



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 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/95932795318?pwd=RHpTejZ2SHlrNWt4WHBTTkQrUTYxUT09>. **Passcode: 820949**



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

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

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 959 3279 5318 - Passcode: 820949**

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 Abeyta

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

Councilor Garcia

4. **INVOCATION**

Councilor Rivera

5. **ROLL CALL**
6. **APPROVAL OF AGENDA**
7. **APPROVAL OF CONSENT CALENDAR**
8. **APPROVAL OF MINUTES**
 - a. Special Governing Body Meeting – April 8, 2021
 - b. Regular Governing Body Meeting – April 28, 2021
9. **PRESENTATIONS**



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

- 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**
- b. City of Santa Fe Water 2020 Recap and 2021 Outlook. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309) **INFORMATION ONLY**
- c. Presentation of 2021 Area Median Income (AMI) Data and Updates to the Santa Fe Homes Program (SFHP) Pricing Schedule for 2021. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov) **INFORMATION ONLY**

10. CONSENT CALENDAR

- a. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth, Councilor Cassutt-Sanchez, and Councilor Villarreal)
A Resolution Supporting the City of Santa Fe Joining the National Wildlife Federation's Mayors' Monarch Pledge to Preserve the Monarch Butterfly and the Habitat Upon Which It Relies. (Christine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4219)

COMMITTEE REVIEW:

Introduced: 04/14/21

Quality of Life Committee: 04/21/21

Public Works and Utilities Committee: 04/26/21

Quality of Life Committee: 05/5/21

Governing Body: 05/12/21

- b. Request for Approval of Amendment No. 2 to Contract No. 19-0384 with Vladimir Jones (Praco) to Increase the Compensation for FY21 in the Amount of \$175,000. (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

Committee Review:

Public Works and Utilities Committee: 04/26/2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

Finance Committee: 05/03/2021
Governing Body: 05/12/2021

- c. Request for Approval of ITT Amendment #1 for MS Office 365 Vendor Name Change From Original Contract 18-1309 En Pointe Technologies to Insight Public Sector. Third Year of Three Year Term 11/26/2018 TO 11/26/2021. (Manuel Gonzales, Interim ITT Director, mmgonzales@santafenm.gov, 505-231-1749)

COMMITTEE REVIEW

Finance Committee: 05/03/2021
Public Works Committee: 05/11/2021
Governing Body: 05/12/2021

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Opuntia Cafe, Inc. for the following: (Geraldyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)
1. Pursuant to §60-6B-10 NMSA 1978, Consideration of a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Opuntia Café, 1607 Alcaldesa Street, Suite 201, Santa Fe, which is within 300 Feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B, Santa Fe.
 2. If the Waiver of the 300 Foot Location Restriction is Granted, Consideration of a Request for a Restaurant Beer and Wine Liquor License, with on Premise Consumption and Patio Service, to be Located at Opuntia Cafe, 1607 Alcaldesa Street, Suite 201, Santa Fe.
- e. Request for Approval of ITT Contract for Motorola Solutions for Emergency Communications Repair in the Amount of \$273,676.60 for the Term of 05/12/2021 to 07/31/2021. (Manuel Gonzales, Interim ITT Director, mmgonzales@santafenm.gov, 505-231-1749)

COMMITTEE REVIEW

Finance Committee: 05/03/2021
Public Works Committee: 05/11/2021
Governing Body: 05/12/2021

- f. Request for Approval of Amendment No.1 to Contract #20-056 for United Way of Santa Fe County to Change their Name to Growing Up New



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

Mexico. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 505 470-3186)

Committee Review:

Finance Committee: 05/03/2021

Quality of Life Committee: 05/05/2021

Governing Body: 05/12/2021

- g. Request for Approval of the Airport Coronavirus Response Grant Program (ACRGP) Grant Award No. 3-35-0037-055-2021, and Corresponding Budget Amendment Resolution (BAR), in the amount of \$1,570,927. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)

1. Request for Approval of BAR to Budget the Federal Funding of \$1,570,927.

Committee Review:

Public Works and Utilities Committee: 04/26/21

Finance Committee: 05/03/21

Governing Body: 05/12/21

- h. Request for Approval of Governmental Project Funding Agreement with New Mexico Office of the State Engineer – Dam Safety Bureau for Completion of the Nichols Dam Outlet Conduit Rehabilitation Design Work as it Relates to Dam Safety in the Amount of \$422,167. (Brian Snyder, Public Utilities Engineering Supervisor, bksnyder@santafenm.gov, 955-4277)

Committee Review:

Public Works and Utilities Committee: 04/26/2021

Finance Committee: 05/03/2021

Governing Body: 05/12/2021

- i. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber)
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2020/2021. (Andy Hopkins, Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

Committee Review:

Introduction: 04/28/21

Finance Committee: 05/3/21

Public Works and Utilities Committee: 05/11/21



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

Governing Body: 05/12/21

j. **Request to Publish Notice of Public Hearing on June 9, 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): 06/09/21

k. **Request to Publish Notice of Public Hearing on June 9, 2021.**

CONSIDERATION OF BILL NO. 2021-13. An Ordinance Amending Subsection 14-3.7(F), Notes 15 and 16 of Table 14-7.2-1, and Subsection 14-9.6(B) to Allow the Minimum Lot Size to be 1.25 Acres for a Lot Created Through an Inheritance or Family Transfer Subdivision and that Results in Only One Additional Lot; Amending Subsection 14-7.2(B) to Require Rounding Down of the Calculation of Maximum Number of Dwelling Units for a Family Transfer Subdivision Where Neither Public Sewer nor Public Water are Available; and Amending Subsection 14-9.6(A) to Require Proof of Adequate Septic and Well Assurances Prior to the Approval of an Inheritance or Family Transfer Subdivision that Lacks Public Sewer and Water. (Councilor Abeyta and Councilor Lindell)(Eli Isaacson, Planning and Land Use Director: esisaacson@santafenm.gov, 955-6830)

Committee Review:

Introduced: 03/31/21

Planning Commission: 05/6/21



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

Public Works and Utilities Committee: 05/11/21
Governing Body (Request to Publish): 05/12/21
Governing Body (Public Hearing): 06/9/21

11. DISCUSSION/ACTION ITEMS

- a. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Cassutt-Sanchez)

A Resolution Modifying the Frequency with which the City Manager Provides Written Updates to Every Other Regular Governing Body Meeting with Information Regarding the COVID-19 Response from the Police Department, Fire Department, Human Resources Department, and Office of Emergency Management and Safety when Santa Fe County is in the “Green” or “Turquoise” Level. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 04/14/21

Public Works and Utilities Committee: 05/11/21

Governing Body: 05/12/21

- b. Request for Ratification of a Grant Agreement with the New Mexico Tourism Department for \$300,000 to Support the Restart of the Group Business that Uses the Convention Center, Pursuant to SFCC 1987, Section 2-4.6(B). (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

12. MIDTOWN OVERVIEW

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

Presentation: Existing Buildings and Furniture Fixtures & Equipment (FF&E)

- Sam Burnett, Midtown Property Maintenance Manager
- Daniel Hernandez, Proyecto, Midtown Project Manager
- Robert Lambert, Arts & Culture Office, Assistant Director



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

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)(7) and (H)(8), Completion of the Attorney-Client Privileged Quarterly Update that Began During the April 28th, 2021 Governing Body Meeting 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)

15. **MATTERS FROM THE CITY CLERK**

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**

- a. Children and Youth Commission
- Richard Lindahl – Reappointment – Term Ending 01/2023
 - Elisabeth “Lisa” G. Salazar – Reappointment – Term Ending 01/2024
 - Andrea Sandoval – Reappointment – Term Ending 01/2024
 - Crystal Ybarra – Reappointment – Term Ending 01/2021
 - Sarah Amador-Guzman – Appointment – Term Ending 01/2024
 - Kendal Chavez – Appointment – Term Ending 01/2024
 - Chanelle Delgado – Appointment – Term Ending 01/2023

- b. Human Services Committee



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY

- Christina Bruce – Appointment – Term Ending 03/2023
- Emily A. Haozous, PhD, RN, FAAN – Appointment – 03/2023
- Carrie Thielen, MPH, RD – Appointment – Term Ending 03/2024

20. PUBLIC HEARINGS

- a. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal) A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions Between May 12, 2021 and June 9, 2021; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Geronimo Griego, Acting Fire Marshal: ggriego@santafenm.gov, 955-3317)

COMMITTEE REVIEW:

Introduced: 04/28/21

Quality of Life Committee: 05/5/21

Governing Body: 05/12/21

- b. **Appeal #2021-3393-APPL of Case #2021-3111-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, sapaez@santafenm.gov, 955-6501)

COMMITTEE REVIEW:

Governing Body: 05/12/21

- c. Request Approval of Annual Action Plan describing how HUD resources will be used for the upcoming program year (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov).

Committee Review:

Public Works and Utilities Committee: 04/26/2021

Finance Committee: 05/03/2021

Quality of Life Committee: 05/05/2021

Governing Body (Public Hearing): 05/12/2021

21. ADJOURN



AGENDA

**REGULAR MEETING OF
THE GOVERNING BODY
MAY 12, 2021
4:00 PM
ATTEND VIRTUALLY**

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting “quasi-judicial” hearings. In a “quasi-judicial” hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

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

SUMMARY INDEX
Governing Body
May 12, 2021

ITEM	ACTION	PAGE
1. Call to Order	Convened at 4:06 p.m.	1
2. Pledge of Allegiance	Led by Councilor Abeyta	1
3. Salute to the State Flag	Led by Councilor Garcia	1
4. Invocation	Led by Councilor Rivera	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as amended	2-3
7. Approval of Consent Calendar	Approved as amended	3
8. Approval of Minutes		
a) Special Meeting on April 8, 2021	Approved	3
b) Regular Meeting on April 28, 2021	Approved	3
9. Presentations		
a) COVID-19 Update	Presented	3-5
b) Water Recap & Outlook	Presented	5
c) SFHP Pricing Schedule	Presented	5-6
10. Consent Calendar	Listed	6-10
j) Salary Committee Public Notice	Approved	8-9
11. Discussion/Action Items		
a) COVID Report Frequency	Approved	10-11
b) Tourism Grant	Approved	12
12. Midtown Overview	Presentation	12-16
13. Matters from the City Manager	Recommended closed session	16
14. Matters from the City Attorney	Recommendation	17
Executive Session	5:59 – 8:03	17-18
15. Matters from the City Clerk	Comments	18
16. Communications from Governing Body	Communicated	18-19
Evening Session	Began at 8:37	19
17. Roll Call	Quorum Present	19
18. Petitions from the Floor	Petitions made	19-20
19. Appointments		
a) Children & Youth Commission	Appointed as presented	20
b) Human Services Committee	Appointed as presented	20-21
20. Public Hearings		
a) Extreme Drought Resolution	Approved	21-22
b) Historic Board Appeal	Granted the appeal	22-39
c) Affordable Housing Action Plan	Approved	39-41
21. Adjournment	Adjourned at 11:09 pm	41

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, May 12, 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, May 12, 2021, at approximately 4:01 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 Abeyta.

3. SALUTE TO THE NEW MEXICO FLAG

The Salute to the New Mexico Flag was led by Councilor Garcia.

4. INVOCATION

The Invocation was led by Councilor Rivera.

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

Members Excused

Councilor Renee D. Villarreal

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager

Erin McSherry, City Attorney

Kristine Bustos-Mihelcic, City Clerk

Kyra Ochoa, Acting Community Health and Safety Director

Jesse Roach, Water Division Director

Alexandra Ladd, Affordable Housing Director

Sally Paez, Assistant City Attorney

Elias Isaacson, Land Use Director

Jesse Guillen, Legislative Liaison

Nicole Ramirez-Thomas, HDRB Staff Liaison

Rich Brown, Economic Development Director

Geronimo Griego, Interim Fire Marshal

Randy Randall, TSF Director

Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Councilor Vigil Coppler noted a correction to Item j) – her name was removed as a sponsor. Secondly, she was not at the Public Works meeting on April 26 (correction to the attachment).

MOTION: Councilor Lindell moved, seconded by Councilor Garcia, to approve the agenda as amended.

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, and Councilor Vigil Coppler.

Against: None.

7. APPROVAL OF CONSENT CALENDAR

Mayor Webber requested to pull 10(j) from Consent for discussion.

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the Consent Calendar as amended with item (j) 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, and Councilor Vigil Coppler.

Against: None.

8. APPROVAL OF MINUTES

a. Special Governing Body Minutes – April 8, 2021

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the minutes from April 8, 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 Romero-Wirth, and Councilor Vigil Coppler.

Against: None. Councilor Rivera abstained.

c. Regular Governing Body Meeting of April 28, 2021

MOTION: Councilor Lindell moved, seconded by Councilor Garcia, to approve the minutes from April 28, 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, and Councilor Vigil Coppler.

Against: None.

9. PRESENTATIONS

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**

Director Ochoa reported Santa Fe is still doing well but had an uptick on cases. Most of them were between ages 5-17. The County remains in turquoise and no counties are in red in the state. Children may be registered on the DOH website now. Not Covid related is a nora virus outbreak. She cautioned everyone to— make sure you wash your hands seriously.

Locally, Thursday will be last mass vaccination with Christus at Midtown. The City has started vaccinations of seniors and homebound disabled. She announced an event at the Southside Library with Chainbreaker and DOH. She was happy that the Fire Department has loaned an ambulance and mobile health unit for the event. It is one shot and people should just come even if not registered. The City is continuing to provide PPE as requested.

Councilor Vigil Coppler thanked her for the report. She pointed out that Resolution 21 requires a written report. This is the second unwritten report. In the past, both fire and police statistics on calls received were reported. She asked how the Governing Body gets exempt from the resolution requirement.

Director Ochoa apologized for her oversight. She misunderstood.

Ms. McSherry asked if the resolution said it must be in writing before the meeting.

Director Ochoa replied that the new resolution is up for a vote tonight.

Councilor Vigil Coppler understood it might be cumbersome, but this is the second time since the resolution was introduced. When it happened before, she asked what the value of the resolution was – a promise or a commitment. She understood that we must abide by the resolutions and understood Ms. Ochoa made a mistake. The public doesn't get the information when it is not written. In the future, she would like to know the meaning of the resolutions whether we must abide by them or not. If a written report could be provided afterward, that would be good.

Director Ochoa said she would have it all written out.

Councilor Rivera took some responsibility for the staff. We had a meeting on remaining turquoise. He thought we said since we were moving to the good, let's just give verbal reports. So he took responsibility for those two.

Mayor Webber commented that a couple of constituents asked about discrepancy between two different website statistics and asked if she could research that and let us know which website is more accurate. Having two different numbers makes for uncertainty.

- b. City of Santa Fe Water 2020 Recap and 2021 Outlook (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
INFORMATION ONLY

Jesse Roach presented the report. He said the report was originally slated for April 28, but he didn't have all the necessary information. He also gave a longer report in the webinar on April 29. So this would be a brief overview. He shared the slides he had previously sent to all Councilors.

Last year, the City had 8,800 ac/ft for drinking water. Half came from San Juan Chama. The San Juan Chama is New Mexico's share of the diversion of the Colorado River from three tributaries by gravity through tunnels into the Chama system. It provided 5,230 af/yr.

He showed a slide showing water sources since 1925. Buckman since 1973. BS 78% since 2011 has been almost 80% of our water supply. Allowing our well fields to rest. He showed watershed annual amounts of precipitation and 2020 is the least. Impacts of COVID was shown by month. (showed a big drop in commercial water use.

He addressed what the drought means for Santa Fe. Our wells and system capacity are sufficient to meet total demand with wells only.

The 2021 Conservation Activities listed many activities. People moving here recognize immediately about our conservation. But new growth places new demands on available water resources. The connection of new demand may need to be reevaluated. The Water Department does lots of long range planning to assure adequate resources.

He showed past reports on Water of past 30 years. We now have a five-year planning cycle and going out to 2100's. He showed a graph on water shortages. Two demands were projected – one with high growth and one with low growth. With high growth, the City could see shortages by 2030. If we don't do something about it, we will have significant shortages.

We are planning to fully consume Santa Fe County water sources with return flow project. He explained how it would work and shared the project timeline going from January 13, 2021 to June 8, 2021 with start of NEPA scoping and the return flow application. It will come to the Governing Body on May 26 for approval.

- c. Presentation of 2021 Area Median Income (AMI) Data and Updates to the Santa Fe Homes Program (SFHP) Pricing Schedule for 2021. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov)
INFORMATION ONLY

Director Ladd said every year she provides this update to the Governing Body with statistics on homeownership and rental schedules. Anything over 30% of household income is considered unaffordable. Each year, HUD gives the ranges in spring. She reported income went down in 2020 (from COVID) but she thought it was surprising that it did not decline more. The data is not self-reported and for the first three months of last year, income did not change much. And with available assistance, the reduction changed less. Interest rates went down quite a bit, and the economy was supported by lower interest rates. So despite income going down, interest rates went down so housing went up. The result was people went into a higher bracket and that required higher payments.

Rentals are more straightforward. And Santa Fe clearly reduced what required rent would be. On the fee in lieu of, fair market rates are set by HUD and barely changed. Per the July 1 ordinance, the fee will increase by 20%. There is much more in the report she submitted.

10. CONSENT CALENDAR LISTING

- a. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth, Councilor Cassutt-Sanchez, and Councilor Villarreal)

A Resolution Supporting the City of Santa Fe Joining the National Wildlife Federation's Mayors Monarch Pledge to Preserve the Monarch Butterfly and the Habitat Upon Which It Relies, (Christine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4219)

COMMITTEE REVIEW:

Introduced 04/14/21

Quality of Life Committee: 04/26/21

Public Works and Utilities Committee 04/26/21

Quality of Life Committee: 05/05/21

Governing Body: 05/12/21

- b. Request for Approval of Amendment No. 2 to Contract No. 19-0384 with Vladimir Jones (Praco) to Increase the Compensation for FY21 in the Amount of \$175,000. (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

Committee Review:

Public Works and Utilities Committee: 04/26/2021

Finance Committee: 05/03/2021

Governing Body: 05/12/2021

- c. Request for Approval of ITT Amendment #1 for MS Office 365 Vendor Name Change From Original Contract 18-1309 En Pointe Technologies to Insight Public Sector. Third Year of Three Year Term 11/26/2018 TO 11/26/2021. (Manuel Gonzales, Interim ITT Director, mmgonzales@santafenm.gov, 505-231-1749)

COMMITTEE REVIEW

Finance Committee: 05/03/2021

Public Works Committee: 05/11/2021 Governing

Body: 05/12/2021

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Opuntia Cafe, Inc. for the following: (Geraldyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

1. Pursuant to §60-6B-10 NMSA 1978, Consideration of a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Opuntia Café, 1607 Alcaldesa Street, Suite 201, Santa Fe, which is within 300 Feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B, Santa Fe.
2. If the Waiver of the 300 Foot Location Restriction is Granted, Consideration of a Request for a Restaurant Beer and Wine Liquor License, with on Premise Consumption and Patio Service, to be Located at Opuntia Cafe, 1607 Alcaldesa Street, Suite 201, Santa Fe.

- e. Request for Approval of ITT Contract for Motorola Solutions for Emergency Communications Repair in the Amount of \$273,676.60 for the Term of 05/12/2021 to 07/31/2021. (Manuel Gonzales, Interim ITT Director, mmgonzales@santafenm.gov, 505-231-1749)

COMMITTEE REVIEW

Finance Committee: 05/03/2021

Public Works Committee: 05/11/2021 Governing

Body: 05/12/2021

- f. Request for Approval of Amendment No.1 to Contract #20-056 for United Way of Santa Fe County to Change their Name to Growing Up New Mexico. (Elizabeth Peterson, Children and Youth Program Manager, empeterson@santafenm.gov, 505 470-3186)

Committee Review:

Finance Committee: 05/03/2021
Quality of Life Committee: 05/05/2021 Governing
Body: 05/12/2021

- g. Request for Approval of the Airport Coronavirus Response Grant Program (ACRGP) Grant Award No. 3-35-0037-055-2021, and Corresponding Budget Amendment Resolution (BAR), in the amount of \$1,570,927. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)
1. Request for Approval of BAR to Budget the Federal Funding of \$1,570,927.

Committee Review:

Public Works and Utilities Committee: 04/26/21
Finance Committee: 05/03/21 Governing
Body: 05/12/21

- h. Request for Approval of Governmental Project Funding Agreement with New Mexico Office of the State Engineer – Dam Safety Bureau for Completion of the Nichols Dam Outlet Conduit Rehabilitation Design Work as it Relates to Dam Safety in the Amount of \$422,167. (Brian Snyder, Public Utilities Engineering Supervisor, bksnyder@santafenm.gov, 955-4277)

Committee Review:

Public Works and Utilities Committee: 04/26/2021
Finance Committee: 05/03/2021 Governing
Body: 05/12/2021

- i. CONSIDERATION OF RESOLUTION NO. 2021-24. (Mayor Webber)
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2020/2021. (Andy Hopkins, Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

Committee Review:

Introduction: 04/28/21
Finance Committee: 05/3/21
Public Works and Utilities Committee: 05/11/21
Governing Body: 05/12/21

This Item was pulled by Mayor Webber.

Mayor Webber turned to Councilor Lindell as Vice Chair.
Mayor Webber and Councilor Vigil Coppler left the meeting.

- j. **Request to Publish Notice of Public Hearing on June 9, 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): 06/09/21

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

Councilor Garcia asked why the date was changed.

Ms. Bustos-Mihelcic explained it was because guidelines were added.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to publish Notice of the Public Hearing 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, and Councilor Romero-Wirth.

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

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

k. Request to Publish Notice of Public Hearing on June 9, 2021.

CONSIDERATION OF BILL NO. 2021-13.

An Ordinance Amending Subsection 14-3.7(F), Notes 15 and 16 of Table 14-7.2-1, and Subsection 14-9.6(B) to Allow the Minimum Lot Size to be 1.25 Acres for a Lot Created Through an Inheritance or Family Transfer Subdivision and that Results in Only One Additional Lot; Amending Subsection 14-7.2(B) to Require Rounding Down of the Calculation of Maximum Number of Dwelling

Units for a Family Transfer Subdivision Where Neither Public Sewer nor Public Water are Available; and Amending Subsection 14-9.6(A) to Require Proof of Adequate Septic and Well Assurances Prior to the Approval of an Inheritance or Family Transfer Subdivision that Lacks Public Sewer and Water. (Councilor Abeyta and Councilor Lindell) (Eli Isaacson, Planning and Land Use Director: esisaacson@santafenm.gov, 955-6830)

Committee Review:

Introduced: 03/31/21

Planning Commission: 05/6/21

Public Works and Utilities Committee: 05/11/21

Governing Body (Request to Publish): 05/12/21

Governing Body (Public Hearing): 06/9/21

11. **DISCUSSION/ACTION ITEMS**

- a. **CONSIDERATION OF RESOLUTION NO. 2021-25.** (Councilor Cassutt-Sanchez and Councilor Rivera)

A Resolution Modifying the Frequency with which the City Manager Provides Written Updates to Every Other Regular Governing Body Meeting with Information Regarding the COVID-19 Response from the Police Department, Fire Department, Human Resources Department, and Office of Emergency Management and Safety when Santa Fe County is in the “Green” or “Turquoise” Level. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 04/14/21

Public Works and Utilities Committee: 05/11/21

Governing Body: 05/12/21

Ms. Bustos-Mihelcic read the caption for this item. Mr. Guillen was available if needed.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Lindell, to approve the Resolution regarding COVID-19 reports as presented.

Discussion on the Motion:

Councilor Cassutt-Sanchez followed up on the conversation. We have had frequent discussions with the City Manager on this and decided the frequency could be changed for the updates. As the pandemic evolves, we take the opportunity to have less frequent updates and ease the staff burdens. However, if it goes back up and Santa Fe slips back to yellow or red, reports will resume at every Governing Body meeting.

Councilor Rivera agreed. Councilor Cassutt-Sanchez summed it up perfectly. We will see where we end up in next few weeks.

Councilor Garcia noticed this resolution goes only to June 30 and he was certain the pandemic won't be over by June 30. That is a very short extension. He asked why we couldn't go to year end.

Councilor Cassutt-Sanchez said the Governing Body can look at it again before June 30 and she could bring another resolution at the end of June.

Councilor Garcia hoped it would not go back up, but it is good to have that on the books in case we need a quick fix. It would be a little more efficient than a new resolution He didn't know if others would support that date change.

Councilor Cassutt-Sanchez wanted to make sure the recommendations from CDC were still applicable. She would welcome a conversation on what other information would be useful.

Councilor Garcia was trying to find what is to be included in the reports. He didn't see any specifics in the resolution. There could be additions to what has been collected in the last few months.

Councilor Cassutt-Sanchez pointed out that this just modified that original resolution.

Ms. McSherry agreed. It does make reference to it to determine what the report would look like.

Councilor Garcia still wanted to change the end date. He envisioned seeing this again. He would work with Councilor Cassutt-Sanchez on version 3.

Mayor Webber pointed out it does tie us to state levels. We don't know what will happen after the end of the FY.

Councilor Cassutt-Sanchez understood it has an assumption in it. She was in favor of reports to the end of the year. The pandemic is a dynamic situation, so it would need to come back.

Councilor Rivera, as cosponsor, said Councilor Cassutt-Sanchez has done a great job. We do have a standing date with Director Ochoa and Manager LaPan Hill and as we continue, there will probably be more adjustments and we could be ready to make changes on the fly.

Councilor Cassutt-Sanchez was amendable to adjustment of the time.

Councilor Garcia agreed to meet again in next few weeks for any possible changes.

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, and Councilor Vigil Coppler.

Against: None.

- b. Request for Ratification of a Grant Agreement with the New Mexico Tourism Department for \$300,000 to Support the Restart of the Group Business that Uses the Convention Center, Pursuant to SFCC 1987, Section 2-4.6(B). (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 955-6209)

Ms. Bustos-Mihelcic read the caption for this item and Randy Randall was present.

MOTION: **Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve the Tourism grant agreement as presented.**

Discussion on the Motion:

Director Randall explained what this grant agreement was. This is a New Mexico Tourism Department grant to help Santa Fe restart the Convention Center and accreditation of the facility. It will allow us to demonstrate to the public that we are following very safe practices.

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, and Councilor Vigil Coppler.

Against: None.

12. MIDTOWN OVERVIEW

Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report. Report. (Daniel Hernandez, Project Director at

Proyecto LLC; and Rich Brown, Director, Community & Economic Development Department, rbrown@santafenm.gov **INFORMATION ONLY**

Presentation: Existing Buildings and Furniture Fixtures & Equipment (FF&E)

- Sam Burnett, Midtown Property Maintenance Manager
- Daniel Hernandez, Proyecto, Midtown Project Manager
- Robert Lambert, Arts & Culture Office, Assistant Director

Director Brown presented and shared his screen for the update. He noted that Mr. Lambert was not present tonight.

Mr. Burnett said this update was about development planning process at Midtown including goals for rehabilitation and reuse of buildings, using values established by the community and Midtown guidelines. Secondly, it was to identify and preserve buildings for the greatest benefit to the community and City. The third part was to identify experienced partners to rehabilitate and reuse the buildings identified as early project start.

He said the second layer was a set of evaluation criteria: 1 – Civic Value, 2 – Return on Investment, 3 – Quality of Construction, 4 – Environmental Mitigation Cost, 4 – Building systems costs – (MEPS), 5 - Code Requirement Costs, 6 – Adaptability for Reuse.

Three Building phases would be followed: Buildings to be preserved for permanent reuse, Demolition Phase 1 for buildings with no reuse value, and Demolition Phase II for temporary uses of 1-5 years.

Mr. Burnett showed the site view and identified various buildings on the campus, providing comments on the values placed on them.

Mr. Hernandez showed a list of presentations to the Governing Body and then showed those that are upcoming. He shared the two websites for the presentation tonight and invited questions.

Councilor Garcia asked what the role of the Governing Body will be with the future of buildings. He asked if only the Staff would decide what gets demolished or if it would be with the Governing Body's final approval.

Director Brown said it is the Staff that drives the planning process through the resolution. As we get to the MP process.

Ms. McSherry pointed out that this is a preliminary plan, and some decisions might trigger a Governing Body review but that is not automatic.

Mr. Hernandez agreed and observed they won't be seen in isolation from each other. The Governing Body will be approving the MP and the bigger development plan.

Councilor Garcia saw we are in the middle of the MP plan and then it would come to the Governing Body with overall specifics on what development will happen, which will be restored, and which demolished. And the final decision will be made by the Governing Body.

Mr. Hernandez agreed.

Councilor Garcia asked regarding the RFEI if there was a reason why the other applications have not been shared. Many community members want to know what was proposed by the others.

Director Brown yielded to Ms. McSherry.

Ms. McSherry explained that at the time RFEI was issued, we said at the time of award that all other applications would have been made public, but we did not make an award. So we follow the guidance of the Ethics Commission who gave a very detailed finding. She said if an offeror decides to withdraw, it could be made available.

Councilor Garcia understood it is a very complicated process. It is confusing and the two separate processes should be lumped together. He would schedule time with Ms. McSherry to get clear on that.

He asked if the Governing Body is going to talk about the remainder of assets aside from buildings. We have not talked about that and there is great interest on that topic.

Mr. Burnett said the other assets will be presented on June 9 and June 23.

Councilor Garcia thanked the three presenters.

Councilor Rivera asked Mr. Burnett if the Café in phase 2 was the cafeteria.

Mr. Burnett agreed. It was referred to as the Café.

Councilor Rivera thought that was built when SFAUD took over.

Mr. Burnett said it was, so it is less than ten years old. It presents a complicated dilemma because it is an addition of St. Michael's Hall which was a dormitory.

Councilor Rivera asked how much safety and cost entered into the equation.

Mr. Burnett said the ADA, fire monitoring, etc. entered in. Safety was not an issue with this building. But how to modify St. Michael's Hall to be used in the future was. It was cost more than safety to determine what makes the most sense.

Councilor Vigil Coppler said there was an EDAC meeting today and we got the AIA letter today. They want to be involved in the study of buildings on this property and to assess the historic value and whether any of them should be on the State Register. It seems to be a valid request. She thought that should be included in the plan for existing buildings. We should know sooner than later regarding demolition to make sure we are on the right track.

Mr. Burnett agreed absolutely. One primary driving factors is identifying those cultural and historic buildings and the team will be gathering information from others like AIA and paying attention to them. So that will be taken into consideration.

Councilor Vigil Coppler said another concern was Administration making decisions on selling property. She knew Director Brown said that would not happen, but the Governing Body was left out of the decision on going back to other offerors. And the Governing Body is not having a say so. There is still some concern for that happening. Another concern raised was that we have not been presented any budget for this process.

Councilor Vigil Coppler asked what this is costing us and whether it would have been as much with a Master Developer. We heard many times from Mr. Hernandez about ROI. What is our investment? That was why she was asking the question. She thought the Governing Body should see a running report on the costs at each step of the process since it is taxpayer money, and the Governing Body needs to be responsible and transparent with them. Maybe we are saving money but maybe not. So what are spending today to get where we want to go? She requested the project costs be shared. EDAC wants to see that report as well.

Councilor Vigil Coppler asked if there is an inventory available that Councilors could see on the website or get it some other way. There are recordings, artwork, fixtures, etc.

Mr. Burnett said the team has a few different inventories. Arts and Culture has kept all art and some other fixtures. He listed many inventories they have available. Some are very detailed and robust, and some turned over by SFAUD with a little grayer area. He or Mr. Hernandez would be glad to share them.

Councilor Vigil Coppler understood that at the time of abandonment, some people took furniture (legally) and moved it somewhere else.

Mr. Burnett clarified the inventories they have were those transferred to the City. In only two cases were inventories transferred off campus. One was to a state facility and SFAUD transferred some to St. Michael's College.

Councilor Vigil Coppler said her concern was just keeping track of everything. She had heard some employees saying furniture they had was from Midtown. How are we tracking where that inventory went?

Mr. Burnett said he had a spreadsheet and photographs for those transfers. He has been tracking those. It is not extensive, but we are definitely keeping track of it.

Councilor Vigil Coppler said the inventory is part of Finance Dept and included in the audit process. So we need to track all of it. It also has to do with how much our assets are worth and how much this is costing us. She was interested in knowing where to access it and that everything is accounted for.

Director Brown explained that such an inventory may not be publicly accessible to figure out the risk involved. Some valuable assets might need to be kept more confidential than exposing it to a public website.

Councilor Vigil Coppler understood.

Mayor Webber thanked them and noted it was 5:53.

13. **MATTERS FROM THE CITY MANAGER**

Manager LaPan Hill said regarding the bilingual pay update, that the City has completed the first day of testing. Nine employees signed up, seven showed up and passed the test. They will receive the bilingual pay.

For the discussion on hiring and who wants to work where. The City has partnered with people coming out of military for our active recruitment of technical jobs. They are doing active recruitment for us.

Because of the most recent COVID report, the City is entering a new phase on what happens at the end of June when we might be 60% fully vaccinated. We might return to in-person work. A number of operations are already open, and we are doing phased reentry. She suggested that we convene a study session for the Governing Body to talk through some of the details of returning to work and suggested May 25 for the study session. It will be publicly noticed, and she asked for feedback from Councilors and understanding the technical constraints. She will send out a notice on it and ask for feedback.

14. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry recommended a closed session under Sections 10-15-1 (H)(7) and (8) to continue the session begun last time including 730 Alto Street.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(7) and (H)(8), Completion of the Attorney-Client Privileged Quarterly Update that Began During the April 28th, 2021 Governing Body Meeting 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)

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to go into executive session to discuss the matters listed on the agenda and 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, and Councilor Vigil Coppler.

Against: None.

Councilor Abeyta announced he would recuse himself during the discussion on 730 Alto Street.

The Governing Body went into closed executive session at 5:59 pm and ended the executive session at 8:03 pm..

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to leave the closed session, stating for the record that the only matters discussed were those 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, and Councilor Vigil Coppler.

Against: None.

Mayor Webber apologized to the public for the wait.

15. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic announced the banners were up on the bandstand and a video was available on social media.

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

a. Legislative Introductions

Councilor Rivera, Councilor Abeyta, Councilor Cassutt-Sanchez, and Councilor Romero-Wirth had nothing to communicate.

Councilor Garcia thanked the City Manager for providing how we can reopen our City. He was looking at the libraries and knew other cities have opened theirs. Pools are open and we need to open with in-person meetings. BTAC is anxious to do so. It is good to have the meetings in person. Happy belated Mothers' Day.

Councilor Vigil Coppler thanked the Public Works Staff for hanging the veterans' banners. We were able to hang the first veterans that are 100 years old and still living both of them were present at the ceremony. They hung a banner for Senator Ben Ray's grandfather for the first time and Senator Lujan's mother was there.

She also thanked the Police and Fire Departments for the drive-by for Stella's 101st birthday. They don't look 100. They look young and are wonderful people.

Councilor Vigil Coppler was concerned about deterioration of the golf course grounds and lack of Staff. It is more costly to bring the grounds back. She is getting calls about it. She didn't know if we lost our golf superintendent.

She would like to know about the evaluation process for the City Manager.

Councilor Lindell introduced an ordinance to require the City Manager to reside within ten miles of City boundary and a second was to require the Chief of Police to reside within ten miles of City boundary and the third was to require the City Fire Chief to reside within ten miles of city boundaries. She thanked Mayor Webber and Councilor Rivera for cosponsoring. She explained, before it gets misinterpreted, that the ordinance applies to future hires of those positions, not present ones.

Secondly, she introduced an ordinance amending 23-6.2 to remove the minimum wage duration of six months for leases on City property permitting the sale and

consumption of alcohol. She explained it has to do with restaurants having an extended area in front of their business premises.

Mayor Webber announced the opening of Bicentennial pool. May is Mental Health Month. He commented that part of coming out of COVID has many people feeling stress. NAMI is supporting a walk for Mental Health. It is also Asian American Heritage Month. Be mindful as we celebrate diversity.

He said the good news was when we saw the GRT report for February which is a 90% gain over last February. We are looking at a 9% GRT gain, year over year. Fellow Santa Feans can see how we are rebounding, and local stores are seeing more business than we could have anticipated. It doesn't mean we are out of the woods. Let's encourage everyone to get vaccinated. We are now at 70% and it is time to press forward.

The Governing Body moved to the evening session.

EVENING SESSION – 8:18 P.M.

17. ROLL CALL

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

Members Excused

Councilor Renee D. Villarreal

18. PETITIONS FROM THE FLOOR

Rachel Thompson asked about the Richards extension project status. The Traffic Management man who was handling this was John Romero, who is no longer with the City. So she wrote to Lee Logston in the latter half of April to find out who to contact and Javier Rosado was given to her as the person to contact. So she asked for an update from him for an update and got nothing back. She then wrote to Councilor Vigil Coppler on May 3 and have not heard anything back. Her understanding was that the project was in design stages. The last communication

through her Neighborhood Association meeting was a community meeting over a year ago and there was to be a follow-up meeting but had none. She just wanted an update now that project was becoming active again.

Stefanie Beninato said she thought she heard during the Midtown Report that it would take one to five years of research and planning on that site. She asked, if that was the case, what was best for Council. She thought the City should acknowledge we had a Japanese internment camp there during the war. We need to get better.

She also was critical of pool re-openings. She noted that only 8 people at most can be in the therapy pool. People could be sitting on the side of the pool. She hoped the City will open the Salvador Perez soon. [Some of her petition was distorted and could not be accurately transcribed.]

There were no other petitions from the floor.

19. **APPOINTMENTS**

a. Children and Youth Commission

- Richard Lindahl – Reappointment – Term Ending 01/2023
- Elisabeth “Lisa” G. Salazar – Reappointment – Term Ending 01/2024
- Andrea Sandoval – Reappointment – Term Ending 01/2024
- Crystal Ybarra – Reappointment – Term Ending 01/2024
- Sarah Amador-Guzman – Appointment – Term Ending 01/2024
- Kendal Chavez – Appointment – Term Ending 01/2024
- Chanelle Delgado – Appointment – Term Ending 01/2023

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the appointments to the Children and Youth Commission 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, and Councilor Vigil Coppler.

Against: None.

b. Human Services Committee

- Christina Bruce – Appointment – Term Ending 03/2023
- Emily A. Haozous, PhD, RN, FAAN – Appointment – 03/2023
- Carrie Thielen, MPH, RD – Appointment – Term Ending 03/2024

MOTION: Councilor Lindell moved, seconded by Councilor Garcia, to approve the appointments to the Human Services Committee 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, and Councilor Vigil Coppler.

Against: None.

20. **PUBLIC HEARINGS**

- a. CONSIDERATION OF RESOLUTION NO. 2021-26. (Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal) A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions Between May 12, 2021 and June 9, 2021; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Geronimo Griego, Acting Fire Marshal: gggriego@santafenm.gov, 955-3317)

COMMITTEE REVIEW:

Introduced: 04/28/21

Quality of Life Committee: 05/5/21

Governing Body: 05/12/21

Ms. Bustos-Mihelcic read the caption. Marshal Geronimo Griego was present if needed.

Questions from the Governing Body:

Councilor Rivera said he spoke to the drought issue last time, and the State Law requires this be done each month until the drought is over. He thanked the Councilors who chose to be cosponsors.

Public Comment:

Stefanie Beninato, PO Box 1601, said she supported this resolution. She noted there were campfires in the forest this past weekend.

Action of the Governing Body:

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the resolution 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, and Councilor Vigil Coppler.

Against: None.

- b. **Appeal #2021-3393-APPL of Case #2021-3111-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, sapaez@santafenm.gov, 955-6501)

COMMITTEE REVIEW:

Governing Body: 05/12/21

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

Mayor Webber reviewed the process for this hearing - Disclosures, Staff Report, Appellant's response, sworn public comment. Questions by Governing Body, closing statement by appellant, close public hearing, discussion and vote.

Disclosures:

Councilor Vigil Coppler disclosed that as former District Court Clerk, her name was on the attachment and that did not affect her judgement.

There were no other disclosures.

Staff Report

Ms. Paez announced that Mr. Karl Sommer was the attorney here on behalf of the Applicants.

She had Director Isaacson and Ms. Ramirez Thomas here to answer any questions. She explained it is quasi-judicial hearing and Councilors act like judges in the de novo hearing. Her role was to explain what the Historic Review Board did, relevant facts and applicable law, and to assist the Governing Body.

She shared her screen for presentation of the case and identified the property on Guadalupe near Paseo. The existing bungalow, built in the 1920's, was designated as a Contributing structure to the Westside-Guadalupe Historic District. The owners' proposal was construction of a 2,540 square foot Spanish-Pueblo residential structure, set between the

existing house and Guadalupe Street. The bungalow is set back more than 100 feet and located near Jose Street.

Ms. Paez showed a view from Jose Street, a wall at the alleyway and a vehicular gate that would access the new structure. She showed the architect's drawings of the proposed new house and floor plan. The site plan showed the lot as long and narrow.

She showed the Findings of Fact and Conclusions of Law for the denial and read them aloud for the Governing Body. A primary reason for the denial is that the new house would block the view of the historic bungalow from the street and its contribution to the streetscape on Guadalupe.

The Appellants argue the decision was not consistent with two other similar cases that involved view corridors. Our current ordinance does not authorize the City to protect a view corridor to a designated structure.

One of the cases involved impairing a view of the Cathedral and the Loretto Chapel. The view corridor at the Cathedral was not historic and the proposal did not involve alterations of the Loretto Chapel. Although the Governing Body upheld the Historic Board's denial, the District Court reversed that decision. The City's authority to preserve open space is limited under the Code.

The second case was at 535 East Alameda, owned by Palacio Azul, which involved the Ashley Pond House whose view would be blocked by the proposal. The Governing Body reversed that decision of the Historic Board's denial on the basis the views of the Pond House were still present on both Palace Avenue and East Alameda. And the proposed project would not cause the Ashley Pond House to lose its historic status.

At this meeting, the Governing Body's job was to consider whether the H Board's facts and findings were supported from evidence presented here would either deny the project or uphold the appeal. The Board was to rely on the Code's applicable provisions and whether the Board's decisions were distinguishable for compliance with the Code. The H Board relied on the Board's authority in the Code, specifically, first was, "Removal of historic materials, or alteration of architectural features and spaces that embody the status shall be prohibited." The front yard was considered part of the architectural space that embodies the space of the contributing structure. The City can regulate open space only in that provision. The question was whether this space fit that provision.

The second reason the Board denied this project was that the status of a contributing structure shall be preserved. In this case, the H Board found

the bungalow would lose its contributing status and exercised its discretion to deny the proposed new construction.

Ms. Paez reviewed Definition of Contributing Structure and then reviewed the 1985 HCPI (Historic Cultural Properties Inventory) in light of the elements of the Definition. She explained that 1985 was the year when a lot of properties in all historic districts were inventoried by the City and assigned a status when they received a State Grant for that purpose.

She reviewed City files regarding the establishment of the Westside Guadalupe Historic District from 1920. She showed its boundaries and presented excerpts from City reports in the files about the Historic District.

She read a recap of the Board's reasons for denial and shared Exhibit J: the Decision Tree for the Board's help in making the decision. She listed the two motion options and concluded the Staff Report.

Appellant Presentation.

Karl Sommer, PO Box 2476, Santa Fe, said he did not mind being sworn and was glad to follow the process. However, Mayor Webber said they usually did not swear in lawyers.

Mr. Sommer said, "I am under oath as a lawyer and my license requires that I be honest without as a tribunal." He explained he was here on behalf of his clients, Jay and Jim Heneghen. He noted the Applicants were in his office and can hear the proceedings. "Jay and Jim live here in Santa Fe, they work in Santa Fe, and raised their three kids here and own a business which is a software company in the behavioral health arena. Jim is a child psychiatrist. And they still have children in school here. They have owned this property for a couple of years and would like to build their house here. They looked into buying this property and checked things out and you will notice in the packet that every aspect of zoning applicable to this property under the BCD has been met. Every aspect of setbacks, height and parking. There are no open space requirements. So this property meets the density they want for their house on this property."

People invest in this town after looking at the rules. And the rules in this historic district are fairly straightforward. The Courts have had a chance to tell us how they work in specific instances. The Staff are here, and the Staff reports from Ms. Ramirez Thomas said this application meets all the design criteria of the Historic District.

The Historic District Ordinance has two components. One is design: height, windows, etc. The other is the historic preservation component – a regulation of structures that define the character of the District. Staff has

told you that this application does comply with every design criteria. The Board said it met all design criteria. But the H Board is applying a new and novel approach to the H District Ordinance which he felt was a dangerous one. "They regulate on three basic ideas." So they turned it down for three reasons: first, because you would not see as clearly as you can right now the bungalow near the rear of this lot. He briefly explained that originally, this lot was much longer and was split into two lots. You can't see it as well and a house in front would obstruct the view. Another reason was that this structure would remove the historic status of a contributing building. Those two reasons are clear and staff memo from Ms. Paez admits they were really not issues here. But the third reason is their murky one. They claim they get to regulate the open space on this property under the Historic Preservation Ordinance. "That is new and a misapplication of the law and that is why we are here tonight."

Mr. Sommer shared his screen and showed #11 in their Findings of Fact, that the proposed structure would block the view of the contributing bungalow and diminish the bungalow's contribution to the streetscape and the District. That was the very same issue in the Teme Ltd. Case and the Plaza Azul case. He talked about the property at the Inn at Loretto and described that project. The argument was that the proposed structure would be built so close to the Loretto Chapel that it would affect its status. The issue was decided in District Court and Zach Shandler wrote the report on it which included the City could not regulate the view. He added that his clients were here to argue it again. But the District Court decided that years ago and that issue is off the table here.

Ms. Paez's flow chart admits that and her memo also admits that.

Next, the H Board found the status of the bungalow would be destroyed if they approved this. But the open space proximity was already decided in the Plaza Azul case (535 Est Alameda) where a garage was put in front of the Ashley Pond House. He quoted the decision which Mr. Shandler said the status relates to the physical integrity of the building itself. There was a roundabout way the Board got to that issue. The second issue is a non-issue. In the citations, you need to go to what a contributing structure is. He showed the definition again as it is in the Code. It does not include the spaces around the contributing building Here it was not by an association that made it contributing. It is not significant, but it is contributing.

He showed the HCPI for this property. In the HCPI there was no statement about the open space.

He also pointed out that among the characteristic for the Westside-Guadalupe District, it did not say anything about large lots. The Westside District is characterized by small yards. So, this property is an anomaly.

There were to be three homes on the back side of that lot and the lot was split when Jim and Jay bought it and Jay Parks was allowed to build three units on the back and the H Board approved all three homes and did not find that the open space around them was characteristic of the Westside-Guadalupe Historic District because it was not true. It was a recent innovation by the H Board to try to control growth. The conclusion is that view corridors don't work and the status argument doesn't work. And the spaces around that structure do not establish contributing status because the definitions does not include spaces. Section B-1 talked about altering a contributing structure and none of that is happening here. This is about building a new home and only the design criteria apply here. So this section doesn't apply.

What could apply was the part about architectural space. Architectural space is like a patio or something enclosed by architecture. But this space at Guadalupe has none of that. The H Board cannot regulate open space.

So the whole discussion in the FF/CL is a fabrication by the Board. They didn't care about the back yard but cared about the front yard. They liked it. The H Board inserted open space into the definition that is not in the Code.

Mr. Sommer concluded the Appellant's Presentation at 9:23. And he had no questions of Staff.

Sworn Public Comment

Stefanie Beninato, P.O Box 1601, Santa Fe, was sworn. She stated that this property had once had a lot of agriculture, landscaping and irrigation. It possibly also has an association with one of the first occupants of the Japanese internment camp who once lived on this property. The back lot development was allowed because it doesn't affect the two facades of the contributing structure. She suggested maybe asking the owners to relocate their house and a partial second story to minimize the footprint or to reorient the house so it would face the same direction. She pointed out that the City has emphasized economic promotion of agriculture.

Kathy Rivera, Post Office Box 363, was sworn. She said Mr. Sommer left off the term "new construction." She challenged the Governing Body to examine Chapter 14-5.2(D)(1)(b). As a lifelong neighbor, she was familiar with the history of the property and previous owners. This property was one was once flush with an orchard, gardens, chickens and a functioning well. A resident with a sizable front yard is now a rarity on Guadalupe Street. This is a request to build on the front yard of a contributing residence. This is not a vacant lot or a front lot. It is a lot of an existing

contributing building. And the contributing status is not new. And despite what Mr. Sommer says, the treatment of this contributing status is not new. This property was sold as contributing. The appellate court said it was contributing property and purchase of a front yard. Development was agreed and has only been a while on the back side of the property. The HDRB made the correct decision to protect the contributing status of this property. They correctly applied the Code as written. Any new construction would cause the loss of contributing status. The Board voted to honor the original house and preserve the existing streetscape. They were properly doing their job as stewards of designating properties. There is no compelling reason to reverse the decision of the Historic Board. The Appellants cannot guarantee that the contributing status will not be lost. They have no evidence. If the development in this front yard is allowed, what does that say about the value of contributing status? What kind of precedence would it set if you allow this construction in a front yard of all contributing structures? This would not keep Santa Fe looking like Santa Fe. Also, the continued erasure of the tree canopy on this property would be a loss to the neighborhood and a step backward as far as Santa Fe's "tree smart initiative." As part of the decision-making process, she encouraged the Governing Body to view this front yard on Google Maps to see what would be eliminated. "Please choose to honor the stewardship of your Historic Board and uphold their decision. I ask the Governing Body to uphold the decision of the Historic Board and deny this request. Denying the request is the only way to ensure the property remains contributing."

There were no other speakers from the public regarding his hearing.

Governing Body Questions of Staff

Mayor Webber explained this portion was just for clarifying questions to anyone who has already spoken.

Councilor Rivera asked City Staff to reiterate the definition of architectural features and architectural spaces.

Ms. Paez asked Ms. Ramirez Thomas to respond.

Ms. Ramirez Thomas said, as she thought of other spaces that were defining characteristics in the downtown area, the one building that came to mind was the Federal Courthouse and the park associated with it. And consideration of that whole federal loop and the building itself - Staff and H Board have a unique perspective. Staff did review the design standards and found the request from the applicants did comply with the design standards. And there was no issue with the Board discussing that either. The viewshed does come into the discussion often but it is about the retention of what able to be read from Guadalupe Street on historic land

use. We have history all around us in every part of our lives. And we can read that via certain cues. The space of this yard is a cue. And there was some discussion about small lots characterizing this area, There were long lots in much of Santa Fe, especially along the river and Ms. Paez brought up the acequias and agricultural lots were common. That is the consideration of space on this property.

Councilor Rivera noted that Mr. Sommer brought up maintaining the character of the district. How can its status be maintained if the bungalow cannot be seen?

Ms. Ramirez Thomas said that is the sentiment. We have the ability to view and understand the history context all of which are the quality of life in the City that we enjoy. Anyone who grew up in Santa Fe might see it as a visual clue. This is an older lot on the streetscape and that history is embodied in the space that surrounds the structure. But that is not looking at the definition of Contributing.

Councilor Rivera understood the lot is not perpendicular and the bungalow would be blocked further from Guadalupe Street.

Ms. Ramirez Thomas agreed.

Councilor Rivera saw there is a business, One-Hour Martinizing, and another business that block the view of it.

Ms. Ramirez Thomas showed the site map.

Councilor Rivera noticed that one could see the bungalow from Jose Street.

Ms. Ramirez Thomas agreed.

Councilor Rivera asked how to retain the character of the district if you can't see the building.

Councilor Abeyta said he got confused with Mr. Sommer's presentation and Ms. Rivera, who spoke from the public. He asked if the bungalow is on the same lot.

Ms. Paez said yes and the proposed house is on the same lot. The lot used to be even further back, but the back was separated.

Councilor Abeyta asked, if the home is approved in front of the bungalow, would change the designation of the bungalow and if the owners would be able to make changes to the bungalow.

Ms. Paez clarified that change in that status would require a formal downgrade with notice and having a public hearing before the Board could make a formal determination. And if the status was downgraded, there are still requirements for a hearing at the H Board for any demolition the owners might consider.

Councilor Abeyta reasoned that regardless of the Governing Body's action, a formal process would have to be followed.

Ms. Paez agreed. And the Governing Body could also direct the Board to conduct an additional hearing.

Councilor Abeyta asked, regarding the visibility, if there is a provision in the historic code about blocking another structure. Is visibility defined by being in front of a major road?

Ms. Paez said the City Code does not include any requirement for public visibility. And we do have contributing buildings in the City that are not publicly visible. It is not a required element. We have contributing structures that lack visibility. Some structures might contribute more to the District by their visibility. There are style elements in this District on things such as vernacular construction, modest, smaller homes, choice of materials, etc. all of which are beyond visibility.

Councilor Abeyta asked, when Staff reviewed this proposal, they considered those court cases at all or just separately.

Ms. Paez said she was not aware of those cases until they were brought to her attention. Some Board members were on the Board when those were decided but they were not discussed at the meeting.

Councilor Romero-Wirth asked how wide that property really is.

Mr. Sommer answered that the lot is approximately 60' wide and 140' from the house to the street.

Councilor Romero-Wirth said the Governing Body doesn't know for sure if the bungalow will lose its historic status if a building is put in front of it. She asked if that was correct.

Ms. Paez said that was her understanding.

Councilor Romero-Wirth asked what the H Board must look at to decide if it is not contributing.

Ms. Paez said they look at the same criteria.

Councilor Romero-Wirth asked what makes this bungalow contributing.

Ms. Ramirez Thomas said there is a big difference between the Ashley Pond House and the Loretto Chapel. Here, the Board's discussion was on the space in front of the bungalow that was characteristic of Westside-Guadalupe District. They were really talking about a view corridor that entered into it. But the long front yard before the house and thinking of things constructed behind the house don't have the same relation to the streetscape and what past use might have been like the front yard. Those other locations were different.

Councilor Romero-Wirth asked how many houses in this district have the same long front yard.

Ms. Ramirez Thomas said this is the only one left. All the others are much smaller lots. She had a 1939 Sanborn Insurance map. In 1930 there was already a small development along Guadalupe, but this one is unique.

Councilor Romero-Wirth asked Director Isaacson how he would define architectural spaces.

Director Isaacson said they don't have to be constructed spaces but be nearby an architecture feature. This has just been the front yard, so it doesn't have architectural features to it. The code on open spaces is a question for Ms. Paez. But he felt the large front yard was an architectural feature.

Councilor Romero-Wirth asked what the difference was with a property that has lots of land.

Director Isaacson said he was looking at the interplay with the bungalow and it was hard to make a determination with a house on a big lot. The history of this lot does go back. This site is a continuation of the history of this property with historical value to it. He was not sure his opinion was supported by the Code and how it is written on the value of a structure in this historic district.

Councilor Romero-Wirth asked what that meant and what the Governing Body could do with that.

Ms. Paez clarified that architectural space has to somehow incorporate the status. It wasn't about retaining historic integrity. She could see an argument being made for the way it has evolved over time. The space is

part of the character of the historic district and associations of the district – not with a person or event.

Councilor Romero-Wirth commented even if it is the only one left or one of very few.

Ms. Paez said that is up to the Governing Body. This is the last stop for the City.

Councilor Romero-Wirth asked if she was familiar with the public comment on new construction.

Ms. Paez said that is in the preamble to this section. Here we don't have any alteration. But it says if the new construction causes existing building to lose its status, it shall be prohibited.

Councilor Romero-Wirth countered that the Governing Body doesn't know if it would lose its status because that is up to the H Board and they haven't decided. She thought one picture had a tree that blocked the view in the summer.

Ms. Paez agreed, when it was leafed out. But trees are not part of H board jurisdiction.

Councilor Cassutt-Sanchez saw on the section of Westside Guadalupe there was no setback requirement, but she observed that most are set back about 15 to 20 feet. She asked how far back this one is.

Director Isaacson said the existing bungalow is 140 feet back from the right-of-way. And the only requirement is ten feet back in the zoning ordinance.

Councilor Cassutt-Sanchez asked if the proposed house would be set back more than ten feet.

Director Isaacson agreed. It meets all zoning regulations.

Councilor Cassutt-Sanchez said she was struggling with how this property contributes to the character of the neighborhood when the setback is so unique.

Ms. Ramirez Thomas agreed the lot is unique because surrounding lots have been subdivided over time. It was not unique in the past.

Councilor Cassutt-Sanchez asked her how this property contributes to the neighborhood.

Ms. Ramirez Thomas pointed out that Mr. Sommer discussed the design aspect of it; the architectural features, height, etc. You could do setbacks and things like that. Then there are physical characteristics of what was in the history. The character of the neighborhood has changed and anything over 50 years old is historic. We want to honor all elements. And not erase elements. All of those elements tell a history of the neighborhood.

Councilor Cassutt-Sanchez didn't see that it must be like Guadalupe Street.

Ms. Ramirez Thomas explained it is more about the embodiment of different characteristics. So downtown is different from Guadalupe or Don Gaspar District.

Councilor Cassutt-Sanchez understood a lot of development happened in the 1930's and there was little preservation of the lots and moving the neighborhood over the course of many years.

Ms. Ramirez Thomas agreed. You probably have some ideas on what has happened along Agua Fria. Historically, it was agricultural land backed up to the river and over time, lots have been divided in family lot splits and divided in other ways. That kind of change also happened in this district and in downtown Santa Fe. Canyon Road was more agricultural. More families filled it in - more houses on the lot, etc.

Councilor Garcia noted there was conversation earlier regarding space and interpretation of space and how it contributes to architecture and buildings. He asked if the Governing Body is looking at this lot because the open space makes it unique and that we must preserve the space.

Ms. Ramirez Thomas said that was the perspective of the Board. They were looking at that space as incorporating the character of the bungalow. That is what the Board was looking at.

Councilor Garcia recalled in the last land use case, the discussion went up and down the street. And if you look at Guadalupe here, it is highly commercial. When the Google vehicle drove by, there was a sign that said prime commercial land. You showed us the design of the house. He asked if the owners would have to build it within the design guidelines or if modifications could be done to the structure.

Ms. Paez clarified that when an owner gets approval, it does lock the owner into that project. They will build it according to the approvals but they could come back with a different design and could get that approved too.

Councilor Garcia wondered if the home could become a business.

Ms. Paez talked about commercial uses being permitted.

Councilor Garcia thought if it was a business or the owner decided to do a business instead of a house, it would not be out of line. And a road visual up and down Guadalupe would show it as in line with the streetscape.

Ms. Paez agreed. It could have something with similar massing. Clearly that type of use would be possible with this zoning.

Councilor Vigil Coppler wanted to, first of all, have a belief in case law. And she wanted to go back to that. Two important things, the court noticed was that the H Board could not regulate the view corridor. The Court of Appeals said building something next to an historic building would not change it. That case law is applicable here.

She asked Ms. Ramirez Thomas how she reconciled her difference.

Ms. Ramirez Thomas felt the Ashley Pond House and Loretto case were about someone standing on the corner and being able to see something. She thought that was not the main part of this case. The history of land use and what used to happen in this area embodied their decision.

Councilor Vigil Coppler understood and said she probably disagreed. She didn't get it.

Councilor Rivera referred to page 73 and 74 of the packet. He thought this project was looking like a house and a guest house. Do you know why it was looked at in that way, Director Isaacson?

Director Isaacson replied that the existing bungalow could become the accessory dwelling unit since it is less than 1,500 square feet.

Councilor Rivera asked then if the ordinance would require the main house to be built first.

Director Isaacson said no. The main house does not have to be built first. But the Code does restrict a guest house to be less than 1,500 square feet in area. If it were to become a guest house, new parking would need to be included.

Ms. Paez added the preliminary zoning review covered that possibility. All things were reviewed by the Land Use Department. Things could pop up later, but it does meet all the requirements for that use.

Councilor Rivera asked if they calculated the measurements by Google Earth or actually got the square feet dimensions by measurement.

Ms. Paez said they are required to submit drawings with actual measurements. So the area is calculated from those drawings.

Councilor Rivera asked if the bungalow has a basement and if that was included in the measurements.

Mr. Sommer offered the owners to answer.

Ms. Jay Heneghan was sworn and said the house has a half basement unfinished.

Councilor Rivera asked if the 1,300 square feet includes the basement.

Ms. Heneghan said it does include the basement.

Mr. Sommer added that the question has no bearing in the BCD. Density is not a question of number of residences. They could have two primary residences on this lot and meet the zoning requirements. So the idea that it has to be under a certain size is not necessary. It just have to meet the criteria of the zoning and not the number of residences on the property.

Director Isaacson looked for the section of the Code that could verify that.

Councilor Rivera didn't think he had ever seen a case like this where the main house was built after the accessory dwelling.

Mr. Sommer explained that there were three dwelling units on the back lot, three primary residences that were not accessory units. So, the back half of the lot proves what he was saying. The BCD does not have that requirement. It is a performance-based Code and the back lot proves that because it was approved.

Director Isaacson didn't find that issue in the Code.

Mayor Webber asked Ms. Ramirez Thomas, in looking at page six of the staff report, you are quoted as saying the yard landscaping cannot be part of the contributing status of the property. It is questionable as one that embodies the status. That sounds 180° opposite of what we heard tonight. He confessed he was a little befuddled.

Ms. Ramirez Thomas said she tried to make a distinction between the opinion of Staff for the evaluation of the project, and the decision and

evaluation of the project from the Board. Her opinion, in looking at the case, it the primary consideration in Staff's point of view, was on the design of the building. But she didn't disagree with the Board in terms of their perspective on the long yard space and embodying status. But as Staff, that was not the way it was being previewed.

Mayor Webber said it sounds like the issue of view corridor and disrupting the view of the bungalow has been decided by the court of law and if we disregarded it, the Governing Body could once again be subject to a lawsuit. So an interruption of the view corridor seems to be a moot point.

Ms. Paez added that the phrase "view corridor" is not a defined term in the Code. It depends on the Governing Body. She asked if there was something else the Board saw.

Mayor Webber said you were talking about the space in front of the bungalow. He asked if she said we cannot regulate trees.

Ms. Paez said the H Board has no authority on regulating trees or landscaping. She also clarified that the H Board has no authority for regulating trees.

Mayor Webber recalled a comment that this was once an orchard.

Ms. Paez thought it was a public speaker who made the comment.

Mayor Webber asked, if it were an orchard now and owners wanted to cut down the trees, would that violate our Historic Ordinance?

Ms. Ramirez Thomas said no. The orchard would be in the same category. The historic code would not regulate, and zoning would have more purview.

Mayor Webber wondered if we would not be able to prevent an orchard being cut down by the historic ordinance.

Ms. Ramirez Thomas agreed.

Mayor Webber surmised that cutting down trees would not be stopped but putting a residence in could be prohibited.

Ms. Ramirez Thomas went back to the example of courthouse and the embodiment of the space more than the items in it.

Mayor Webber asked Director Isaacson if he found the place in the code.

Director Isaacson said Mr. Sommer is correct in this interpretation of the Code for the BCD.

Councilor Rivera asked Director Isaacson about saying there would be some other kind of evaluation.

Director Isaacson said on the calculation of floor area, an additional residence could be built on this property without respect to the floor area. . And the existing dwelling unit could be retained. Size does not matter in that relationship.

Appellant's Closing Statement.

Mr. Sommer noted that Ms. Ramirez Thomas was not sworn as a witness and none of it was subject to cross examination although he had questions for her. So he would move to his closing argument.

Mr. Sommer pointed out that when he started this and when Ms. Paez started, the Governing Body is sitting quasi-judicial and will make a decision de novo after reading the law and determining on the facts. That was all the owners wanted the Governing Body to do. But this discussion didn't go anywhere near where the law is written.

He showed on his screen that the law is talking about something and one of the questions he would have asked her - She has a great deal of experience and expertise. She is very highly educated about these matters. And he would have asked her, when the H Board is determining this of the Governing Body in an appeal, whether a structure is contributing, significant or noncontributing structure, they do not ever go to this provision dealing with architectural spaces. That is not part of the process because this portion of the ordinance is not part of the designation portion of the Ordinance. The H Board goes only one place and they do an analysis. And they look at that definition. And what the definition does not have is open space.

Councilor Romero-Wirth asked some very poignant questions about the historic association in the Ashley Pond House and Loretto Chapel cases. What makes this property important under the ordinance? The way the Board goes for the answer is to the HCPI forms data.

Mayor Webber interrupted to tell him the City Attorney ruled he has the opportunity to ask questions of Ms. Ramirez Thomas.

Mr. Sommer asked, "Could you state your educational background?"

Ms. Paez recommended swearing her in.

Ms. Ramirez Thomas was sworn and answered Mr. Sommer with her educational background. She has been an employee at the City for three years.

Mr. Sommer asked, "Did you apply this ordinance to all the cases on designation of a building's status? And you have much familiarity with the HCPI report?"

Ms. Ramirez Thomas said, "Some, yes."

Mr. Sommer said, "And you looked at both HCPI reports in this case?"

Ms. Ramirez Thomas said that was correct.

Mr. Sommer asked her if neither of those HCPI reports talked about this structure being agriculturally related?

Ms. Ramirez Thomas agreed.

Mr. Sommer asked if the HCPI reports associated this property with somebody that was important to Santa Fe.

Ms. Ramirez Thomas said no.

Mr. Sommer asked if she did not see this property associated with any important event to Santa Fe's history.

Ms. Ramirez said that was correct.

Mr. Sommer said, "So you agree the reason this building was designated contributing was because of the design features of this building, which were because of its bungalow style and others according to the HCPI why it was important historically. Correct?"

Councilor Rivera had a point of order. He said Ms. Ramirez Thomas is not on trial here. And all questions must go through the Mayor.

Mayor Webber thanked Councilor Rivera for his comment and agreed we don't want badgering to go on here.

Mr. Sommer said he was not attacking her credibility at all, but her testimony was helpful to what he was saying and she didn't get the opportunity to testify about it.

Ms. McSherry pointed out the schedule did not anticipate new evidence to be introduced so we often don't swear in Staff members and Mr. Sommer pointed out that new evidence was introduced. It is not always something that happens in appeal procedures. But when it is, we could allow for cross examination.

Mr. Sommer said he was finished asking those questions. And if Ms. Ramirez Thomas felt attacked, he apologized. I brought out her information because it is truthful. He thanked Ms. Ramirez Thomas.

Mr. Sommer explained the point he was making was straightforward. It is clear under the ordinance and the decision made, that the denial was decided first in the Pond case - the Plaza Azul case definitively and this one is no different here. It is exactly the same and that the status will be destroyed by construction that doesn't touch it has already been definitively determined. As he said before, it comes down to one question. And that is, do you ever get to the question that the ordinance, as a matter of historic preservation regulates open space? There is nothing in the ordinance that says the Board gets to regulate historic open space. Nothing in the code allows that. But that is what the H Board was doing here.

The Governing Body could change the ordinance. But more importantly, sitting here reading the law as it is now, doesn't say that. We have tried in many ways to get to the place where the H Board's decision makes sense and we cannot.

He added that if the Governing Body wanted to give that authority to the H Board to regulate open space in the historic districts, you could. But you have not allowed the H Board to do that and for good reason. If you allowed it, we would have an outcry from other owners in the historic districts. If they found out the H Board regulated open space and the owners could not do anything on it, it would become a real problem, not only from a practical standpoint, but an injustice to property owners. Jim and Jay bought this property after reading the ordinance that applies to it and rely on it as written.

This is an attempt to expand what is not there. the regulation of open space by the Historic Board. One thing that is absolutely clear: This ordinance does not say you can gauge new construction if it preserves the character of the district. That is not the criteria for new construction.

The preservation of a District is preserved in the regulations that exist – all the design regulations and all the designations of historic properties. And that is how it is done, not through “this open space is good and that open space is bad.” That is not fair to property owners. This case denial is not

supportable under the law and your Staff has pointed in that direction. That after decades of dealing with this issue, here we are at it again and that is not fair.

Mayor Webber declared the public hearing is closed.

Action of the Governing Body

MOTION: Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to grant the appeal.

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

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

Against: Councilor Lindell, and Councilor Rivera.

Mr. Sommer thanked the Governing Body for their time this evening.

- c. Request Approval of Annual Action Plan describing how HUD resources will be used for the upcoming program year (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov).

Committee Review:

Public Works and Utilities Committee: 04/26/2021

Finance Committee: 05/03/2021

Quality of Life Committee: 05/05/2021

Governing Body (Public Hearing): 05/12/201

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

Staff Report

Director Ladd said the action plan is submitted every year to HUD to describe how we will use the funds. We must follow a template and she tried hard to create an executive summary.

She said they are also required to do various forms of outreach in addition to this hearing and we send out a survey for funding priorities and a 30-day comment period and we don't get very much interest but are working on updating our public outreach and will work this year through Metroplex which will improve our outreach.

She observed that our application is weighted heavily toward public services because they are intended for those in need of housing assistance. It is a huge need in our community. So we can never fund them in the amount requested. The biggest portion is for mortgage reduction through Homewise.

The no interest loan is offered. We should get some new homebuyers with this plan.

Public Comment:

Michael Barrio said, regarding the actual grant, that he believed this addresses the housing need for community housing and the projections demonstrate the ongoing need to be addressed with this plan. Thank you.

There were no other public comments.

Governing Body Questions

Councilor Vigil Coppler asked Director Ladd if the \$300,000 to Homewise was for principal mortgage reduction but nothing was going to the Santa Fe Housing Trust. Does this mean that a buyer must go to Homewise to get this or if Homewise could help one who went through Santa Fe Housing Trust.

Director Ladd explained that the Santa Fe Housing Trust did not apply for funds. But they have other funding sources that could be used. They are in a transition right now and probably didn't want to take on the burden of the federal grants this year.

Councilor Vigil Coppler read in the newspaper that Habitat for Humanity had \$80,000 but they were not mentioned in the cover memo. So she asked if they were getting \$80,000 or not.

Director Ladd said they are getting \$80,000 and it was a mistake in the cover memo.

Action of the Board

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Cassutt -Sanchez, to approve the HUD Annual Action Plan as presented.

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

For:

Ma

Co

Ro

Against:

No

21.

ADJOURN

Having completed

Governing Body,

**GOVERNING BODY MEETING
EXECUTIVE SESSION
May 12, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on May 12, 2021 beginning at 6:04p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(7) and (H)(8), Completion of the Attorney-Client Privileged Quarterly Update that Began During the April 28th, 2021 Governing Body Meeting 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)

PRESENT

Mayor Webber (Attended Virtually)
Councilor Abeyta (Attended Virtually)(Left at 7:34 PM)
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 (Excused)

STAFF PRESENT

Jarel LaPan Hill, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney (Attended Virtually)
Kristine M. Mihelcic, City Clerk (Attended Virtually)
Marcos Martinez, Assistant City Attorney (Attended Virtually)
Seth Cohen, Contract Attorney (Attended Virtually)
Richard Brown, Community and Economic Development Director (Attended Virtually)(Arrived at 7:34 PM)
Sean Moody, Asset Manager (Attended Virtually) (Arrived at 7:34 PM)
Andrea Salazar, Assistant City Attorney (Attended Virtually) (Arrived at 7:34 PM)

There being no further business to discuss, the executive session adjourned at 8:02 p.m.


Kristine Mihelcic (May 21, 2021 09:18 MDT)

Kristine M. Mihelcic, City Clerk