year, an amount of money equivalent to a percentage increase is provided for the union. My first year as Mayor it was 2% but we cannot tell the union it must be a 2% raise for each member. The union may distribute it in the way they want. They might give more to those at low part of the pay range. So why do you think it is not a salary increase?

Councilor Vigil Coppler said there are other ways. Just because we have already done it one way, doesn't make it the right way. There can be more and better communication and different ways to negotiate pay raises. It is okay to say we have a 4% bucket that the union can do what they wish but to say it is a salary increase is a misnomer. It is a budgetary formula and not a salary increase. Budgeting formula is different. We set up an expectation, but other things are being taken out of the increase. The Governing Body sets the policy and if we want to offer up a 4% salary increase for union employees. We are the boss and can do that.

The last thing to say is, some Councilors are not on the Finance Committee by design. And the only difference is that we don't get to vote but we should have the same airtime when we raise our hand. She was taking a lot of time now because she didn't get recognized when she raised her hand. Every Councilor has an obligation to get everything on the table. She was not recognized to get all of her questions on the table. She felt like a stepchild – so she didn't get to talk as much. She thought the only difference should be not getting to vote. She only got one shot and we should have had time

to address any matter that comes up. It was not very welcoming and now, this was her only chance.

Councilor Garcia for the DFA requirement on reserves to be shared again.

Mr. Hopkins said the reserve is one twelfth of revenues excluding transfers. In monetary terms – \$8.6 million of the \$10 million reserve we have.

Councilor Garcia reasoned that the City has a \$1.6 million buffer over what we are required to have. Looking at the numbers now and what we require, we drew down as much as we could and doesn't scream out fiscal responsibility.

Director Lotero reminded Councilor Garcia that last year they waived the requirement and gave the same latitude this year. We are fortunate to not have the difficulty of other cities.

Councilor Garcia understood and that is good news, and we would be that much deeper in the hole without that reserve. He heard two different things here tonight. When budget hearings started, we heard about rebounding. But tonight he was hearing we have to pull from our reserves for the budget. So he asked if the economy is going south. We need to be fiscally responsible and not go down to the bare minimum. Suppose a new strain infects New Mexico. We are not planning for that and would be in a world of hurt. We are not out of the woods and it is not prudent to spend everything we have. And should not be in a position where we have to furlough employees again.

The outcomes have not been determined but we know there will be a fiscal impact. Are we accounting for the fiscal impact that will affect us? As we go through these hearings, are we taking into account all resources?

Ms. Salazar said those discussions and negotiations with the unions are ongoing.

Director Lotero said this is the offering budget with all recurring costs. We would have to determine where to take the one-time costs.

Councilor Garcia thought the furloughs amounted to \$1.2 million. and if we made that up, and if we could not include it in the budget, that would advise us not to draw down to the bare minimum. To make that up, we would need to dip into reserves.

He asked about the Midtown Director permanent position and how that affects the current contract with Daniel Hernandez. If we hire someone, would we have two heads?

Director Brown explained that Daniel Hernandez has a role on the Economic Development side and the Director wears a different hat and is a local partner in redevelopment. So they have different roles. The new person is the Applicant for the rezoning proposal.

Councilor Garcia asked if we are planning to hire a full-time person or hire contractors for the next ten years.

Director Brown said this is a permanent position for a longer-term game plan.

Councilor Garcia asked then if we will continue to contract for Mr. Hernandez' position.

Director Brown said when we get to the master plan, Mr. Hernandez' contract will come to an end. Right now it is December 2022.

Councilor Garcia hoped that then, the City would hire a full time employee and not go for another contract.

He asked, regarding the CHART contract, that the contract calls for \$276,000 and with no proposal before us, we are planning to spend \$60,000 this year. He didn't get a breakdown on the \$326 million and how we would spend those resources.

Director Brown thought the Finance Committee should answer that.

Mr. Lambert thought the initial contract would be \$250,000 for the first year to get the program going. He thought it would be half of that for the second year.

Councilor Garcia asked how we arrived at the \$326,000 and what are we spending that on?

Mr. Lambert that that was based on comparison with an existing national project similar in scope and a big part was not only to hire consultants but other things like neighborhood organization and other committees working with the contractors and leaving room for stipends, etc.

Councilor Garcia said we should not be developing a budget on basis of what it cost another city. We should look at actuals for what it cost us last year. And be able to explain why we chose a specific figure. In the budget hearing talking about travel – it came down to \$5,000 for travel, etc. He was not going to travel anywhere. Supplies should be extremely minimal. He didn't know why we have this crazy budget which is not fiscally responsible

during a pandemic. So he would like that changed in Councilor budgets. He learned a lot last year and saw the opportunity to examine where we could work together to fill gaps we had. We should be fiscally responsible. We need a budget that will lead us into the future and not “this is the way we’ve always done it.”

Councilor Cassutt-Sanchez circled back for clarification on the union and allocation of money. To make sure she understood. We don’t have capability to say, based on the CBA results, the union employees won’t necessarily get 4% increase.

Ms. McSherry agreed. It is not only the CBA but also under Public Employee Act.

Councilor Cassutt-Sanchez mentioned the comment about money for uniforms, and asked if there were also nonunion employees who would need uniforms for their duties.

Ms. Salazar agreed.

Councilor Cassutt-Sanchez asked then, if we are providing 4% raise plus the money for uniforms.

Ms. Salazar said they will still continue to receive money for those items. She acknowledged that bilingual pay is not extended to nonunion employees.

Councilor Cassutt-Sanchez asked what percentage of budget goes to personnel and benefits.

Director Lotero said that part was about 2/3 of the total budget.

Councilor Cassutt-Sanchez asked how much of the budget increase goes to salaries.

Mr. Fluetsch provided those details for her. Salaries by 14.5% and benefits 6.3% for a total of 11.6%. for personal services.

Councilor Cassutt-Sanchez said we discussed people taking on multiple jobs and part of the discussion on how we provide extra support to provide the service we want to provide. She had no other questions.

Mr. Hopkins said the total increase in all budgets resulted in \$36.1 million and of that total increase, 37% is going to personnel benefits.

Mayor Webber said there were things in the budget not touched on yet. The City is putting \$2.3 million toward insurance costs and not passing those costs on to employees. That is a direct financial benefit and as good as an increase.

Ms. Salazar agreed. It is not a reduction in take-home pay.

Mayor Webber had a few other items not touched on such as \$350,000 in training and safety supplies. Who would benefit from that – only union or all employees?

Ms. Salazar said that applies to all employees – union, nonunion, probationary.

Mayor Webber asked who benefits from the \$100,000 in tuition assistance.

Ms. Salazar said it benefits employees in their education and we are excited for that.

Mayor Webber noted the \$200,000 in safety equipment and supplies and asked if that was for everybody.

Ms. Salazar agreed. There are many more training opportunities going forward.

Mayor Webber noted that the living wage guidelines in Santa Fe is higher than the State's.

Action of the Governing Body

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve the Resolution adopting the FY 22 Operating Budget.

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.

During the roll call vote, Councilor Garcia wanted to explain his vote, Councilor Vigil Coppler wanted to explain her vote, and Councilor Villarreal wanted to explain her vote.

Councilor Garcia said there are components of the budget that are very progressive and pushing us in the right direction. But he will continue to express concern of being fiscally irresponsible by dipping into reserves and not get down to the bare minimum. We went through crisis and still dealing with it. We need to be a leader on this. He hoped we can be more fiscally responsible in the future.

Councilor Vigil Coppler agreed the budget has some very good things in it and wouldn't work without the employees we have. She was not impressed with comparing our use of reserves. Without those reserves, we lose at a faster pace. This budget is very ambitious but somewhat irresponsible. The discussion on salary increases is not fair to union employees and not giving them what others are afforded.

Those who were furloughed were among the lowest paid. But not approving this budget is not right either.

Councilor Villarreal thanked the Staff in all departments for the budget and taking the hours to make it a good budget. There are still things unclear to her but in the long run, she appreciated that Finance came through on several concerns she had. They are also short staffed. There are things in it she could not support, and mentioned a few of them, including project managers, IT personnel and several others. Cautiously she is commending the fire department on the alternative response unit. She didn't think the fire response unit was doing enough.

This is an ambitious budget, and we need to proceed cautiously, but an austerity budget doesn't support recovery. The quarterly reports will be very helpful.

Mayor Webber recused himself for the next item.

b. CONSIDERATION OF BILL NO. 2021-8. ADOPTION OF ORDINANCE 2021-9. (Councilor Rivera, Councilor Romero-Wirth, and Councilor Lindell)

An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.1 SFCC 1987 to Make Clarifications; Amending Section 6-19.2 SFCC 1987 to Change the Effective Date of the Salary to Align with the Term for Mayor Set Forth in the Santa Fe Election Code, Section 9-1 SFCC 1987; Amending Section 6-19.3 SFCC 1987 to Establish an Application Process and Modify Length of the Commissioners' Terms; and Amending Section 6-19.4 SFCC 1987 to Set the Future Schedule for the Independent Salary Commission. (Erin McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/2021

Finance Committee: 04/5/21

Governing Body (Public Hearing): 4/28/21

Ms. Bustos-Mihelcic read the caption for this item and put him Mayor Webber on hold for this item. Councilor Vigil Coppler also recused.

Vice Chair Lindell chaired the meeting during this item. She noted the need to change the date.

Vice Chair Lindell asked Ms. McSherry if we should consider the amendment first.

Ms. McSherry was not aware of any proposed amendment. The sponsors could make a statement and then have public comment.

Public Comment

There were no comments by the public for this matter.

Vice Chair Lindell closed the public hearing and looked for a motion.

Action of the Governing Body

Councilor Villarreal wanted to be listed as a cosponsor.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve Ordinance 2021-9 as presented.

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

For: Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Mayor Webber and Councilor Vigil Coppler were not present for the vote.

Mayor Webber and Councilor Vigil Coppler returned to the bench after the vote. Mayor Webber resumed chairing the meeting.

- c. CONSIDERATION OF BILL NO. 2021-10. ADOPTION OF ORDINANCE NO. 2021-10. (Councilor Lindell, Mayor Webber, and Councilors Abeyta, Romero-Wirth, and Cassutt-Sanchez)

An Ordinance Amending Section 11-14.5 SFCC 1987 to Dedicate Half the Sales From Any Sale or Lease of City-Owned Land and Buildings to the Affordable Housing Trust Fund; and Amending Section 26-3.6 to Add the Dedication to the Affordable Housing Trust Fund. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346 and Rich Brown, Community Development Director, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body (Public Hearing): 04/28/21

Ms. Bustos-Mihelcic read the caption for this item. Director Ladd and Director Brown were present for any questions.

Public Comment

There were no public comments on this matter.

Questions of the Governing Body

There were no questions from the Governing Body.

Action of the Governing Body

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to adopt Ordinance 2021-10, regarding sale or lease of City-owned property as presented.

Amendment to the Motion:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to amend the ordinance by deleting the section that required half of the revenue from leases to go to the AH Trust Fund but retain half of the revenue from sales.

Councilor Romero-Wirth explained that at the Quality of Life Committee meeting, members heard a presentation about the work on Economic Development that used money from the leases. The Committee did not want to take half of the money from leases. So the amendment is just for sales. It is also cosponsored by Councilor Abeyta, Councilor Cassutt-Sanchez and Councilor Lindell

VOTE: The amendment 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.

Discussion on the Main Motion as Amended:

Councilor Vigil Coppler asked Director Brown, regarding a statement in the FIR that said the impact would affect PSAs, SCORE, and YouthWorks, how that loss would be made up.

Director Brown said with the amendment just passed there would be no reductions in the contracts. So he had no worry about that.

VOTE: The motion, as amended, 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.

Councilor Villarreal asked to be added as cosponsor.

- d. **CONSIDERATION OF BILL NO. 2021-10. ADOPTION OF ORDINANCE NO. 2021-11. (Mayor Webber)**
An Ordinance Amending Section 18-11.3 SFCC 1987 to Define “Taxable Premises” Consistently with State Statute and to Add a Definition for “Permanent Resident”; Amending Section 18-11.8 to Make it Consistent with State Statute; Amending Section 18-11.17 to Differentiate Between the Occupancy Tax and the Convention Center Fee, and to Dedicate the

Occupancy Tax Collected on the Thirty-First Day and Subsequent Days to the Affordable Housing Trust Fund; Amending Section 26-3.6 to Add the Dedication to the Existing List of Dedications to the Affordable Housing Trust Fund; and Making Such Other Changes as are Necessary. (Randy Randall, TOURISM Santa Fe Director: rrandall@santafenm.gov, 955-6209 and Brad Fluetsch, Planning and Investment Officer: bjfleutsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21
Governing Body (Request to Publish): 03/31/21
Finance Committee: 04/5/21
Quality of Life Committee: 04/7/21
Governing Body (Public Hearing): 04/28/21

Ms. Bustos-Mihelcic read the caption for this item. Director Randall and Mr. Fluetsch were present.

Public Comment

There were no public comments.

Action of the Governing Body:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Ordinance 2021-11, concerning taxable premises, as presented.

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.

Return to Executive Session

After a brief discussion on Ms. McSherry's request for returning to closed executive session, the Governing Body decided to honor that request.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to return to executive session to discuss the remaining items on the agenda as recommended by the City Attorney.

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.

The Governing Body went back into executive session at 11:07 pm.

The Governing Body finished the executive session at 11:27 pm and returned to open session.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to come out of executive session, stating for the record that the only matters discussed were those specified in the motion with the exception of property on Alto Street.

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.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:30 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:

Kristine Mihelcic

Kristine M. Mihelcic, City Clerk

Respectfully submitted by:

Carl G. Boaz

Carl G. Boaz, Council Stenographer

**GOVERNING BODY MEETING
EXECUTIVE SESSION
April 28, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on April 28, 2021 beginning at 6:50p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(5), (H)(7), and (H)(8), Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, Attorney-Client Privileged Quarterly Update Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Party, and Discussion of Property Disposition, Specifically Property Located at 730 Alto Street. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

PRESENT

Mayor Webber (Attended Virtually)
Councilor Abeyta (Attended Virtually)
Councilor Cassutt-Sanchez (Attended Virtually)
Councilor Garcia (Attended Virtually)
Councilor Lindell (Attended Virtually)
Councilor Rivera (Attended Virtually)
Councilor Romero-Wirth (Attended Virtually)
Councilor Vigil Coppler (Attended Virtually)
Councilor Villarreal (Attended Virtually)

STAFF PRESENT

Jarel LaPan Hill, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney (Attended Virtually)
Kristine M. Mihelcic, City Clerk (Attended Virtually)
Bernadette Salazar, HR Director (Attended Virtually)
Alexis Lotero, Interim Finance Director (Attended Virtually)

There being no further business to discuss, the executive session adjourned at 8:20 p.m.



Kristine M. Mihelcic, City Clerk