



AGENDA

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JULY 07, 2021
5:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR QUALITY OF LIFE COMMITTEE 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 Quality of Life Committee meeting will be conducted virtually.

Viewing: Members of the public 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 agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF CONSENT AGENDA**
5. **APPROVAL OF MINUTES**
 - a. Approval of the June 16, 2021 Quality of Life Committee Meeting Minutes.
6. **PRESENTATIONS**
 - a. Behavioral Health at the City and County (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603; and Rachel O'Connor, Health and Human Services Director, Santa Fe County)
 - b. Santa Fe Recovery: Midtown (Sylvia Barela, CEO of Santa Fe Recovery)
7. **ACTION ITEMS: CONSENT**



City of Santa Fe

AGENDA

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JULY 07, 2021
5:00 PM
ATTEND VIRTUALLY

-
- a. Request for Approval of a Professional Services Contract in the Total Amount of \$254,000 for CHART Consultant Team; Artful Life, LLC. (Pauline Kanako Kamiyama, Arts and Culture Department Director: ppkamiyama@santafenm.gov, 955-470-8482; Kristine Mihelcic, City Clerk and Community Engagement Department Director: kmmihelcic@santafenm.gov, 955-6846)

Committee Review:

Finance Committee: 7/6/21

Quality of Life Committee: 7/7/21

Public Works and Utilities Committee: 7/12/21

Governing Body: 7/14/21

- b. CONSIDERATION OF RESOLUTION NO. 2021-___.
A Resolution Approving the Vacation of Existing Portions of the Galisteo Road Rights-of-Way at Galisteo Road's Intersection with Zia Road, Contingent on the Planning Commission's Approval of the Vacation of Existing Rights-of-Way and the Dedication of New Galisteo Road Right-of-Way South of Galisteo Road's Intersection with Zia Road in a New Alignment, and New Galisteo Road Right-of-Way North of Galisteo Road's Intersection with Zia Road. (Lee Logston, Senior Land Use Planner: lrllogston@santafenm.gov, 955-6136)

Committee Review:

Public Works and Utilities Committee: 06/28/21

Quality of Life Committee: 07/07/21

Governing Body: 07/14/21

- c. Request Approval of Budget Amendment Resolution (BAR) for Department of Justice, Office of Justice Programs, FY 20 Coronavirus Emergency Supplemental Funding Grant Award. (Andrew Padilla, Chief of Police: aapadilla@santafenm.gov, 955-5102)

Committee Review:

Finance Committee: 7/6/21

Quality of Life Committee: 7/7/21

Governing Body: 7/14/21



City of Santa Fe

AGENDA

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JULY 07, 2021
5:00 PM
ATTEND VIRTUALLY

- d. Request Approval of Budget Amendment Resolution (BAR) for New Mexico Department of Transportation Traffic Projects Grant Award. (Andrew Padilla, Chief of Police: aapadilla@santafenm.gov, 955-5102)

Committee Review:

Finance Committee: 7/6/21

Quality of Life Committee: 7/7/21

Governing Body: 7/14/21

8. **MATTERS FROM STAFF**
9. **MATTERS FROM THE COMMITTEE**
10. **MATTERS FROM THE CHAIR**
11. **NEXT MEETING: Wednesday, July 21, 2021**
12. **ADJOURN**

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



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

1. **CALL TO ORDER**

Meeting started at 5:00pm

2. **ROLL CALL**

Members Present:

Councilor Jamie Cassutt
Councilor Michael Garcia
Councilor Chris Rivera
Councilor Renee Villarreal
Councilor Carol Romero-Wirth

Members Excused:

Others Attending:

Jeff Norris, Legislative Liaison Assistant
Jesse Guillen, Legislative Liaison
Kyra Ochoa, Community Services Department Director
Paul Babcock, Fire Chief
Andrew Padilla, Chief of Police
Jamie-Rae Diaz, Clerk
Ben Valdez, Attendee
Randy Randall, Attendee
Alexandra Ladd, Attendee
Anya Alarid, Attendee
Rich Brown, Attendee
Porfirio Chavarria, Attendee
Paul Joye, Attendee

Facilitator Sean Strahon was in attendance

3. **APPROVAL OF AGENDA**



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

MOTION: Councilor Cassutt moved, seconded by Councilor Villarreal, to approve the agenda as amended.
- remove items 7d, 7f, and 7g from the agenda.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal

Against: None

Abstain: Councilor Romero-Wirth

MOTION: Councilor Cassutt moved, seconded by Councilor Rivera, to rescind the approval of the agenda as amended.

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

For: Councilor Cassutt, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: Councilor Garcia

Abstain: None

MOTION: Councilor Cassutt moved, seconded by Councilor Rivera, to approve the agenda as amended.
- Postpone item 7g to a date uncertain.
- Postpone item 7f to the July 7th Quality of Life Committee Meeting and add the item to the next Public Works and Utilities Committee Meeting.
- Move item 7d to the “presentations” section of the agenda.

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

For: Councilor Cassutt, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

Against: Councilor Garcia

Abstain: None

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the consent agenda as amended.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

Councilor Garcia pulled item 7c from the consent agenda to abstain from vote.
Councilor Villarreal pulled item 7h from consent agenda to discussion.

5. APPROVAL OF MINUTES

- a. Approval of the June 2, 2021 Quality of Life Committee Meeting Minutes.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to approve the minutes as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

Abstain: None

6. ACTION ITEMS: CONSENT

- a. Request for the Approval of the Amendment No. 1 to Contract 19-0822 to Increase Amount by \$17,500.00 in the Total Amount of \$147,465.65 and Extend the Term from June 30, 2021 to June 30, 2022. (Porfirio Chavarria; pnchavarria@santafenm.gov; 505-955-3119)

Committee Review:

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract amendment as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- b. Request for Approval of a State of New Mexico Children, Youth and Families Department (CYFD) Amendment No. 1 to CYFD Agreement No. 21-690-3200-20846, City Contract #21-20846, to Update the Scope of Work to Reflect Updated Language, Update the Budget to Reflect Funding Information for Juvenile Justice Alternative to Detention Programs. (Julie Sanchez, Youth and Family Services Division Director, jjsanchez@santafenm.gov, 505-955-6678)

Committee Review:

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract amendment as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- c. Request for the Approval of Fiscal Year 2022 Grant Contract in the Total Amount of \$304,000 for the Foster Grandparent, Senior Companion, and Retired Senior Companion Volunteer Programs; State of New Mexico Aging and Long Term Services Department. (Anya Alarid, Volunteer Program Manager aalarid@santafenm.gov, 505-955-4744)

Committee Review:

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the grants as presented.

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

For: Councilor Cassutt, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

Item pulled by Councilor Garcia to recuse himself from this item.



MINUTES

- d. CONSIDERATION OF RESOLUTION NO. 2021-___. (Mayor Webber, Councilor Romero-Wirth, Councilor Cassutt)
A Resolution Relating to Income Disparity and Inequity; Authorizing the Execution of a Memorandum of Understanding with Mayors for a Guaranteed Income and the Santa Fe Community College to Assist with Launching a Pilot Project to Support Young Parents Enrolled at the Santa Fe Community College, and to Build Support for a Guaranteed Income in the City of Santa Fe. (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 955-6678)

Committee Review:

Introduced: 06/09/21

Quality of Life Committee: 06/16/21 (discussed)

Finance Committee: 06/21/21

Public Works and Utilities Committee: 06/28/21

Governing Body: 06/30/21

Item moved to presentations during approval of agenda.

- e. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Vigil Coppler, Councilor Cassutt, Councilor Garcia, and Councilor Villarreal)
A Resolution Supporting the Tenth Annual Neighbor to Neighbor Fund Drive. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 6/9/21

Quality of Life Committee: 06/16/21

Finance Committee: 06/21/21

Governing Body: 06/30/21

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the resolution as presented.

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



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera,
Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- f. CONSIDERATION OF RESOLUTION NO. 2021-___. (Mayor Webber, Councilor Vigil Coppler, Councilor Romero-Wirth)
A Resolution Donating Property Identified as 635 Alto Street and Resources to a Developer Qualified as a “Grantee” Under the New Mexico Affordable Housing Act for Development of at Least Five (5) Low-Priced Dwelling Units. (Alexandra Ladd, Office of Affordable Housing Director: agladd@santafenm.gov, 955-6346)

Committee Review:

Introduction: 06/09/21

Community Development Commission: 06/16/21

Quality of Life Committee: 06/16/21

Finance Committee: 06/21/21

Public Works and Utilities Committee: 06/28/21

Governing Body: 06/30/21

The Committee voted to postpone item 7f to the July 7th Quality of Life Committee Meeting and add the item to the next Public Works and Utilities Committee Meeting during the “Approval of the Agenda.”

- g. CONSIDERATION OF BILL NO. 2021-___. (Councilor Lindell, Mayor Webber, and Councilor Rivera)
An Ordinance Creating a New Section 2-4.14 SFCC 1987 to Require the City Manager’s Residence be Within, or Within Ten (10) Miles of, the Municipal Boundaries of the City of Santa Fe; Creating a New Section 2-9.7 SFCC 1987 to Require that the Chief of Police’s Primary Residence be Within, or Within Ten (10) Miles of, the Municipal Boundaries of the City of Santa Fe; and Creating New Section 2-10/6 SFCC 1987 to Require that the Chief of the Fire Department’s Primary Residence be Within, or Within Ten (10) Miles of, the Municipal Boundaries of the City of Santa Fe. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)



MINUTES

Committee Review:

Introduction: 06/09/21

Public Safety Committee: 06/15/21

Quality of Life Committee: 06/16/21

Finance Committee: 06/21/21

Governing Body (request to publish): 06/30/21

Governing Body (public hearing): 07/28/21

The Committee voted to postpone item 7g to a date uncertain during the "Approval of the Agenda."

- h. CONSIDERATION OF BILL NO. 2021-___. (Councilor Lindell and Mayor Webber)

An Ordinance Amending Section 23-6.2 SFCC 1987 to Remove the Six-Month Minimum Lease Duration for the Sale and Consumption of Alcohol on City Property. (Randy Randall, TOURISM Santa Fe Executive Director: rrandall@santafenm.gov, 955-6209; Rich Brown, Community and Economic Development Department Director: rdbrown@santafenm.gov, 955-6625; Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 5/12/21

Quality of Life Committee: 6/16/21

Public Works and Utilities Committee: 06/28/21

Governing Body (request to publish): 06/30/21

Economic Development Advisory Committee: 7/14/21

Governing Body (public hearing): 07/28/21

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to approve the bill as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

Abstain: None

Item pulled by Councilor Villarreal for discussion.

- i. Request for Approval of the Allocation for the 2021-2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFP #21/25/P Totaling \$1,225,000. (Alexandra Ladd, Director of Office of Affordable Housing: agladd@santafenm.gov 505-303-9868)

Committee Review:

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- j. Request for Approval of the Allocation for the 2021-2022 Community Development Block Grant (CDBG) Funds and the Attached Contracts Awarded in Response to RFP #21/24/P and Program Administration Cost (Contract Total: \$556,067, Plus Administration \$124,619 (Alexandra Ladd, Director of Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868)

Committee Review:

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021



MINUTES

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- k. Request for Approval to Submit for Review to the US Department of Justice, Office of Justice Programs, Certifications and Assurances by the Chief Executive of the Applicant Government. (Andrew Padilla, Chief of Police, Police Department, aapadilla@santafenm.gov, 955-5102)

Committee Review:

Public Safety Committee: 06/15/2021

Quality of Life Committee: 06/16/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the grants as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None



MINUTES

- I. Request for the Approval of the Agreement for Animal Confinement, Care and Disposal Between the Santa Fe Animal Shelter and Human Society, Inc. and the City of Santa Fe in the Total Amount of \$529,231.80 for the Confinement, Care, Maintenance and Disposal of Stray and Impounded Animals for a Period of Three (3) Years from the Time of Approval by Both the City of Santa Fe and Santa Fe Animal Shelter and Humane Society, Inc. (Ben Valdez, Deputy Chief of Police: bpvaldez@santafenm.gov, 955-5040).

Committee Review:

Public Safety Committee: 06/15/21
Quality of Life Committee: 06/16/21
Finance Committee: 06/21/21
Governing Body: 06/30/21

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

- m. Request for Approval of the Collective Bargaining Agreement Between the City of Santa Fe and the Santa Fe Police Officers Association for FY22. Contract Includes Salary Increases in the Amount of \$423,039 for Sworn and Civilian Bargaining Unit Employees. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Public Safety Committee: 06/15/21
Quality of Life Committee: 06/16/21
Finance Committee: 06/21/21
Governing Body: 06/30/21



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the contract as presented.

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

For: Councilor Cassutt, Councilor Garcia, Councilor Rivera, Councilor Villarreal, Councilor Romero-Wirth

Against: None

Abstain: None

7. PRESENTATION

- a. Housing Security Overview (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603; Alexandra Ladd, Office of Affordable Housing Director: agladd@santafenm.gov, 505-955-6346; and Anna Cale, Community Services Project Administrator: axcale@santafenm.gov, 505-955-6236)
- b. Presentation on report entitled *Evictions in the COVID-19 ERA: Successes and limitations of moratoria to keep people housed and healthy in Santa Fe (Part II)*. (Tomás Rivera, Executive Director, Chainbreaker Collective)

8. MATTERS FROM STAFF

9. MATTERS FROM THE COMMITTEE

10. MATTERS FROM THE CHAIR

11. NEXT MEETING: Wednesday, July 7, 2021

12. ADJOURN



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
JUNE 16, 2021
5:00 PM
VIRTUAL MEETING

Meeting adjourn at 7:41pm

Liaison

Chair



CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: Artful Life, LLC

Procurement Title: CHART Consultant Team/RFP 21/30/P

Procurement Method: State Price Agreement Cooperative Sole Source Other

Exempt Request For Proposal (RFP) Invitation To Bid (ITB) Contract under 60K Contract over 60K

Department Requesting Arts and Culture Staff Name Pauline Kanako Kamiyama

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees.

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES N/A

- Approved Procurement Checklist (by Purchasing)
- Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
- State Price Agreement
- RFP
- Evaluation Committee Report
- ITB
- Bib Tab
- Quotes (3 valid current quotes)
- Cooperative Agreement
- Sole Source Request and Determination Form
- Contractors Exempt Letter
- Purchasing Officers approval for exempt procurement
- BAR
- FIR
- Executed Contract, Agreement or Amendment
- Current Business Registration and CRS numbers on contract or agreement
- Summary of Contracts and Agreements form
- Certificate of Insurance
- All documentation presented to Committees
- Other:

Pauline Kanako Kamiyama, Director, 6/4/21

Department Rep Printed Name (attesting that all information included)	Title	Date
 Fran Dunaway (Jun 8, 2021 10:27 MDT)	Chief Procurement Officer	Jun 8, 2021

Purchasing Officer (attesting that all information is reviewed)	Title	Date

Include all other substantive documents and records of communication that pertain to the procurement and contract.



City of Santa Fe, New Mexico


Memorandum



DATE: June 4, 2021

TO: Governing Body
Finance Committee
Quality of Life

VIA: Jarel LaPan Hill, City Manager
Mary McCoy, Finance Department Director
Fran Dunaway, Chief Procurement Officer
Rich Brown, Community Development Department Director

FROM:  Pauline Kanako Kamiyama, Arts and Culture Department Director

ITEM AND ISSUE:

Request for the Approval of Professional Services Contract in the Total Amount of \$254,000 for CHART Consultant Team; Artful Life, LLC, Pauline Kanako Kamiyama, pkkamiyama@santafenm.gov, 505.470.8482

BACKGROUND AND SUMMARY:

The purpose of the Request for Proposal (RFP 21/30/P) is to solicit sealed proposals to establish a contract through competitive negotiations for the procurement of a consultant team (s) (Consultant) to facilitate the CHART Initiative including but not limited to the planning, development, coordination, communication, implementation, messaging, and evaluation of community-centered processes that fosters dialogue within the City.

PROCUREMENT METHOD:

A Request for Proposal RFP#21/30/P was issued.

CONTRACT NUMBER:

The FY20 Munis contract number is 3202772.

FUNDING SOURCE:

The funding source is:

Fund Name/Number: Constituent Services/1002575

Munis Org Name/Number: Other Consulting/ 510340

ACTION REQUESTED:

Arts and Culture Department and Community Engagement Department respectfully requests your review and approval.

**The City of Santa Fe
AND
Arts and Culture Department and Community Engagement Department**

REQUEST FOR PROPOSALS (RFP)

**Culture, History, Art, Reconciliation and Truth (CHART)
Initiative: Consultant Team**



RFP#
21/30/P

RFP Release Date: March 8, 2021

Proposal Due Date: April 6, 2021

ELECTRONIC-ONLY PROPOSAL SUBMISSION

I. INTRODUCTION.....	1
A. PURPOSE OF THIS REQUEST FOR PROPOSALS	1
B. BACKGROUND INFORMATION.....	1
C. SCOPE OF PROCUREMENT.....	1
D. PROCUREMENT MANAGER.....	2
E. PROPOSAL SUBMISSION.....	2
F. DEFINITION OF TERMINOLOGY.....	3
G. PROCUREMENT LIBRARY	6
II. CONDITIONS GOVERNING THE PROCUREMENT	7
A. SEQUENCE OF EVENTS.....	7
B. EXPLANATION OF EVENTS	7
1. Issue RFP.....	7
2. Acknowledgement of Receipt Form.....	8
3. Pre-Proposal Conference	8
4. Deadline to Submit Written Questions	8
5. Response to Written Questions	8
6. Submission of Proposal.....	9
7. Proposal Evaluation.....	9
8. Selection of Finalists	9
9. Oral Presentations	9
10. Finalize Contractual Agreements.....	9
11. Contract Awards	10
12. Protest Deadline	10
C. GENERAL REQUIREMENTS.....	10
1. Acceptance of Conditions Governing the Procurement.....	10
2. Incurring Cost.....	10
3. Prime Contractor Responsibility	11
4. Subcontractors/Consent	11
5. Amended Proposals.....	11
6. Offeror’s Rights to Withdraw Proposal.....	11
7. Proposal Offer Firm.....	11
8. Disclosure of Proposal Contents	11
9. No Obligation.....	12
10. Termination	12
11. Sufficient Appropriation.....	12
12. Legal Review	12
13. Governing Law.....	12
14. Basis for Proposal	12
15. Contract Terms and Conditions	13
16. Offeror’s Terms and Conditions	13
17. Contract Deviations	13
18. Offeror Qualifications	13
19. Right to Waive Minor Irregularities.....	14
20. Change in Contractor Representatives	14
21. Notice of Penalties.....	14
22. Department Rights	14
23. Right to Publish.....	14
24. Ownership of Proposals.....	14
25. Confidentiality	14
26. Electronic mail address required	15
27. Use of Electronic Versions of this RFP.....	15

28.	<i>Campaign Contribution Disclosure Form</i>	15
29.	<i>Letter of Transmittal</i>	15
30.	<i>Disclosure Regarding Responsibility</i>	16
31.	<i>Local Preferences</i>	17
III. RESPONSE FORMAT AND ORGANIZATION		18
A.	NUMBER OF RESPONSES	18
B.	NUMBER OF COPIES	18
1.	<i>ELECTRONIC SUBMISSION ONLY Responses</i>	18
C.	PROPOSAL FORMAT	19
1.	<i>Proposal Content and Organization</i>	19
IV. SPECIFICATIONS		20
A.	DETAILED SCOPE OF WORK	20
B.	TECHNICAL SPECIFICATIONS.....	23
1.	<i>Organizational Experience</i>	23
2.	<i>Organizational References</i>	23
C.	BUSINESS SPECIFICATIONS	24
1.	<i>Letter of Transmittal Form</i>	24
2.	<i>Campaign Contribution Disclosure Form</i>	24
3.	<i>Cost</i>	24
4.	<i>Local Preference</i>	24
V. EVALUATION		25
A.	EVALUATION POINT SUMMARY	25
B.	EVALUATION FACTORS	25
1.	<i>B.1 Organizational Experience (See Table 1) 45 points</i>	25
2.	<i>B.2 Organizational References (See Table 1) 15 points</i>	25
3.	<i>C.1 Letter of Transmittal (See Table 1)</i>	26
4.	<i>C.2 Campaign Contribution Disclosure Form (See Table 1)</i>	26
5.	<i>C.3 Oral Presentation (See Table 1) – 20 points</i>	26
	<i>Points will be awarded based on the quality, organization and effectiveness of communication of the information presented, as well as the professionalism of the presenters and technical knowledge of the proposed staff. Prior to Oral Presentation, Agency will provide the Offeror a presentation agenda.</i>	26
6.	<i>C.4 Cost (See Table 1) 15 points</i>	26
7.	<i>C.5. Local Preferences</i>	26
C.	EVALUATION PROCESS	27
APPENDIX A		28
ACKNOWLEDGEMENT OF RECEIPT FORM		28
APPENDIX B		30
CAMPAIGN CONTRIBUTION DISCLOSURE FORM		30
APPENDIX C		33
DRAFT CONTRACT		33
DRAFT CONTRACT		34
APPENDIX D		35
COST RESPONSE FORM		35
COST RESPONSE FORM		35

APPENDIX E	36
LETTER OF TRANSMITTAL FORM	36
APPENDIX F	38
ORGANIZATIONAL REFERENCE QUESTIONNAIRE	38
APPENDIX G.....	43
NON-COLLUSION AFFIDAVIT	43
APPENDIX H.....	45
CONFLICT OF INTEREST	45
APPENDIX I	48
LIVING WAGE ORDINANCE.....	48

I. INTRODUCTION

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

The purpose of the Request for Proposal (RFP) is to solicit sealed proposals to establish a contract through competitive negotiations for the procurement of a consultant team (s) (Consultant) to facilitate the CHART Initiative including but not limited to the planning, development, coordination, communication, implementation, messaging, and evaluation of community-centered processes that fosters dialogue within the City.

B. BACKGROUND INFORMATION

The City of Santa Fe (“City”) recognizes the political and cultural divisions in the United States at this time and has observed the destruction of the Soldier’s Monument (the Obelisk) on the Plaza, the removal of the Don Diego de Vargas statue from Cathedral Park, and the boarding up of the Kit Carson memorial. There is an urgent call to action to discuss the City’s cultural histories and current viewpoints to seek solutions for a future of peace, justice, healing, and reconciliation through a process for community engagement that encourages people to speak, to be heard, and to listen. This is the beginning of an ongoing effort to learn and understand our complex histories and stories, and to promote truth, healing, and reconciliation for a future of peace and justice.

The goal is to promote broader cross-cultural understanding, racial equity, healing, and reconciliation in our community. To allow for individuals to openly share and communicate their feelings and their history. To provide advice on decisions for statutes and monuments as well as short, medium, and long-term responses for community healing and reconciliation. The information generated from the processes is a first effort and will be compiled in a format for use and consideration by the Governing Body to inform its deliberation and evaluation for future process, action, and decisions.

The Consultant should review Resolution 2021 – 6. Please see the Procurement Library in Section I. G.

C. SCOPE OF PROCUREMENT

The Consultant will have experience in facilitating and coordinating a community-centered practice, with cultural competency particularly with the communities of Northern New Mexico, especially experience working with communities within the City of Santa Fe. The Consultant will work closely with the City Project Team to implement a robust engagement process and write a final report with recommendations gained from community input.

The ideal Consultant, which may be a firm or team, will have:

- Experience in cultural competency particularly with the communities of Northern New Mexico, specifically within the City of Santa Fe
- Demonstrated community-centered practice with experience conducting community engagement, stakeholder facilitation and strategic planning processes
- Have facilitators and/or team members who are of and from the various Santa Fe communities
- Expertise as relates to issues of diversity, equity, and inclusion and ability to authentically engage stakeholders of diverse backgrounds with competency

- Strong administrative and organizational skills to manage complex and multi-layered project initiative from start to finish
- Track record of client collaboration and clear communication
- Excellent oral and written communication skills
- Capacity to complete the tasks described in this RFP within the time frame provided
- Commitment to providing exceptional customer service and responding to client requests in a timely fashion
- Expertise in research and evaluation
- Expertise in community outreach, communication
- Ability to communicate efficiently - construct press release, social media to help reach a broad spectrum of community members.

The Scope of Work includes but not limited to the following categories: Administration, Facilitation/Training, Art Activations, Cultural History Series and Reporting and Evaluation. The anticipated timeframe is April 2021 through March 2022.

The resulting award may be multiple contracts.

This procurement will result in a contractual agreement between two parties; the procurement may ONLY be used by those two parties exclusively.

D. PROCUREMENT MANAGER

Arts and Culture Department and Community Engagement Department has assigned a Procurement Manager who is responsible for the conduct of this procurement whose name, address, telephone number and e-mail address are listed below:

Name: Sam Burnett, Procurement Manager
 Telephone: (505) 795-2491
 Email: jsburnett@santafenm.gov

1. **Any inquiries or requests** regarding this procurement should be submitted, in writing, to the Procurement Manager. Offerors may contact **ONLY** the Procurement Manager regarding this procurement. Other city employees or Evaluation Committee members do not have the authority to respond on behalf of the Procurement Manager.
2. **Protests of the solicitation or award must be submitted in writing to the Protest Manager identified in Section II.B.13.** As a Protest Manager has been named in this Request for Proposals, pursuant to §13-1-172, NMSA 1978 and Procurement Manual Section Y, **ONLY protests delivered directly to the Protest Manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule and this Request for Proposals.** Protests submitted or delivered to the Procurement Manager will **NOT** be considered properly submitted.

E. PROPOSAL SUBMISSION

Submissions of all proposals must be accomplished via email to: purchasing@santafenm.gov.

F. DEFINITION OF TERMINOLOGY

This section contains definitions of terms used throughout this procurement document, including appropriate abbreviations:

1. “**Authorized Purchaser**” means an individual authorized by a Participating Entity to place orders against this contract.
2. “**Award**” means the final execution of the contract document.
3. “**Business Hours**” means 8:00 AM thru 5:00 PM MST/MDT, whichever is in effect on the date given.
4. “**Central Purchasing Office**” means the office responsible for the control of procurement of items of tangible personal property, services or construction.
5. “**Chief Procurement Officer**” means that person within the Central Purchasing Office who is responsible for the control of procurement of items of tangible personal property, services or construction.
6. “**City**” means the City of Santa Fe, New Mexico which in the procurement context may act through the Finance Director, City Manager, or Governing Body.
7. “**Close of Business**” means 5:00 PM Mountain Standard or Daylight Time, whichever is in use at that time.
8. “**Confidential**” means confidential financial information concerning Offeror’s organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act §§57-3-A-1 through 57-3A-7, NMSA 1978,. The following items may **not** be labelled as confidential: Offeror’s submitted Cost response, Staff/Personnel Resumes/Bios (excluding personal information such as personal telephone numbers and/or home addresses), and other submitted data that is **not** confidential financial information or that qualifies under the Uniform Trade Secrets Act.
9. “**Contract**” means any agreement for the procurement of items of tangible personal property, services or construction.
10. “**Contractor**” means any business having a contract with the City of Santa Fe.
11. “**Department**” means the Requesting Department sponsoring this Procurement.
12. “**Determination**” means the written documentation of a decision of a procurement officer including findings of fact required to support a decision. A determination becomes part of the procurement file to which it pertains.
13. “**Desirable**” – the terms ”may,” ”can,” ”should,” ”preferably,” or ”prefers” identify a desirable or discretionary item or factor.
14. “**Electronic Submission**” means a successful submittal of Offeror’s proposal.

15. “**Electronic Version/Copy**” means a digital form consisting of text, images or both readable on computers or other electronic devices that includes all content that the Original and Hard Copy proposals contain. The digital form may be submitted using a compact disc (CD) or USB flash drive. The electronic version/copy can only be emailed.
16. “**Evaluation Committee**” means a body appointed to perform the evaluation of Offerors’ proposals.
17. “**Evaluation Committee Report**” means a report prepared by the Procurement Manager and the Evaluation Committee to support the Committee’s recommendation for contract award. It will contain scores and written evaluations of all responsive Offeror proposals.
18. “**Final Award**” means, in the context of this Request for Proposals and all its attendant documents, that point at which the final required signature on the contract(s) resulting from the procurement has been affixed to the contract(s) thus making it fully executed.
19. “**Finalist**” means an Offeror who meets all the mandatory specifications of this Request for Proposals and whose score on evaluation factors is sufficiently high to merit further consideration by the Evaluation Committee.
20. “**Hourly Rate**” means the proposed fully loaded maximum hourly rates that include travel, per diem, fringe benefits and any overhead costs for contractor personnel, as well as subcontractor personnel if appropriate.
21. “**Mandatory**” – the terms ”must,” ”shall” ”will,” ”is required,” or ”are required,” identify a mandatory item or factor. Failure to meet a mandatory item or factor may result in the rejection of the Offeror’s proposal.
22. “**Minor Irregularities**” means anything in the proposal that does not affect the price, quality and/or quantity, or any other mandatory requirement.
23. “**Multiple Source Award**” means an award of an indefinite quantity contract for one or more similar services, items of tangible personal property or construction to more than one Offeror.
24. “**Offeror**” is any person, corporation, or partnership who chooses to submit a proposal.
25. “**Price Agreement**” means a definite quantity contract or indefinite quantity contract which requires the contractor to furnish items of tangible personal property, services or construction to the City of Santa Fe, a state agency or a local public body which issues a purchase order, if the purchase order is within the quantity limitations of the contract, if any.
26. “**Procurement Manager**” means any person or designee authorized by the Requesting Department to facilitate the procurement and or administer the contract(s) .
27. “**Project**” means a temporary process undertaken to solve a well-defined goal or objective with clearly defined start and end times, a set of clearly defined tasks, and a budget. The project terminates once the project scope is achieved and project acceptance is given by the project executive sponsor.
28. “**Redacted**” means a version/copy of the Offeror’s proposal with the information considered proprietary or confidential (as defined by §§57-3A-1 to 57-3A-7, NMSA 1978 and summarized herein and outlined in Section II.C.8 of this RFP) blacked-out BUT NOT omitted or removed.

29. “**Request for Proposals (RFP)**” means all documents, including those attached or incorporated by reference, used for soliciting proposals.
30. “**Requesting Department**” means the City Department responsible for overseeing the work or delivery of tangible personal property by a contractor.
31. “**Responsible Offeror**” means an Offeror who submits a responsive proposal and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services, or items of tangible personal property described in the proposal.
32. “**Responsive Offer**” or means an offer which conforms in all material respects to the requirements set forth in the request for proposals. Material respects of a request for proposals include, but are not limited to price, quality, quantity or delivery requirements.
33. “**Sealed**” means, in terms of a non-electronic submission, that the proposal is enclosed in a package which is completely fastened in such a way that nothing can be added or removed. Open packages submitted will not be accepted except for packages that may have been damaged by the delivery service itself. The City of Santa Fe reserves the right, however, to accept or reject packages where there may have been damage done by the delivery service itself. Whether a package has been damaged by the delivery service or left unfastened and should or should not be accepted is a determination to be made by the City’s Chief Procurement Officer. By submitting a proposal, the Offeror agrees to and concurs with this process and accepts the determination of the Chief Procurement Officer in such cases.
34. “**Staff**” means any individual who is a full-time, part-time, or an independently contracted employee with the Offerors’ company.
35. “**State (the State)**” means the State of New Mexico.
36. “**Statement of Concurrence**” means an affirmative statement from the Offeror to the required specification agreeing to comply and concur with the stated requirement(s). This statement shall be included in Offerors proposal. (E.g. “We concur,” “Understands and Complies,” “Comply,” “Will Comply if Applicable,” etc.)
37. “**Unredacted**” means a version/copy of the proposal containing all complete information; including any that the Offeror would otherwise consider confidential, such copy for use only for the purposes of evaluation.
38. “**Written**” means typewritten on standard 8 ½ x 11 inch paper. Larger paper is permissible for charts, spreadsheets, etc.

G. PROCUREMENT LIBRARY

A procurement library has been established. Offerors are encouraged to review the material contained in the Procurement Library by selecting the link provided in the electronic version of this document through your own internet connection. The library contains information listed below:

Electronic version of RFP, Questions & Answers, RFP Amendments, etc.

https://www.santafenm.gov/bids_rfps

Other relevant links:

Resolution 2021 – 6, www.santafenm.gov/chart outlines in detail the desires of the Governing Body.

II. CONDITIONS GOVERNING THE PROCUREMENT

This section of the RFP contains the schedule of events, the descriptions of each event, and the conditions governing this procurement.

A. SEQUENCE OF EVENTS

The City's Central Purchasing Office and the Procurement Manager will make every effort to adhere to the following schedule:

Action	Responsible Party	Due Dates
1. Issue RFP	Central Purchasing Office	3/9/2021
2. Acknowledgement of Receipt Form	Potential Offerors	3/16/2021
3. Pre-Proposal Conference	Requesting Department	3/16/2021
4. Deadline to submit Written Questions	Potential Offerors	3/25/2021
5. Response to Written Questions	Procurement Manager	3/29/2021
6. Submission of Proposal	Potential Offerors	4/6/2021
7.* Proposal Evaluation	Evaluation Committee	4/8/2021
8.* Selection of Finalists	Evaluation Committee	4/12/2021
9* Oral Presentation(s)	Finalist Offerors	4/14/2021
10.* Finalize Contractual Agreements	Requesting Department/Finalist Offerors	4/15/2021
11.* Contract Awards	Requesting Department/ Finalist Offerors	4/20/2021
12.* Protest Deadline	Central Purchasing Office	+15 days

* Dates indicated in Events 7 through 13 are estimates only, and may be subject to change without necessitating an amendment to the RFP.

B. EXPLANATION OF EVENTS

The following paragraphs describe the activities listed in the Sequence of Events shown in Section II.A., above.

1. Issue RFP

This RFP is being issued on behalf of The City Arts and Culture Department and Community Engagement Department on March 8, 2021.

2. Acknowledgement of Receipt Form

Potential Offerors may e-mail the Acknowledgement of Receipt Form (APPENDIX A), to the Central Purchasing Office at Purchasing@santafenm.gov, to have their organization placed on the procurement Distribution List. **Please put the RFP number and Title in the Subject line of the email.** The form must be returned to the Central Purchasing Office by 3:00 pm MST/ MDT on the date indicated in Section II.A, Sequence of Events

The procurement distribution list will be used for the distribution of written responses to questions, and/or any amendments to the RFP. Failure to return the Acknowledgement of Receipt Form does not prohibit potential Offerors from submitting a response to this RFP. However, by not returning the Acknowledgement of Receipt Form, the potential Offeror's representative shall not be included on the distribution list, and will be solely responsible for obtaining from the Procurement Library (Section I.G.) responses to written questions and any amendments to the RFP.

3. Pre-Proposal Conference

A pre-proposal conference will be held as indicated in Section II.A, Sequence of Events, beginning at 3pm MST/MDT via **Zoom.**

<https://santafenm-gov.zoom.us/j/96202891739?pwd=c3kwb0FkVkxETjhGUHcxdTnMbE1jdz09>. **Potential Offeror(s) are encouraged to submit written questions in advance of the conference to the Central Purchasing Office and the Procurement Manager** (see Section I.D). The identity of the organization submitting the question(s) will not be revealed. Additional written questions may be submitted at the conference. All questions answered during the Pre-Proposal Conference will be considered **unofficial** until they are posted in writing. All written questions will be addressed in writing on the date listed in Section II.A, Sequence of Events. A public log will be kept of the names of potential Offeror(s) that attended the pre-proposal conference.

Attendance at the pre-proposal conference is highly recommended, but not a prerequisite for submission of a proposal.

4. Deadline to Submit Written Questions

Potential Offerors may submit written questions to the Central Purchasing Office and the Procurement Manager as to the intent or clarity of this RFP until 3pm MST/MDT as indicated in Section II.A, Sequence of Events. All written questions must be addressed to the Central Purchasing Office and the Procurement Manager as declared in Section I.D. Questions shall be clearly labeled and shall cite the Section(s) in the RFP or other document which form the basis of the question.

5. Response to Written Questions

Written responses to the written questions will be provided via e-mail, on or before the date indicated in Section II.A, Sequence of Events, to all potential Offerors who timely submitted an Acknowledgement of Receipt Form (Section II.B.2 and APPENDIX A).

An electronic version of the Questions and Answers will be posted to:
https://www.santafenm.gov/bids_rfps

6. Submission of Proposal

At this time, only **electronic** proposal submission is allowed. **Do not** submit hard copies until further notice. **Please put the RFP number and Title in the Subject line of the email.**

ALL OFFEROR PROPOSALS MUST BE RECEIVED FOR REVIEW AND EVALUATION BY THE CENTRAL PURCHASING OFFICE VIA EMAIL AT Purchasing@santafenm.gov NO LATER THAN **3:00 PM** MST/MDT ON **APRIL 6, 2021**. **PROPOSALS RECEIVED AFTER THIS DEADLINE WILL NOT BE ACCEPTED.** The date and time of receipt will be recorded on each proposal.

Proposals must be submitted electronically through email until further notice. Refer to Section III.B.1 for instructions. Proposals submitted by facsimile will not be accepted.

A log will be kept of the names of all Offeror organizations that submitted proposals. Pursuant to §13-1-116, NMSA 1978, the contents of proposals shall not be disclosed to competing potential Offerors during the negotiation process. The negotiation process is deemed to be in effect until the contract is awarded pursuant to this Request for Proposals. Awarded in this context means the final required City of Santa Fe signatures on the contract(s) resulting from the procurement has been obtained.

7. Proposal Evaluation

An Evaluation Committee will perform the evaluation of proposals. This process will take place as indicated in Section II.A, Sequence of Events, depending upon the number of proposals received. During this time, the Central Purchasing Office or/and the Procurement Manager may initiate discussions with Offerors who submit responsive or potentially responsive proposals for the purpose of clarifying aspects of the proposals. However, proposals may be accepted and evaluated without such discussion. Discussions SHALL NOT be initiated by the Offerors.

8. Selection of Finalists

The Evaluation Committee will select and the Procurement Manager will notify the finalist Offerors as per schedule Section II.A, Sequence of Events or as soon as possible thereafter. A schedule for Oral Presentation, if any, will be determined at this time. Finalists will be Offerors receiving the highest cumulative scores in the following Sections: Section IV.B.1 Organizational Experience, Section IV.B.2 Organizational References.

9. Oral Presentations

Finalist Offerors, as selected per Section II.B.8 above, may be required to conduct an oral presentation via Zoom to be determined as per schedule Section II.A., Sequence of Events, or as soon as possible thereafter. **If oral presentations are held, Finalist Offerors may be required to make their presentations through electronic means (GoToMeeting, Zoom, etc).** The Department will provide Finalist Offerors with applicable details. Whether or not Oral Presentations will be held is at the discretion of the Evaluation Committee and Central Purchasing Office.

10. Finalize Contractual Agreements

After approval of the Evaluation Committee Report, any contractual agreement(s) resulting from this RFP will be finalized with the most advantageous Offeror(s), taking into consideration the evaluation

factors set forth in this RFP, as per Section II.A., Sequence of Events, or as soon as possible thereafter. The most advantageous proposal may or may not have received the most points. In the event mutually agreeable terms cannot be reached with the apparent most advantageous Offeror in the timeframe specified, the City of Santa Fe reserves the right to finalize a contractual agreement with the next most advantageous Offeror(s) without undertaking a new procurement process.

11. Contract Awards

Upon receipt of the signed contractual agreement, the Department will award as per Section II.A., Sequence of Events, or as soon as possible thereafter. The award is subject to appropriate Department and Governing Body approval.

12. Protest Deadline

Any protest by an Offeror must be timely submitted and in conformance with §13-1-172, NMSA 1978 and applicable procurement regulations. As a Protest Manager has been named in this Request for Proposals, pursuant to §13-1-172, NMSA 1978 and Procurement Manual Section Y, ONLY protests delivered directly to the Protest Manager in writing and in a timely fashion will be considered to have been submitted properly and in accordance with statute, rule and this Request for Proposals. The 15 calendar day protest period shall begin on the day following the notice of award of contract(s) and will end at 5:00 pm MST/MDT on the 15th day. Protests must be written and must include the name and address of the protestor and the request for proposal number. It must also contain a statement of the grounds for protest including appropriate supporting exhibits and it must specify the ruling requested from the party listed below. The protest must be delivered to:

Fran Dunaway
Chief Procurement Officer
City of Santa Fe
fadunaway@santafenm.gov

PROTESTS RECEIVED AFTER THE DEADLINE WILL NOT BE ACCEPTED.

C. GENERAL REQUIREMENTS

1. Acceptance of Conditions Governing the Procurement

Potential Offerors must indicate their acceptance of these Conditions Governing the Procurement, Section II.C, by completing and signing the Letter of Transmittal form, pursuant to the requirements in Section II.C.30, located in APPENDIX E.

2. Incurring Cost

Any cost incurred by the potential Offeror in preparation, transmittal, and/or presentation of any proposal or material submitted in response to this RFP shall be borne solely by the Offeror. Any cost incurred by the Offeror for set up and demonstration of the proposed equipment and/or system shall be borne solely by the Offeror.

3. Prime Contractor Responsibility

Any contractual agreement that may result from this RFP shall specify that the prime contractor is solely responsible for fulfillment of all requirements of the contractual agreement with the Department which may derive from this RFP. The Department entering into a contractual agreement with a vendor will make payments to only the prime contractor.

4. Subcontractors/Consent

The use of subcontractors is allowed. The prime contractor shall be wholly responsible for the entire performance of the contractual agreement whether or not subcontractors are used. Additionally, the prime contractor must receive approval, in writing, from The Department awarding any resultant contract, before any subcontractor is used during the term of this agreement.

5. Amended Proposals

An Offeror may submit an amended proposal before the deadline for receipt of proposals. Such amended proposals must be complete replacements for a previously submitted proposal and must be clearly identified as such in the transmittal letter. **The Department or the Central Purchasing Office personnel will not merge, collate, or assemble proposal materials.**

6. Offeror's Rights to Withdraw Proposal

Offerors will be allowed to withdraw their proposals at any time prior to the deadline for receipt of proposals. The Offeror must submit a written withdrawal request addressed to the Central Purchasing Office and the Procurement Manager and signed by the Offeror's duly authorized representative.

The approval or denial of withdrawal requests received after the deadline for receipt of the proposals is governed by the applicable procurement regulations.

7. Proposal Offer Firm

Responses to this RFP, including proposal prices for services, will be considered firm for one-hundred eighty (180) days after the due date for receipt of proposals or ninety (90) days after the due date for the receipt of a best and final offer, if the Offeror is invited or required to submit one.

8. Disclosure of Proposal Contents

The contents of all submitted proposals will be kept confidential until the final award has been completed by The City. At that time, all proposals and documents pertaining to the proposals will be available for public inspection, *except* for proprietary or confidential material as follows:

- a. ***Proprietary and Confidential information is restricted to:***
 1. confidential financial information concerning the Offeror's organization; and
 2. information that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, §§57-3A-1 through 57-3A-7.
- b. An additional but separate redacted version of Offeror's proposal, as outlined and identified in Sections III.B.1.a.i and III.B.2.a.i, shall be submitted containing the blacked-out proprietary

or confidential information, in order to facilitate eventual public inspection of the non-confidential version of Offeror's proposal.

IMPORTANT: The price of products offered or the cost of services proposed **SHALL NOT** be designated as proprietary or confidential information.

If a request is received for disclosure of proprietary or confidential materials, the City Attorney and the Chief Procurement Officer shall examine the request and make a written determination that specifies which portions of the proposal should be disclosed. Unless the Offeror takes legal action to prevent the disclosure, the proposal will be so disclosed. The proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of proprietary or confidential information.

9. No Obligation

This RFP in no manner obligates The City or any of its Departments to the use of any Offeror's services until a valid written contract is awarded and approved by appropriate authorities.

10. Termination

This RFP may be canceled at any time and any and all proposals may be rejected in whole or in part when the Department determines such action to be in the best interest of the City of Santa Fe.

11. Sufficient Appropriation

Any contract awarded as a result of this RFP process may be terminated if sufficient appropriations or authorizations do not exist. Such terminations will be affected by sending written notice to the contractor. The Department's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final.

12. Legal Review

The Department requires that all Offerors agree to be bound by the General Requirements contained in this RFP. Any Offeror's concerns must be promptly submitted in writing to the attention of the Central Purchasing Office and the Procurement Manager.

13. Governing Law

This RFP and any agreement with an Offeror which may result from this procurement shall be governed by the laws of the State of New Mexico.

14. Basis for Proposal

Only information supplied in writing by the Central Purchasing Office and the Procurement Manager or contained in this RFP shall be used as the basis for the preparation of Offeror proposals.

15. Contract Terms and Conditions

The contract between the Department and a contractor will follow the format specified by The City and contain the terms and conditions set forth in the Draft Contract Appendix C. However, the contracting Department reserves the right to negotiate provisions in addition to those contained in this RFP Draft Contract with any Offeror. The contents of this RFP, as revised and/or supplemented, and the successful Offeror's proposal will be incorporated into and become part of any resultant contract.

The City discourages exceptions from the contract terms and conditions as set forth in the RFP Draft Contract. Such exceptions may cause a proposal to be rejected as nonresponsive when, in the sole judgment of The City (and its evaluation team), the proposal appears to be conditioned on the exception, or correction of what is deemed to be a deficiency, or an unacceptable exception is proposed which would require a substantial proposal rewrite to correct.

Should an Offeror object to any of the terms and conditions as set forth in the RFP Draft Contract (APPENDIX C) strongly enough to propose alternate terms and conditions in spite of the above, the Offeror must propose **specific** alternative language. The City may or may not accept the alternative language. General references to the Offeror's terms and conditions or attempts at complete substitutions of the Draft Contract are not acceptable to The City and will result in disqualification of the Offeror's proposal.

Offerors must provide a brief discussion of the purpose and impact, if any, of each proposed change followed by the specific proposed alternate wording.

If an Offeror fails to propose any alternate terms and conditions during the procurement process (the RFP process prior to selection as successful Offeror), no proposed alternate terms and conditions will be considered later during the negotiation process. Failure to propose alternate terms and conditions during the procurement process (the RFP process prior to selection as successful Offeror) is an **explicit agreement** by the Offeror that the contractual terms and conditions contained herein are **accepted** by the Offeror.

16. Offeror's Terms and Conditions

Offerors must submit with the proposal a complete set of any additional terms and conditions they expect to have included in a contract negotiated with The City. See Section II.C.15 for requirements.

17. Contract Deviations

Any additional terms and conditions, which may be the subject of negotiation (such terms and conditions having been proposed during the procurement process, that is, the RFP process prior to selection as successful Offeror), will be discussed only between The City and the Offeror selected and shall not be deemed an opportunity to amend the Offeror's proposal.

18. Offeror Qualifications

The Evaluation Committee may make such investigations as necessary to determine the ability of the potential Offeror to adhere to the requirements specified within this RFP. The Evaluation Committee

will reject the proposal of any potential Offeror who is not a Responsible Offeror or fails to submit a Responsive Offer as defined in §13-1-83 and §13-1-85, NMSA 1978.

19. Right to Waive Minor Irregularities

The Evaluation Committee, upon approval from the Chief Procurement Officer, reserves the right to waive minor irregularities, as defined in Section I.F.23. The Evaluation Committee also reserves the right to waive mandatory requirements, provided that **all** of the otherwise responsive proposals failed to meet the same mandatory requirements and the failure to do so does not otherwise materially affect the procurement. This right is at the sole discretion of the Evaluation Committee.

20. Change in Contractor Representatives

The City reserves the right to require a change in contractor representatives if the assigned representative(s) is (are) not, in the opinion of The City, adequately meeting the needs of The City.

21. Notice of Penalties

The Procurement Code, §§13-1-28 through 13-1-199, NMSA 1978, imposes civil, and misdemeanor and felony criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

22. Department Rights

The Department in agreement with the Evaluation Committee reserves the right to accept all or a portion of a potential Offeror's proposal.

23. Right to Publish

Throughout the duration of this procurement process and contract term, Offerors and contractors must secure from The City written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement and/or City contracts deriving from this procurement. Failure to adhere to this requirement may result in disqualification of the Offeror's proposal or removal from the contract.

24. Ownership of Proposals

All documents submitted in response to the RFP shall become property of The City. If the RFP is cancelled, all responses received shall be destroyed by the Central Purchasing Office unless the Offeror either picks up, or arranges for pick-up, the materials within three (3) business days of notification of the cancellation. Offeror is responsible for all costs involved in return mailing/shipping of proposals.

25. Confidentiality

Any confidential information provided to, or developed by, the contractor in the performance of the contract resulting from this RFP shall be kept confidential and shall not be made available to any individual or organization by the contractor without the prior written approval of The City.

The Contractor(s) agrees to protect the confidentiality of all confidential information and not to publish or disclose such information to any third party without The City's written permission.

26. Electronic mail address required

A large part of the communication regarding this procurement will be conducted by electronic mail (e-mail). Offeror must have a valid e-mail address to receive this correspondence. (See also Section II.B.5, Response to Written Questions).

27. Use of Electronic Versions of this RFP

This RFP is being made available by electronic means. In the event of conflict between a version of the RFP in the Offeror's possession and the version maintained by the Central Purchasing Office, the Offeror acknowledges that the version maintained by the Central Purchasing Office shall govern. Please refer to: https://www.santafenm.gov/bids_rfps

28. Campaign Contribution Disclosure Form

Offeror must complete, sign, and return the Campaign Contribution Disclosure Form, APPENDIX B, as a part of their proposal. This requirement applies regardless whether a covered contribution was made or not made for the positions of Governor and Lieutenant Governor, City Officials or other identified official. **Failure to complete and return the signed, unaltered form will result in Offeror's disqualification.**

29. Letter of Transmittal

Offeror's proposal must be accompanied by an **unaltered** Letter of Transmittal Form (APPENDIX E), which must be **completed** and **signed** by the individual authorized to contractually obligate the company, identified in #2 below. **DO NOT LEAVE ANY OF THE ITEMS ON THE FORM BLANK** (N/A, None, Does not apply, etc. are acceptable responses).

The Letter of Transmittal MUST:

1. Identify the submitting business entity (its Name, Mailing Address and Phone Number);
2. Identify the Name, Title, Telephone, and E-mail address of the person authorized by the Offeror's organization to (A) contractually obligate the business entity providing the Offer, (B) negotiate a contract on behalf of the organization; and/or (C) provide clarifications or answer questions regarding the Offeror's proposal content (*A response to B and/or C is only required if the responses differs from the individual identified in A*);
3. Identify sub-contractors, if any, anticipated to be utilized in the performance of any resultant contract award;
4. Describe any relationship with any other entity (such as City, County, State Agency, reseller, etc., that is not a sub-contractor identified in #3), if any, which will be used in the performance of this awarded contract; and
5. Be signed and dated by the person identified in #2 above; attesting to the veracity of the information provided, and acknowledging (a) the organization's acceptance of the Conditions Governing the Procurement stated in Section II.C.1, (b) the organizations acceptance of the Section V Evaluation Factors, and (c) receipt of any and all amendments to the RFP.

Failure to respond to ALL items as indicated above, will result in Offeror's disqualification.

30. Disclosure Regarding Responsibility

- A. Any prospective Contractor and any of its Principals who enter into a contract greater than sixty thousand dollars (\$60,000.00) with any state agency or local public body for professional services, tangible personal property, services or construction agrees to disclose whether the Contractor, or any principal of the Contractor's company:
1. is presently debarred, suspended, proposed for debarment, or declared ineligible for award of contract by any federal entity, state agency or local public body;
 2. has within a three-year period preceding this offer, been convicted in a criminal matter or had a civil judgment rendered against them for:
 - a. the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) contract or subcontract;
 - b. violation of Federal or state antitrust statutes related to the submission of offers; or
 - c. the commission in any federal or state jurisdiction of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violation of Federal criminal tax law, or receiving stolen property;
 3. is presently indicted for, or otherwise criminally or civilly charged by any (federal state or local) government entity with the commission of any of the offenses enumerated in paragraph A of this disclosure;
 4. has, preceding this offer, been notified of any delinquent Federal or state taxes in an amount that exceeds \$3,000.00 of which the liability remains unsatisfied. Taxes are considered delinquent if the following criteria apply.
 - a. The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge of the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.
 - b. The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.
 - c. Have within a three-year period preceding this offer, had one or more contracts terminated for default by any federal or state agency or local public body.)
- B. Principal, for the purpose of this disclosure, means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity or related entities.
- C. The Contractor shall provide immediate written notice to the Chief Procurement Officer or other party to this Agreement if, at any time during the term of this Agreement, the Contractor learns that the Contractor's disclosure was at any time erroneous or became erroneous by reason of changed circumstances.
- D. A disclosure that any of the items in this requirement exist will not necessarily result in termination of this Agreement. However, the disclosure will be considered in the determination of the Contractor's responsibility and ability to perform under this Agreement. Failure of the Contractor to furnish a disclosure or provide additional information as requested will render the Offeror nonresponsive.
- E. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the disclosure required by this document. The knowledge and information of a Contractor is not required to exceed that which is the normally possessed by a prudent person in the ordinary course of business dealings.

- F. The disclosure requirement provided is a material representation of fact upon which reliance was placed when making an award and is a continuing material representation of the facts during the term of this Agreement. If during the performance of the contract, the Contractor is indicted for or otherwise criminally or civilly charged by any government entity (federal, state or local) with commission of any offenses named in this document the Contractor must provide immediate written notice to the Chief Procurement Officer or other party to this Agreement. If it is later determined that the Contractor knowingly rendered an erroneous disclosure, in addition to other remedies available to the Government, the Chief Procurement Officer may terminate the involved contract for cause. Still further the Chief Procurement Officer may suspend or debar the Contractor from eligibility for future solicitations until such time as the matter is resolved to the satisfaction of the Chief Procurement Officer

31. Local Preferences

The City recognizes the value of revenue derived from local businesses and shall procure goods and/or services locally when possible, pursuant to Ordinance and this Manual, except for purchases using City, state and federal grant funds. Applicable City, state and federal law and regulations govern procurements using City, state or federal funds.

1. Local Preference Qualification

To qualify for a local preference, a vendor must attach a state of New Mexico Taxation and Revenue Department-issued, Resident Business certification of eligibility to its bid or proposal, showing that the business is located within the Santa Fe municipal limits. If an offer is received without a copy of the appropriate State of New Mexico Taxation and Revenue Department issued Business Registration Certificate, the preference will not be applied. A valid resident business certificate is issued by the Taxation and Revenue Department pursuant to NMSA 1978 §13-1-22.

- a. The City shall award additional 3% of the total weight of all the factors used in evaluating the proposal to a local resident business. The City shall award an additional 3% of the total weight of all the factors used in evaluating the proposal to a non-local resident business who has hired all local resident business subcontractors.
- b. When the City makes a purchase using a formal request for proposal process and the contract is awarded based on a point-based system, the City shall award additional point's equivalent to 3% of the total possible points to a local resident business. The City shall award an additional 3% of the total possible points to a business who has hired all local resident business subcontractors.

The maximum available local preference shall be 6%.

2. Solicitations above One Million Dollars (\$1,000,000)

- a. The City shall deem a bid or proposal submitted by a resident business to be 6% lower than the bid actually submitted, if and only if at least 50% of the subcontracted services go to subcontractors who are resident businesses.
- b. The City shall deem the bid or proposal submitted by a non-local resident business to be 3% lower than the bid actually submitted, if and only if at least 50% of the subcontracted services go to subcontractors who are resident businesses.

The Local Preferences shall not apply if the expenditures for this RFP includes federal funds.

III. RESPONSE FORMAT AND ORGANIZATION

A. NUMBER OF RESPONSES

Offerors shall submit only one proposal in response to this RFP.

B. NUMBER OF COPIES

1. ELECTRONIC SUBMISSION ONLY Responses

Proposals in response to this RFP must be submitted through City of Santa Fe's Purchasing email ONLY, the Offeror need only submit one single electronic copy of each portion of its proposal (Technical and Cost) as outlined below. *EXCEPTION: Single electronic files that exceed 50mb may be submitted as multiple uploads, which must be the least number of uploads necessary to fall under the 50mb limit.* Separate the proposals as described below into separate electronic files for submission.

Proposals must be submitted in the manner outlined below. Technical and Cost portions of Offerors proposal **must** be submitted in separate uploads as indicated below in this section, and **must** be prominently identified as "Technical Proposal," or "Cost Proposal," on the front page of each upload

- a) **Technical Proposals** – One (1) ELECTRONIC upload must be organized in accordance with **Section III.C.1. Proposal Format**. All information for the Technical Proposal **must be combined into a single file/document for uploading**. *EXCEPTION: Single electronic files that exceed 50mb may be submitted as multiple uploads, which must be the least number of uploads necessary to fall under the 50mb limit.* The Technical Proposals **SHALL NOT** contain any cost information.
- i. **Confidential Information:** If Offeror's proposal contains confidential information, as defined in Section I.F.6 and detailed in Section II.C.8, Offeror **must** submit **two (2) separate ELECTRONIC technical files** :
- One (1) ELECTRONIC version of the requisite proposals identified as **unredacted** (def. Section I.F.38) versions for evaluation purposes; and
 - One (1) **redacted** (def. Section I.F.29) ELECTRONIC for the public file, in order to facilitate eventual public inspection of the non-confidential version of Offeror's proposal. Redacted versions **must** be clearly marked as "REDACTED" or "CONFIDENTIAL" on the first page of the electronic file;

- b) **Cost Proposals** – One (1) ELECTRONIC upload of the proposal containing **ONLY** the Cost Proposal. All information for the cost proposal **must be combined into a single file/document for uploading**. *EXCEPTION: Single electronic files that exceed 50mb may be submitted as multiple uploads, which must be the least number of uploads necessary to fall under the 50mb limit*

The ELECTRONIC proposal submission must be fully submitted to: purchasing@santafenm.gov by the submission deadline in Section II.B.6.

Any proposal that does not adhere to the requirements of this Section and **Section III.C.1 Proposal Content and Organization** may be deemed non-responsive and rejected on that basis.

C. PROPOSAL FORMAT

All proposals must be submitted as follows:

Organization of files/envelopes for electronic copy proposals:

1. Proposal Content and Organization

Direct reference to pre-prepared or promotional material may be used if referenced and clearly marked. Promotional material must be minimal. The proposal must be organized and indexed in the following format and must contain, at a minimum, all listed items in the sequence indicated.

Technical Proposal – DO NOT INCLUDE ANY COST INFORMATION IN THE TECHNICAL PROPOSAL.

- A. Signed Letter of Transmittal
- B. Signed Campaign Contribution Form
- C. Table of Contents
- D. Proposal Summary (Optional)
- E. Response to Contract Terms and Conditions (from Section II.C.15)
- F. Offeror's Additional Terms and Conditions (from Section II.C.16)
- G. Response to Specifications (**except Cost information which shall be included ONLY in Cost Proposal/Binder 2**)
 1. Organizational Experience
 2. Organizational References
 3. Oral Presentation (if applicable)
 4. Local Preferences (if applicable)
- H. Other Supporting Material (if applicable)

Cost Proposal:

1. Completed Cost Response Form (APPENDIX D)

Within each section of the proposal, Offerors should address the items in the order indicated above. All forms provided in this RFP must be thoroughly completed and included in the appropriate section of the proposal. **Any and all discussion of proposed costs, rates or expenses must occur ONLY in the Cost Proposal.**

A Proposal Summary may be included in Offeror's Technical Proposal, to provide the Evaluation Committee with an overview of the proposal; however, this material will not be used in the evaluation process unless specifically referenced from other portions of the Offeror's proposal. **DO NOT INCLUDE COST INFORMATION IN THE PROPOSAL SUMMARY.**

IV. SPECIFICATIONS

A. DETAILED SCOPE OF WORK

The Consultant will have experience in facilitating and coordinating a community-centered practice, with cultural competency particularly with the communities of Northern New Mexico, especially experience working with communities within the City of Santa Fe. The Consultant will work closely with the City Project Team to implement a robust engagement process and write a final report with recommendations gained from community input.

The ideal Consultant, which may be a firm or team, will have:

- Experience in cultural competency particularly with the communities of Northern New Mexico, specifically within the City of Santa Fe
- Demonstrated community-centered practice with experience conducting community engagement, stakeholder facilitation and strategic planning processes
- Have facilitators and/or team members who are of and from the various Santa Fe communities
- Expertise as relates to issues of diversity, equity, and inclusion and ability to authentically engage stakeholders of diverse backgrounds with competency
- Strong administrative and organizational skills to manage complex and multi-layered project initiative from start to finish
- Track record of client collaboration and clear communication
- Excellent oral and written communication skills
- Capacity to complete the tasks described in this RFP within the time frame provided
- Commitment to providing exceptional customer service and responding to client requests in a timely fashion
- Expertise in research and evaluation
- Expertise in community outreach, communication
- Ability to communicate efficiently - construct press release, social media to help reach a broad spectrum of community members.

The Scope of Work includes but is not limited to the following categories:

Administration, Facilitation/Training, Art Activations, Cultural History Series and Reporting and Evaluation.

Framework

Meeting people where they are provides access to entry points for city-wide participation. There will be three opportunities for participation:

1. Community Convenings – Phase 1

Consist of three sessions as follows:

- Round One will focus on personal identity and stories;
- Round Two will focus on shared dialogue and cross-dialogue about core values, building on Round One; and
- Round Three will focus on generating solutions, recommendations, and responses

Community Solutions Table – Phase 2

Community Solutions Table shall review, discuss, and consider summarized notes and documentation from Round One and Two of the community dialogue sessions, community survey

results, and solutions, recommendations, and responses generated during Round Three of the community dialogue sessions

- **Community Solutions Table** will be established to include representatives who have participated in all three community dialogue sessions
- Will suggest solutions based on a combination of recommendations from session participants at the end of each community dialogue session
- Membership on the Community Solutions Table will be determined after the community dialogue sessions have ended
- Membership of the Community Solutions Table shall be intentionally diverse and representative of the Santa Fe community in terms of age, gender identity, sexual orientation, race, and cultural background
- The Community Solutions Table shall also include a balance of perspectives and opinions on the City histories, and stories, as well as a balance of perspectives on the obelisk and other monuments and statues of the community.
- Community Solutions Table shall hold 2 – 3 facilitated sessions with a format of consensus building.

2. One-on-One interviews

- Individual, one-on-one interviews be conducted as an alternative for providing input by community members who cannot participate in community dialogue sessions
- Interviews will ask more in-depth questions than the survey and will require 15 - 30 minutes to complete.

3. Community Survey

- Conducted in multiple languages to broaden the number of voices participating in the community dialog and to provide an alternative for individuals who cannot or choose not to participate in community dialogue sessions.

The Consultant will fulfill the above framework through:

Administration

- Design the community dialogue sessions, one-on-one interviews, online survey and Community Solutions Table with an evaluator to ensure equity, inclusion and non-bias questions/framing
- Manage an engagement calendar and schedule of online and in-person convenings, interviews and other interaction as needed
- Identify and train a team of facilitators for community dialogue sessions, one-on-one interviews, online survey and Community Solutions Table
- Pair facilitators or co-facilitators with conveners of organizational and community dialogue sessions
- Conduct regular check in sessions for facilitators.
- Ensure multi-lingual and accessibility access including not limited to child care when in person meetings are allowable by State Public Health Order
- Collaborate with the City project team on city-wide outreach including but not limited to organizations and individuals
- Coordinate and set meeting schedules with the City project team
- Participate in weekly check-ins with the City project team regarding logistics and schedules
- Design, coordinate, implement and manage Communications including social media, press releases, website, written summary reports, etc. in coordination with the City's Communication's Director
- Provide regular updates to the Governing Body on the status of the CHART process
- Bi-lingual Spanish and other languages including American Sign Language as needed

Facilitation/Training

- Provide implicit and anti-racism training sessions to, but not limited to, City elected officials, City Project Team, City Directors and/or others as identified by the City
- Retain facilitators and/or team members that are representative of the various communities of Santa Fe including those from non-profit and social service organizations
- Convening of community dialogue sessions by organizations
- Facilitate, as appropriate, a number of community dialogue sessions open generally to community members unaffiliated with a particular community organization
- Facilitate one-on-one interviews
- Facilitate Community Solutions Table
- Convenings facilitated primarily via online platforms, although some in-person sessions may be allowed per public health criteria status related to COVID-19.
- Bi-lingual Spanish and other languages including American Sign Language as needed

Art Activations

- Engage Santa Fe's artistic and cultural community to produce 5-8 art activations modeled on but not exclusive to Paper Monuments
- Artist outreach should include all mediums, ages and career levels and artists collectives particularly those from traditionally disenfranchised communities
- Consultant manages and pays the artist and the art process
- Locations for art activations include but not limited to the downtown Plaza but also midtown and southside of Santa Fe
- Artist selection process will be open call format and encouraged to be as accessible as possible through simplified application
- Coordinate with the City for site identification
- Bi-lingual Spanish and other languages including American Sign Language as needed

Cultural History Series

- Create series focusing on Santa Fe and Northern New Mexico's history, present and future for both online and in person (when feasible)
- Engage with historians, artists, culture bearers, storytellers, scientists, makers, etc. in formats that will engage a wide range of ages and interests – examples include panels, speaker series, pecha kuchas, interviews, storytelling, performance, etc.
- Record and document all sessions for access to the public via City website/youtube or similar platforms.
- Evaluate each session for efficacy and impact

Reporting and Evaluation

- Will be responsible for summarizing and/or collecting discussions notes from all engagements (convenings, interviews, survey) for the Community Solutions Table
- Create and implement an evaluation for both participants and trained team facilitators on the process and outcomes
- Use of data visualization, infographics, dashboards etc. that expresses data in various representation to convey the stories and information behind the numbers
- Create a Final Report on the CHART Initiative (convenings, surveys, interviews, art activations, cultural history series, etc) in a format for use and consideration by the Governing Body to inform its deliberation and evaluation for future process, action, and decisions and include but not limited to recommendations for continued city-wide engagement

- Create content for communications for updates and outreach in both digital and print in both Spanish and English, other languages as necessary

B. TECHNICAL SPECIFICATIONS

1. Organizational Experience

Offeror **must**:

- a) provide a detailed description of relevant culturally competent facilitation experience with city or state government and private sector. The experience of all proposed subcontractors must be described. The narrative **must** thoroughly describe how the Offeror has supplied expertise for similar contracts and must include the extent of their experience, expertise and knowledge as a provider of community-centered processes and methodologies towards the goal of reconciliation, healing and actionable items. Include: description of community convenings you have done, how many of convenings, experience working with research/evaluator to formulate survey and interview questions, experience in conducting one-on-one interviews and large group convenings. All community-centered processes and methodologies provided to private sector will also be considered.
- b) provide a brief resume/bio of all key personnel Offeror proposes to use in performance of the resulting contract, should Offeror be awarded. Key personnel is identified as project manager, lead facilitator or other role of leadership to fulfill the CHART Initiative. Offeror must include key personnel education, work experience, relevant certifications/licenses in facilitation, mediation and/or diversity/equity/inclusion (DEI).
- c) Describe your knowledge of Northern New Mexico, in particular Santa Fe. What is your familiarity with history, cultural history, local neighborhood issues, past and current tensions both locally and nationally.
- d) describe at least two project successes and failures of community-centered engagement. Include how each experience improved the Offeror's services.

2. Organizational References

Offeror must provide a list of a minimum of three (3) references from similar projects/programs performed for private, city, state or large local government clients within the last three (3) years.

Offeror shall include the following Business Reference information as part of its proposals:

- a) Client name;
- b) Project description;
- c) Project dates (starting and ending);
- d) Staff assigned to reference engagement that will be designated for work per this RFP; and
- e) Client project manager name, telephone number, fax number and e-mail address.

Offeror is required to submit APPENDIX F, Organizational Reference Questionnaire (“Questionnaire”), to the business references it lists. **The business references must submit the Questionnaire directly to the designee identified in APPENDIX F. The business references must not return the completed Questionnaire to the Offeror.** It is the Offeror's responsibility to

ensure the completed forms are submitted on or before the date indicated in Section II. A, Sequence of Events, for inclusion in the evaluation process.

Organizational References that are not received or are not complete, may adversely affect the Offeror's score in the evaluation process. Offerors are encouraged to specifically request that their Organizational References provide detailed comments.

C. BUSINESS SPECIFICATIONS

1. Letter of Transmittal Form

The Offeror's proposal **must** be accompanied by the Letter of Transmittal Form located in APPENDIX E. The form **must** be completed and must be signed by the person authorized to obligate the company. **Failure to respond to ALL items, as indicated in Section II.C.30 and APPENDIX E, and to return a signed, unaltered form will result in Offeror's disqualification.**

2. Campaign Contribution Disclosure Form

The Offeror must complete an unaltered Campaign Contribution Disclosure Form and submit a signed copy with the Offeror's proposal. This must be accomplished whether or not an applicable contribution has been made. (See APPENDIX B). **Failure to complete and return the signed, unaltered form will result in Offeror's disqualification.**

3. Cost

Offerors must complete the Cost Response Form in APPENDIX D. Cost will be measured by the following categories: Administration, Facilitation/Training, Art Activations, Cultural History Series, Reporting/Evaluation.

4. Local Preference

To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors **MUST** include a copy, in this section, of its NM Resident preference certificate, as issued by the New Mexico Taxation and Revenue Department.

V. EVALUATION

A. EVALUATION POINT SUMMARY

The following is a summary of evaluation factors with point values assigned to each. These weighted factors will be used in the evaluation of individual potential Offeror proposals by sub-category.

Evaluation Factors <i>(Correspond to section IV.B and IV C)</i>	Points Available
B. Technical Specifications	
B. 1. Organizational Experience	50
B. 2. Organizational References	15
C. Business Specifications	
C.1. Letter Of Transmittal	Pass/Fail
C.2. Campaign Contribution Disclosure Form	Pass/Fail
C. 3. Oral Presentation	20
C.4. Cost	15
TOTAL POINTS AVAILABLE	100
C.5. City of Santa Fe Local Preference per Section IV C. 2	3
C.6. City of Santa Fe Local Preference using Local Subcontractors Section IV C.2	6

Table 1: Evaluation Point Summary

B. EVALUATION FACTORS

1. B.1 Organizational Experience (See Table 1) 45 points

Points will be awarded based on the thoroughness and clarity of Offeror's response in this Section. The Evaluation Committee will also weigh the relevancy and extent of Offeror's experience, expertise and knowledge; and of personnel education, experience and certifications/licenses. In addition, points will be awarded based on Offeror's candid and well-thought-out response to successes and failures, as well as the ability of the Offeror to learn from its failures and grow from its successes.

2. B.2 Organizational References (See Table 1) 15 points

Points will be awarded based upon an evaluation of the responses to a series of questions on the Organizational Reference Questionnaire (Appendix F). Offeror will be evaluated on references that show positive service history, successful execution of services and evidence of satisfaction by each reference. References indicating significantly similar services/scopes of work and comments provided by a submitted reference will add weight and value to a recommendation during the evaluation process. Points will be awarded for each individual response up to 1/3 of the total points for this category. Lack of a response will receive zero (0) points.

The Evaluation Committee may contact any or all business references for validation of information submitted. If this step is taken, the Procurement Manager and the Evaluation Committee must all be together on a conference call with the submitted reference so that the Procurement Manager and all members of the Evaluation Committee receive the same information. Additionally, the City reserves the right to consider any and all information available to it (outside of the Organizational Reference information required herein), in its evaluation of Offeror responsibility per Section II.C.18.

3. C.1 Letter of Transmittal (See Table 1)

Pass/Fail only. No points assigned.

4. C.2 Campaign Contribution Disclosure Form (See Table 1)

Pass/Fail only. No points assigned.

5. C.3 Oral Presentation (See Table 1) – 20 points

Points will be awarded based on the quality, organization and effectiveness of communication of the information presented, as well as the professionalism of the presenters and technical knowledge of the proposed staff. Prior to Oral Presentation, Agency will provide the Offeror a presentation agenda.

6. C.4 Cost (See Table 1) 15 points

The evaluation of each Offeror’s cost proposal will be conducted using the following formula:

$$\frac{\text{Lowest Responsive Offeror's Cost}}{\text{Each Offeror's Cost}} \times \text{Available Award Points}$$

7. C.5. Local Preferences

Percentages will be determined based upon the point-based system outlined below.

- A. The City shall award additional 3% of the total weight of all the factors used in evaluating the proposal to a local resident business. The City shall award an additional 3% of the total weight of all the factors used in evaluating the proposal to a non-local resident business who has hired all local resident business subcontractors.
- B. When the City makes a purchase using a formal request for proposal process and the contract is awarded based on a point-based system, the City shall award additional point’s equivalent to 3% of the total possible points to a local resident business. The City shall award an additional 3% of the total possible points to a business who has hired all local resident business subcontractors.

The maximum available local preference shall be 6%.

C. Solicitations above One Million Dollars (\$1,000,000)

- a. The City shall deem a bid or proposal submitted by a resident business to be 6% lower than the bid actually submitted, if and only if at least 50% of the subcontracted services go to subcontractors who are resident businesses.

- b. The City shall deem the bid or proposal submitted by a non-local resident business to be 3% lower than the bid actually submitted, if and only at least 50% of the sub- contracted services go to subcontractors who are resident businesses.

C. EVALUATION PROCESS

1. All Offeror proposals will be reviewed for compliance with the requirements and specifications stated within the RFP. Proposals deemed non-responsive will be eliminated from further consideration.
2. The Central Purchasing Office or/and the Procurement Manager may contact the Offeror for clarification of the response as specified in Section II. B.7.
3. Responsive proposals will be evaluated on the factors in Section IV, which have been assigned a point value in Section V. The responsible Offerors with the highest scores will be selected as finalist Offerors, based upon the proposals submitted. In accordance with 13-1-117 NMSA 1978, the responsible Offerors whose proposals are most advantageous to the City taking into consideration the Evaluation Factors in Section V will be recommended for award (as specified in Section II.B.12). Please note, however, that a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

APPENDIX A

ACKNOWLEDGEMENT OF RECEIPT FORM

APPENDIX A

REQUEST FOR PROPOSAL Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team 21/30/P

ACKNOWLEDGEMENT OF RECEIPT FORM

This Acknowledgement of Receipt Form should be signed and submitted no later than 3pm MST, March 16 2021. Only potential Offerors who elect to return this form will receive copies of all submitted questions and the written responses to those questions, as well as any RFP amendments, if any are issued.

In acknowledgement of receipt of this Request for Proposal, the undersigned agrees that he or she has received a complete copy of the RFP, beginning with the title page, and ending with APPENDIX I.

The name and address below will be used for all correspondence related to the Request for Proposal.

ORGANIZATION: _____

CONTACT NAME: _____

TITLE: _____ PHONE NO.: _____

E-MAIL: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Submit Acknowledgement of Receipt Form to:
To: Central Purchasing
E-mail: Purchasing@santafenm.gov
Subject Line: **CHART Initiative: Consultant Team**
21/30/P

APPENDIX B

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, a prospective contractor subject to this section shall disclose all campaign contributions given by the prospective contractor or a family member or representative of the prospective contractor to an applicable public official of the state or a local public body during the two years prior to the date on which a proposal is submitted or, in the case of a sole source or small purchase contract, the two years prior to the date on which the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor or a family member or representative of the prospective contractor to the public official exceeds two hundred fifty dollars (\$250) over the two-year period. A prospective contractor submitting a disclosure statement pursuant to this section who has not contributed to an applicable public official, whose family members have not contributed to an applicable public official or whose representatives have not contributed to an applicable public official shall make a statement that no contribution was made.

A prospective contractor or a family member or representative of the prospective contractor shall not give a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or during the pendency of negotiations for a sole source or small purchase contract.

Furthermore, a solicitation or proposed award for a proposed contract may be canceled pursuant to Section [13-1-181](#) NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section [13-1-182](#) NMSA 1978 if a prospective contractor fails to submit a fully completed disclosure statement pursuant to this section; or a prospective contractor or family member or representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

“Applicable public official” means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

“Campaign Contribution” means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that

official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means a spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor;

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Prospective contractor" means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code [Sections [13-1-28](#) through [13-1-199](#) NMSA 1978] or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or small purchase contract.

"Representative of a prospective contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

Name(s) of Applicable Public Official(s) if any:

Mayor Alan M Webber
Councilor Signe Lindell, Pro-tem
Councilor Renee Villarreal
Councilor Michael Garcia
Councilor Carol Romero-Wirth
Councilor Roman Tiger Abeyta
Councilor Christopher Rivera
Councilor Joanne Vigil Coppler
Councilor Jaime Cassutt-Sanchez

DISCLOSURE OF CONTRIBUTIONS BY PROSPECTIVE CONTRACTOR:

Contribution Made By: _____

Relation to Prospective Contractor: _____

Date Contribution(s) Made: _____

Amount(s) of Contribution(s) _____

Nature of Contribution(s) _____

Purpose of Contribution(s) _____

(Attach extra pages if necessary)

Signature Date

Title (position)

--OR--

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS (\$250) WERE MADE to an applicable public official by me, a family member or representative.

Signature Date

Title (Position)

APPENDIX C

DRAFT CONTRACT

The Agreement included in this Appendix C represents the contract the City intends to use to make an award. The City of Santa Fe reserves the right to modify the Agreement prior to, or during, the award process, as necessary.

DRAFT CONTRACT

See separate PDF

APPENDIX D

COST RESPONSE FORM

COST RESPONSE FORM

This is a sample form, expand or detail as needed.

Description	Quantity	Cost per Item
Administration		
Facilitation/Training		
Art Activations		
Cultural History Series		
Reporting and Evaluation		

All amounts provided must include all labor, materials, equipment, transportation, configuration, art activation associated costs, installation, training, translation including ASL, childcare, design/graphics, writer/editor, printing, virtual platform costs and profit to provide the goods and/or services described in Section IV.A, (as amended by any current RFP amendments for the period specified).

APPENDIX E

LETTER OF TRANSMITTAL FORM

Letter of Transmittal Form

ITEMS #1 to #4 EACH MUST BE COMPLETED IN FULL (pursuant to Section II.C.30). FAILURE TO RESPOND TO ALL FOUR (4) ITEMS WILL RESULT IN THE DISQUALIFICATION OF OFFEROR'S PROPOSAL! DO NOT LEAVE ANY ITEM BLANK! (N/A, None, Does not apply, etc. are acceptable responses.)

RFP#: 21/30/P

1. Identify the following information for the submitting organization:

Offeror Name	
Mailing Address	
Telephone	
FED ID#	
NM CRS#	

2. Identify the individual(s) authorized by the organization to (A) contractually obligate, (B) negotiate, and/or (C) clarify/respond to queries on behalf of this Offeror:

	A Contractually Obligate	B Negotiate*	C Clarify/Respond to Queries*
Name			
Title			
E-mail			
Telephone			

* If the individual identified in Column A also performs the functions identified in Columns B & C, then no response is required for those Columns. If separate individuals perform the functions in Columns B and/or C, they must be identified.

3. Use of subcontractors (Select one):

- No subcontractors will be used in the performance of any resultant contract, OR
 The following subcontractors will be used in the performance of any resultant contract:

(Attach extra sheets, as needed)

4. Describe any relationship with any entity (such as the City of Santa Fe, State Agency, reseller, etc. that is not a subcontractor(s) listed in #3 above), if any, which will be used in the performance of any resultant contract. (N/A, None, Does not apply, etc. are acceptable responses to this item.)

(Attach extra sheets, as needed)

By signing the form below, the Authorized Signatory attests to the accuracy and veracity of the information provided on this form, and explicitly acknowledges the following:

- On behalf of the submitting-organization identified in item #1, above, I accept the Conditions Governing the Procurement, as required in Section II.C.1. of this RFP;
- I concur that submission of our proposal constitutes acceptance of the Evaluation Factors contained in Section V of this RFP; and
- I acknowledge receipt of any and all amendments to this RFP, if any.

_____, 20____

Authorized Signature and Date (*Must be signed by the individual identified in item #2.A, above.*)

APPENDIX F

ORGANIZATIONAL REFERENCE QUESTIONNAIRE

The City of Santa Fe, as a part of the RFP process, requires Offerors to list a minimum of three (3) organizational references in their proposals. The purpose of these references is to document Offeror's experience relevant to the Section IV.A, Detailed Scope of Work in an effort to evaluate Offeror's ability to provide goods and/or services, performance under similar contracts, and ability to provide knowledgeable and experienced staffing.

Offeror is required to send the following Organizational Reference Questionnaire to each business reference listed in its proposal, as per Section IV.B.2. The business reference, if it chooses to respond, is required to submit its response to the Organizational Reference Questionnaire directly to: Central Purchasing at Purchasing@santafenm.gov by April 6, 2021 3pm MST/MDT for inclusion in the evaluation process. The Questionnaire and information provided will become a part of the submitted proposal.

Businesses/Organizations providing references may be contacted for validation of content provided therein.

RFP # 21/30/P
ORGANIZATIONAL REFERENCE QUESTIONNAIRE
FOR:

(Name of Offeror)

This form is being submitted to your company for completion as a reference for the organization listed above. This Questionnaire is to be submitted to the City of Santa Fe, Arts and Culture and Community Engagement Departments via e-mail at:

Name: Central Purchasing Office
Email: Purchasing@santafenm.gov

Forms must be submitted no later than April 6, 2021 3pm MST/MDT and **must not** be returned to the organization requesting the reference. References are **strongly encouraged** to provide comments in response to organizational ratings.

For questions or concerns regarding this form, please contact the City of Santa Fe **Procurement Manager** at Sam Burnett, jsburnett@santafenm.gov When contacting the Procurement Manager, include the Request for Proposal number provided at the top of this page.

Organization providing reference	
Contact name and title/position	
Contact telephone number(s)	
Contact e-mail address	
Project description	
Project dates (start and end dates)	
Technical environment for the project your providing a reference (i.e., Administration, Facilitation/Training of community centered processes, public art activations, coordinating Cultural History Series/public programming and Reporting and Evaluation	

QUESTIONS:

1. In what capacity have you worked with this vendor in the past?

COMMENTS:

2. How would you rate this firm's knowledge and expertise?

____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable)

COMMENTS:

3. How would you rate the vendor's flexibility relative to changes in the project scope and timelines?

____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable)

COMMENTS:

4. What is your level of satisfaction with hard-copy materials produced by the vendor?

____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable, N/A = Not applicable)

COMMENTS:

5. How would you rate the dynamics/interaction between vendor personnel and your staff?

____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable)

COMMENTS:

6. Who are/were the vendor's principal representatives involved in your project and how would you rate them individually? Would you, please, comment on the skills, knowledge, behaviors or other factors on which you based the rating?

_____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable)

Name: _____ Rating: _____

Name: _____ Rating: _____

Name: _____ Rating: _____

Name: _____ Rating: _____

COMMENTS:

7. How satisfied are/were you with the products developed by the vendor?

_____ (3 = Excellent; 2 = Satisfactory; 1 = Unsatisfactory; 0 = Unacceptable, N/A = Not applicable)

COMMENTS:

8. With which aspect(s) of this vendor's services are/were you most satisfied?

COMMENTS:

9. With which aspect(s) of this vendor's services are/were you least satisfied?

COMMENTS:

10. Would you recommend this vendor's services to your organization again?

COMMENTS:

APPENDIX G
NON-COLLUSION AFFIDAVIT

NON-COLLUSION AFFIDAVIT

Complete, Sign and Return with your proposal.

I hereby affirm that: I am the _____ (insert title) and the duly authorized representative of _____ (insert organization's name) whose address is _____.

And, that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.

I affirm:

1. I am fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal.
2. Such proposal is genuine and is not a collusive or sham proposal.
3. Neither the said Offeror nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any Offeror, firm or person to submit a collusive or sham proposal in connection with the Contract for which the attached proposal has been submitted or to refrain from offering a proposal in connection with the Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Offeror, firm or person to fix the price or prices in the attached proposal or of any other Offeror, or to fix any overhead, profit or cost element of the proposal or the offer price of any other Offeror, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the Mayor and Council of City of Santa Fe, New Mexico or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Offeror or any of its agents, representatives, owners, employees, or parties in interest, including this affiant. I do solemnly declare and affirm under the penalties of perjury that the contents of this affidavit are true and correct.

Signature _____

Printed Name _____

Title _____

Date _____

APPENDIX H
CONFLICT OF INTEREST

CONFLICT OF INTEREST STATEMENT FOR CONSULTING FIRMS

Complete, sign and return with your proposal.

The City of Santa Fe policy is to prevent personal or organizational conflict of interest, or the appearance of such conflict of interest, in the award and administration of City contracts and Purchase Orders.

The Offeror shall comply with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978 and include a full disclosure of all potential organization conflicts of interest in the Proposal.

In addition to the Consultant Team, each key personnel shall also complete the Conflict of Interest Form below certifying that the entity has read and understands the City's policy regarding conflict of interest and the CFR. Each key personnel must also certify that there is no conflict of interest with the Project. If there is a conflict with the Project, then the Consultant Team and known key personnel needs to describe the conflict.

The Consultant Team agrees that, if after award, an organizational conflict of interest is discovered, the Consultant Team makes an immediate and full written disclosure to the City that includes a description of the action that the Consultant Team has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the City may, at its discretion, cancel the contract for the Project. If the Consultant Team was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the City, the City may terminate the contract for default.

The City may disqualify an Offeror if any of its key personnel belong to more than one Submitter organization/firm.

I, _____ certify that I/We have no personal or financial interests and no present employment or activity which would be incompatible with this firm's participation in any activity related to the RFP or execution of the awarded **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team**. For the duration of this firm's involvement in the **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract, this firm agrees not to accept any gift, benefit, gratuity or consideration, or begin a personal or financial interest in a party who is bidding and/or proposing, or associated with a bidder and/or Offeror on the **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract.

I certify that this firm will keep all **Culture, History, Art, Reconciliation and Truth**

(CHART) Initiative: Consultant Team contract information confidential and secure. This organization will not copy, give or otherwise disclose such information to any other person unless the City of Santa Fe has on file a confidentiality agreement signed by the other person, and the disclosure is authorized and necessary to the **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract. I understand that if this firm leaves this **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract before it ends, this firm must still keep all contract information confidential. I agree to follow any instructions provided by the City relating to the confidentiality of the **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract information. I fully understand that any unauthorized disclosure made by this firm may be a basis for civil or criminal penalties. I agree to advise the City's Procurement Officer, at 505-955-6432 immediately in the event that I or another person within this organization either learn or have reason to believe that any person who has access to the **Culture, History, Art, Reconciliation and Truth (CHART) Initiative: Consultant Team** contract confidential information has or intends to disclose that information in violation of this agreement.

This statement must be fully completed and signed by an authorized representative.

Company Name:

Authorized Representative/Title:

Phone Number:

Fax Number:

E-mail Address:

Signature:

Date:

The above information is subject to verification by the City of Santa Fe. If the City finds a misrepresentation, the bid may be automatically disqualified from the procurement process or the contract may be canceled.

APPENDIX I
LIVING WAGE ORDINANCE






City of Santa Fe Living Wage Ordinance







PURSUANT TO THE CITY OF SANTA FE
LIVING WAGE ORDINANCE, SECTION 28-1 SFCC 1987
EFFECTIVE MARCH 1, 2021 ALL WORKERS WITHIN THE
CITY OF SANTA FE
SHALL BE PAID A LIVING WAGE OF

\$12.32 PER HOUR

Santa Fe's Living Wage

-  The Santa Fe Living Wage Ordinance establishes minimum hourly wages.
-  The March Living Wage increase corresponds to the increase in the Consumer Price Index (CPI).
-  All employers required to have a business license or registration from the City of Santa Fe ("City") must pay at least the adjusted Living Wage to employees for all hours worked within the Santa Fe city limits.

Who is Required to Pay the Living Wage?

-  The City to all full-time permanent workers employed by the City;
-  Contractors for the City, that have a contract requiring the performance of a service but excluding purchases of goods;
-  Businesses receiving assistance relating to economic development in the form of grants, subsidies, loan guarantees or industrial revenue bonds in excess of twenty-five thousand dollars (\$25,000) for the duration of the City grant or subsidy;
-  Businesses required to have a business license or registration from the City; and
-  Nonprofit organizations, except for those whose primary source of funds is from Medicaid waivers.
-  For workers who customarily receive more than one hundred dollars (\$100) per month in tips or commissions, any tips or commissions received and retained by a worker shall be counted as wages and credited towards satisfaction of the Living Wage provided that, for tipped workers, all tips received by such workers are retained by the workers, except that the pooling of tips among workers shall be permitted.

More Information, including the Living Wage Ordinance, is available at
<http://www.santafenm.gov>
(Click on Hot Topics/Living Wage)

DATE: May 18, 2021

TO: Fran Dunaway, Chief Procurement Officer

FROM: Sam Burnett, Procurement Manager

SUBJECT: Culture, History, Art, Reconciliation and Truth (CHART) RFP #21/30/P

In accordance with the Request for Proposals for Culture, History, Art, Reconciliation and Truth (CHART) RFP # #21/30/P issued March 10, 2021, two responses were submitted from the following Offerors:

- Artful Life
- Pilar Murray

Summary of Evaluation Committee Activity

The Evaluation Committee members are as follows:

Adelma Hnasko, Arts Commissioner
Andrew Lovato, Historian
Julie Sanchez, Youth and Family Services Director, Community Services
Maria Tucker, Library Director, Economic and Community Development

This Evaluation Committee Report summarizes all criteria used in scoring the responses:

- April 12, 2021 - The Evaluation Committee met to review the Committee duties and RFP process, and to receive Offeror proposals
- April 18, 2021 – The Evaluation Committee met to finalize scores and make recommendation on award.
- Criteria:
 - Experience
 - References
 - Cost Proposal
 - Oral Presentations

Section IV.B.1, Organizational Experience (50 Total Points)

Organizational Experience

Specifications:

Offeror **must:**

- a) provide a detailed description of relevant culturally competent facilitation experience with city or state government and private sector. The experience of all proposed subcontractors must be described. The narrative **must** thoroughly describe how the Offeror has supplied expertise for similar contracts and must include the extent of their experience, expertise and knowledge as a provider of community-centered processes and methodologies towards the goal of reconciliation, healing and actionable items. Include: description of community convenings you have done, how many of convenings, experience working with research/evaluator to formulate survey and interview questions, experience in conducting one-on-one interviews and large group convenings. All community-centered processes and methodologies provided to private sector will also be considered.
- b) provide a brief resume/bio of all key personnel Offeror proposes to use in performance of the resulting contract, should Offeror be awarded. Key personnel is identified as project manager, lead facilitator or other role of leadership to fulfill the CHART Initiative. Offeror must include key personnel education, work experience, relevant certifications/licenses in facilitation, mediation and/or diversity/equity/inclusion (DEI).
- c) Describe your knowledge of Northern New Mexico, in particular Santa Fe. What is your familiarity with history, cultural history, local neighborhood issues, past and current tensions both locally and nationally.
- d) describe at least two project successes and failures of community-centered engagement. Include how each experience improved the Offeror's services.

Evaluation Factors:

Points will be awarded based on the thoroughness and clarity of Offeror's response in this Section. The Evaluation Committee will also weigh the relevancy and extent of Offeror's experience, expertise and knowledge; and of personnel education, experience and certifications/licenses. In addition, points will be awarded based on Offeror's candid and well-thought-out response to successes and failures, as well as the ability of the Offeror to learn from its failures and grow from its successes.

Artful Life

The Evaluation Committee awarded **Artful Life 43.75 points** based on the Offeror's response. The breakdown of the points are as follows:

Artful Life clearly demonstrated and articulated they possess considerable and appropriate cultural facilitation experience called for in this proposal and. clearly demonstrated they understand local issues and highly functional ways to address them. Artful Life shows their massive cultural competence and knowledge of Northern New Mexico.

Artful Life provided a great deal of detail demonstrating their past experience with cultural facilitation services including with organizations similar to the City of Santa Fe such as the City of Albuquerque. They clearly articulate a lot of similar work experience in similar situations that is included in the RFP's scope of work. For example, they demonstrated the organization to be bi-lingual and that they incorporate this skill into their work. Artful Life provided the requested

background information on their team members. This information also demonstrates that they incorporate excellent partners into their process. They very clearly demonstrated that their team members are well matched to this project, that they possess incredible work histories, excellent multi-lingual skills, and incredible cultural comprehension.

Organizational Experience Evaluation: Pilar Murray

The Evaluation Committee awarded **Pilar Murray 27.5 points** based on the Offeror's response. The breakdown of the points are as follows:

Pilar Murray is a small team working in a single modality and did not demonstrate a breadth of experience of modalities and team experience and skill. They demonstrated some experience and knowledge of local issues but not enough to meet the needs of this project. There was a real lack of detail explaining the team's relevance and how they would fulfill the scope of the project. For example they list SFUAD as a team member when the school has been closed for over two years. They also noted they could not guarantee they would be able to meet deadlines.

The proposal provided poor articulation of the team and their experience throughout. The team's resumes and bios were sparse and did not explain their experience or skills. The proposal demonstrated that they are working with a weak team. The two examples success and failures were addressed but had no relevance to the RFP.

Section IV.B.2, Organizational References (15 Total Points)

Organizational References

Specifications:

Offeror must provide a list of a minimum of three (3) references from similar projects/programs performed for private, city, state or large local government clients within the last three (3) years.

Offeror shall include the following Business Reference information as part of its proposals:

- a) Client name;
- b) Project description;
- c) Project dates (starting and ending);
- d) Staff assigned to reference engagement that will be designated for work per this RFP; and
- e) Client project manager name, telephone number, fax number and e-mail address.

Offeror is required to submit APPENDIX F, Organizational Reference Questionnaire ("Questionnaire"), to the business references it lists. **The business references must submit the Questionnaire directly to the designee identified in APPENDIX F. The business references must not return the completed Questionnaire to the Offeror.** It is the Offeror's responsibility to ensure the completed forms are submitted on or before the date indicated in Section II. A, Sequence of Events, for inclusion in the evaluation process.

Organizational References that are not received or are not complete, may adversely affect the Offeror's score in the evaluation process. Offerors are encouraged to specifically request that their Organizational References provide detailed comments.

Evaluation Factors:

Points will be awarded based upon an evaluation of the responses to a series of questions on the Organizational Reference Questionnaire (Appendix F). Offeror will be evaluated on references that show positive service history, successful execution of services and evidence of satisfaction by each reference. References indicating significantly similar services/scopes of work and comments provided by a submitted reference will add weight and value to a recommendation during the evaluation process. Points will be awarded for each individual response up to 1/3 of the total points for this category. Lack of a response will receive zero (0) points.

Organizational Reference Evaluation: Artful Life

The Evaluation Committee awarded **Artful Life 15 points** based on the Offeror's response. The breakdown of the points are as follows:

Artful Life included the three required Organizational References allowing them to obtain up to 15 total points for this section. Each of the references submitted went into great detail to explain why Artful Life is such an amazing organization. Artful Life had such high quality references all of whom articulated the expertise and performance that merited such high scores. They included a reference from the City of Albuquerque's Art and Culture Department, which is an excellent match for this project. They were all from organizations that Artful Life had recently worked with. The references provided for Artful Life are an excellent sign of the quality of this organization.

Organizational Reference Evaluation: Pilar Murray

The Evaluation Committee awarded **Pilar Murray 1.75 points** based on the Offeror's response. The breakdown of the points are as follows:

Pilar Murray only included one of the three required proposals. This one reference did not provide any detail on why they scored the way they did. The reference was of an overall poor quality and came from a board member, which is questionable. **Letter of Transmittal Form**

The Offeror's proposal **must** be accompanied by the Letter of Transmittal Form located in APPENDIX E. The form **must** be completed and must be signed by the person authorized to obligate the company. **Failure to respond to ALL items, as indicated in Section II.C.30 and APPENDIX E, and to return a signed, unaltered form will result in Offeror's disqualification.**

Artful Life and Pilar Murray returned the signed, unaltered form.

Campaign Contribution Disclosure Form

The Offeror must complete an unaltered Campaign Contribution Disclosure Form and submit a signed copy with the Offeror's proposal. This must be accomplished whether or not an applicable contribution has been made. (See APPENDIX B). **Failure to complete and return the signed, unaltered form will result in Offeror's disqualification.**

Artful Life and Pilar Murray returned the signed, unaltered form.

Section IV.C.3, Cost Proposal (15 Total Points)

Cost Proposal

Specifications:

Offerors must complete the Cost Response Form in APPENDIX D. Cost will be measured by the following categories: Administration, Facilitation/Training, Art Activations, Cultural History Series, and Reporting/Evaluation.

Evaluation Factors:

The evaluation of each Offeror's cost proposal will be conducted using the following formula:

$$\frac{\text{Lowest Responsive Offeror's Cost}}{\text{Each Offeror's Cost}} \times \text{Available Award Points}$$

Cost Proposal Evaluation: Artful Life

The Evaluation Committee awarded **Artful Life 14.80 available points** based on the Offeror's response. The breakdown of the points are as follows:

$$\frac{250,000}{253,460.13} \times 15 = 14.80$$

Cost Proposal Evaluation: Pilar Murray

The Evaluation Committee awarded **Pilar Murray 15 available points** based on the Offeror's response. The breakdown of the points are as follows:

250,000

----- X 15 = 15

250,000

Section IV.B.5-C.3, Oral Presentations (20 Total Points)

Oral Presentations

Evaluation Factors:

Points will be awarded based on the quality, organization and effectiveness of communication of the information presented, as well as the professionalism of the presenters and technical knowledge of the proposed staff. Prior to Oral Presentation, Agency will provide the Offeror a presentation agenda.

Oral Presentation Evaluation: Artful Life

The Evaluation Committee awarded **Artful Life and Pilar Murray 20 points** based on the Offeror's response. The breakdown of the points are as follows:

Oral Presentations were not held. Both Offerors were awarded full points.

Section IV.C.4, NM Preferences

Specifications:

To ensure adequate consideration and application of NMSA 1978, § 13-1-21 (as amended), Offerors **MUST** include a copy, in this section, of its NM Resident preference certificate, as issued by the New Mexico Taxation and Revenue Department.

Evaluation Factors:

Percentages will be determined based upon the point-based system outlined below.

- A. The City shall award additional 3% of the total weight of all the factors used in evaluating the proposal to a local resident business. The City shall award an additional 3% of the total weight of all the factors used in evaluating the proposal to a non-local resident business who has hired all local resident business subcontractors.
- B. When the City makes a purchase using a formal request for proposal process and the contract is awarded based on a point-based system, the City shall award additional point's equivalent to 3% of the total possible points to a local resident business. The City shall award an additional 3% of the total possible points to a business who has hired all local resident business subcontractors.

The maximum available local preference shall be 6%.

This is subject to an agreement between the City of Santa Fe and the selected Offeror. Awarding personal service agreements to the recommended Offeror is in the best interest and is most advantageous to the City of Santa Fe.

Committee Signature Approval

Adelma Aurora Hnasko
Adelma AUrora Hnasko (May 18, 2021 11:35 MDT)

Adelma Hnasko
Evaluation Committee Member

May 18, 2021


Date

Andrew Lovato
Andrew Lovato (May 18, 2021 13:41 MDT)

Andrew Lovato
Evaluation Committee Member

May 18, 2021

Date


Julie Sanchez (May 18, 2021 08:06 MDT)

Julie Sanchez
Evaluation Committee Member

May 18, 2021

Date

Maria Tucker

Maria Tucker
Evaluation Committee Member

May 18, 2021

Date



Sam Burnett
Procurement Manager

5/18/2021

Date

Chief Procurement Officer Signature Approval

Fran Dunaway, CPO

Fran Dunaway
Chief Procurement Officer
City of Santa Fe

Jun 9, 2021

Date

Signature: 

Email: fadunaway@ci.santa-fe.nm.us

Signature: 
Ymc (Jun 9, 2021 18:59 MDT)

Email: yocatanach@santafenm.gov

CITY OF SANTA FE

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe, New Mexico, hereinafter referred to as the “City,” and **ARFTUL LIFE, LLC.** , hereinafter referred to as the “Contractor,” and is effective as of the date set forth below upon which it is executed by the Parties.

RECITALS

WHEREAS, on January 13, 2021, the City Council adopted Resolution 2021-06, *Hosting Community Conversations on Santa Fe Cultures, Histories, Reconciliation, and Truth* (CHART);

WHEREAS, this Resolution called for the City will establish a City project team to provide sufficient organizational and logistics support for a community-centered process;

WHEREAS, numerous charitable, non-profits, and individuals, are invested in this community and desire to fundraise and contribute to the City’s goals toward Reconciliation; and

WHEREAS, the City desires to engage a consultant to facilitate this process.

AGREEMENT

IT IS AGREED BETWEEN THE PARTIES THAT ARTFUL LIFE, LLC WILL PROVIDE THE FOLLOWING:

1. Scope of Work.

- A. The CHART Consultant Team will be the lead to fulfill the Resolution’s framework through:

Administration

- 1) Design the community dialogue sessions, one-on-one interviews, online survey and Community Solutions Table with an evaluator to ensure equity, inclusion and non-bias questions/framing

- 2) Manage an engagement calendar and schedule of online and in-person convenings, interviews and other interaction as needed
- 3) Identify and train a team of facilitators for community dialogue sessions, one-on-one interviews, online survey and Community Solutions Table
- 4) Pair facilitators or co-facilitators with conveners of organizational and community dialogue sessions
- 5) Conduct regular check in sessions for facilitators.
- 6) Ensure multi-lingual and accessibility access including not limited to child care when in person meetings are allowable by State Public Health Order
- 7) Collaborate with the City project team on city-wide outreach including but not limited to organizations and individuals
- 8) Coordinate and set meeting schedules with the City project team
- 9) Participate in weekly check-ins with the City project team regarding logistics and schedules
- 10) Design, coordinate, implement and manage Communications including social media, press releases, website, written summary reports, etc in coordination with the City's Communication's Director
- 11) Provide regular updates to the Governing Body on the status of the CHART process
- 12) Bi-lingual Spanish and other languages including American Sign Language as needed

Facilitation/Training

- 1) Provide implicit and anti-racism training sessions to but not limited to City elected officials, City Project Team, City Directors and/or others as identified by the City
- 2) Convening of community dialogue sessions by organizations
- 3) Facilitate, as appropriate, a number of community dialogue sessions open generally to community members unaffiliated with a particular community organization
- 4) Facilitate one-on-one interviews
- 5) Facilitate Community Solutions Table
- 6) Facilitate convenings primarily via online platforms, although some in-person sessions may be public health criteria status.
- 7) Bi-lingual Spanish and other languages including American Sign Language as needed

Art Activations

- 1) Engage Santa Fe's artistic and cultural community to produce 5-8 art activations modeled on but not exclusive to Paper Monuments
Undertake artist outreach that includes all mediums, ages and career levels particularly with focus on Black Indigenous People of Color, Lesbian Gay Bisexual Trans Queer and non-binary and those from traditionally disenfranchised communities
- 2) Provide artists to be paid as possible
- 3) Identify locations for art activations include but not limited to the downtown Plaza as well as midtown and southside of Santa Fe
- 4) Utilize artist selection process that is call format and is to be as accessible as possible through simplified application
- 5) Coordinate with the City for site identification
- 6) Provide bi-lingual Spanish and other languages including American Sign Language as needed

Cultural History Series

- 1) Create series focusing on Santa Fe and Northern New Mexico's history, present and future for both online and in person (when feasible)
- 2) Engage with historians, artists, culture bearers, storytellers, scientists, makers, etc. in formats that will engage a wide range of ages and interests – examples include panels, speaker series, pecha kuchas, interviews, storytelling, performance, etc.
- 3) Record and document all sessions for access to the public via City website/youtube or similar
- 4) Evaluate each session for efficacy and impact

Reporting and Evaluation

- 1) Will be responsible for summarizing and/or collecting discussions notes from all engagements (convenings, interviews, survey) for the Community Solutions Table
- 2) Create and implement an evaluation for both participants and trained team facilitators on the process and outcomes
- 3) Use of data visualization, infographics, dashboards etc. that expresses data in various representation to convey the stories and information behind the numbers
- 4) Create a Final Report on the CHART Initiative (convenings, surveys, interviews, art activations, cultural history series, etc) in a format for use and consideration by the Governing Body to inform its deliberation and evaluation for future process, action, and decisions and include but not limited to recommendations for continued city-wide engagement
- 5) Create content for communications for updates and outreach in both digital and print in both Spanish and English, other languages as necessary

B. Performance Measures.

The Contractor shall substantially perform the following Performance Measures:

- 1) Prepare Regularly scheduled updates TBD and a Final Report on the process in a format for use and consideration by the Governing Body to inform its deliberation and evaluation for future process, action, and decisions and include but not limited to recommendations for continued city-wide engagement;

The receipt of the deliverables contemplated under this Agreement shall assist the City in obtaining its goal(s) as set forth in Resolution 2021-06.

2. Compensation.

A. The City shall pay to Artful Life, LLC in full payment for services satisfactorily performed at the rate of two hundred fifty four thousand dollars (\$254,000) BASED UPON DELIVERABLES, MILESTONES, such compensation not to exceed (\$254,000), including gross receipts tax. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, shall not exceed (\$254,000). This amount is a maximum and not a guarantee that the work assigned to be performed by Contractor under this Agreement shall equal the amount stated herein. The parties do not intend for the Contractor to continue to provide services without compensation when the total compensation amount is reached. Contractor is responsible for notifying the City when the services provided under this Agreement reach the total compensation amount. In no event will the Contractor be paid for services provided in excess of the total compensation amount without this Agreement being amended in writing prior to those services in excess of the total compensation amount being provided.**

B. Payment is subject to availability of funds pursuant to the Appropriations Paragraph set forth below and to any negotiations between the parties from year to year pursuant to Paragraph 1, Scope of Work, and to approval by the City. All invoices MUST BE

received by the City no later than thirty (30) days after the termination of the Fiscal Year in which the services were delivered. Invoices received after such date WILL NOT BE PAID.

C. Contractor must submit a detailed statement accounting for all services performed and expenses incurred. If the City finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception explaining the defect or objection to the services, and outlining steps the Contractor may take to provide remedial action. Upon certification by the City that the services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the City shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.

D. The City shall pay to the Contractor based on a fixed price for each Deliverable item listed here:

Deliverable Item:	Amount:
01: Upon contract execution and submittal of work plan:	\$129,000

02: Scope of Work Activities detailed in work plan for July through October, 2021:	\$50,000
---	-----------------

Administration: Design dialogue sessions, interviews, survey; Create and manage engagement calendar; Recruit, train and/or manage facilitator and convener teams; 1, Design survey; Collaborate w/City Project Team; Manage communications (including w/City); Update Governing.

Facilitation: Identify bias trainer and design trainings; Implicit Bias Trainings/City; Implement/Administer survey; Community Dialogue Sessions; One-on-one interviews.

Art Activations: Design art activations with dates and locations; Create call for artists/cultural practitioners; Distribute call; Hire and train artist team; Art activation events.

Cultural History Series: Design series; Series events; Evaluation of Cultural History Series. **Reporting & Evaluation:** Create evaluation tools; Implement evaluation tools; , Collect data.

03: Scope of Work Activities detailed in work plan for November 2021-March 2022:	\$50,000
---	-----------------

Administration: Create and manage engagement calendar; Manage facilitator and convener team(s); Collaborate w/City Project Team; Manage communications (including w/City); Update Governing Body. **Facilitation:** Implicit Bias Trainings/City; Implement/Administer survey; Community Dialogue Sessions; One-on-one interviews; Community Solutions Table.

Art Activations: Art activation events.

Cultural History Series: Series events; Evaluation. **Reporting & Evaluation:** Implement

evaluation tools; Collect data; Analyze data.

04: Scope of Work Activities detailed in work plan April-June 2022 including Present Recommendations and Final Report to Governing Body: \$25,000

Administration: Collaborate w/City Project Team; Manage communications (including w/City); 11,12, Update Governing Body.

Cultural History Series: Evaluation.

Reporting & Evaluation: Implement evaluation tools; Collect data; Analyze data; Create final report; Present Recommendations and Final Report.

The total compensation under this Agreement shall not exceed two hundred fifty four thousand dollars (\$254,000) including New Mexico gross receipts tax.

3. Term.

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY. This Agreement shall terminate on **June 30, 2022** unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations). In accordance with Section 13-1-150 NMSA 1978, no contract term for a professional services contract, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

4. Termination.

A. Termination. This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the City's sole liability upon such termination shall be to pay for acceptable work performed prior to the Contractor's receipt of the notice of termination, if the City is the terminating party, or the Contractor's sending of the notice of termination, if the Contractor is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor if the Contractor becomes unable to perform the services contracted for, as determined by the City or if, during the term of this Agreement, the Contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of City funds or due to the Appropriations paragraph herein. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE City's OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

B. Termination Management. Immediately upon receipt by either the City or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the City; 2) comply with all directives issued by the City in the notice of termination as to the performance of work under this Agreement; and

3) take such action as the City shall direct for the protection, preservation, retention or transfer of all property titled to the City and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the City upon termination and shall be submitted to the City as soon as practicable.

5. Appropriations.

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City Council, this Agreement shall terminate immediately upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the City proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

6. Status of Contractor.

The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax. The Contractor agrees not to purport to bind the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. Assignment.

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

8. Subcontracting.

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the City.

9. Release.

Final payment of the amounts due under this Agreement shall operate as a release of the City, its officers and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

10. Confidentiality.

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

11. Product of Service -- Copyright.

All materials developed or acquired by the Contractor under this Agreement shall become the property of the City and shall be delivered to the City no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Contractor.

12. Conflict of Interest; Governmental Conduct Act.

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978.

C. Contractor's representations and warranties in Paragraphs A and B of this Article 12 are material representations of fact upon which the City relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the City and notwithstanding anything in the Agreement to the contrary, the City may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this section.

13. Amendment.

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the City proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days

of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article 4 herein, or to agree to the reduced funding.

14. Entire Agreement.

This Agreement, together with any other documents incorporated herein by reference and all related Exhibits and Schedules constitutes the sole and entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings, agreements, representations, and warranties, both written and oral, with respect to the subject matter. In the event of any inconsistency between the statements in the body of this Agreement, and the related Exhibits and Schedules, the statements in the body of this Agreement shall control.

15. Penalties for violation of law.

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. Equal Opportunity Compliance.

The Contractor agrees to abide by all federal and state laws and rules and regulations, and Santa Fe City Code, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

17. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

18. Workers Compensation.

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the City.

19. Professional Liability Insurance.

Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

20. Other Insurance

If the services contemplated under this Agreement will be performed on or in City facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the City as additional insured.

A. Commercial General Liability insurance shall be written on an occurrence basis and be as broad as ISO Form CG 00 01 with limits not less than \$2,000,000 per occurrence and \$2,000,000 in the aggregate for claims against bodily injury, personal and advertising injury, and property damage. Said policy shall include broad form Contractual Liability coverage and be endorsed to name the City of Santa Fe their officials, officers, employees, and agents as additional insureds.

B. Business Automobile Liability insurance for all owned, non-owned automobiles, with a combined single limit not less than \$1,000,000 per accident.

C. Broader Coverage and Limits. The insurance requirements under this Agreement shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the Named Insured. It is agreed that these insurance requirements shall not in any way act to reduce coverage that is broader or that includes higher limits than the minimums required herein. No representation is made that the minimum insurance requirements of this Agreement are sufficient to cover the obligations of Contractor hereunder.

D. Contractor shall maintain the above insurance for the term of this Agreement and name the City as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

21. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the City. The City shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments

22. Indemnification.

The Contractor shall defend, indemnify and hold harmless the City from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Contractor resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement. In the event that any action, suit or proceeding related to the services performed by the Contractor or any officer, agent, employee, servant or subcontractor under this Agreement is brought against the Contractor, the Contractor shall, as soon as practicable but no later than two (2) days after it receives notice thereof, notify the legal counsel of the City.

23. New Mexico Tort Claims Act

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

24. Invalid Term or Condition.

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

25. Enforcement of Agreement.

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

26. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the City: Pauline Kanako Kamiyama, Director, Arts and Culture Department
201 W Marcy Street
PO Box 909
Santa Fe, NM 87504
pkkamiyama@santafenm.gov

To the Contractor: Valerie Martinez, Founding Director, Artful Life, LLC
3112 Camino Real Ct, NE
Albuquerque, NM 87111
valerie@artful-life.org

27. Authority.

If Contractor is other than a natural person, the individual(s) signing this Agreement on behalf of Contractor represents and warrants that he or she has the power and authority to bind Contractor, and that no further action, resolution, or approval from Contractor is necessary to enter into a binding contract.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the signature by the required approval authorities below.

CITY OF SANTA FE:

CONTRACTOR:

ALAN WEBBER, MAYOR

Valerie Martinez
Valerie Martinez (Jun 4, 2021 16:05 MDT)

Valerie Martinez
Executive Director, Artful Life, LLC.

DATE: _____

DATE: 6/4/2021
CRS# 03-356124-00-9
Registration # 230535

ATTEST:

KRISTINE BUSTOS MIHELICIC, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Jun 4, 2021 14:25 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

MARY MCCOY, FINANCE DIRECTOR
Constituents Services/Other Consulting: 1002575/510340 AJH
Org. Name/Org#. AJH



City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # 3202772

Contractor: Artful Life, LLC

Description: CHART Consultant team from RFP21/30/P

Contract Agreement Lease / Rent Amendment

Term Start Date: date of contract exec+ Term End Date: June 30,2022

Approved by Council Date: _____

Contract / Lease: contract

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

Approved by Council Date: _____

Amendment is for:

2. **HISTORY of Contract, Amendments & Lease / Rent - Please Elaborate** (option: attach spreadsheet if multiple amendments)
Governing Body passed a resolution establishing the CHART process and Consultant team; RFP was issued and the Artful Life, LLC was the selected offerer.

3. **Procurement History:** _____

Fran D. Laway
Fran D. Laway (Jun 8, 2021 10:27 MDT)

Jun 8, 2021

Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: RFP was issued and award is set to begin July 1, 2021 -award was delayed with Department

4. **Funding Source:** 1002575.510340 **Org / Object:** _____

Andy Hopkins
Andy Hopkins (Jun 8, 2021 10:21 MDT)

Jun 8, 2021

Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: _____ Phone # _____

Email: _____

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/04/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).


PRODUCER	Simply Business 1 Beacon Street 15th Floor Boston, MA 02108	CONTACT NAME:	Simply Business	
		PHONE (A/C, No, Ext):	(844) 654-7272	FAX (A/C, No):
		E-MAIL ADDRESS:	contactus@simplybusiness.com	
		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A:	Hiscox Insurance Company Inc	10200
		INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		
		INSURER F:		

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
------------------	----------------------------	-------------------------

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <hr/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y/N OFFICER/MEMBER EXCLUDED? N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	PROFESSIONAL LIABILITY			HIUS3138182XB	07/01/2021	07/01/2022	EACH CLAIM \$1,000,000.00 AGGREGATE \$1,000,000.00

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER	CANCELLATION
	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

© 1988-2015 ACORD CORPORATION. All rights reserved.



City of Santa Fe
Treasury Department
200 Lincoln Ave.
Santa Fe, New Mexico 87504-0909
505-955-6551

BUSINESS REGISTRATION

Business Name: ARTFUL LIFE LLC
DBA: ARTFUL LIFE

Business Location: 3112 CAMINO REAL CT NE
ALBUQUERQUE, NM 87111

Owner: Valerie Martinez

License Number: 230535

Issued Date: June 08, 2021

Expiration Date: June 08, 2022

CRS Number: 03356124009

License Type: Business License - Renewable

Classification: Out of Jurisdiction Business License

Fees Paid: \$10.00

ARTFUL LIFE LLC
3112 CAMINO REAL CT NE NE
ALBUQUERQUE, NM 87111

THIS IS NOT A CONSTRUCTION PERMIT OR SIGN PERMIT.
APPROPRIATE PERMITS MUST BE OBTAINED FROM THE CITY
OF SANTA FE BUILDING PERMIT DIVISION PRIOR TO
COMMENCEMENT OF ANY CONSTRUCTION OR THE
INSTALLATION OF ANY EXTERIOR SIGN.

THIS REGISTRATION/LICENSE IS NOT TRANSFERABLE TO
OTHER BUSINESSES OR PREMISES.

TO BE POSTED IN A CONSPICUOUS PLACE



City of Santa Fe New Mexico

Memorandum



Date: June 23, 2021

To: Public Works Committee, Quality of Life Committee, and Governing Body

Via: Elias Isaacson, AICP, Planning and Land Use Director ESI
Noah Berke, AICP, Planner Manager NLB

From: Lee Logston, AICP, Senior Land Use Planner LL

RE: Resolution to Approve the Partial Vacation of the Existing Galisteo Road Public Right-of-Way, Contingent on Final Approval by the Planning Commission

ITEM AND ISSUE:

A RESOLUTION APPROVING THE VACATION OF EXISTING PORTIONS OF THE GALISTEO ROAD RIGHTS-OF-WAY AT GALISTEO ROAD'S INTERSECTION WITH ZIA ROAD, CONTINGENT ON THE PLANNING COMMISSION'S APPROVAL OF THE VACATION OF EXISTING RIGHTS-OF-WAY AND THE DEDICATION OF NEW RIGHTS-OF-WAY IN NEW ALIGNMENTS.

RECOMMENDED ACTION:

The Governing Body should **ADOPT** Resolution No. 2021-__, which will allow the Planning Commission to grant final approval of the vacation of existing Galisteo Road public right-of-way, contingent on the Planning Commission approving the vacation and dedication of new right-of-way at the intersection of Galisteo Road and Zia Road, in conjunction with its review of an application for a final development plan.

EXECUTIVE SUMMARY:

Owner Zia Station, LLC (Applicant), through its agent Merritt Brown, filed an application with the Planning and Land Use Department, seeking City approval of the vacation of a portion of existing Galisteo Road right-of-way (ROW) at Zia Road and the dedication of new ROW north and south of Zia Road in a new alignment (Application). The Applicant also submitted a proposed plat entitled, "Partial Vacation and Dedication Plat for Galisteo Road." The Application relates to the Applicant's proposal to construct a mixed-use, transit-oriented project on 22.7 acres (less and except those lands owned by NMDOT) at the northwest and southwest corners of St. Francis Drive and Zia Road (Project). The properties are zoned C-2 PUD (General Commercial Planned Unit Development). The Project would include apartments and townhomes for the north parcel, and a

mix of residential, office, and commercial uses for the south parcel. Buildings are proposed to be two stories adjacent to existing residential, and three-stories closer to St. Francis Drive.

On April 28, 2021, the Governing Body approved multiple Applications related to the Project, including general plan amendments for the properties on the northwest and southwest corners of Zia Road and St. Francis Drive, rezoning requests, and a preliminary development plan. The preliminary development plan approved by the Governing Body incorporated the proposed realignment of the intersection of Galisteo Road, which would move the intersection of Galisteo Road and Zia Road approximately 200 feet west of its current location, and improvements to Galisteo's intersection with Zia Road and St. Francis Drive. The conditions of approval for the preliminary development plan state that "[a]ll roadway improvements associated with the development must be constructed prior to opening Phase I," including the Galisteo Road realignment, and require the Applicant to "file an application and obtain Governing Body approval to vacate a portion of the Galisteo Street right-of-way and to realign a portion of Galisteo Street."

The present Application seeks approval of the vacation of a portion of the existing Galisteo Road public right-of-way, which is owned by the City for public use, on the condition that the Planning Commission approve the vacation and the dedication of new public right-of-way to the City in the proposed new alignment pursuant to a final development plan.

The procedure for reviewing and approving the request to vacate existing public right-of-way is different than the procedure for reviewing and approving the dedication of new public right-of-way. Under applicable State and City law, the request to vacate a portion of the existing public right-of-way requires a public hearing before the Public Works and Utilities Committee, approval by the Governing Body (as the owner, in this instance, of the land to be vacated), and final approval by the Planning Commission.

After the Governing Body's approval of this Resolution to allow the partial vacation, the request to dedicate new right-of-way in a new alignment can be reviewed and approved by the Planning Commission (subject to final inspection and acceptance of public improvements by City staff). Staff anticipates that the Planning Commission will consider the proposed vacation, dedication, and realignment in conjunction with the Commission's review of an application for a final development plan, which also falls within the Commission's review and approval authority.

If this Application and an associated request for a final development plan are approved, then the Applicant will bear all costs related to the vacation of existing right-of-way and dedication of new right-of-way, including installation of a pedestrian activated HAWK crosswalk with mid-street pedestrian refuge. The Applicant must also obtain the consent of utility owners in the existing right of way and relocate utilities at the Applicant's expense. New public improvements would include the construction and dedication of a new section of Galisteo to the north of Zia Road, terminating in a cul-de-sac. This new section of roadway will provide Rail Trail parking. Galisteo will remain open along its current alignment throughout the construction process, and will be closed when the new roadway is inspected by the City and accepted as being built to City standards and ready for traffic.

ANALYSIS OF LEGAL REQUIREMENTS FOR VACATION:

State statute and City Ordinance set forth requirements that must be met before the City may approve the partial vacation of the existing public right-of-way. The Governing Body must base its decision on the approval criteria and balancing test set forth in the law. Staff’s analysis of the relevant requirements is summarized in the tables below.

Table 1: Requirements from NMSA 1978, Section 3-20-12, Vacation or partial vacation of plat; approval of government having jurisdiction; duties of county clerk.

Requirement in Statute	Application to this Case
The owners of the land in the territory proposed to be vacated must sign a statement, duly acknowledged, declaring the plat or a portion of the plat to be vacated.	The City owns the public right-of-way proposed to be vacated. The New Mexico Supreme Court has concluded that a Resolution from the Governing Body can be used to meet this requirement. <i>See Sprague v. City of Las Vegas</i> , 1984-NMSC-052, ¶ 9, 679 P.2d 1283.
The owners’ statement must be endorsed “Approved” by the planning authority of the municipality within whose platting jurisdiction the subdivision lies.	The New Mexico Supreme Court has concluded that the Planning Commission is the planning authority referenced in the statute. <i>See id.</i> If the Governing Body adopts the proposed Resolution, then Staff will submit the request to vacate existing public right-of-way to the Planning Commission for final review and approval, in conjunction with the request to dedicate new public right-of-way in a new alignment as part of a final development plan.
The vacation or partial vacation of a plat cannot adversely affect the interests or rights of persons in contiguous territory or within the subdivision being vacated.	This requirement is met because the Applicant owns all of the property contiguous to the right-of-way proposed for vacation.
The planning authority of the municipality may require that streets dedicated to the municipality in the original plat shall continue to be dedicated to the municipality	N/A. The proposed vacation and dedication realigns streets dedicated in the original plat. There would be no function in keeping the originally dedicated streets based on the development plan.
The owners of lots on the vacated plat or on the portion of the plat being vacated may enclose in equal proportions the adjoining streets and alleys which are authorized to be abandoned by the planning authority of the municipality	N/A. There are no adjoining streets or alleys to be abandoned.

<p>The statement declaring the vacation or partial vacation of a plat and having the proper endorsements shall be filed in the office of the county clerk wherein the original plat is filed. The county clerk shall mark the applicable words "Vacated" or "Partially Vacated" across the plat and shall refer on the plat to the volume and page on which the statement of vacation or partial vacation is recorded.</p>	<p>If the Governing Body adopts the proposed Resolution, then both the Resolution and the plat entitled "Partial Vacation and Dedication Plat for Galisteo Road" will be filed in the records of the Santa Fe County Clerk.</p>
--	---

Table 2: Requirements from Santa Fe City Code (SFCC) Section 23-1.2, Vacation or partial vacation of plat; approval of government having jurisdiction; duties of city clerk

Requirement in Ordinance	Application to this Case
<p>Is the public right-of-way a necessary and integral part of the city's traffic and neighborhood scheme for travel?</p>	<p>The proposed realignment of the intersection of Galisteo Road and improvements to Galisteo's intersection with Zia Road and St. Francis Drive is an integral part of the preliminary development plan approved by the Governing Body, rendering the existing public right-of-way unnecessary for the neighborhood scheme of travel. It is also a recommended improvement by the Applicant's Traffic Engineer based on the proposed development and TIA.</p>
<p>Does the public right-of-way continue to be a necessary part of the city's utility easements which should not be disturbed?</p>	<p>The Applicant shall obtain the consent of utility companies in the existing right-of-way to dedicate new easements and relocate all utilities at the Applicant's sole expense. Therefore, the existing utility easements will be relocated.</p>
<p>Is the public right-of-way no longer needed or used as a public right-of-way, or has the right-of-way become a public nuisance?</p>	<p>The public right-of-way is not a public nuisance. The existing public right-of-way will no longer be needed for public travel as the new alignment will allow for equivalent or better public travel.</p>
<p>Have at least seventy-five percent (75%) of the grantors or their successors in interest approved of the vacation?</p>	<p>The Applicant is the successor in interest of the grantors who created the public right-of-way and owns all of the land contiguous to the areas proposed for partial vacation and dedication.</p>

Does the city believe it is in the city's best interests to vacate or partially vacate the plat?	Because the proposed realignment of the intersection of Galisteo Road and improvements to Galisteo's intersection with Zia Road and St. Francis Drive is an integral part of the preliminary development plan approved by the Governing Body, the city has indicated that it is in the city's best interests to vacate the existing right-of-way.
In no circumstance shall any property be landlocked as a result of the vacation or partial vacation of a plat.	No property shall be landlocked as a result of the proposed vacation of right-of-way.
Have the owners of the land in the territory proposed to be vacated signed a statement, duly acknowledged, declaring the plat or a portion of the plat to be vacated?	As noted in Table 1 above, this requirement will be satisfied if the Governing Body adopts the proposed Resolution, as recommended by staff.
Has the owners' statement been endorsed "Approved" by the planning authority of the municipality within whose platting jurisdiction the subdivision lies?	As noted in Table 1 above, if the Governing Body adopts the proposed Resolution, then staff will then Staff will submit the request to vacate existing public right-of-way to the Planning Commission for final review and approval.
Has the public works and utilities committee reviewed each request for a vacation of plat or partial vacation of plat and make its recommendation for approval or denial of the request at a public hearing?	The request is scheduled for a public hearing and recommendation from the Public Works and Utilities Committee on June 28, 2021.
Will the partial vacation of a plat adversely affect the interests or rights of persons in contiguous territory or within the subdivision being vacated?	This requirement is met because the Applicant owns all of the property contiguous to the right-of-way proposed for vacation.
In approving the vacation or partial vacation of a plat, the planning authority of the municipality may require that streets dedicated to the municipality in the original plat shall continue to be dedicated to the municipality	N/A. The proposed vacation and dedication realigns streets dedicated in the original plat. There would be no function in keeping the originally dedicated streets based on the development plan.
The owners of lots on the vacated plat or on the portion of the plat being vacated may enclose in equal proportions the adjoining streets and alleys which are authorized to be abandoned by the planning authority of the municipality	N/A. There are no adjoining streets or alleys to be abandoned.
The statement declaring the vacation or partial vacation of a plat and having the	As noted in Table 1 above, if the Governing Body adopts the proposed Resolution, then

<p>proper endorsements shall be filed in the office of the county clerk wherein the original plat is filed. The county clerk shall mark the applicable words "Vacated" or "Partially Vacated" across the plat and shall refer on the plat to the volume and page on which the statement of vacation or partial vacation is recorded.</p>	<p>both the Resolution and the plat entitled "Partial Vacation and Dedication Plat for Galisteo Road" will be filed in the records of the Santa Fe County Clerk.</p>
<p>The rights of any utility already existing shall not be affected by any vacation or partial vacation of a plat.</p>	<p>The Applicant shall obtain the consent of utility owners in the existing right-of-way to dedicate new easements and relocate all utilities at the Applicant's sole expense. Therefore, the rights of any existing utility will not be affected.</p>

ATTACHMENTS

Resolution
Exhibit A

1. Application
2. Plat entitled, "Partial Vacation and Dedication Plat for Galisteo Road"
3. April 6 & 8, 2021 Governing Body Minutes
4. Item #21-0191 Case #2020-2900 Findings of Fact and Conclusions of Law
5. Item #21-0192 Case #2020-2901 Findings of Fact and Conclusions of Law
6. Item #21-0193 Case #2020-2899 Findings of Fact and Conclusions of Law
7. Item #21-0194 Case #2020-2898 Findings of Fact and Conclusions of Law
8. Item #21-0195 Case #2020-2914 Findings of Fact and Conclusions of Law

Fiscal Impact Report

APPENDIX

1. NM NMSA 1978, Section 3-20-12, Vacation or partial vacation of plat; approval of government having jurisdiction; duties of county clerk.
2. Santa Fe City Code (SFCC) Section 23-1.2, Vacation or partial vacation of plat; approval of government having jurisdiction; duties of city clerk.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-__

A RESOLUTION

APPROVING THE VACATION OF EXISTING PORTIONS OF THE GALISTEO ROAD RIGHTS-OF-WAY AT GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD, CONTINGENT ON THE PLANNING COMMISSION’S APPROVAL OF THE VACATION OF EXISTING RIGHTS-OF-WAY AND THE DEDICATION OF NEW GALISTEO ROAD RIGHT-OF-WAY SOUTH OF GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD IN A NEW ALIGNMENT, AND NEW GALISTEO ROAD RIGHT-OF-WAY NORTH OF GALISTEO ROAD’S INTERSECTION WITH ZIA ROAD.

WHEREAS, Zia Station, LLC, owns parcels of land comprising approximately 22.7 acres (less and except those lands owned by NMDOT) located at the northwest and southwest corners of the intersection of Zia Road and Saint Francis Drive within Section 2, T.16N., R.9E., N.M.P.M., in Santa Fe County, New Mexico (the “Property”); and

WHEREAS, on February 18, 2021, the Planning Commission voted to recommend approval of general plan amendments, rezonings, and a preliminary development plan for the Property, which included a proposed realignment of Galisteo Road at its intersection with Zia Road and improvements

1 to the intersections of Galisteo Road and Zia Road, and of Zia Road and Saint Francis Drive; and

2 **WHEREAS**, on April 8, 2021, the Governing Body voted to approve the general plan
3 amendments, rezonings, and the preliminary development plan for the Property; and

4 **WHEREAS**, on April 28, 2021, the Governing Body adopted written Findings of Fact and
5 Conclusions of Law reflecting its decision to approve the general plan amendments, rezonings, and the
6 preliminary development plan for the Property, which were filed with the records of the City Clerk as
7 Items #21-0191, #21-0192, #21-0193, #21-0194, and #21-0195; and

8 **WHEREAS**, on May 13, 2021, Zia Station, LLC, through its agent Merritt F. Brown, filed an
9 application to vacate portions of the existing Galisteo Road public rights-of-way at the intersection with
10 Zia Road and proposed to dedicate new public rights-of-way in new alignments as part of the Zia
11 Station development plan; and

12 **WHEREAS**, in conjunction with the May 13, 2021 application, Zia Station, LLC, submitted a
13 “Partial Vacation and Dedication Plat for Galisteo Road,” which shows the existing rights-of-way
14 proposed for vacation and the location of the new rights-of-way proposed to be dedicated to the City;
15 and

16 **WHEREAS**, City staff has reviewed the application and proposed “Partial Vacation and
17 Dedication Plat for Galisteo Road,” and has recommended approval by the Governing Body and the
18 Planning Commission; and

19 **WHEREAS**, the realignments of Galisteo Road on the north and south sides of Zia Road, and
20 the improvements of the intersections of Zia Road with Galisteo Road and with Saint Francis Drive,
21 are integral elements of the preliminary development plan for the Property, as recommended by the
22 Planning Commission and approved by the Governing Body; and

23 **WHEREAS**, Zia Station, LLC, is the fee-simple owner of all land contiguous to the portion of
24 the Galisteo Road public rights-of-way proposed for vacation and realignment; and

25 **WHEREAS**, no property will become landlocked by virtue of the proposed vacations and

1 realignments; and

2 **WHEREAS**, the City obtained ownership of the portion of the public right-of-way proposed
3 for vacation when the City annexed land from the County of Santa Fe that included the affected portion
4 of Galisteo Road, which was previously known as County Road No. 69, as shown on the plat entitled
5 “Lands within Sections 2 & 3 T16N R9E N.M.P.M. for Annexation to the City of Santa Fe Adjacent
6 to its South and East Boundaries,” which was filed in the records of the Santa Fe County Clerk on July
7 22, 1977, in Plat Book 55, Page 21, as Instrument Number 405,730; and

8 **WHEREAS**, the public right-of-way proposed for vacation is depicted on additional plats that
9 have been filed in the records of the Santa Fe County Clerk, including the subdivision plat entitled
10 “Candelero de Santa Fe, Unit III,” which was filed on July 16, 1980, in Plat Book 82, Page 15, as
11 Instrument Number 461,337; and the survey plat filed on September 22, 2003, in Plat Book 542, Page
12 24, as Instrument Number 1291,612; and

13 **WHEREAS**, SFCC 1987, Section 2-1.7 provides that the Governing Body shall have the
14 management and control of all real property belonging to the City; and

15 **WHEREAS**, pursuant to NMSA 1978, Section 3-19-1(B)(1) (1965), and SFCC 1987, Section
16 14-2.3(B), the Governing Body has delegated to the Planning Commission the power, authority,
17 jurisdiction, and duty to enforce and carry out the provisions of New Mexico law and the City Code
18 relating to planning, platting, and zoning, except for those powers reserved to the Governing Body; and

19 **WHEREAS**, NMSA 1978, Section 3-49-1, authorizes the City to lay out, establish, open,
20 vacate, alter, widen, extend, or otherwise improve public streets; and

21 **WHEREAS**, SFCC 1987, Section 23-1.2 sets forth procedures and requirements for the partial
22 vacation of a plat, including a public hearing before the Public Works and Utilities Committee; and

23 **WHEREAS**, NMSA 1978, Section 3-20-12, provides for partial vacation of a plat if “(1)
24 the owners of the land in the territory proposed to be vacated sign a statement, duly acknowledged,
25 declaring the plat or a portion of the plat to be vacated; and (2) the statement is endorsed ‘Approved’

1 by the planning authority of the municipality within whose platting jurisdiction the subdivision lies”;
2 and

3 **WHEREAS**, in *Sprague v. City of Las Vegas*, 1984-NMSC-052, ¶ 8, 679 P.2d 1283, the New
4 Mexico Supreme Court interpreted NMSA 1978, Section 3-20-12, to include the following three
5 requirements: “(1) the owners of the property sought to be vacated must sign a statement declaring the
6 property to be vacated; (2) the owners’ statement must be approved by the planning authority; and (3)
7 the owners’ statement must be appropriately filed”; and

8 **WHEREAS**, pursuant to SFCC Section 23-1.2, Section 3-20-12, and *Sprague*, partial vacation
9 of the existing right-of-way requires a public hearing before the Public Works and Utilities Committee,
10 a statement by the Governing Body approving the vacation, and the subsequent approval of the Planning
11 Commission; and

12 **WHEREAS**, the Governing Body has delegated to the Planning Commission the authority to
13 approve the dedication to the City of new public right-of-way that is required to serve new development,
14 subject to final inspection and acceptance by City staff; and

15 **WHEREAS**, on June 28, 2021, the Public Works and Utilities Committee held a public hearing
16 on the application and proposed “Partial Vacation and Dedication Plat for Galisteo Road,” reviewed
17 the staff report and the evidence presented at the public hearing, and recommended approval of the
18 proposed vacation; and

19 **WHEREAS**, approval of the application and proposed “Partial Vacation and Dedication Plat
20 for Galisteo Road” will allow Zia Station, LLC, to shift the intersection of Galisteo Road and Zia Road
21 approximately two-hundred (200) feet west of its current location, in accordance with the approved
22 preliminary development plan; and

23 **WHEREAS**, traffic studies conducted on behalf of Zia Station, LLC, and reviewed by City
24 traffic engineers demonstrate that moving the intersection of Galisteo Road and Zia Road two hundred
25 (200) feet further west will improve traffic flows through the intersection of Zia Road and Saint Francis

1 Drive; and

2 **WHEREAS**, the proposed realignment of Galisteo Road would result in Galisteo Road
3 intersecting Zia Road at a ninety (90) degree angle instead of the current acute angle; and

4 **WHEREAS**, pursuant to the approved preliminary development plan, Zia Station, LLC, will
5 construct the proposed new intersection of Galisteo Road and Zia Road with a HAWK pedestrian
6 crossing, which will be a light-controlled, pedestrian-activated crossing that will greatly improve
7 pedestrian access and safety across Zia Road for the adjacent neighborhoods and those wishing to
8 access the Rail Runner Station; and

9 **WHEREAS**, the current Galisteo Road segment north of Zia Road consists of a dirt path of
10 approximately thirty-five to forty-five feet (35' - 45') in width, which narrows and then terminates at its
11 intersection with the old railroad right-of-way; and

12 **WHEREAS**, the current Galisteo Road segment north of Zia Road does not meet the Street
13 Design and Improvement Standards set forth in Chapter 14 of the SFCC; and

14 **WHEREAS**, pursuant to the approved preliminary development plan, Zia Station, LLC, shall
15 build a new paved extension of Galisteo Road on the north side of Zia Road to a width of fifty feet
16 (50'), which will meet the Street Design and Improvement Standards for a sub-collector with on-street
17 parking, as set forth in Chapter 14 of the SFCC; and

18 **WHEREAS**, the approved preliminary development plan reflects that the new paved extension
19 of Galisteo Road on the north side of Zia Road will include a full 50' radius cul-de-sac at its new
20 terminus; and

21 **WHEREAS**, to realign the public rights-of-way, Zia Station, LLC, must obtain consent from
22 owners of existing utilities located in the existing public right-of-way because, pursuant to State and
23 City law, the partial vacation of a plat cannot be approved if the vacation would adversely affect the
24 rights of any utility; and

25 **WHEREAS**, Zia Station, LLC, is responsible for all costs associated with the vacation and

1 realignment, including engineering, construction, and the relocation of existing utilities, including
2 power and communications lines, a City of Santa Fe water line, and an underground gas line; and

3 **WHEREAS**, the proposed vacation and realignment of Galisteo Road would enable the public
4 rights-of-way and associated utility easements to remain as necessary parts of the City's traffic and
5 neighborhood scheme for travel and infrastructure, and would enhance traffic and pedestrian safety;

6 **WHEREAS**, the preliminary development plan is subject to a condition of approval that all
7 improvements to Zia Road and Galisteo Road, including the realignment, must be constructed prior to
8 the opening of Phase I of the Zia Station Development; and

9 **WHEREAS**, newly dedicated public rights-of-way are inspected by the City and must be
10 accepted by the City before the City assumes ownership and maintenance responsibilities for the rights-
11 of-way.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the proposed partial vacation of the existing Galisteo Road public rights-
14 of-way is approved, contingent upon the Planning Commission's subsequent approval of the proposed
15 vacation and the dedication of new rights-of-way in the new alignments, as set forth in the approved
16 preliminary development plan for the Property.

17 PASSED, APPROVED, and ADOPTED this ____ day of _____ 2021.

18
19
20 _____
21 ALAN WEBBER, MAYOR

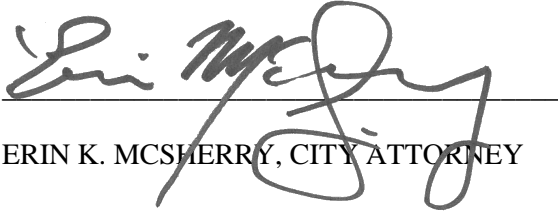
22 ATTEST:

23
24 _____
25 KRISTINE MIHELICIC, CITY CLERK

1 APPROVED AS TO FORM:

2

3



A handwritten signature in black ink, appearing to read "Erin McSherry", is written over a horizontal line. The signature is cursive and extends below the line.

4 ERIN K. MCSHERRY, CITY ATTORNEY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

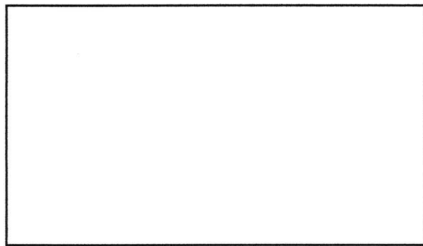
25 *Legislation/2021/Resolutions/Galisteo Road Plat Vacation*

City of Santa Fe, New Mexico

**Case #2021-3662
Galisteo Road ROW Vacation
Public Works Committee
June 28, 2021**

Exhibit A

- 1. Application**
- 2. Plat entitled, “Partial Vacation and Dedication Plat for Galisteo Road”**
- 3. April 6 & 8, 2021 Governing Body Minutes**
- 4. Item #21-0191 Case #2020-2900 Findings of Fact and Conclusions of Law**
- 5. Item #21-0192 Case #2020-2901 Findings of Fact and Conclusions of Law**
- 6. Item #21-0193 Case #2020-2899 Findings of Fact and Conclusions of Law**
- 7. Item #21-0194 Case #2020-2898 Findings of Fact and Conclusions of Law**
- 8. Item #21-0195 Case #2020-2914 Findings of Fact and Conclusions of Law**



PLAN OR PLAT AMENDMENT APPLICATION

Parcel Information

Project Name: PARTIAL VACATION AND DEDICATION PLAT FOR GAUSTEED RD.
 Address: 2401. 2425 GAUSTEED RD + 219 W. ZIA RD. Zoning: C-2, PUD
 Previous Approvals: PRELIM. DEVO PLAN; REZONING Purpose of Amendment: GAUSTEED RD. REALIGNMENT

Property Owner Information

Company Name: ZIA STATION, LLC
 Name: _____
 Address: P.O. Box 5735
Last First M.I.
SANTA FE NM 87502
Street Address Suite/Unit # City State ZIP Code
 Phone: 505 473.7800 E-mail Address: merritt@sfbrown.com

Applicant/Agent Information (if different from owner)

Company Name: SF BROWN, INC.
 Name: BROWN MERRITT F.
Last First M.I.
 Address: 2905 RODEO PARK DRIVE EAST BUILDING 4. SUITE 202
Street Address Suite/Unit # City State ZIP Code
SANTA FE NM 87505
 Phone: 505.920.7011 E-mail Address: merritt@sfbrown.com

Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 2401. 2425 GAUSTEED RD + 219 W. ZIA RD.

I/We authorize MERRITT BROWN of SF BROWN, INC to act as my/our agent to execute this application.

Signed: [Signature] Date: 5/18/21

Signed: _____ Date: _____

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and annexation requirements.

Signature: [Signature] Date: 5/18/21

May 13, 2021

Mr. Lee Logston
Planning and Land Use Dept.
City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909

RE: Vacation and Dedication Plat - Galisteo Road in the vicinity of Zia Rd.
Zia Station Project

Mr. Logston,

Please let this letter serve as our formal application to the City of Santa Fe, along with the attached "**Partial Vacation and Dedication Plat for Galisteo Rd – Zia Station LLC**", prepared by Larry Medrano, NMPLS#11993, for the above referenced action as it relates to our Zia Station project now winding its way through your department.

As you are aware, the realignment of Galisteo Road, both north and south of Zia Rd, is an integral element of the land use plan for the Zia Station project; shifting the Galisteo Rd / Zia Rd. intersection approximately 200' further west allows for vastly improved traffic flows through the Zia Rd. /St. Francis Drive intersection, enhancing public safety.

For all discussions, questions, or comments regarding this application, please direct all communications to me, as agent for the land ownership entity, Zia Station, LLC. I can be reached at:

Merritt F. Brown – SF Brown, Inc.

Mailing Address: P.O. Box 5735 – Santa Fe, NM 87502

Physical address: 2905 Rodeo Park Drive East – Building 4, Suite 202 – Santa Fe, NM 87505

Email address: merritt@sfbrown.com

Cell Phone: 505-920-7011

Work Phone: 505-473-7800 x.111

Zia Station, LLC is the fee-simple owner of the lands surrounding both the north and south segments Galisteo Road as shown on the accompanying draft plat, and as such will be bearing all costs related to this potential dedication of new right-of-way and vacation of old right-of-way, and will also be bearing the full costs of the engineering and construction of the new roadway contemplated herein.

In addition to the public safety benefit described above, a realigned Galisteo Rd. also:

- Creates a safer Galisteo/Zia Rd intersection as Galisteo will now intersect Zia Rd at a 90 degree angle versus the current acute angle (75-80 degrees)
- The proposed new Galisteo/Zia intersection will be constructed with a HAWK pedestrian crossing – a light-controlled, pedestrian activated crossing that will greatly improve pedestrian access, and most importantly, pedestrian safety, across Zia Rd for the adjacent neighborhoods and those wishing to access the Rail Runner Station.
- Provide for a full Galisteo roadway width north of Zia Rd - A 50' right-of-way (Sub-collector, on-street parking) versus the existing right-of-way/easement width of between 35' and 45'.
- Provide for a full 50' radius cul-de-sac for the terminus of Galisteo Rd. Currently the right-of-way/easement just tapers to zero as it terminates where it intersected the old railroad right-of-way.
- The current Galisteo Rd. segment north of Zia Rd. is just a dirt 'path – the new Galisteo Rd will be a fully paved roadway section.

	Commercial/Residential	Construction Management	TEL	505 / 473-7800
	Real Estate	Development	FAX	505 / 473-7840
	Post Office Box 5735 ■ Santa Fe, New Mexico ■ 87502		WEB	sfbrown.com

- Utilities in the existing right-of-way will be relocated at the sole expense of Zia Station, LLC
 - Power, and communications line(s), if any, will be relocated to the new right-of-way.
 - A City of Santa Fe water line, currently terminating on the south side of Zia Rd, will be relocated to the new Galisteo right-of way and extended north of Zia Rd.
 - An underground gas line, for which there is no recorded easement, will be relocated to the new Galisteo alignment and extended north, underneath and beyond the Arroyo de los Chamisos.
 - There is no public sewer located within the Galisteo right-of-way.
- As stated above, Zia Station, LLC, the applicant, is the fee-simple owner of all the lands contiguous to the Galisteo Roadway, both in its current configuration and in its proposed location.
- No property will be landlocked by virtue of this proposed realignment.

Another vitally important aspect of this application is that Galisteo Rd., in its current location, shall remain in service as a public access and utility easement until a newly constructed Galisteo Rd. has been accepted for public use by the City of Santa Fe.

We look forward to working with the City of Santa Fe in implementing this important public improvement. Please contact me with any questions or comments.

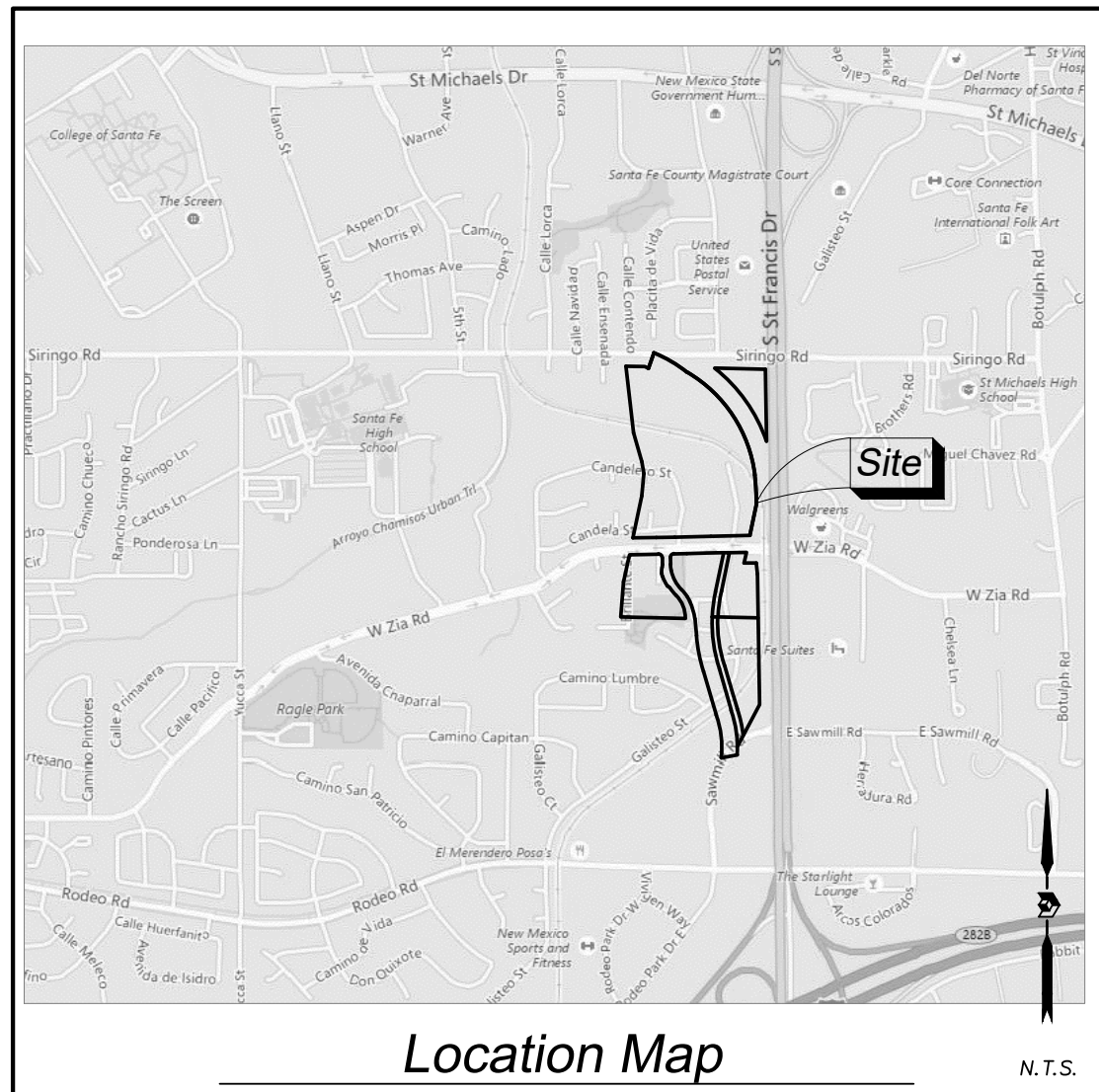
Sincerely,



Merritt F. Brown
SF Brown, Inc., for Zia Station, LLC

w/attachments

	Commercial/Residential	Construction Management	TEL	505 / 473-7800
	Real Estate	Development	FAX	505 / 473-7840
	Post Office Box 5735 ■ Santa Fe, New Mexico ■ 87502		WEB	sfbrown.com



Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	35.52'	32.61'	S 40°42'28" E	81°24'56"
C2	225.09'	58.34'	58.17'	N 08°36'14" W	14°50'57"
C3	175.07'	45.37'	45.25'	N 08°36'14" W	14°50'57"
C4	25.00'	40.29'	36.07'	N 43°50'01" E	92°19'58"

Partial Vacation and Dedication Plat for
Galisteo Road by
Zia Station LLC
City of Santa Fe, Santa Fe County, New Mexico
May 2021

Approval by Planning Commission

APPROVED BY THE SANTA FE PLANNING COMMISSION AT THEIR MEETING OF
2021, AS CASE NO. 2021-_____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____

PLANNING COMMISSION SECRETARY _____ DATE _____

Reviewed By

CITY ENGINEER FOR LAND USE _____ DATE _____

CITY PLANNER _____ DATE _____

SANTA FE COUNTY TREASURER _____ DATE _____

QWEST CORP. D/B/A/ CENTURYLINK QC _____ DATE _____

COMCAST _____ DATE _____

PNM _____ DATE _____

NMCCO _____ DATE _____

COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED FOR RECORD ON THIS _____ DAY OF
O'CLOCK _____ M., AND WAS DULY RECORDED IN
BOOK _____ PAGE _____ OF THE RECORDS OF
SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
KATHARINE E. CLARK
COUNTY CLERK, SANTA FE COUNTY, NM

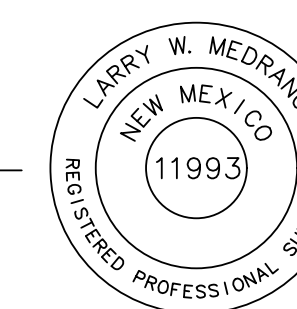
DEPUTY

Surveyor's Certificate

I, LARRY W. MEDRANO, A REGISTERED NEW MEXICO PROFESSIONAL LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS PLAT
WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MEETING THE MINIMUM
REQUIREMENTS FOR MONUMENTATION AND SURVEYS OF THE COUNTY OF SANTA FE
SUBDIVISION ORDINANCE AND OF THE MINIMUM STANDARDS FOR LAND SURVEYS AS
ADOPTED BY THE N.M. BOARD OF LICENSURE FOR ENGINEERS AND SURVEYORS AND
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT
NO ENCROACHMENTS EXIST EXCEPT AS NOTED ABOVE AND THAT ALL IMPROVEMENTS
ARE SHOWN IN THEIR CORRECT LOCATION RELATIVE TO RECORD BOUNDARIES AS
LOCATED BY THIS SURVEY.

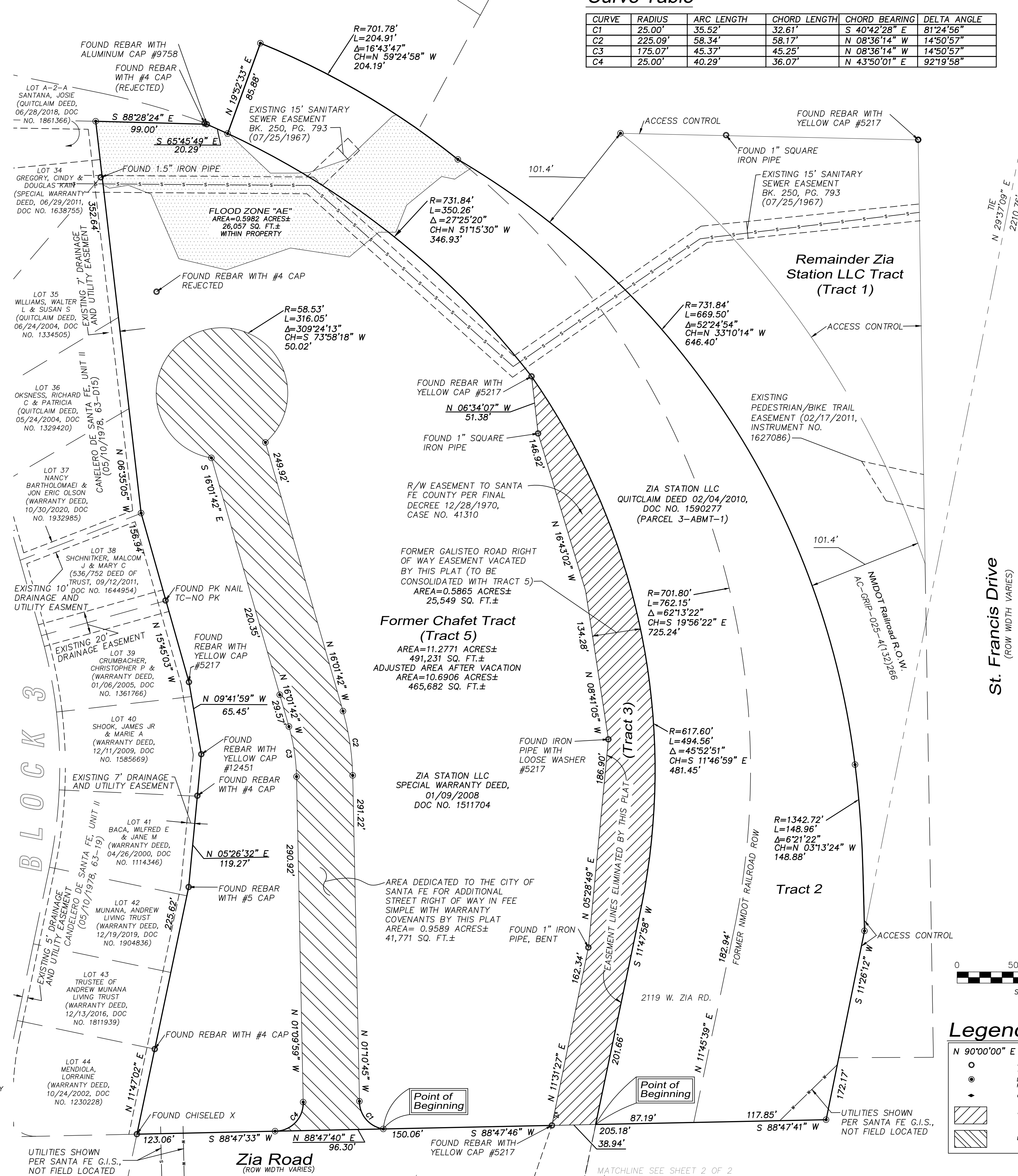
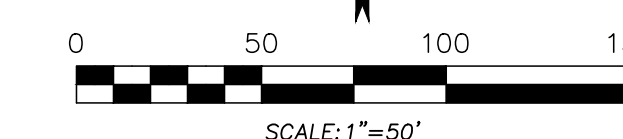
Preliminary

LARRY W. MEDRANO _____ DATE _____
N.M.P.S. No. 11993
DIGITAL SIGNATURE IS INVALID WITHOUT DIGITAL CERTIFICATION



Legend

- N 90°00'00" E MEASURED BEARINGS AND DISTANCES
MATCH RECORD BEARINGS AND DISTANCES
FOUND AND USED MONUMENT
AS DESIGNATED
- IDENTIES NO. 4 REBAR WITH YELLOW
PLASTIC CAP "P5 11993" SET THIS SURVEY
CITY OF SANTA FE CONTROL MONUMENT
- VACATION OF RIGHT OF WAY
- DEDICATION OF RIGHT OF WAY



Intent of Plat

- VACATION OF PORTION OF GALISTEO ROAD WITHIN TRACT 3
- VACATION OF PORTION OF GALISTEO ROAD WITHIN TRACT 9
- DEDICATION OF PORTION OF GALISTEO ROAD WITHIN TRACTS 5 AND 6

Legal Description

PARCELS WITHIN SECTION 2, TOWNSHIP 16 NORTH, RANGE 9 EAST, N.M.P.M., SANTA FE COUNTY, NEW MEXICO.

Reference Documents

1. BOUNDARY SURVEY LANDS OF ZIA STATION (10/04/2017, BOOK 825, PAGES 4-6, INSTRUMENT NUMBER 1838005)
2. PLAT OF SURVEY FOR MARTHA CHAFET (09/22/2003, BOOK 542, PAGE 24, INSTRUMENT NUMBER 1291-612)
3. ALTA/ACSM SURVEY FOR CR MINERALS- NEW MEXICO, L.L.C. (10/27/2000, BOOK 458, PAGE 25)
7. WARRANTY DEED (SFC CLERK RECORDED 03/14/2005, INSTRUMENT NO. 1370877)
8. SPECIAL WARRANTY DEED (SFC CLERK RECORDED 01/09/2008, INSTRUMENT NO. 1511704)
9. SPECIAL WARRANTY DEED (SFC CLERK RECORDED 01/10/2008, INSTRUMENT NO. 1511858)
10. QUITCLAIM DEED (SFC CLERK RECORDED 01/10/2008, INSTRUMENT NO. 1511859)

Notes

1. PLAT SHOWS ALL EASEMENTS OF RECORD.
2. EASEMENT BEARINGS AND DISTANCES SHOWN HEREON ARE RECORD AND EASEMENTS HAVE BEEN ROTATED TO MATCH BASIS OF BEARINGS AND BOUNDARY UNLESS OTHERWISE INDICATED.
3. TRACT NUMBERS SHOWN HEREON REFLECT THOSE NUMBERS SHOWN ON THE BOUNDARY SURVEY RECORDED 10/04/2017, IN BOOK 825 PAGES 4-6, AS INSTRUMENT NO. 1838005, IN THE SANTA FE COUNTY CLERK'S OFFICE.
4. BASIS OF BEARINGS: NEW MEXICO STATE PLANE COORDINATES- CENTRAL ZONE, PER OPUS SOLUTION. BEARINGS SHOWN ARE GRID, DISTANCES ARE GROUND.
5. FLOOD PLAIN INFORMATION AS GRAPHICALLY SHOWN IS FROM MAP NO. 35049CC0414E, WITH AN EFFECTIVE DATE OF DECEMBER 12, 2012.

Dedication / Vacation Statement

KNOW ALL (MEN?) BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS AND PROPRIETORS OF THE PARCELS SHOWN HEREON, HAVE CAUSED THE VACATION OF THOSE DESIGNATED PUBLIC RIGHTS-OF-WAY AND THE SUBSEQUENT DEDICATION OF PUBLIC RIGHT-OF-WAY IN FEE SIMPLE TO THE CITY OF SANTA FE TO SUPPLANT THOSE VACATED BY THIS INSTRUMENT. ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS. THE LOTS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Free Consent

THE REPLAT (PARTIAL VACATION AND DEDICATION) SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER. SAID OWNERS WARRANT THAT THEY HOLD AMONG THEM COMPLETE AND INDEFEASIBLE TITLE IN FEE SIMPLE TO THE LAND REPLATTED.

????????? _____ DATE _____

Acknowledgment

STATE OF NEW MEXICO } SS
COUNTY OF SANTA FE }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2021 BY
????????????????

BY _____ MY COMMISSION EXPIRES: _____

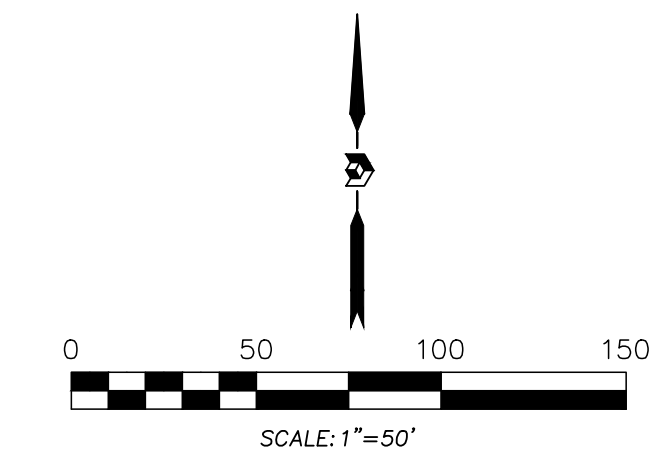
COORDINATE AND DIMENSION INFORMATION		PLSS INFORMATION		PROPERTY INFORMATION	
STATE PLANE ZONE	GRID	LAND GRANT	N/A	PROPERTY OWNER	ZIA STATION LLC.
NM-C	GRID	SECTION	2	TOWNSHIP	16 NORTH
HORIZONTAL DATUM	VERTICAL DATUM	RANGE	9 EAST	MERIDIAN	NMPPM
NAD83	NAVD88	ROTATION ANGLE	0° 00' 00.00"	SUBDIVISION NAME	ZIA STATION
CONTROL USED	NATIONAL GEODETIC SURVEY	BASE POINT FOR SCALING AND/OR ROTATION	N = 0	CITY	SANTA FE
COMBINED SCALE FACTOR	GROUND TO GROUND	ELEVATION TRANSLATION	+0.00'	COUNTY	SANTA FE
1.00041747	GROUND TO GRID: 0.99958270	ELEVATION VALID	NO	STATE	NM
				UPC	1053096220362000000 1053096217287000000 1053096187325000000 1053096214234000000 1053096231196000000



OFFICE LOCATION:
9200 San Mateo Boulevard, NE
Albuquerque, NM 87113
505.856.5700 PHONE
505.856.7900 FAX

PROJECT INFORMATION	
CREW/TECH:	DATE OF SURVEY
MT/SP	10/19/2020
DRAWN BY:	CHECKED BY:
JK	LM
PSI JOB NO.	SHEET NUMBER
204129P	1 OF 2

Partial Vacation and Dedication Plat for
Galisteo Road by
Zia Station LLC
City of Santa Fe, Santa Fe County, New Mexico
May 2021



Legend

N 90°00'00" E MEASURED BEARING AND DISTANCES
MATCH RECORD BEARINGS AND DISTANCES
FOUND AND USED MONUMENT
AS DESIGNATED

○ DENOTES NO. 4 REBAR WITH YELLOW
PLASTIC CAP "PS 11993" SET THIS SURVEY
CITY OF SANTA FE CONTROL MONUMENT

▨ VACATION OF RIGHT OF WAY

▨ DEDICATION OF RIGHT OF WAY

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT
WAS FILED FOR RECORD ON THIS _____ DAY OF
_____, A.D. 2021, AT
O'CLOCK _____ M., AND WAS DULY RECORDED IN
BOOK _____, PAGE _____ OF THE RECORDS OF
SANTA FE COUNTY.

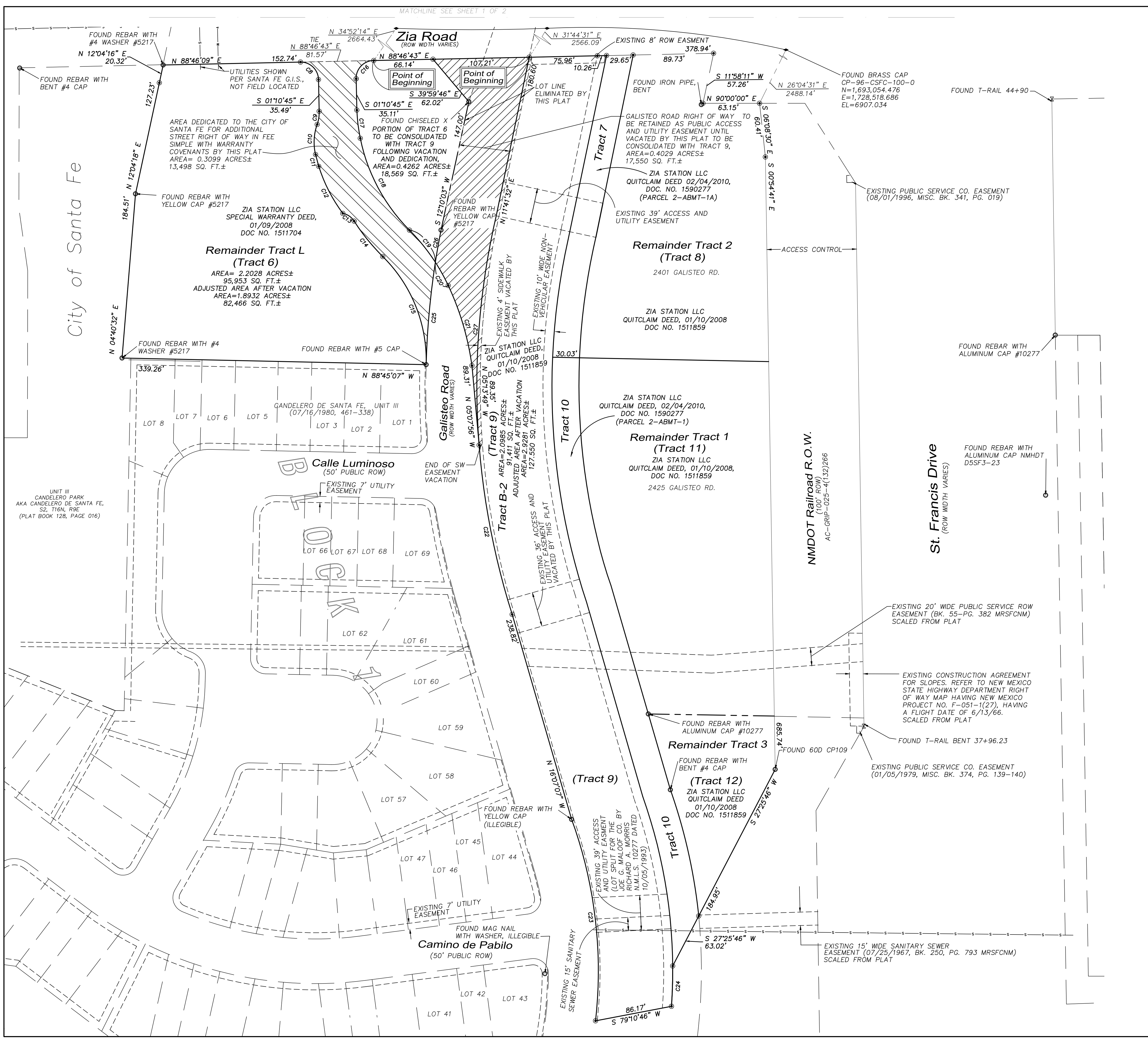
WITNESS MY HAND AND SEAL OF OFFICE
KATHARINE E. CLARK
COUNTY CLERK, SANTA FE COUNTY, NM

DEPUTY

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C8	20.00'	31.43'	28.30'	N 46°12'18" W	90°03'06"
C9	39.52'	14.99'	14.90'	S 08°21'56" W	21°43'38"
C10	60.53'	34.26'	33.80'	S 03°00'50" W	32°25'55"
C11	255.79'	13.69'	13.68'	S 14°44'06" E	3°03'56"
C12	180.16'	59.36'	59.09'	S 27°01'02" E	18°52'44"
C13	20.01'	15.73'	15.33'	S 55°22'05" E	45°03'28"
C14	245.28'	50.99'	50.89'	S 38°47'37" E	11°54'35"
C15	163.66'	134.08'	130.36'	S 21°49'33" E	46°56'20"
C16	20.00'	31.40'	28.27'	S 43°47'59" W	89°57'29"
C17	584.17'	48.86'	48.85'	S 01°27'46" W	4°47'33"
C18	499.17'	229.15'	227.15'	N 06°44'11" W	26°18'09"
C19	221.00'	46.14'	46.06'	N 38°46'02" W	11°57'44"
C20	221.00'	29.84'	29.82'	N 28°55'05" W	7°44'11"
C21	310.63'	93.83'	93.47'	N 16°23'47" W	17°18'24"
C22	221.09'	76.01'	75.64'	N 34°53'57" W	19°41'55"
C23	203.27'	118.25'	116.59'	N 28°04'56" W	33°19'57"
C24	584.47'	45.19'	45.18'	N 01°42'53" E	4°25'47"
C25	894.43'	115.16'	115.08'	S 05°05'46" W	7°22'36"
C26	899.41'	36.59'	36.59'	S 09°55'47" W	2°19'51"
C27	849.25'	259.09'	258.09'	S 04°16'23" W	17°28'48"

<p>OFFICE LOCATION: 9200 San Mateo Boulevard, NE Albuquerque, NM 87113 505.856.5700 PHONE 505.856.7900 FAX</p>	PROJECT INFORMATION	
	CREW/TECH: MT/SP	DATE OF SURVEY 10/19/2020
	DRAWN BY: JK	CHECKED BY: LM
	PSI JOB NO. 204129P	SHEET NUMBER 2 OF 2





AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 06, 2021
6:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR SPECIAL GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, the Special Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the Public Hearing items to be considered through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

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/94614125827?pwd=UWgvZTIZSFBGRmpsbnlvdVNNcmJYdz09>. **Passcode: 341626**

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: 946 1412 5827 - Passcode: 341626**



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 06, 2021
6:00 PM
ATTEND VIRTUALLY

Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

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

Please Note:

- *The five (5) related land use cases set forth below will be heard concurrently in a single public hearing.*
- *Some agenda captions have been slightly modified from their original version (as presented to the Planning Commission) in an effort to further clarify each caption and help distinguish each item.*
- *Due to the anticipated length and complexity of the hearing, the hearing will take place over the course of two (2) meetings of the Governing Body. The public comment portion of the hearing will take place ONLY at the first meeting, scheduled for April 6, 2021. Additional public comment will not be received at the second meeting, scheduled for April 8, 2021.*

- a. **Case #2020-2898. North Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification from Low Density Residential (3 to 7 Dwelling Units Per Acre) to High Density Residential (12 to 29 Dwelling Units Per Acre) for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 06, 2021
6:00 PM
ATTEND VIRTUALLY

-
- b. **Case #2020-2914. South Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 1.9 Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Transitional Mixed Use at the Southwest Corner of Zia Road and Galisteo Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- c. **Case #2020-2900. Zia Station South Central Highway Corridor Overlay Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning to Amend the Boundaries of the South Central Highway Protection Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road from the Overlay District. The properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- d. **Case #2020-2899. Zia Station General Commercial Planned Unit Development Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to C-2 PUD (General Commercial- Planned Unit Development) for Properties Located at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- e. **Case #2020-2901. Zia Station Preliminary Development Plan.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Preliminary Development Plan Approval for a Mixed-Use Planned Unit Development to be Developed in Two Phases. The Planned Unit Development will be Comprised of Approximately 384 Dwelling Units, 84,000 Square Feet of Office Space, and 36,000 Square Feet of Restaurant/Retail Space at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The properties are zoned R-1 (Residential-one dwelling unit per acre), are within the South Central Highway Corridor



AGENDA

**SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 06, 2021
6:00 PM
ATTEND VIRTUALLY**

Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. **ADJOURN**

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

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

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

SUMMARY INDEX
Governing Body
April 6, 2021

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1. Call to Order	Convened at 6:02 p.m.	1
2. Pledge of Allegiance	Led by Councilor Lindell	1
3. Salute to the State Flag	Led by Councilor Romero-Wirth	1
4. Invocation	Led by Councilor Abeyta	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as amended	2
7. Public Hearings		
a) Case #2020-2898 North Zia GPA	Discussed	2-25
b) Case #2020-2914 South Zia GPA	Discussed	2-25
c) Case #2020-2900 Zia SCHC Rezone	Discussed	2-25
d) Case #2020-2899 Zia PUD Rezone	Discussed	2-25
e) Case #2020-2901 Zia Dev. Plan	Discussed	2-25
20. Adjournment	Adjourned at 10:30 pm	26

**Minutes of the
Special Meeting of the Governing Body
Tuesday, April 6, 2021
Virtual Meeting**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, April 6, 2021, at approximately 6:02 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 Vigil Coppler.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Garcia, who offered a Dalai Lama quote.

Councilor Vigil Coppler gave condolences to the family of Mark Basham (former City Attorney, Probate Judge and had his own law practice. He also worked for Alice King at one time.

Councilor Romero-Wirth also remembered Mark Basham, a longtime friend.

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 Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Councilor Signe Lindell

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Lee Logston, Case Manager
Sally Paez, Assistant City Attorney
Elias Isaacson, Land Use Director
Noah Berke, Planning Supervisor
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

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

Against: None.

7. PUBLIC HEARINGS

- a. **Case #2020-2898. North Zia Station General Plan Amendment.**
JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification from Low Density Residential (3 to 7 Dwelling Units Per Acre) to High Density Residential (12 to 29 Dwelling Units Per Acre) for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

- b. **Case #2020-2914. South Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 1.9 Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Transitional Mixed Use at the Southwest Corner of Zia Road and Galisteo Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
- c. **Case #2020-2900. Zia Station South Central Highway Corridor Overlay Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning to Amend the Boundaries of the South Central Highway Protection Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road from the Overlay District. The properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
- d. **Case #2020-2899. Zia Station General Commercial Planned Unit Development Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to C-2 PUD (General Commercial- Planned Unit Development) for Properties Located at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
- e. **Case #2020-2901. Zia Station Preliminary Development Plan.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Preliminary Development Plan Approval for a Mixed-Use Planned Unit Development to be Developed in Two Phases. The Planned Unit Development will be Comprised of Approximately 384 Dwelling Units, 84,000 Square Feet of Office Space, and 36,000 Square Feet of Restaurant/Retail Space at the Northwest and Southwest Corners of St.

Francis Drive and Zia Road. The properties are zoned R-1 (Residential one dwelling unit per acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

Ms. Bustos-Mihelcic read the summary captions for these five cases.

Mayor Webber reviewed the process beginning with disclosures, Staff Report, Applicant Presentation, Public Comments, Questions from Governing Body. Written public comments that came in have been provided to Governing Body and posted on City website. The April 8 special meeting is a continuation, but at that time, no public testimony will be taken.

Councilor Garcia noted all Councilors have been inundated with emails from the community and are still receiving them and dismissing them without opening.

Ms. Paez agreed that must continue. Council must rely solely on evidence and testimony at this meeting. We have responded to emails. Thanks for noting that.

Councilor Garcia reiterated to community members that we are not trying to ignore them but can't violate the ex parte rules.

DISCLOSURES

Councilor Garcia said he had no external communications.

Councilor Romero-Wirth reiterated that because this project is in District 2, we received many emails and she stated, for the record, that all emails were forwarded directly to the City Attorney's Office.

Mayor Webber disclosed that a constituent called and wanted to speak with him about land use policy and turned it into an attempt to opine and Mayor Webber ended the call respectfully.

There were no other disclosures, and no one needed to recuse themselves.

STAFF REPORT

Mayor Webber asked Mr. Logston for a report about fifteen minutes long if possible, to be fair with all present.

Lee Logston presented the Staff Report, describing the five cases. He showed the project site and gave the case history. He reported Planning

Commission recommended approval all five, some with conditions of approval.

Issues raised included appropriateness of proposed density, South Central Highway Corridor regulations, impact to traffic, pedestrian safety, the arroyo itself, affordable housing, and general planning update.

Mr. Logston noted the evaluation criteria per Land Use Code. He explained that if the Governing Body denies changing the boundaries of the South Central Highway Corridor, the Governing Body must deny both the C-2 PUD zoning request and the development plan, as detailed in his Staff Memo.

South Central Highway Corridor created in 1986 – 2001- Governing Body created mixed use and 2004 granted General Plan Amendments for these lots. Railroad corridor and finally in 2011 Governing Body approved opening the Railroad station.

In Summary, Mr. Logston said the proposal meets the criteria and the Planning Commission recommended approval of all five cases. Staff also recommends approval of all five cases. Sample motions were in the report.

APPLICANT PRESENTATION

Jenifer Jenkins, 130 Grant Avenue, Suite A was sworn. She appreciated the Council making this time available.

She shared her screen and introduced the project team members. She showed the 21 acre subject property and pointed out the station platform. Part of the property was once a pumice plant.

The General Plan Amendment is to make this high density residential. Most of south parcel was approved in the General Plan Amendment for mixed general use and she is requesting extending that to the rest of the property.

The Rezone request is from R-1 to C-2 PUD and listed the uses to be allowed: residential, office space and retail/restaurant. Current zoning is default R-1 with SC-1 across St. Francis – Office, hotel (City's affordable housing location).

She described the context of zones as a “common pattern” and pointed out where she lived nearby.

She reviewed a history timeline as the groundwork for this proposal. Zia Station was envisioned in 2005. In 2009, planning was paused for development of places around including relocation of the tracks. There

were interactions with neighbors on what could be created here. Improvements and rail runner service were accomplished in 2016 and she was contacted to being planning for this project. JenkinsGavin shared ideas as they developed them. They did the TIA and in 2020 and held an ENN.

At the ENN they considered responses for density, multi-modal transportation, connectivity, visibility, streetscapes, landscape design, vehicle circulation and sustainability. As she showed the proposed site plan, she described the surroundings of the site and described how they would transition from existing patterns. Along Galisteo is a series of townhomes that fit with townhomes across the street, with higher buildings and commercial uses nearer to St. Francis.

On the north side would be townhomes and open spaces and to the west multi-family dwellings and on south of Zia, mixed use with a realigned Galisteo Road to address existing traffic congestion. It will have a parking structure to minimize on-street parking. A central plaza for the opportunity to have events outdoors. S City bus stop is now across from Zia and they are negotiating an internal bus stop.

She showed planned the new and existing sidewalk network with a new signalized pedestrian crossing at relocated Galisteo and Zia for a safe crossing and access to Candelerio Park and significant sidewalk improvements on Zia.

She shared a diagram on heights with buildings at St. Francis stepped down to appear as a single-story height (17') and described the transition they wanted to achieve. She said the 3-story top is about same elevation as the top of Albertsons.

Ms. Jenkins then went to criteria for the General Plan Amendment and described each criterion. She stated that the City established objectives that don't align with the South Central Highway Corridor. They are asking to amend the General Plan and showed the three undeveloped areas. The Amendment would comply with a majority for the highway corridor criteria.

She showed zoning standards for C-2 and South Central Highway Corridor compliance at Zia Station.

Ms. Jenkins said in their Affordable Housing Program they worked closely with Director Ladd to develop in accordance with Fair Market Rents. She showed how Zia Station rates were below the SFHP Maximum Rent rates.

She turned to Traffic issues and mentioned the TIA that was performed because of congestion at Zia and St. Francis. She predicted, with their road designs, there will be no congestion at that intersection by pulling Galisteo

further to the west. She described the proposed signalized pedestrian crossing of Zia and showed how their design reduces congestion by 80%.

She mentioned the Community Outreach done in the summer of 2019 with neighborhood meetings and ENNs. She gave responses that addressed the neighborhood's concerns.

Ms. Jenkins concluded the presentation at 7:19.

PUBLIC COMMENTS

Ms. Paez pointed out the Governing Body might want to ask questions of them and asked speakers to remain present in case of such questions.

Joan Conrow, 2521 Calle de Rincon Anita, was sworn and said Santa Fe needs more housing but needs houses. She felt the market rate was out of reach. She said she wrote out her testimony and submitted but had to submit it in pieces for word limits imposed. She had no idea if the Governing Body received it. She protested that citizens are very limited (two minutes each) while Ms. Jenkins is not limited. She gets much more time, get, and gets to continue the dialogue on Thursday while citizens do not. This is what makes people cynical about government. She hoped the Councilors actually received what she sent and read it.

Councilor Garcia asked if members of the public were allowed to share their screens.

Ms. Paez said the appeal rules do allow display items to be included in the packet if submitted ten days in advance but didn't know about displays at the meeting by the public. It probably would be at the Chair's discretion.

Councilor Garcia wanted us to keep the spirit of what was allowed in an in-person meeting which means speakers should be able to share the screen.

Brett Frauenglass, 2300 Calle Luminoso, was sworn and said his house was the closest house to the southern portion of the development and he had purchased it with the hope this project would go forward in 2009. He supported it and has been following it. The current iteration has gone a long way to solving the transportation problem. He had some minor quibbles with the Galisteo proposal but, overall, he believed it will benefit his neighborhood and seeing young families moving into those town houses. He mentioned some benefits, including a fantastic bike trail. He was happy to see affordable housing in the neighborhood and couldn't be more excited to see it go forward.

Michael Barrio, 501 Colona Street, E. D. of the Santa Fe Housing Coalition, was sworn. He said it is important to encourage projects on housing - always working to seek common ground. In that spirit, he supported this project.

Betty Beacham, 1896 Camino del Pabulo, was sworn. She thanked the Governing Body for all the work they do and in looking at this proposal. Ms. Jenkins said it all and she didn't see how anyone could be opposed. This will be a new urban center for this part of town that is sorely needed. Coming into town here is not an exciting entrance and what is proposed by the developers who are reputable and love Santa Fe will help it be more attractive. What they have done sort of finishes off what is needed for the Zia Station. She has lived in her townhouse here for a long time. She supports the project as an answer to the area and will bring vibrancy to Zia Station and be a great benefit to the community.

Richard Wood, 2197 Lustre Court, retired mechanical engineer, daily commuter in the area for 25 years, was sworn. He said, with encouragement of the Planning Staff, he prepared a report and submitted it in early January, and he was assured it would be studied. But he had no report on it and the Planning Commission seemed to know nothing about it. So, he was left with the right to say, "I told you so." He commended them for the solution on eastbound traffic, but not for vehicles coming back and turning onto Zia. They totally ignored pedestrian effects and Rail Runner crossing and stops. The no left turn solution is the least costly, but it will result in many U-turns.

Cindy Gregory, [no address given] was sworn. She had lawyer concerns and urged all to review the alarming statistics she submitted to the Planning Commission. That intersection is the most dangerous one in the City, State, and Nation. Lots of safety concerns were ignored. We are a destination City because of Santa Fe Style. Much has been written about our earthy ambience and adobe architecture. This development is out of place, out of scale, and worse, it follows the mindless philosophy that if there is an intersection with a lot of cars, it must be a great place for a Walmart. Don't let this happen. With a few minor tweaks, it would work. Please honor the Highway Corridor protection exactly for this purpose. We can do better.

Cheryl Gardopee, 1880 Brillante Lane, was sworn and addressed the process used throughout this endeavor. Our members sought to submit information and a lot today went to City Attorney, but she echoed Joan Conrow's comment that our access is extremely different than the developer portrayed. The TIA by Bohannon doesn't seem to be like others done by engineers in our community. Inquire of people who know about traffic in the effort to make this look shiny and bright. We are trading in South Central Highway Corridor from overdevelopment in exchanged for 39 units used for 10 years at affordable housing rates and excited for the City sponsorship of

affordable housing center near Albertsons – but don't want to add 7,900 cars per day at this intersection and we have many reasons to doubt.

Tai Bixby, 55 Primera, Santa Fe, two blocks from the site. He was in favor of the project. It has all the components needed. He was grateful for local developers like Santa Fe Brown, Merritt Brown, to take it to fruition. We have a housing situation and as realtors have said, the Association of Realtors produced a study in December that showed our deficit at thousands of units. We have years to go before we meet the housing needs. It would be nice to have people who work here to live here. The Planning Staff did an outstanding job following the Code. He also thanked the Governing Body and said they do a good job for the City. "I'm glad to live here."

Ed Aku Oppenheimer, [no address given]. As President of the Candlelight Neighborhood Association. he had intended to point out five reasons why the City's review process requires this case to be delayed tonight. He chose two of them to present. The Planning Commission appears to have violated the City Code, Chapter 14 and the 2018 State Statute, Chapter 3-21-5 which directs that municipalities must make zoning decisions throughout the State. Number two, on March 25th, he emailed questions to the Governing Body on the legality of the February 18 Planning Commission hearing proceedings. To date, the Association has not received any kind of acknowledgment of the questions. The letter now has 56 cosigners, and it will remain open for more. After this meeting, he would send the facts on which the questions were based, with the list of cosigners for consideration 48 hours before the Governing Body final vote. He said he was going to comment on the other issues but said the traffic issues raised by this proposal were not necessarily resolved by the planned mitigation measures proposed. "The study states on page six the north parcel is expected to develop first, with the south parcel to follow. It is anticipated that a follow-up traffic study will be prepared when the south parcel is developed, to determine if the mitigation presented herein continues to result in an acceptable Level Of Service." So the developers' own Commission study says, "we don't know if this is going to work and you are going to need to revisit it with a new traffic study before you start Phase 2." He added there were many other issues like this but he did not have the time, so he urged the Governing Body to respond to the issues of City process and other questions they had heard tonight before approving the Zia Station proposal.

Alan Richardson, 2203 Brillante Street, was sworn, and said he did have prepared comments but not enough time for them. He had 25 years' experience on site location and worked with the New Mexico Department of Economic Development as a Director, Deputy Secretary and Secretary with involvement in a host of projects around the State and their impact studies. In response to Ms. Jenkins' presentation, he asked how this can be a

walkable community when it sits at one of the busiest intersections in Santa Fe and highway, divided by a four-lane road with a traffic count of 17,100 cars daily and a projection of generation another 7,900 cars daily, bringing the total to 25,000 cars daily to that area. It makes absolutely no sense how it can be a walkable community, especially with the Rail Runner making 18 passes per day through that walkable community. Secondly, Ms. Jenkins gave just one point of view, such as the sidewalks that would extend and improved on Zia Road as it relates only to the development and no further. She talked about the views looking east and doesn't talk about views to the west. The Rail Corridor Study in 2008 does not conform to any standards for rail transit systems in the planning documents for the project.

Margaret Marshall, 2172 Ojo Court, and member of the Candlelight Neighborhood Association Board was sworn. Regarding this development, she asked the Governing Body to please not remove corridor protections or requested General Plan Amendments or zoning changes. She said she was not opposed to development of the property but was opposed to this Zia Station development as proposed. She believed the density was not appropriate. She said the City ordinances exist for a reason and this proposal must adhere to those ordinances and their intent to keep Santa Fe as a unique and special place. The Links does not preclude affordable housing. We can still have residents. No variances should be granted since other developers have complied with the standards, corridor protections, etc. In her opinion, "greed is written very large here." She urged the Governing Body to not follow the Planning Commission to twist and distort our ordinances. Please stand your ground and preserve our wonderful City.

Daniel Werwath, 1611 Camino Porvenir, was sworn. He said he was speaking in his professional capacity and as Project Director of Santa Fe Interfaith Housing and as Interim Director of Santa Fe Housing Trust. He strongly supported the provision of affordable units in this market rate project. This is the first time it has been proposed, using the comparative, using the inclusionary zoning ordinance. The housing problem the City is in now was not inevitable. It is the product of lack of long-term planning and overlay districts, and ultimately, the product of little decisions, like denying affordable projects on Siringo Road, and stopping other affordable projects as was done a few years ago. Those all contribute to the situation we are in now. There have been decisions made based on just a couple of people, rather than the interests of the whole community. It is critical to use macro planning for housing and affordable housing in the City. The Code has not been updated since rail commuter service started. The City is behind the bar and should not cater to a small group of people. He understood the fear of change. But we need housing but affordable housing and market rate housing in this development.

Robert Morlino, 2909 Plazuela Cantata, was sworn. He urged the Governing Body to approve this proposal. He was on the Leadership Team of the Santa Fe Housing Action Coalition and pointed out that infill sometimes results in urban sprawl which is not sustainable or good for our environment. He wanted to acknowledge the thousands not here such as those who had to move away and those working families working here and living elsewhere. They are the ones who need it most and are not represented here. Some of the voice for those working people have been shouted over and not heard. The people who are in favor are disenfranchised. He asked everyone to weigh heavily the opinion of the experts. They remain professional and levelheaded, but they worked hard in the project and their opinions deserve to be weighed heavily.

Shawn Evans, 1121 North Luna Circle, was sworn. He urged the Governing Body to approve this. As an architect, he strongly approved. "We can provide affordable housing but first see the mountains of data. We do need vision of the mountains, but we need adjustments to view corridors in the few places for affordable housing. The Zia project is a smart and balanced development, located where it can minimize its overall impact, perhaps most importantly with sustainability and carbon impact by being adjacent to transit. Our City's restrictions on density, height, and style prevent us from equitable growth. We must make sure we work harder to prevent culture erasure when we prevent erasure of view. Don't penalize this project the City has not fulfilled its obligation for long-term planning. Approve the project and then let's get to work on balance of planning and development. We can preserve culture and character while promoting sustainability, dignity, and equality, while preventing gentrification. Let's do all of this.

Anne Watkins, 2138 Candelero, was sworn. She thanked the Governing Body and the Planning Division for all the hard work here. She supported the Zia Station Development Proposal and believed the major concerns of the neighborhood regarding traffic, pedestrian access, and safety have been creatively addressed with a fair amount of affordable housing. Those who work with Jennifer Jenkins on these and other issues, have appreciated her willingness to pursue innovative developments that are part of this development plan. Ms. Jenkins also agreed to form a design committee. Ms. Watkins also wanted to speak to TOD development. She participated in a national committee that also included Australia and New Zealand to revitalize cities with TOD development in their downtowns. The Biden Administration is now pursuing investment in transit as one element to combat climate change. The Administration offers that same opportunity to Santa Fe and she urged the Governing Body to support it.

Marlene Scally, 2132 Candelero Street, was sworn. She expressed two concerns – the TIA was seriously incomplete. The more than a hundred homes on Candelero have people who face danger exiting Candelero left

to Zia to St Francis to go to work at peak hours. The study didn't consider Candelero left turns to Zia. Candelero has two entrance/exits and one is on a curve, limiting the ability of the driver to see what traffic is coming, in order to make the left-hand turn. And at the closer exit, people are faced with trying to get across three lanes of traffic that are backed up at St. Francis. She asked the TIA to be extended to include that intersection that puts the entire Candelario neighborhood in danger turning left onto Zia at peak hours.

Randall Bell, 2991 Viaje Pavo Real, was sworn. He asked about the procedure for submission of written comments prior to the April 8 hearing. Many people have had difficulty doing that, and he understood there would be no public input at that meeting. He asked if people could submit comments between now and that meeting.

Ms. Paez said the notice has provided that there would not be more, due to the volume of information. The logic was to make sure the decision makers could evaluate everything from all comments submitted for this evening on the plans for development. The written comments were accepted until 3 pm today. Those are all in the record as well as comments made at the Planning Commission meeting.

Mr. Bell objected since so many had not been able to submit them today. Also, there is almost endless time for the Developer to make extensive presentations and the public has been really constrained. It is counter to due process rights. He was speaking on behalf of the Old Santa Fe Association, which has hundreds of members. As OSFA President, the Association strongly supports the Candlelight Neighborhood Association, who expressed several concerns. There is not time for presenting all of them but especially is the issue of the South Central Highway Corridor protection. Some people have intimated it is out of date. Those protections were created after years of considering the concerns of residents. There are other places where higher buildings could be built. The corridors have never been violated and this would be a terrible precedent to endorse. Without that protection variance, they would have to pay attention to the restrictions.

He said Ms. Jenkins emphasized the margin was razor thin and the developer wouldn't make enough money without it. She was intimating that if we did not get a variance from that ordinance, they would not be able to build it without the requested density and height. That presumption is based on facts not in evidence and we don't know what those are. The City cannot decide based on a representation of the developer's alleged profitability.

Elizabeth West, 318 Sena Street, was sworn. She said, like many others, she drives by this area often. She was very disturbed about the willingness

to approach an ordinance that was worked on so thoroughly over the years. That didn't mean she thought there should be no changes. –But she didn't like this approach and wished a moderation could occur. She had ideas of the Territorial design. She might like to be on the design committee. She would like brown and softer edges. The pushback is helpful. Some of the best parts of public involvement in looking at things benefits us in two ways. It is good to be heard. And it benefits the developer's vision with changes that make it better. This pushback is crucial, and she agreed with many people about the process. She was in favor of the important business around affordable housing. She loved the small inexpensive houses. But what happens after ten years? She suggested the Governing Body ask the developer to extend that time for affordable rates.

Miles Conway, 495 NM 592, was sworn. He thanked the Governing Body for hearing all the comments. He echoed what the person ahead of him said on the planning process and hoped it is approved. Lots of care went into this and, speaking on behalf of Santa Fe Homebuilders, said the boom is going on now but won't go on forever. The Association will be involved if this project is approved. Lots of local people are involved. It is a beautiful project. He loved how residential and commercial were intermingled here. "We are building neighborhoods. Thanks for hearing me and the decisions you make. It is fun to see our community building and developing."

Barbara Levin, 2200 Ardor Street, was sworn. She said she was formerly president of the Candlelight Neighborhood Association. While many aspects of the proposal had concerned her, the process is not good. The worst is the waiver of the South Central Highway Corridor protection. It would be a shame to grant that ordinance waiver. She asked the Councilors to please drive around Santa Fe and see that every corner has for-lease signs on businesses. She protested spot ordinance enforcement for things such as too much density. She requested the Governing Body disapprove all of it at this moment.

Grant Alexander, 2327 Calle Tranquilo, in the Sol y Lomas neighborhood. He identified himself as a traffic engineer and architect and said he drives through the area daily. He said the density in the urban core is what makes Santa Fe unique. This project proposes to add density to an area that doesn't have any. The traffic is not great at this intersection and won't get improved overnight. And the city is very unlikely to improve it on its own. The way the city would improve the Level Of Service there is when the City leverages a new development to get private funds to help. That is exactly what is happening here. This is a real benefit to the neighborhood, and he wholeheartedly supports it.

Sterling Grogan, 2138 Candelero Street, was sworn. He asked that the City Council adopt, and condition approve the Zia Station proposal on a modified

version of condition 12, of the Staff Report to the Planning Commission, to add text that says, "The City will develop and provide to the Applicant a design for remediation of the natural gas pipeline crossing immediately upstream of Zia Station property. The applicant will work voluntarily with the City to implement the City design, subject to monitoring by the City." The Applicant, thanks to Ms. Jenkins' help, has committed to the neighborhood, to work with the City to remediate the natural gas pipeline crossing, because that is the cause of erosion that the original language of condition 12 was intended to address. Ms. Jenkins had mentioned it in her presentation as "upgrading of the arroyo." The Applicant, with the modification, could prevent further erosion because the arroyo has two undersized culverts and any money spent on bank stabilization could be wasted when the inevitable next large runoff occurs.

Nathan Thomas, 2194 Lustre Court, was sworn. He said he supported development and mixed use. and agreed Santa Fe needs more family housing. But he asked how more apartments provide more family housing. The only way with this developer is to get special treatment and eliminating appropriate setbacks from Zia Road which she never mentions. She only mentions setbacks from St. Francis. And this brings downtown traffic to an existing R-7 neighborhood. Why does this need a parking garage? He didn't understand it. He asked the Governing Body to look at the Planning Commission video. Ms. Jenkins said eliminating 3-story from the project would eliminate affordable housing. He saw that as leveraging affordable housing and throwing out the ordinances to make this happen.

Michele Chisholm, 1915 Camino Lumbre, was sworn. She said when Ms. Jenkins met with the Commissioners on February 18, she supplied two pieces of misinformation to the Board. She showed a map that we could no longer make a left turn onto Zia from Galisteo, and that traffic would be rerouted to Chaparral Elementary, which she said was the only way for the whole of Galisteo to get to the school. That was not true. The shortest route to Chaparral Elementary is straight through Camino Lumbre. Camino Lumbre already has large scissors in them, but the City will not let them, despite some neighbors calling the City about these. Camino Lumbre lacks the infrastructure to accommodate the increased traffic. Forcing this residential street to be a major thoroughfare by rerouting traffic through it will only make a bad situation worse. Ms. Jenkins also stated that the impact on Galisteo – that on Galisteo and Rodeo, there was no impact is also false. That intersection is already dangerous as it stands, it is dangerous with fast traffic and a blind curve. We need to have crosswalks and flashing crosswalks at Galisteo at Camino Lumbre and at Galisteo and Rodeo Road. Camino Lumbre will need to be resurfaced to handle the added traffic.

Eric Wolf, 2959 Viaje Pavo Real, was sworn. He said he drives through the intersection twice daily most days. It is dangerous and the site of many car crashes and people take their life in their hands when crossing Zia Road. He was concerned the City will be sued for the poor design. He thought the TIA should be done by a third party. He thought the design will cause traffic chaos. He also questioned whether this was building affordable housing for people in Santa Fe. He recently drove through the parking lot of one of the new apartment developments at Rodeo Road and the railroad tracks. About 25% of the cars had out-of-state license plates, some of them as far away as South Carolina and Washington. He believed the density of the project was the problem. Increased density would create increased traffic problems and make the area less livable. A reasonable project here is a good idea and most of the neighbors would approve such a project, but not one that is so dense.

Cristina Gonzales, 1873 Gonzales Street, was sworn. She said she is an artist and educator, working in the public schools and mother to two. She was in support of this development. She commuted for 15 years to be able to work here. In her opinion, the need for housing far outweighs her desire for a beautiful view. She would miss the mature trees and running her dog in that open space. But housing is more important. Many people she works with could have used ten years of affordable housing getting a start and those following her who wanted a place to live.

Keli Hedin, 2323 Calle Luminoso, was sworn. She asked that Commissioner Sategna's and Commissioner Clow's opposition at the Planning Commission be read concerning the boundaries of the South-Central Highway Corridor. She read their explanations to the Governing Body. The ordinance is to maintain a clear sense of openness. How can that ordinance become outdated? She was not convinced the legality of this when we allow one developer to be out of the boundary of the corridor. This should be done through the General Plan and a series of meetings to which the public is invited to participate. These two corridors encompass a lot of property, both residential and commercial, and what we feel, as the gateways to town, should look like. An approval of this project sets a precedent for all other such projects, circumventing the ordinance.

Bill Roth, 1713A Montañó Street, was sworn. He is a longtime resident and homebuilder, on the Interfaith Housing Board with Daniel Werwath so he had a strong concern for affordable housing. He said this is a huge project and has lots of moving parts. This community feedback helps the developer fine tune it. Overall, it needs to go forward, and he liked the architectural mixed style and high-density mix. And downtown has that architectural mix. Many people moving her brought their architectural style. To see three of our finest architects involved is great. He was in support.

Stefanie Beninato, P. O. Box 1601, was sworn. She asked the Governing Body to look at the master plan as a whole before acting on this application. Allowing this type of development. It sets a really bad precedent in ignoring the ordinance. She asked who, making \$35,000, could afford to live in a studio in this development. She asked how much percentage was affordable in each of those. She supported lower heights for commercial with parking underground to reduce the heights. She said the U turns proposed are not possible. She could barely make it with those dimensions. She would like to see the financials to know how much margin is there for the 370 units and 49 affordable housing units. At the Planning Commission, they said the parking was too small but now the Applicant says they have ample parking. She did not support approval.

Madeleine Carey, 1674 Camino Cruz Blanca, was sworn. She thanked Council and Staff. She gave emphatic support to allow the project to continue. She noted there are many rules and regulations to restrict growth only they do so just for the privileged few. People, not buildings make neighborhoods in cities with dynamic living. The housing crisis here is one of our nation's. It was brought on by the aesthetic sense of openness over needs for housing in the City. Her value is as a person who was born to a family that used to live here. She wants to preserve equality for racially and economically diverse people to help us live in Santa Fe. This project will help us do that. Over the last five years, she probably went 10,000 miles over Santa Fe trails with about a thousand on the Rail Trail that runs through the proposed development. It is dangerous to be a pedestrian anywhere in our City mostly from bad or hostile drivers. This proposed entrance will be far to superior to every other entrance along St. Francis and the Rail Trail.

Pat Lillis, 2119 Conejo Drive, was sworn. She was also a board member of the Neighborhood Network. Some Santa Fe residents are protected from development by covenants, and zoning protects the rest of us. Neighborhoods and residents depend on the zoning. When property is sold, zoning helps protect the investment and quality of life. Until last the few years homeowners did not think zoning would be a threat to them. Corridors were set up for same reason – protection for the City's residents. Why do residents have to spend so much time and money to defend those zoned neighborhoods? Why does the City have to waste so much money when this project should be built in a properly zoned location? Santa Fe needs to support neighborhoods and the citizens who live in them. This area deserves the same respect. Please do not throw out corridor protections or zoning, in favor of a development. This is a gamble that the City would favor a developer over long-term residents. Please deny the zoning changes.

Rick Martinez, 735 Mesilla Road, was sworn. He said he was here to state the problems from the public. He had 473 words and couldn't get it called in, so he sent the Councilors an email. He didn't think the City Attorney was

right to deny us the right to say what we have to say. He disagreed and couldn't get his comments and should accept the email he just sent you. He spoke with the Land Use Director who said they are not doing away with the ordinance. This is setting a bad precedent. The owner bought the property knowing it was in the corridor protection district. In the future there is a 7-story building coming to you. The Governing Body is just opening the gates for that by approving this corridor change. It is still going to be a kiss and ride railroad stop and not a place for residents to park a car. He hoped the Governing Body could accept the comments he sent them.

Deanna Einspahr, [address garbled], was sworn. She said the South Central Highway Corridor was adopted through the proper public policy process, involving land use planning, much public input, and policy decision making. It is absolutely abhorrent that its requirements can be waived in a simple Planning Commission hearing by five people and confirmed by a vote of 5 Councilors plus Mayor in a very limited public access hearing. We know that laws are often waived or applied lightly to the wealthy and the connected. The Developer has said that it was his bottom line to waive the SCHC in order that he could provide a tiny amount of affordable housing. She wished she had heard more outrage at the Planning Commission meeting where such a paltry offering for a short period of time was all that was achieved. The solution for affordable housing must be solved by building affordable housing. That notion that Santa Fe can build enough housing to bring down prices in the face of infinite demand is ludicrous. That is Economics 101. The solution requires creativity not yet seen. She suggested the City reestablish a Planning Department for Land Use. The City doesn't have that now. Another is to find ways to remove speculation and profit motives out of housing planners. With imagination, the solutions are endless, but this case is not the solution, and she urged a no vote.

William Bragg, 1871 Brillante Lane, was sworn. He said it has been suggested the South Central Highway Corridor protection plan is no longer relevant or important. To him, it is just the opposite. It is more relevant now than ever. It is there to protect the appearance of this entrance. The construction timeline of 7-10 years was the estimate. Who wants to live at a construction site for ten years? Does anyone want to live at it for 7-10 years? He proposed the time of construction be limited to no more than 3 years. Please consider a reasonable time limit.

Christine Malcolm, 1874 Candelero Street, was sworn. She was a Candlelight Neighborhood Association board member and 17-year resident of this neighborhood. She would be very excited to see a moderately sized community and not another shopping center. This development should comply with the South Central Highway Corridor and ordinance. She said the Hawk pedestrian crossing is more of a traffic hazard, dangerous for motorists and, in her letter, she explained why. There is no way to make it

a safe crossing in this area with too many U-turns, etc. We do need affordable housing and not this, which kicks affordable housing down the road. If South Central Highway Corridor is removed, she wondered if every other property owner on Zia could do such a development. She did not approve of this plan and urged the Governing Body to deny it.

R.G. Wakeland, 2345 Calle Luminoso, was sworn. She said there was an error in process. She already submitted her written objection as a problem with no solution. They already admitted the traffic problem could only be solved with relocation of Galisteo. However, moving of Galisteo Road would not be allowed as proposed because the Governing Body cannot approve a problem or a contingency. Ostensibly, there was no evidence for the following cross street of the developers. There was an error in the previous South Central Highway Corridor and in the status quo since the designation, significantly enough to justify the change. There is currently a shortage of apartments and housing units which they proposed. The South Central Highway Corridor cannot be changed through zoning action but through General Plan Amendment. Her conclusion was that the project could not be approved.

Antoinette Shook, 2120 Candelero Street, and secretary of the CNA, was sworn. She said she found a few underhanded moves. Ms. Jenkins stated at the ENN meeting that affordable housing would be 60% of units for five years. However, at the Planning Commission meeting in February, the submitted plan was changed to ten years. She asked if that was legal. She agreed with Nathan Thomas regarding Ms. Jenkin's statement in February that if a 3-story development were not approved, there would eliminate their affordable housing. If so, she asked why they would build more apartments and not more houses. She was also very skeptical of views of the three stories that only 17' would be seen from St. Francis. Her home backs up to the proposed project and St. Francis was level, out her back door. The corridor was not antiquated. It was put in place by people who understand how green space and infill would blind the eyes of the people. Her plan, with changes in zoning and changes in traffic patterns is irresponsible and dangerous. She urged a vote of no.

Joe Abbatacola, 1881 Brillante Lane, was sworn. He agreed with other comments made about the public being constrained. He would have loved to share some slides. As a former licensed realtor who worked on a successful infill project and believed in smart growth. This was not smart with such high density, so close to St. Francis. It would be 1.5 times as large as Candlelight right at one of the busiest intersections in Santa Fe and a train station. It is a huge mistake. The developer estimated there would be added 2.5 million more vehicles annually. There is a reason why this has not previously been approved as it was being developed over a twenty-year period. It is far too dense for this location and will make this area more

dangerous, resulting in more accidents and injuries and potential loss of life. The claim that with this project, traffic problems will go away is overpromising and underdelivering. He is an instructor for driver safety and served on the City's BTAC and worked in fire and emergency management and law enforcement. He had responded to many multi-vehicle crashes. This design to exit the development, requiring vehicles to make a U-turn to go the opposite way. At peak times, vehicles would have to go further on Zia, since traffic would be backed up. Zia is a high-speed road with blind curves. In his professional opinion, the City will see accidents occurring at Zia and Candelero and other Zia intersections there, as well as Zia and St. Francis. Ask yourself what the City needs. With other commercial space available, is this commercial space really needed? And at what cost? This is a dangerous precedent. Please follow the South Central Highway Corridor protection district.

Nicolas Bosch, 1868 Camino del Pabulo, was sworn. He said he was a new resident here. He totally understood the need for affordable housing. He was fortunate to be able to purchase his first home here. He couldn't tell how many times he has almost had an accident. He has a strong planning background. He had not read the TIA report but some comments from it sounded like it was incomplete and didn't factor in pedestrians or rail traffic. If that is the case, it is concern for him moving forward with only partial data. He liked the idea of affordable housing but just done right for the safety of the neighborhood.

Rachel Thompson, living near the Rodeo, was sworn. She supported affordable housing and wanted this development and she thought people living here wanted affordable housing. She thought it a shame that inclusionary zoning put people in opposition. she gathered that what is missing in Santa Fe is long-term planning and she felt Midtown is sucking out any such planning. She bicycles a lot and noted that while crossing Zia, a cyclist was killed. Where they propose the signal crossing, people could come over the hill to an unmarked crosswalk. In uncontrolled areas with crosswalks more accidents with no cross walk. So she worried it will be extremely unsafe for cyclist and pedestrian. She badly wanted this housing, but it needs to come after we find out where affordable housing should be.

Ed Romero, 3456 Via Magdalene, was sworn. He said, as Santa Fe Civic Housing Authority Director, he supported the project providing affordable housing in a desirable area of town that his clients would love to live in. He said he could talk about our waiting list which is not open for four years and we have 200 families waiting with about 20-40 turning over each year. So they are in desperate need of affordable units. He noted he has seen many projects for that area but most of them cop out with fee in lieu and this is the only one that provides affordable housing.

Anthony Guida, 1711 Second Street, was sworn. As an architect and sustainability expert, he knew we are in a climate emergency – literally of life or death of our planet. The notion that we continue to protect automobile-centric low density planning with such zoning and the most disastrous thing of a highway corridor, considering this emergency, he would hope for a denser high-rise development. We need to do this type of development at higher densities, especially with TOD in this part of town. The only way Santa Fe can get the things wanted as a walkable City in a sustainable and carbon neutral way, is with denser and higher rise developments. The City can grant even more densities for developers, in exchange for developments people want. He would prefer we not water it down and approve this positive project at this density at the very least.

Sheela Hewitt, 1917 Camino Lumbre, was sworn. She said her greatest concern is for safety. She didn't know if many here have driven Zia to St. Francis on an icy day. The vehicles go fast to make it up to St. Francis. But that is where the crosswalk is to be located. If you have ever made a left turn on Galisteo, you have a good sight before you. But with Galisteo realigned, you would no longer have that. There has not been sufficient thought for that in the neighborhood. There is no rush for this. Make your decision about the South Central Highway Corridor but the plan needs much more research with its many dangerous situations.

Michael Margolis, 2154 Candelero Street, and resident of Candlelight Neighborhood Association for 30 years, was sworn. He said the Developer is using the Zia Station as an excuse for removal of the protective corridor. He didn't think the Planning Commission caught any of that. It is not contingent on any development around it. He was the 4th person to mention at what Mr. Jenkins said at the Planning Commission that without 3 stories, no affordable housing. The Commissioners didn't ask for proof but said okay. This is not about a mountain view corridor but following the overlay that protect our values. Affordable housing as a passionate ideology is wonderful but it is not that you accomplish but how you accomplish it. Please don't approve this project.

There were no other members of the Public to comment.

QUESTIONS FROM THE GOVERNING BODY

Councilor Garcia had questions first for Cindy Gregory. She had mentioned that a few tweaks were needed and asked her what those would be.

Ms. Gregory said, "We want the development and I want more neighbors in the development, but in the two-story limitation. I consider that a minor tweak. The other thing would be to honor affordable housing. At the

Planning Commission they said they would not voluntarily provide affordable housing. I would suggest the City order that.”

Councilor Garcia thanked her. His next question was for Alan Richardson. He thanked Mr. Richardson for his testimony about the corridor study and asked him to clarify that.

Mr. Richardson said he was also with the NMDOT, Rail and Transit Division and he was involved with the team bringing the Rail Runner to Santa Fe. The study had very little technical input to the study itself. They talked about the number of locations for the Rail Runner stops. That would not happen. Nowhere in the study did it indicate any of those sites were studied. The requirements were quite heavy. The study was superficial and never was approved by the City. It is full of deficiencies, but it was used by the Developer for the back-up on that issue.

Councilor Garcia’s last question was for Ed Oppenheimer. He asked if Mr. Oppenheimer was the President of Candlelight Neighborhood Association.

Mr. Oppenheimer said he was.

Councilor Garcia asked him if the proposal addresses the Candlelight Neighborhood Association concerns.

Mr. Oppenheimer said the only concession given by the developer that he was aware of was to propose 3-story buildings in Phase 1 rather than 4-story. But if C-2 PUD zoning were granted, it would open the door not only for a re-filing for Phase 1 in a few months to increase height and density yet again and in the future, open the rest of the corridor in the City to lawsuits because of the precedent being set with this. So it would discard all requirements in the General Plan Amendment changes and Corridor protection and affordable housing regulations. That has never been compromised before. There has also been since, the Developer working with a small group in the Candlelight neighborhood who support this and giving the thoughts and perceptions of the CNA with the developer. He noted in some of the comments, the extensive driver training to provide pedestrian safety. That was a compromise, not worked out with CNA but a few neighbors who warned the developer that they needed to give a little on this. We have not had a chance to address how poor a solution this is. We were shut out in so many ways at the Planning Commission meetings and makes us believe we have had no opportunity to respond on it. They did see in response, a minor change on Territorial style which was a new roll out. It is not even an answer to our concerns. We have tried to work with the Developer for over a year to get a meaningful dialogue.

Councilor Romero-Wirth asked Richard Wood, both from reading the comments made at the Planning Commission and here, that he had done a traffic study, when it was finished, if he was able to share it with the Developer at the ENN meeting and what reaction he got from that study.

Mr. Wood said he was encouraged at the time by City Staff to write it up. He wrote it up in early January and submitted it to the Planning Commission for the packet for the Planning Commission meeting.

Councilor Romero-Wirth asked if he reached out with it directly to the developer.

Mr. Wood said he had not.

Councilor Romero-Wirth wanted to ask a question for Brett Frauenglass who was not present at that time but was later.

Councilor Romero-Wirth asked Mr. Oppenheimer about the small group working with the developer and curious about his own interactions with the Developer and the Developers' response.

Mr. Oppenheimer said he has reached out to JenkinsGavin. And the extra ENN was reluctantly given to the CNA after he agreed to personally sponsor the Zoom meeting, which he did, to get some real answers.

Councilor Romero-Wirth asked how the small group came about.

Mr. Oppenheimer said they worked separately to get an address list to work together on their own. Their efforts were not successful, so we met to combine the mailing list and did so. But then these other parties considered the mailing list theirs. But it was only for use by the Candlelight Neighborhood Association Board. They wanted to use it to promote their proposal and communications broke down at that point. They are still part of our Google group and can host anything. But they chose to be nonexplicit about what they were doing except when they challenge the Board to provide some information to pass on to the developer. They have made is a one-way street. We are trying to find a way to meet with the Developer.

Councilor Romero-Wirth said they seem to have access to the Developer, but not the Board.

Mr. Oppenheimer said that was correct. The Board wants it sent back to the Developer for some kind of review and cannot do that without the Governing Body's sanction. He suggested she could speak with Anne Watkins or Sterling Grogan.

Councilor Romero-Wirth asked Ms. Watkins how she would characterize the neighborhood's reaction.

Ms. Watkins said she had a different take on what is going on. From early on, a group in the Candlelight Neighborhood Association was opposed but now said they were not opposed but that there were still problems. The rest of the Board members started out not opposed but wanted to work more closely with the Developer, but simply have not been included in the discussions; have not been involved in negotiations and constituted several times but did not communicate with the rest of us very well.

Ms. Watkins said she has talked with Ms. Jenkins about concerns that she felt needed to be addressed – pedestrians and affordable housing. “We are not a separate group, but several people are not in lockstep with the current Board. I helped put together the mailing list. My husband and I walked the whole north part to get people to sign up for the mailing list and was told it would happen on the south side, but it did not happen. So I was willing to go to the south area but was not allowed to see the mailing list. Some people dropped out entirely. I haven't tried to negotiate with Ms. Jenkins.”

Councilor Romero-Wirth would it be possible if we deputized Mr. Oppenheimer and his spokespeople, to come together to work with a Developer's representative to have conversation on the issues and work for more peace.

Ms. Watkins said she had backed off because acrimony is not something she wanted to deal with.

Councilor Romero-Wirth asked Mr. Frauenglass about his quibbles with Galisteo.

Mr. Frauenglass said people use it as short cut at high speed. Right in front of my house, it has 9' lanes and some places are 14' lanes. He knew it was not the developer who needed to solve all the problems, but this was one that people will continue to speed through. He has had people in his front yard several times because of speeding through there.

Councilor Cassutt-Sanchez asked Mr. Wood about a 25-year traffic study he had mentioned. She did not understand if it was a formalized study equal to the one submitted.

Mr. Wood said he was a mechanical engineer and looked carefully at it and knew what he saw there, and it was not correct to say they solved all the traffic problems – not turning off Zia.

Councilor Cassutt-Sanchez asked Mr. Werwath about his statements concerning his comments on affordable housing and economics of 3-story building.

Mr. Werwath said he used the project on Siler Road for comparison for how density affects affordable housing. That is important to consider. Fewer units mean less revenue and does affect the financials of a project.

Councilor Cassutt-Sanchez asked Mr. Grogan about the gas line problem to elaborate.

Mr. Grogan said since the City adopted the stormwater management plan, a list of priorities to help with flood conditions was made. The City is still paying for effects from the 2018 flood. His statement was for a written report on Condition 12 to remediate erosion downstream from the pipeline crossing. The Developer said they would work with the City if the City provided a design and monitored implementation of that design.

Mayor Webber said the City Attorney disallowed the response from Ms. Jenkins.

Councilor Vigil Coppler asked Mr. Werwath about a comment earlier that indicated Santa Fe doesn't need any more apartments and wanted his view on that.

Mr. Werwath said Santa Fe needs lots of different types of affordable housing. People moving here would push out locals without places to live. But we are hemmed in with affordable apartments and cannot built just 3-4 units that are affordable in most of the City. It takes large apartment complexes to make the economics work for affordable housing. Overlay restrictions make apartments hard to put in some places in the City. This is a particularly good location for the apartments because of basic service availability.

Councilor Vigil Coppler asked him to comment on the ten-year limitation for keeping housing affordable.

Mr. Werwath pointed out that no affordable rental housing sets out to be affordable in perpetuity. Housing has life cycles. At some point, significant reinvestment needs to be made in housing. There are also issues involved in securing mortgages without uncertainty on the futures of them. The biggest federal affordable housing operations have a fifteen-year minimum expiration of affordability.

The Siler Road project has 40 years of affordability, but he did not think they could make it through 40 years without some revitalization along the way.

Councilor Vigil Coppler asked for his comment on 2-stories with a fee in lieu instead of affordable units being built.

Mr. Werwath said it was a mistake for the community to expect the developers to fix all the affordable housing shortage problems. We must invest proactively in affordable housing to maintain a balanced market.

Having diversity in the market was more important to him than solving the entire affordability problem. Money in the Trust Fund is very impactful.

Mayor Webber wanted to ask a question to Miles Conway. He was no longer present but returned to the meeting later.

Mayor Webber closed Public Testimony portion and thanked everyone who spoke. He felt the question period was also very useful.

Mayor Webber invited members of the Governing Body to submit questions for the Developer or Staff to Lee Logston by email before the close of business tomorrow.

Mr. Conway returned, and Mayor Webber recalled he used specific language about affordable housing and building housing but what he said was different. What he said was, "We need, as a community and as a City, to develop neighborhoods, not just drop housing down into places."

He welcomed Mr. Conway to expand further on that because it is an important theme. Housing in the absence of a complex of neighborhood and neighborliness, services, mixed use, and careful design doesn't really fulfill our goal as a community, to have livable neighborhoods.

Mr. Conway said Mayor Webber just took the words out of his mouth. Being someone who has lived in Santa Fe downtown, a person feels like the Plaza is the community but driving many miles away from it to lay their head down to rest.

The development begins to be the center of our universe there. There is already Albertsons and businesses on the east side, and this would be another little center. It is a smart way to go.

Mayor Webber thanked him for his comments.

Mayor Webber wrapped up the business with a reminder to send emails to Mr. Logston as follow-ups for Thursday evening's next meeting.

6. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 10:30 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine M. Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 08, 2021
6:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR SPECIAL GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, the Special Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

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/91695212983?pwd=T3JyTThzdVJXM0w3cFdMTmJ0Y29hdz09>.

Passcode: 288184 – Webinar ID: 916 9521 2983

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



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 08, 2021
6:00 PM
ATTEND VIRTUALLY

6. APPROVAL OF AGENDA

7. PUBLIC HEARINGS

Please Note:

- *The five (5) related land use cases set forth below will be heard concurrently in a single public hearing.*
- *Some agenda captions have been slightly modified from their original version (as presented to the Planning Commission) in an effort to further clarify each caption and help distinguish each item.*
- *Due to the anticipated length and complexity of the hearing, the hearing will take place over the course of two (2) meetings of the Governing Body. The public comment portion of the hearing will take place ONLY at the first meeting, scheduled for April 6, 2021. Additional public comment will not be received at the second meeting, scheduled for April 8, 2021.*

- Case #2020-2898. North Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification from Low Density Residential (3 to 7 Dwelling Units Per Acre) to High Density Residential (12 to 29 Dwelling Units Per Acre) for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- Case #2020-2914. South Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 1.9 Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Transitional Mixed Use at the Southwest Corner of Zia Road and Galisteo Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- Case #2020-2900. Zia Station South Central Highway Corridor Overlay Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning to Amend the Boundaries of the South Central



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 08, 2021
6:00 PM
ATTEND VIRTUALLY

Highway Protection Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road from the Overlay District. The properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

- d. **Case #2020-2899. Zia Station General Commercial Planned Unit Development Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to C-2 PUD (General Commercial- Planned Unit Development) for Properties Located at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- e. **Case #2020-2901. Zia Station Preliminary Development Plan.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Preliminary Development Plan Approval for a Mixed-Use Planned Unit Development to be Developed in Two Phases. The Planned Unit Development will be Comprised of Approximately 384 Dwelling Units, 84,000 Square Feet of Office Space, and 36,000 Square Feet of Restaurant/Retail Space at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The properties are zoned R-1 (Residential- one dwelling unit per acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. ADJOURN

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

NOTE: New Mexico law requires the following administrative procedures be followed when conducting “quasi-judicial” hearings. In a “quasi-judicial” hearing all witnesses must



AGENDA

**SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 08, 2021
6:00 PM
ATTEND VIRTUALLY**

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
April 8, 2021

ITEM	ACTION	PAGE
1. Call to Order	Convened at 6:02 p.m.	1
2. Pledge of Allegiance	Led by Councilor Villarreal	1
3. Salute to the State Flag	Led by Councilor Garcia	1
4. Invocation	Led by Councilor Vigil Coppler	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Public Hearings		
a) Case #2020-2898 North Zia GPA	Approved	2-35
b) Case #2020-2914 South Zia GPA	Approved	2-36
c) Case #2020-2900 Zia SCHC Rezone	Approved	3-36
d) Case #2020-2899 Zia PUD Rezone	Approved	3-36
e) Case #2020-2901 Zia Dev. Plan	Approved	3-37
20. Adjournment	Adjourned at 1:14 am	37

**Minutes of the
Special Meeting of the Governing Body
Tuesday, April 8, 2021
Virtual Meeting**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, April 8, 2021, at approximately 6:02 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 Villarreal.

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 Vigil Coppler.

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 Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Councilor Signe Lindell
Councilor Christopher M. Rivera

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Lee Logston, Planner Senior
Sally Paez, Assistant City Attorney
Elias Isaacson, Land Use Director
Noah Berke, Planner Supervisor
Alexandra Ladd, Affordable Housing Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the agenda as presented.

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

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

Against: None.

7. PUBLIC HEARINGS

- a. **Case #2020-2898. North Zia Station General Plan Amendment.**
JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification from Low Density Residential (3 to 7 Dwelling Units Per Acre) to High Density Residential (12 to 29 Dwelling Units Per Acre) for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South-Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

- b. **Case #2020-2914. South Zia Station General Plan Amendment.**

JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 1.9 Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Transitional Mixed Use at the Southwest Corner of Zia Road and Galisteo Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South-Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

- c. **Case #2020-2900. Zia Station South Central Highway Corridor Overlay Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning to Amend the Boundaries of the South-Central Highway Protection Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road from the Overlay District. The properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South-Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

- d. **Case #2020-2899. Zia Station General Commercial Planned Unit Development Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to C-2 PUD (General Commercial- Planned Unit Development) for Properties Located at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South-Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

- e. **Case #2020-2901. Zia Station Preliminary Development Plan.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Preliminary Development Plan Approval for a Mixed-Use Planned Unit Development to be Developed in Two Phases. The Planned Unit Development will be Comprised of Approximately 384 Dwelling Units, 84,000 Square Feet of Office Space, and 36,000 Square Feet of Restaurant/Retail Space at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The properties are zoned R-1 (Residential one dwelling unit per acre), are within the South-Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

Mayor Webber outlined the procedure for this public hearing, including disclosures, if any, a presentation by Staff, and then questions from the

Governing Body to the DRT through Mr. Logston, which would be organized by topics. He listed Affordable Housing, Project Density, Arroyo, Stabilization, Traffic Circulation and Production, Pedestrian and Bicycle Safety, Building Heights and View Corridor, Legal Criteria for Rezoning, and Other Questions.

DISCLOSURES

There were no disclosures.

STAFF RECAP REPORT

Mr. Lee Logston shared his screen and recapped the case reports. He noted the sequence of cases builds on the previous. In Case #2020-2898, the North General Plan Amendment from low density to high density for 13 acres. Case #2020-2914 – South General Plan Amendment, is from Low Residential to Transitional Mixed Use. Case #2020-2900 is the SCHC boundaries amendment request. Case #2020-2899 is to rezone from R-1 to C-2 PUD for the entire property. Case #2020-2901 is the Preliminary Development Plan for mixed use development in two phases 384 dwelling units on 84,000 square feet for residential and some restaurant/retail uses.

He clarified that If the SCHC amended boundary is denied, then zoning must also be denied. He would offer more information at each case. The packet included sample motions. He introduced Afshin Jean and Bill Craven and David Harris, who were present from the New Mexico Department of Transportation, and Trent Thrasher from Wilson & Company who did traffic analysis.

QUESTIONS TO DRT

Councilor Garcia recalled from the last meeting, Mayor Webber had asked Council members to forward questions to Mr. Logston. He asked if the Governing Body could hear what Councilors had asked and the responses given.

Mayor Webber said the questions were assembled, but answers are to be given here at this meeting.

Mr. Logston said he did answer a question from Councilor Garcia, and he met with Councilor Villarreal for a discussion, but she will ask her question here, as well as Councilor Cassutt-Sanchez who submitted an extensive list of questions.

Affordable Housing Questions

Councilor Villarreal said it would be helpful to understand how the inclusionary zoning ordinance functions for multi-family development and why there is a ten-year limit on affordability.

Mr. Logston referred the question to Director Ladd.

Director Ladd explained that the premise behind it is that the creation of market-rate units requires affordable rate units. It works well for ownership but harder to work with rentals because the loss restriction doesn't happen once but month after month after month. So when the developer gets financing, they can show their project earns money so bank knows it can be repaid. With rent restrictions in place with an entity not set up to manage the units or needing income certification we are asking the owner to choose their very high density and not our market. So we have struggled for years to make rental side affordable housing work. With the Inclusionary Zoning in 2006, we did not have any builders doing rental apartments for over a decade. Coming out of the recession and realizing we had a shortfall in inventory, we documented 2,600 units. The high end, we would not support but those people have few choices, and it is a shortage. We have some people paying way too much for rent. Santa Fe has the highest rate in the state. So we created options that went beyond the fee in lieu of option for how the restriction would work at 15% or a hybrid of units and fee in lieu of.

Councilor Villarreal thought HUD had a different time period of 15 years.

Director Ladd said the period for subsidized affordability is dependent on the source of the subsidy. Originally it was 15 years and now most subsidy programs are 30 to 40 years. But this is not a subsidy program. The renters will be work force renters who don't want to live in a converted garage or some others. They cannot afford the rent here, so a ten-year term was chosen to help them be able to get stabilized.

Once a rent restriction is required, that unit will be restricted, and the bank lender wants to see the end of it. At 30-40 years, the bank is worried they may not get repaid at all. Because the renters are higher level, at the end of ten years, they have options and mobility. Because this is our first time, the language is not finalized yet.

Councilor Villarreal asked if she wanted to add to that process at the end of ten years.

Ms. Jenkins said the ten-year plan is straight out of Chapter 25 in City Code that a relocation plan is required and obviously is the right thing to do. So we make that commitment.

Councilor Villarreal asked if the development has 39 affordable units.

Ms. Jenkins agreed.

Councilor Villarreal asked if they were located in both town homes and apartments.

Ms. Jenkins said affordable units are spread among all housing choices.

Councilor Cassutt-Sanchez asked, with 120% units for 10 years, if the occupant wanted another option, whether that could be considered.

Director Ladd explained that the developer enters into agreement with the City and which is filed with development documents with the County Clerk and that obligation is transferred with the title. We have had some conditions changing drastically and amendments are permitted but usually it is just which lots are affordable. And it must go through the City's approval process. By Code, the City Manager is authorized for that, so an amendment would be approved by the City Manager. But for something that is not in Code, it would come to the Governing Body for approval.

Ms. Jenkins responded that in the event we would propose a change in the AH program, even though not an alternate plan, we would bring it to the Governing Body voluntarily.

Councilor Cassutt-Sanchez asked if that would need to be in writing.

Ms. Paez said it could be a condition of approval in a motion later on.

Councilor Cassutt-Sanchez hoped for more discussion on housing needs in the City - more than the 2600 units mentioned.

Director Ladd said the best study is an apartment study by CCRE that Albuquerque does each year. They are surveying all members of the Apartment Owners Association. It reveals trends over time. It will change this year, but Santa Fe has been at functional zero for the past several years.

Councilor Cassutt-Sanchez observed lots of discussion about the frustration of the public. She hoped to hear why the AH Trust Fund is important.

Director Ladd said it was a great question. Because these are local funds, the use is codified in our Code so it is very regulated. But we can build in lots of flexibility which we could never be able to do with federal money. Also, on the provider side, it helps with applications for other funding sources. And we show a 3-1 leverage ratio. That creates a bigger impact for the funds instead of just a dollar-for-dollar investment. The fund can be used for direct assistance - typically renter's assistance and can be flexible with income criteria. We have used rental assistance for down payment buy down. No payment and no interest. That leverages the market with impact. Third is for home repair and sometimes loans. Most are grants for very low income people – usually elderly women. The funds can be used for construction, rehab, and related construction costs to preserve AH.

Councilor Garcia asked Staff if there was anything to prohibit an applicant from offering 30-40 years or anything above the baseline of ten years.

Mr. Logston said in the end, it is project financing. They are subsidized for a certain length of the financing. At the Planning Commission, Daniel Werwath stated the units at Siler Yard were slated at 40 years affordable, and he thought they would need to revisit that to renegotiate their financing.

Director Ladd clarified the ten-year period is in our Code so we could not ask anyone to provide more than that. The developers we met with felt that was the best length. Doing it through market rate is not the way to go. We have many that are amazing and Civic Housing did good job on translating some for very low income residents. It provides rent subsidy for some very low-income renters. She was not sure a longer time frame would even be enforceable. If a developer offered a 15-year subsidy, we could consider it as allowable under the Code.

Councilor Garcia recalled a 15-year program was originally proposed. He asked Ms. Jenkins why it was changed to 10 years.

Ms. Jenkins said they have been working closely with Director Ladd for a program that works for the City and for this one. We first proposed 5 years, but in further discussion, we were sent back to the drawing back and pivoted back to the ten-years as required by the Ordinance. It was never 15 years.

Councilor Garcia asked if the Developer would agree to a longer term.

Ms. Jenkins said this program, as proposed, is difficult. They felt they could do this as it is and did not believe a time frame beyond ten years would be feasible.

Councilor Garcia asked the City Attorney if that was something the Governing Body could stipulate for a relocation process. Talks can break

down. He asked if that could be a requirement and include it for sure as a process.

Ms. Paez was not that familiar with inclusionary zoning in the Code.

Ms. Jenkins read from Section 26.129B the specifications.

Ms. Paez didn't see that as a condition but will be in the code requirements.

Councilor Garcia understood and had no further questions on this topic.

Ms. Jenkins, in response to Councilor Vigil Coppler, said the Santa Fe Homes Ordinance must be imposed first. Everyone is sharing the same amenities in the complex so there is no distinction of affordable units from market units.

Councilor Abeyta asked what happens when tenants change.

Ms. Jenkins said that code section says ten years from the date the facility is fully leased. That is when the clock start ticking. So some will have longer than ten years.

Director Ladd added that when a tenant moves out, the new tenant moving in is certified.

Councilor Romero-Wirth said the Governing Body heard that without a third story, there could be no AH units. She asked what that does to the fee in lieu of amount.

Ms. Jenkins said, from their standpoint, it is not just about losing those units but about the entire economics of the project. She could crunch those numbers, but the impact was not fully determined yet. There is just not enough room to make AH work without the third story.

Councilor Romero-Wirth was trying to understand if there was another way to do it, understanding the economic considerations.

Ms. Jenkins agreed it is an important conversation.

Councilor Abeyta understood sometimes people qualify because of children. He asked which schools would serve this development.

Ms. Jenkins said they were Chaparral, Milagro and SFHS.

Councilor Romero-Wirth said she would still be interested in the amount required for fee in lieu for the whole project at two-stories.

Ms. Jenkins would calculate it.

Director Ladd estimated it at \$1,400 per unit.

Ms. Jenkins said at 384 units, it would be over \$500,000.

Councilor Garcia asked about unit count without a third story.

Ms. Jenkins said it would be 348 units.

Project Density Questions

Councilor Romero-Wirth asked if the number of units can be achieved on the property without a third story.

Ms. Jenkins said they studied that. Unless the units got very small, it would not be achievable. The north phase is 100% residential (north of Galisteo) and the south has 2 and 3 story units. The arroyo and stormwater collection areas are not developable and the plan doesn't have much excess parking.

On the south side, they wanted as much parking as possible in structures and some underground. The dark brown buildings are all 2-story with 3-story units along St. Francis. The town homes face Galisteo with on-street parking and garage access on the alley. These are not big buildings, but there are not many opportunities to expand horizontally. The site is appropriately dense for infill. The open spaces and green spaces are important. She pointed out the access points for the underground parking. Although accommodating vehicles, this plan emphasizes pedestrians.

Councilor Romero-Wirth asked why there couldn't be more underground parking to achieve 136 units.

Ms. Jenkins said underground parking on the north side was not feasible.

Councilor Romero-Wirth asked if they could forego some open space.

Ms. Jenkins said the arroyo and stormwater management area cannot be used for development. This design is very efficient, and many units are accessed on the inside to get the density we need to achieve. Underground costs \$55,000 for each unit.

Councilor Romero-Wirth asked if the economics could work, with more residential instead of commercial.

Ms. Jenkins said it was an interesting question. She would consult with her team about it. One great thing about mixed use is that it creates great flexibility to meet the market demand. Right now it is more residential. Also consideration about traffic needs to be considered. She asked to come back with a response for that.

Councilor Abeyta was curious about housing trends as it relates to Millennial and Gen Z populations. Most don't want the typical 3-bedroom house with front and back yards. Kids don't want that kind of house today.

Ms. Jenkins agreed and said that informed their thinking. We hear a lot anecdotally. This is part of a spectrum. There is high desire for mixed use, walkable, low maintenance with public transit access. They studied all of that to inform this design. Whether young people or older professionals without children who love walkability. At the Railyard Flats, they were amazed by the demographic. 23- to 83-year-olds live there for their own reasons. – beautiful space, modern space, walkways. It is not for everybody and we are not doing it for everybody.

Councilor Garcia thanked Councilor Abeyta for that relevant question. He thought Millennials were interested in high-end homes.

Councilor Abeyta said many cannot afford more traditional homes.

Councilor Garcia asked for a breakdown of units on south and north.

Ms. Jenkins said the north part has 284 apartments and 14 town homes. The South has 14 town homes and 112 apartment units in 2 or 3 story.

Councilor Garcia reasoned that retail makes up some on the south side. He had the same interest in design for all at two-story and being able to work within current code and probably could make it financially feasible.

Ms. Jenkins reminded him that within the SCHC, in addition to height, requires 50% dedicated to open space. So all parking and all building that is not landscaped area would need to be concentrated.

Councilor Garcia asked if that is for 100% residential.

Ms. Jenkins said mixed use is 35%. We are at 42% on south and 28% on the north right now.

Councilor Garcia surmised it is impossible to meet the open space requirement.

Ms. Jenkins agreed. They could not achieve the residential units and meet the space requirements.

Councilor Garcia saw the south is very dense and north side less dense.

Ms. Jenkins said in the design, there are 45 residential units on third story and all are on the south side in buildings H, I, J, K, and L.

Councilor Garcia found it hard to believe it could not be met. He understood the orchard and water park that were wanted.

Ms. Jenkins said it is in the water retention area and all fed by water harvesting and an opportunity to densely landscape. They analyzed a potential for a parking structure and the numbers would not work. If the numbers did work and could achieve with higher density, they would have come with that type of project. Underground parking in multifamily units do not work in Santa Fe.

Councilor Garcia understood. He asked if the underground and one-story garage could be implemented on the north side also.

Ms. Jenkins said adding an above ground structure would not be feasible and it would be a really big structure.

Councilor Garcia asked Ms. Paez about questions on financial feasibility for underground parking.

Ms. Paez said part of the Code precludes that in a rezoning case. She quoted from the Code and said the Council can talk about general feasibility, but specifics are off limits.

Councilor Cassutt-Sanchez asked for density terms.

Ms. Jenkins said overall, it is a little over 18 units per acre. The north is 24 du/acre and south is 14 du/acre. If limited to two-story buildings, the south would be 9 du/acre and north would be 14 cu/acre.

Councilor Cassutt-Sanchez thought in the conversation of making up units Ms. Jenkins said density would need to be very high. She understood in trying to make up units, it would still need the Governing Body to remove the SCHC restriction. She asked if that was correct.

Ms. Jenkins said they were requesting C-2 PUD and the SCHC limits to 21 du/acre and low income at 24 du/acre. There is also the open space requirement at 50% on the north and this is at 37.5% which is under C-2 and on the south is 42%. So we cannot have a significant density increase

and could only achieve it if one-third of the buildings are 3-story with appropriate setbacks. Density and height are two sides of the same coin. These things are essential for quality of life. They did a huge amount of study to achieve this result. “As you can see, the only element we are not in compliance for SCHC are the 3-story buildings. And on the north, those are lower than St. Francis.”

She showed a rendering of the northwest view that showed how each story is stepped back and only 17’ visible from St. Francis. On the south, only 15’ would be seen from St. Francis. The setback is 130’ from the corridor of St. Francis. She explained how the project relates to surroundings at heights. She showed that the three-story was a lower altitude than Albertsons.

Councilor Vigil Coppler said Millennials still want livable, walkable sites and transportation available so not need for a car. In the study of Midtown Link, the study of what Millennials want was considered. It was important at the time and still is. The Midtown Link was about creating neighborhoods and this plan addresses that. She related it to Nob Hill in Albuquerque and noted those projects are doing very well. She agreed with Councilor Abeyta.

Mayor Webber asked Mr. Logston how he would categorize this density.

Mr. Logston said it is on upper end of density we allow (up to 29 du/acre) and have approved some as high as 60 du/acre. He pointed out that when taken as a whole, this plan meets SCHC density. There are higher densities than this proposed in the City.

Mayor Webber asked where we would see what you call townhomes in Santa Fe.

Ms. Jenkins said across the street. It is an attached row house. They are seen in Tierra Contenta also. But we propose them as rental homes.

Mayor Webber asked how would be a target customer.

Ms. Jenkins said it is a diverse target. She listed some and said they are hitting a lot of elements in our community.

Mayor Webber noted Ms. Jenkins had mentioned some buildings could be adapted to other uses as the market reveals more housing. If that happens, he asked if the Developer would owe more in Fee in lieu of.

Ms. Jenkins said the ordinance does talk about conversion to other uses. There is a similar provision for commercial to residential. But the number of units in PUD establishes a maximum number of units, and maximum sizes. There is the opportunity for it to be a bit organic which is a great thing.

Mayor Webber liked the point for flexibility, but asked if she had a plan with calculations.

Ms. Jenkins said if they end up with less than 112 units on the south, they won't ask for money back.

Arroyo Stabilization

Councilor Villarreal asked, in considering the thousand-year storm event, whether the Governing Body needs to consider more severe storm events with climate change. The flooding in this area caused damage and severe erosion. She thought it in the best public interest to consider the base analysis being higher. She asked what they used for the analysis.

Ms. Jenkins pointed out that none of the storm water on the north side was going into the arroyo. She showed the arroyo and the old trestle. She showed the 90-degree turn. In conversation with City Staff, they agreed to stabilize that area on the existing condition. The bank stabilization plan is not done yet. Under current City Code, all is based on a hundred-year event. And Staff asked us to run a 500-year event. Ms. McDonald is very familiar with that site.

Councilor Villarreal wanted to know why the City holds to a hundred-year event when the tunnel north of there was completely filled with water at the last major event.

Ms. Dee Beingessner said the Code only requires provision for a 100-year event and the ponding complies. The bank stabilization comes from upstream and not the result of this development. It would have to address what is coming from developments upstream. She said the development upstream had ponds in the arroyo, but this development has no ponding in the arroyo.

Councilor Villarreal thanked her for the explanation. But she wondered how that 1000-year event could not affect this development, given the fact that they are so close to the arroyo.

Ms. Beingessner said she had not seen how it would affect this project and they are already doing arroyo stabilization.

Councilor Villarreal asked Ms. Jenkins why they would not consider a higher level.

Ms. Jenkins said they could offer a design for bank stabilization which will be part of the next submittal, and to run the analysis for a 500-year event to assure what would be constructed here would not blow out.

Councilor Villarreal suggested it was more to protect the development, but the damage was to the existing residents. The City needs to raise that level because of what we saw happen. She did not think a 100-year event was sufficient. Related to that, Mr. Grogan raised the prioritization for the pipeline.

Ms. Jenkins said Mr. Grogan characterized it and we have had numerous conversations with Mr. Grogan about it. She showed the natural gas pipeline and the culverts to direct the water below. Mr. Grogan felt the culverts were undersized and they might be. The City did a study, and the preliminary analysis was that they could be undersized. The water does slow down there, and the smaller culverts exacerbated the speed of the water. Our consulting engineers do not share Mr. Grogan's analysis. We alerted the gas company to the concern and they said they were at the table to address it. It is not on the applicant's property. The irony is that the culverts actually slow the water down. She offered to have her engineer address it.

Councilor Villarreal thanked her.

Councilor Romero-Wirth quoted from the analysis and said, to be clear, that Ms. Jenkins is not in agreement with what Grogan wants to be added to condition 12.

Ms. Jenkins agreed. She was not sure his analysis is correct.

Councilor Romero-Wirth pointed out that Mr. Grogan intimated you were in agreement.

Ms. Jenkins said they had many positive conversations. She agreed to be at the table and collaborative and whatever is done would be with the Gas Company. At no time did she agree to commit to the responsibility for that condition.

Councilor Romero-Wirth asked if it would be okay to put her language into the condition rather than Mr. Grogan's.

Ms. Jenkins agreed. That effort needs to be coordinated among the stakeholders.

Traffic Circulation & Bicycle and Pedestrian Safety

Councilor Garcia observed there were a lot of comments regarding traffic. The project will change traffic flow significantly, especially with no left turn from the south. He asked if the TIA only dealt with the proposed project area.

Ms. Jenkins said it did not just deal with proposed project area with its scope. She shared her screen on the traffic study parameters. She said they worked closely with John Romero and with NMDOT and she identified the eight intersections that were studied. All were conducted pre-COVID.

Councilor Garcia asked her to go further in the study.

Ms. Jenkins said in addition to vehicles, it counted cyclists and pedestrians. The counts also took into account the train as it moves through the area. It does affect things. All of those were part of the analysis.

Councilor Garcia pointed out that the Governing Body heard from folks that they can no longer make any left turns, must use alternative routes down Galisteo or else cut-through routes would be used.

Ms. Jenkins compared before and after development. The proximity of Galisteo to St. Francis meets no standards. It is much too close and creates a space issue with cars backing up at the tracks or St. Francis. So the solution was to redesign Galisteo and pull it away from St. Francis. It allows a lot more storage as vehicles approach St. Francis. It includes three left turn lanes from 93 feet to 375 feet which is a huge benefit and increases safety with relocation. We advocated for signalized intersection at Galisteo and Zia and were denied because it was still too close. We must meet signal volume criteria (warrant) and if not met, federal regulations say no signal could be installed. There was not enough traffic on Galisteo to warrant a signal. So it has a limitation on access at the intersection. The only prohibited turn from Galisteo is left onto Zia from both directions. It is the same as at GCCC and at the new Presbyterian Clinic. The City would never allow left turns if the present Galisteo location were built today. U turns to accomplish left turns are a safer alternative.

Councilor Garcia asked if the TIA dealt with pedestrians stopping traffic. Is that how this cross walk would operate?

Ms. Jenkins said they really wanted a safe way to cross Zia without going all the way to St. Francis. It is a win-win. The median serves as a pedestrian safety zone in a two-stage crossing (a pedestrian median refuge). She explained how it would work.

Councilor Garcia asked about preventing a driver from trying to turn left after the intersection into a left turn lane going the opposite direction.

Mr. Eric Wrage was sworn and gave further explanation on Councilor Garcia's question that it was by striping and signage.

Councilor Garcia thanked him. The additional factor here that it is not on Cerrillos Road. He wanted to make sure it will not be a bigger problem in the future.

Councilor Cassutt-Sanchez thanked Ms. Jenkins for the traffic analysis. She was curious about how Rail Runner frequency might impact this development.

Ms. Jenkins said with more frequency of stops, it would affect this intersection. The south phase would be developed in subphases and we have a requirement to update the traffic study with each phase completion to ensure the improvements being made are still warranted. The TIA update would take additional stops into account. But as we showed, the dramatic reduction would be a win. And improving ridership on the train is also positive.

Councilor Cassutt-Sanchez assumed the roadway improvements would happen first.

Ms. Jenkins agreed. Those would be part of Phase 1 construction.

Councilor Cassutt-Sanchez asked if they would also be able to make improvements to the intersection.

Ms. Jenkins- agreed, within restraints. And if they had to reduce the plan as a result of the TIA update, they would do so.

Councilor Cassutt-Sanchez went back to the critical mass for feasibility.

Ms. Jenkins explained "it is the nature of the beast and the traffic study informs the program. We designed after understanding the TIA results. It all happens together, and it is a risk, but we have confidence in the incredible results from the TIA."

Director Isaacson reminded the Governing Body that NMDOT still needed to testify about that issue.

Councilor Cassutt-Sanchez noted the TIA has a technical piece she didn't understand.

Ms. Jenkins commented that with a project with multiple phases, if you push too much into the future, it loses validity. The intent is to project into the future but updating as we go. So that dilutes the impact with something more meaningful.

Councilor Cassutt-Sanchez asked if there were any other safety improvements Ms. Jenkins had not touched on.

Ms. Jenkins said yes. Everything in blue shows sidewalks in the network. The hot crossing is a big part. On Tuesday, she forgot to mention the MPO recommendation to allow bicyclists an easier and quicker way to get to the off-road trails. Everything internal to the project are new sidewalks.

She showed the proposed Zia Road Section across the frontage, showing vehicle lanes, bike lanes and new pedestrian sidewalks (8' wide on south). So the whole stretch of Zia road will be greatly improved.

Councilor Cassutt-Sanchez asked if those were in response to City requirements or offered on their own.

Ms. Jenkins said it was a little of both. They are exceeding minimum sidewalk requirements by quite a bit. Multiple new rail trail connection opportunities for the neighborhood are a big benefit.

Councilor Cassutt-Sanchez asked Erick Aune about the MPO network process. Since this is considered the most dangerous intersection in the country.

Mr. Aune said the MPO did a crash data analysis including multiple intersections impacted. There is a lot of data and was pre-COVID data for St. Francis and Zia Road. There were a number of crashes and learned the vast majority of them did not involve serious injury and did not involve bicyclists or pedestrians. St. Francis is not intended for those uses. Compared with other intersections with similar volume capacity, they often have traffic movements that result in crashes. The vast majority of motorists are tailgating. Also the number of folks commuting vs local drivers.

The bottom line at this intersection, given crashes, and design, is not different from other intersections.

Councilor Cassutt-Sanchez asked, based on the proposed improvements, what his thoughts were and how he thought those will impact safety.

Mr. Aune mirrored what Ms. Jenkins said. The MPO appreciated being asked to be involved. The MPO suggestions were supported by her. And the bottom line was that the number of lanes, including the Hawk signal,

were MPO suggestions and a game changer in the City limits. Also the relocation of Galisteo. We feel very comfortable with what is proposed to the Governing Body.

Councilor Cassutt-Sanchez said part of the reason for high volume on St. Francis was lack of another interconnectivity. She asked him how the City could do a better job on dispersing traffic around the City. She asked about the southeast connector that was mentioned.

Ms. Jenkins said the southeast connector is a new project that will help. The intent is to relieve traffic on Richards Avenue and drivers using Richards make a right on Rodeo as soon as they can. The project is funded by Santa Fe County and will have a positive impact.

Councilor Cassutt-Sanchez asked Ms. Jenkins to describe the realignment of Galisteo.

Ms. Jenkins explained the proposal requires vacating the existing alignment and the City needs to accept the new ROW. If the project receives approval, we will submit a formal request to vacate the ROW, it is a swap for the project and also dedicating more ROW for left turns. It would be on a parallel path with work on north and the realignment. We have worked closely with City Staff on it and following the process laid out in City Code.

Councilor Cassutt-Sanchez asked how that will impact people living on the south side.

Ms. Jenkins said the existing location will be open until the new location is ready to open. So it would have literally no impact or interruption to neighbors to access their homes or the Rail Runner. There will be flagmen during some work on Zia.

Councilor Villarreal noted that on the Zia access, there will be no left turn out of Galisteo anywhere. She asked what current and future residents will do to go west on Zia Road.

Ms. Jenkins indicated the planned route to go west on Zia was to go south on Galisteo to Rodeo. There would also be access to Chaparral. She showed the route to use Chaparral which would also serve Chaparral Elementary. But going to Rodeo would be faster and shorter.

Councilor Villarreal felt that should be required in the scoping.

Ms. Jenkins said they will have a very diverse demographic with one bedroom, two bedroom and studios. Connectivity is a double-edged sword.

New subdivisions are not allowed on a cul-de-sac by Code. Having opportunities to spread traffic out is part of a healthy network.

Councilor Villarreal recalled comments about pedestrian ways. She asked what the plan is for the side streets.

Ms. Jenkins said they are served by a sidewalk with crossing opportunities along Galisteo instead of having to go to Zia. They will offer to stripe crossings at the intersections if the City wants that. In some instances, it is not considered ideal.

Mr. Trent Thrasher was sworn. He is an employee of Wilson & Company and serving as consulting traffic engineer for the City until the position is filled. He said most housing will be on the west side. On the south side, the housing component is less, and they would take the route Ms. Jenkins noted students could cut through, which is only a half mile instead of a mile. Regarding cut-through traffic, he thought most residents would not perceive any difference in the amount of traffic. In his mind, the biggest draw would be from those students. Some would go through when they can't turn left on Zia. But most would go to Rodeo or back to St. Francis. He didn't think cut-through will be an issue.

Councilor Villarreal said that was helpful and thanked him. She was curious how this works when reviewing the TIA and how everyone communicates it. Everyone needs to be on the same page. She asked him to explain how they coordinate the review, concerns and ideas.

Mr. Thrasher said his comments went to Mr. Berke and City Staff who gathered data from all stakeholders. Often, the Applicant would come to the meetings for back-and-forth information to reach a final recommendation on what the Applicant needed to go forward.

Councilor Villarreal asked to address the DOT.

Mr. Berke suggested Afhsin Jean.

Mr. Afhsin Jean, NMDOT Traffic Engineer, was sworn. He said in 2007 and 2008 there were lots of communications among stakeholders and DOT was involved in the roadway studies. Despite what some might say, DOT doesn't keep analyses to themselves. We did analyses of railroads and pedestrians in the past but relied on developer and consultants for the analysis of the project.

Councilor Villarreal asked if he had any preliminary concerns.

Mr. Jean said they had lot of concerns when COVID hit, to change traffic patterns. So we had to go through a big process that helped but was lengthy. We also incorporated a study method that was more stringent and closer to the things that needed analysis for how traffic would end up. Bohannon provided some of what we needed. We do have some concerns on the intersection and what is connected to the intersection which involves our facilities and City's facilities. He still has some concerns on the impact there. The right turn is the right lane and a big issue that goes to the interstate and that lane utilization creates backup all the way to the north to St. Michael's.

Councilor Villarreal appreciated the analysis on the three lanes. The straight through and right turn. She asked who did that analysis for people trying to get on St. Francis and to the interstate. This is an issue because multiple things must be coordinated. What do your numbers show that would make the right turn combine straight through and right turn?

Mr. Wrage said they analyzed the far-right lane traffic and found the benefit from triple right is substantial and tradeoffs had to be made. The analysis did not complete no right on red, but it is still better overall. It was a tradeoff. Left turns were much higher.

Councilor Villarreal asked how the hot signal coordinate with train stops.

Mr. Wrage said it will be interconnected to the St. Francis control. There is a big silver shed at that intersection to know when a train is coming and when it is, the pedestrian hot signal would not turn red and prevent pedestrian access. As the gate goes down, the pedestrians could use it. There were other things to offer protection. If people kept pushing the button, it would stay red. But the safety median helps. The turning lane is being narrowed a little and the bike lane is narrower. The Hawk would operate "pretty snappy" with restrictions. Red will not be on for a long time.

Councilor Villarreal asked if the Hawk has a voice for ADA.

Mr. Wrage agreed it will have some audible component.

Mr. Thrasher added that accessible push buttons can be programmed with a specific message or use the manufacturer's message. It would state when they are free to go forward and what direction they are headed. All requirements will be met.

Mr. Jean said he believed in Hawk signals but had some concerns with how to use the Hawk system.

Councilor Villarreal asked regarding the decel lane on St. Francis, which she saw becoming an acceleration lane to beat the light and asked if that got consideration.

Mr. Wrage said the best answer is that we can see if current standards are being met and if DOT or the City would want more considered. The gate is right there so there are restraints for the intersection. We would not consider three lanes right because of pedestrians there. And the geometrics would make the intersection more dangerous. We will touch that intersection and the three left would require some changes on the northeast corner. The whole intersection will get the once over.

Councilor Villarreal commented that even now, drivers don't look for pedestrians. They are still looking left as they turn right. That could be precarious activity with all the other changes.

Councilor Romero-Wirth asked Ms. Jenkins how far west Galisteo would move.

Ms. Jenkins- said it is 300 feet to the west.

Councilor Romero-Wirth asked if there was a map that shows realignment.

Ms. Jenkins said yes and showed it.

Councilor Romero-Wirth wondered how many would do a U turn. She was also worried about people in the median refuge. It was a little scary and asked how the signals work.

Ms. Jenkins said the pedestrian controls the Hawk signal. But pushing the button would not stop the train or prevent cars from speeding down the road.

Mr. Thrasher explained the interconnection is a set of priorities the controller would run. It knows when a pedestrian pushes the button, and also where it is in the cycle and if a train is coming. One benefit of the Hawk is that without pedestrians, it goes dark.

When the Hawk activates, it will have a flashing yellow light and then solid yellow and two red lights steady red. Then the red signals would flash to allow a vehicle to wait until the cross walk is clear and then proceed. Then it turns off. This Hawk is in two stages and if the pedestrian walks down the median, they will face oncoming traffic as another safety measure and gives other notice a pedestrian is waiting. The pedestrian light counts down on how much time is left.

Councilor Romero-Wirth thanked him for explaining the orientation of the median refuge. She was worried with waiting to turn right and encountering the red Hawk signal.

Mr. Thrasher that was not studied but there would also be a level of enforcement to get familiar with. So we also have to work on people obeying the laws. And if the police are there for a while, people could get used to the new system.

Councilor Romero-Wirth asked what the study showed on how many walk along there.

Mr. Wrage said the traffic on Galisteo was minimal compared with east-west traffic, so we don't have a good estimate on potential pedestrians. It wasn't high and that is difficult to predict. We know the number who cross Zia. But existing pedestrians on Zia is very small.

Councilor Romero-Wirth asked about drivers eastbound on Zia across St. Francis.

Mr. Wrage said the analysis showed there is traffic from retail on the east and residential (considered employment trips) going to work or to Old Pecos Trail That information was included. He had the numbers – 50 U-turns in morning and less in the pm. 200 wanting to go south on Zia. And 230 in pm. A lot of that is existing traffic. He said they are residents of the area and some is cut-through traffic.

Councilor Romero-Wirth went back to the Chaparral alternate route for going west and asked how to evaluate that.

Ms. Jenkins said it is not easy to evaluate but more people would stay on major routes than going through Chaparral.

Ms. Jenkins said Richard Wood had a long list and she responded to them. On the traffic study, there were questions around methodology that were also answered. It did not lead them to change the methodology. Mr. Wrage responded to most of them.

Councilor Romero-Wirth encouraged his response.

Mr. Wrage said Mr. Wood sent three groups of questions – mostly for clarifications and his observations, which were valuable too. He made a statement that Mr. Wrage told him pedestrians were not included but that was inaccurate. He said the methodology had minimal impact on pedestrians. We will be doing more on that in more detail.

Councilor Romero-Wirth asked the Rail person if the Rail Runner would anticipate more stops in Santa Fe in the future.

Mr. Bill Craven was sworn there will be more trains and more will stop at Zia Station if demand grows. We don't know what the demand will be at Zia Station and must wait until pandemic is gone to evaluate that. We can't commit to it yet. We just hope to get back to the former volumes. The Rail Runner is considering how to get more travelers and looking at express routes and reducing the travel time between Albuquerque and Santa Fe, including things like double tracks which would be very expensive, and better times to get more riders. Rio Metro's focus had been to get positive train control and they barely beat the deadline of December 31, 2020. Trains restarted one month ago today. So they haven't looked at that. Positive Train Control is a federal requirement for all trains that alerts the train operator if a problem is detected. If the operator ignores it, the control will automatically stop the train. It was designed to prevent accidents.

Councilor Romero-Wirth asked if there was any plan or hope the train would go to the airport.

Mr. Craven said not any serious planning. There are groups and individuals but to route it to the airport is expensive. He explained the route in Albuquerque which would add 40 minutes more in travel time. They pulled out the track at the airport.

Councilor Romero-Wirth asked if Zia will still be a kiss and ride stop.

Mr. Craven said that status was set by the City Council to have no parking at the facility. That is entirely between the City and the developer.

Councilor Romero-Wirth asked Ms. Jenkins if that is contemplated.

Ms. Jenkins said they were open to it and the plan provides modest parking spaces dedicated to ridership – maybe 20-25 spaces, based on the different situations and how much better the intersection would be. It could be considered by Council if interested. It doesn't need to be resolved tonight but it could be contemplated.

Councilor Romero-Wirth opined there is a positive side but it also takes parking spaces for people going to Albuquerque and what that does to density.

Ms. Jenkins estimated somewhere between 20-30 and if Rio Metro has an opinion about it. We do have a potential excess of parking but not dramatically.

Councilor Abeyta asked about the Staff and engineer claims that U-turns are actually safer.

Ms. Jenkins said U turns are always considered safer than left turns onto a busy road.

Councilor Abeyta asked if weekends have changed traffic patterns.

Ms. Jenkins clarified that the TIAs focus on the two peak hours - am and pm. And how the intersection functions in LOS delays at 15-minute increments during those times. Most delays are less than 15 minutes.

Councilor Abeyta asked if bicycling and walking also peak during those times.

Ms. Jenkins said those are more spread out.

Councilor Abeyta said he heard that the traffic concern was only in the morning and not in the afternoon.

Councilor Garcia pointed out that 24 units were proposed on the north side and if everyone had one vehicle, the TIA is only estimating 50 left turns there. He asked if he was understanding that correctly.

Mr. Wrage explained the report more for him.

Councilor Garcia had concerns about the proposed plans. And asked Mr. Jean if he would recommend changes and work with the Applicant or just approve the proposed project.

Mr. Jean said he would work with the Applicant on the concerns and then approve it.

Councilor Garcia asked if we have to have DOT approval for this project to move forward.

Ms. Paez did not think it was required but could be added as a condition of approval.

Councilor Garcia understood the Capshaw property is not vacant but was being used by a school. So it was not just Chaparral down the road.

Mayor Webber did not recall ever seeing any LOS for the intersection now and with the project built.

Ms. Jenkins put that slide up and explained that existing shows C to F at various times of day. This is based on the national engineers parameters. That was used to get the data. With proposed was improved in every circumstance. It eliminated all failures. PM was E and F currently and would go to C, D and E.

Mayor Webber asked what they assumed for car ownership.

Ms. Jenkins said they did not assume reduced ownership but relied on standard data. This probably will have less car ownership but they did not plan on it.

Mayor Webber asked about measures to reduce traffic cut-throughs.

Mr. Thrasher said he looked at where a car would go and what route they would take during delays. Some school trips on the south side would have an uptick but not noticeably going along Candelario. They assumed most drivers would take the closest opportunity to make the U turn and come back. There would not be much cut-through traffic.

Mayor Webber recalled a list on the safety improvements. He was concerned about the underpass.

Ms. Jenkins said they didn't measure pedestrians through the underpass but considered it a great amenity.

Mayor Webber had no more questions.

Building Height and View Corridor Concerns.

Councilor Villarreal said in looking east one could see Albertsons and a big apartment complex and those are in the corridor. She asked how those got approved. Their height feels equal to the height on this development.

Mr. Logston acknowledged that was true. The overlay doesn't address the lay of the land. Just 25' maximum heights. Albertson and the apartment building are on much higher land so the net effect is greater. For Vizcaya Apartments, the height conforms. It is a visual block to the mountains. They both comply with height requirements of the corridor.

Councilor Villarreal tried to visualize being on the Arroyo Chamiso Trail and asked what she would see, looking at the development.

Ms. Jenkins showed a rendering with southwest view to the development at St. Francis Drive.

Councilor Villarreal reasoned that, based on where she was on the trail, it could appear to be one-story or two-stories.

Ms. Jenkins agreed – basically a view of one story at the top.

Councilor Vigil Coppler was trying to recall if the Governing Body approved a variance in the SCHC zone for a building on Pacheco Street.

Mr. Berke thought it was Morningstar. Both Link overlay and SCHC and a code amendment allow the project to qualify.

Councilor Vigil Coppler remembered in that project, there were questions if the SCHC should apply or the Link Overlay. Christus St. Vincent was brought up as a violator. And a building at the brow of the hill, although lower in the ground, was still in violation. It surpassed the 25' and was built that way.

Ms. Jenkins was glad she brought that up. There are interesting parallels when it was determined the Link overlay would prevail because the goals of the Link were more important. Zia Station has those same goals of the Link. The opportunity was here in a private sector development to realize those goals. It is really about priority and the City has repeatedly favored those values.

Councilor Vigil Coppler mentioned another project proposed in Las Soleras that had a planned rail stop there. In a class with Director Ladd, we talked about the perfect opportunity when you have a rail stop and affordable housing for Millennials to get on a bike and use the Rail Runner. That provides a lot more to the City and has an impact on reducing traffic. She agreed that developments built around transportation help greatly. The rentals in Las Soleras are very well priced. There was much discussion about SCHC as well as on Tuesday evening. The City changes and our goals change, and we had that discussion on what the City's real issues are now.

Mayor Webber asked if Ms. Jenkins had a slide on the remaining developable property in that district.

Ms. Jenkins showed the slide and described the legend. The pink was SCHC, and the building just talked about she pointed out. The only undeveloped properties were shown in blue.

Mayor Webber playing devil's advocate, asked Staff about setting dangerous precedents.

Mr. Logston said it was tough to answer because it borders on opinion. The reality is there are not many of them. And if developers would use this project as a precedent. The Planning Commission would look at the specifics of the site and whether it warrants a variance.

Mayor Webber asked if there was any kind of assurance that these are not prejudged or that they would ever become an exception.

Director Isaacson said the Department has a procedure for looking at the site and compatibility with surrounding property. So looking at this one as a precedent he didn't think would be done.

Ms. Jenkins pointed out the corridor is a combination of four corridors. St. Francis, St. Michael's, Old Pecos Trail is primarily residential and I-25 which is unto itself. Rezoning requests are all based on their own merits. The elements for the corridor are very unique.

Mayor Webber said we must be careful not to disturb Old Pecos Trail. We want to be respectful.

Legal Criteria for Rezoning

Councilor Garcia thought this was the crux of the challenge with this proposal. He disagreed with the Land Use Department. If someone on Old Pecos Trail wanted to develop their property, they would just have to meet the criteria of this project. With the SCHC issue, he felt was the process felt rushed. This developer bought this property, knowing these protections were in place and looking at amending the SCHC for it. It puts the Governing Body as the sole approver. It puts us in a place where we cannot support our constituents. He couldn't speak with them without violating ex parte rules. That is wrong. The developer put it in our way. He understood the SCHC needs to be updated and consider what needs to be changed.

Councilor Garcia asked Mr. Logston what we as a City Government needed to go through to amend the plan. How could the Governing Body go through this process differently to update the SCHC?

Mr. Logston suggested we could consider just this one or consider all highway corridors in the City with a public process – whether it is just amending the language or to embed that in the General Plan. The Land Use Department is looking at engaging a more Growth Management Process to update the Code. We can certainly engage the public for this and other corridors on a process to be used to amend them or embed them in the General Plan.

Councilor Garcia thought, given that Santa Fe is in a housing crisis, that this will not be the first challenge and we need to decide how to involve the public and make it a 21st Century plan. He asked why the process was not taken to update the SCHC rather than a back door approach.

Ms. Jenkins said she had a lot of dialogue with City Staff in considering impact of SCHC. It creates a significant challenge. Where we landed was a mass amendment seemed most transparent and straightforward. There was not a lot of discussion on it but it requires Councilor sponsorship, etc. As a property owner, it is not our process but City's.

Councilor Garcia asked Staff if there was ever an intent to amend that.

Director Isaacson explain that property owners have the opportunity to initiate an amendment to the overlay zone for this property or any other. We want the process to be more transparent and have more public input. That is how these policy issues can proceed.

Councilor Garcia wished when the request came forward to trigger the overlay being outdated and how we could fix that. That is the most efficient way to use our time. Housing is critical right now and we want to ensure the barriers can be remedied. He just wished the owner had worked with the Governing Body on amending the SCHC.

Mayor Webber wanted to know if we need to extend past 11:30. (it was 11:21). Or adjourn at 11:30 and schedule another meeting.

Agenda Extension

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to suspend the rules and continue the meeting.

Discussion on the Motion:

Councilor Cassutt-Sanchez was curious, given the special nature, what it means in terms of scheduling, given that we are headed to budget hearings next week.

Mayor Webber said the Governing Body could pick it up later. But there are budget hearings to consider.

Ms. McSherry advised if the Governing Body doesn't continue, you should pick a date certain to continue.

Councilor Abeyta was concerned if we extend it without two councilors present, whether they would have to recuse themselves.

Mayor Webber thought so.

Ms. Paez recalled they agreed that with quasi-judicial, they could review the video, and there is no limitation but could choose to recuse if they desired.

Councilor Villarreal wanted to know what the agenda looks like next week for the Council meeting.

Ms. Bustos-Mihelcic said the agenda is fairly lengthy for the meeting on the 14th with two public hearings. She offered to look for dates. Consent items went through letter p and three items for regular discussion were on that agenda. But it is better than the April 28 agenda.

Ms. Paez added there is an appeal on the 14th also.

Councilor Romero-Wirth said that was a curve ball here. We can't close this, but she was interested in postponing and asking the representatives to meet with the neighborhood association one more time to see if there could be better communication and address what we heard two nights ago. She didn't know what already had been done.

Ms. McSherry said the Governing Body should vote on this motion to extend, no matter what else was decided.

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

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

Against: None.

Mayor Webber said he was ready to continue but asked the pleasure of the Governing Body.

Councilor Romero-Wirth was ready to continue but if the Governing Body decides to postpone and use that time, she was okay with that.

Councilor Cassutt-Sanchez did not see another good option.

Councilor Garcia didn't know how much more discussion there would be on the other topics. He felt it was not a good policy to make a decision at 1 or 2 in the morning.

Councilor Vigil Coppler said the intent of her motion was to carry on. We need some timelines and interpret “reasonable.” We should stick to the topics.

The Governing Body went back to Legal Questions.

Ms. Paez noted that Ms. Jenkins could not just ask for a sponsor to overhaul the SCHC. It would be pretty awkward and is problematic, however. Anyone can propose revised text as amendments to the ordinance but that has to be outside this case. That could have been done but it would be difficult to separate the code amendment from this case.

Councilor Romero-Wirth was curious about the way to change the overlay. It would require one of us to sponsor. She asked if it would be quasi-judicial or not.

Mr. Berke said if the Governing Body wanted to amend, they would pass a resolution to direct Staff to do a draft.

Ms. Paez added that an overall revision of land Use Code would require it. It is a little tricky and procedures depend on the nature of the case in a larger public engagement process.

Councilor Romero-Wirth explained she was asking in the context of this project how we go about doing it. What is clear on this project is that we have not developed a process for the public on using Affordable Housing and she needed to understand what we value and the tradeoffs. She was asking it separate from this case but related. We do not have the public understanding now.

Councilor Cassutt-Sanchez asked about the rezoning vs Chapter 14.

Mr. Logston was not sure he understood the question.

Councilor Cassutt-Sanchez said she was asking about the Planning Commission question on the General Plan and Chapter 14. And how they relate to each other.

Mr. Logston said the General Plan sets themes and guidelines for us and in Chapter 14, the SCHC is the result of those policies and goals of the General Plan. None of the highway corridors are mentioned by name in the General Plan and land use map. At its heart, this is a rezone request.

Ms. Paez added that the General Plan is a comprehensive plan for the whole city and has a Land Use Map. To Councilor Romero-Wirth’s point, it was last overhauled in 1999. When we choose to change a zoning on a

property, we do have a specific process and specific criteria that apply. The first criterion takes into account the use. It is where a lot of this comes in. To amend, takes account of three conditions – whether there was a mistake; there has been a change in the neighborhood area; third is for a different use category that is more beneficial to the community. That is where we can use all of those, and ask if there is a justification using those criteria.

Councilor Cassutt-Sanchez asked Mr. Berke how long the last one took.

Mr. Berke said it took 14 months and the map took four years.

Councilor Abeyta asked if we are setting precedent on that with these cases.

Mr. Berke said Staff was not aware of any other such request, but didn't think this would set a precedent.

Councilor Romero-Wirth – how many highway overlay districts do we have?

Director Isaacson mentioned four cases.

Councilor Romero-Wirth pointed out that process would allow much more public input.

Director Isaacson agreed 100%.

Ms. Paez displayed the criteria in the Code for rezoning and read them aloud. She said it is up to the Governing Body to decide if they have met the criteria.

Other issues

Councilor Cassutt-Sanchez asked about maintaining open space.

Ms. Jenkins said all the open space will be privately maintained and the City has no obligation for that.

Councilor Villarreal asked Mr. Berke about what the Code said in the criteria about preserving open space and continuity. To her, it seemed to be about gateway.

Ms. Paez agreed. It is the first criterion – as seen from major highway entrances to the City.

Councilor Villarreal reasoned it was not from Zia. Mr. Berke agreed.

Councilor Villarreal observed that height would impede a view of the mountains. It is about someone driving from the highway through a City entrance. But if driving, they should not be looking around but focus on the street. Her point was we are not talking about neighborhood perspective.

Her other random question was who maintains the parking garage.

Ms. Jenkins said the parking structures are private. There will be spaces assigned for various purposes and they have not fully developed the parking areas. Consultants will help with managing the parking and spaces paid for like at the Convention Center. They will always make sure adequate parking is maintained and sufficient parking for residential tenants. There will be some revenue, some open parking and some reserved parking.

Councilor Villarreal asked if it included business reservations.

Ms. Jenkins agreed. When paying rent, a portion goes for parking. For residents, a portion of rent goes toward parking space. It was not a separate fee.

Councilor Villarreal said if they were considering prohibiting STR.

Ms. Jenkins said there was no intention for STR and would welcome such a restriction.

Councilor Romero-Wirth asked Ms. Jenkins about her work with the neighborhood.

Ms. Jenkins said work with the neighbors started in early 2000 prior to Jenkins-Gavin involvement when Merritt Brown put it under contract after the pumice plant closed. Then the community rail corridor study in 2008 identified it as a potential rail stop. Everything was on pause until legal issues were resolved and station could open in 2017.

In early 2019, Mr. Brown and his team reached out to bring it back in. based on current market conditions, the Rail Runner, etc. and started meeting with neighborhood residents in 2019. At that point we were talking about residential on the north side. The program had changed dramatically. Almost 400,000 sq. ft. of commercial space and we reduced that well down. They had three informal meetings while developing the site plan and came back with more detail; They did traffic counts and analysis of the Zia intersection, and started to understand what road improvements would be needed. The meeting talked about the corridor and height. We heard no four-story buildings would be acceptable. We had no plans for four-story

and majority at 2- story and only transition to 3-story as we get closer to St. Francis.

Then they went back to the drawing board for further details, traffic analysis and survey in early 2020 and two formal ENNs where they came back a second time with answers to the questions received. The Association declined a third meeting, but they reached out to dialogue with individual neighbors.

There did not seem to be a lot of welcome viewpoints and was what they heard at Tuesday's meeting. She heard the feedback about no four-stories, about corridor, about architectural tradition style, and another safe crossing of Zia. Sidewalk improvement and traffic was primary. They eliminated all of those conditions and reduced the line of cars approaching St. Francis on Zia – a dramatic improvement and triple right lanes. It improved the St. Francis backups.

Councilor Romero-Wirth asked if she was meeting with the Association or a different group.

Ms. Jenkins said she was working with everyone. She notified all residents within 300 feet including the neighborhood association within 300 feet. Candlelight got their own notice too. The first was in person and first ENN was in person with a sign-in sheet. The Candlelight NA notified all of their members. And any person who signed in were added to the mailing list. At each meeting, the new members were also added.

Councilor Romero-Wirth asked why there were such strong feelings against this development.

Ms. Jenkins found it curious too. She wondered if she didn't explain it enough or if they didn't understand the traffic improvement. That was frustrating. She thought it came down to being a change and what that would mean. It felt like at a certain point, maybe the third neighborhood meeting, where she wanted to hear from them about suggested changes to consider. She didn't hear a lot of that.

Councilor Romero-Wirth asked Ms. Paez to describe the due process rights for parties involved in this and whether due process rights were being violated.

Ms. Paez said we have a landowner who applied for a permit from the City. The landowner on a process like this always has a due process right as described in New Mexico law. But there are also rights for neighborhood citizens who have not paid an application fee. So due process for

nonlandowners is provided by law for them. And if there is an appeal, separate laws apply. They have equal time rights in an appeal.

Councilor Romero-Wirth's last question was to Ms. Jenkins. The other night there was a discussion about the construction timeline of 6-10 years. Can you talk about that? This is a huge project but why couldn't it be done faster?

Ms. Jenkins said she would love for it to be faster. The first phase is 18 months and while that is done, all roadways would be constructed. That is pretty quick. The sales phase is more market-driven and that time depends on market conditions. We have huge confidence. The roadways have to come before any marketing effort gets underway. Maybe one or two buildings can start right away. There is a good possibility the south side could finish out in five to six years - ten years at the outside but she didn't expect it to last that long.

Councilor Romero-Wirth went back to a question asked earlier on balance of commercial vs residential.

Ms. Jenkins said it is about that balance for residential to support the commercial. Mixed use is really dependent on residential. This is a rare opportunity to have both. We need a critical mass for mixed use feasibility. Even with the pandemic, people still want office space, but a different kind. It is not a big office park, but more a suburban model. There may be those who are working at home that now want to have an office. We are confident that kind of office space will be sought.

Mayor Webber noticed Councilor Romero-Wirth has talked about it as Councilor Garcia has – a lingering after effect on balance and tradeoffs. Not about change but loss on look, feel and character as a Santa Fe brand. How do you respond to criticism that you would provide housing but lose the essence of Santa Fe?

Ms. Jenkins said the essence of Santa Fe is people, not buildings. It is about community and here is still a lot of good stuff in the General Plan. Like more walkability, more AH, more walks to transit. And we have an opportunity here to realize all of them. "Architecture is critically important and we have four architects. Pull off stucco and we have brick Victorian is what I work in. We have incorporated all the elements – some very traditional and some with more contemporary materials. It will feel like Santa Fe absolutely but what makes it special are the people."

Mayor Webber closed the question & answer period at 12:56 a.m.

ACTIONS OF THE GOVERNING BODY

a) Case #2020-2898 North Zia GPA

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Vigil Coppler, to approve Case #2020-2898 North Zia GPA.

Discussion on the Motion

Councilor Garcia thought there were a couple of conditions for item C to consider.

Ms. Paez suggested any conditions like the Short-Term Rentals should be carried by the zoning. (4th case on the agenda). The other condition should be on the final case (Development Plan) such as affordable housing.

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

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

Against: None.

b) Case #2020-2914 South Zia GPA

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve Case #2020-2914 South Zia GPA as presented.

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

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

Against: None.

c) Case #2020-2900 Zia SCHC Rezone

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Case #2020-2900 Zia SCHC Rezone as presented.

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

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

Against: Councilor Romero-Wirth.

d) Case #2020-2899 Zia PUD Rezone

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Villarreal, to approve Case #2020-2899 Zia PUD Rezone as amended with Short Term Rental uses prohibited.

Discussion on the Motion:

Councilor Romero-Wirth noted there were other conditions that she wrote down, including, a 500-year storm event; the Developer's commitment to work with New Mexico Gas Company on erosion control, and a condition of approval if commercial was changed to housing. She didn't know where they fit in.

Ms. Paez recommended they all be in the development plan (next case). Zoning is more about uses. For the last one on conversion of commercial to residential, nothing was wrong but is already in the Code.

Councilor Garcia added the condition for NMDOT approval.

Ms. Paez said that one also should be in the Development Plan motion.

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

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

Against: Councilor Romero-Wirth.

e) Case #2020-3901 Zia Preliminary Development Plan.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the Zia Development Plan in Case #2020-2901 as amended with the following conditions: that the arroyo be stabilized, using the 500-year storm event standard; that the approval of the traffic management plan be secured from

the NMDOT, and that any change in the HOMES program would require Governing Body approval.

Discussion on the Motion

Ms. Paez thought the NMDOT approval was for the HAWK signalized pedestrian crossing.

Councilor Garcia said it was broader than that. It was to address all concerns raised by NMDOT.

Mr. Berke pointed out that NMDOT approval is already required already for doing any work within certain corridors. The Plan would stipulate the number of units in there so that amendment is not needed.

Councilor Romero-Wirth suggested the first should say to work with relevant parties on the erosion prevention.

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

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

Against: Councilor Romero-Wirth.

6. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 1:14 a.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine M. Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer

**City of Santa Fe
Governing Body
Findings of Fact and Conclusions of Law**

Case #2020-2900

Zia Station South Central Highway Corridor Protection District Rezoning

Owner's/Applicant's Name – Zia Station, LLC

Agent's Name – JenkinsGavin, Inc.

THIS MATTER came before the Governing Body (Governing Body) for public hearing on April 6, 2021 and April 8, 2021 (Hearing) upon the application (Application) of JenkinsGavin, Inc. as agent for Zia Station, LLC (Applicant).

I. INTRODUCTION

The Application pertains to properties located at the northwest and southwest corners of St. Francis Drive and Zia Road (Properties). The Applicant seeks a rezoning to amend the boundaries on the Official Zoning Map of the South Central Highway Corridor Protection District (SCHC) to exclude two properties from the Overlay District. The Properties total approximately 22.7 acres and are within the South Central Highway Corridor Protection District (SCHC).

In related Case #2020-2898, the Applicant requests a general plan amendment for a property located at the northwest corner of St. Francis Drive and Zia Road, to change the Future Land Use Designation from Low Density Residential (3 to 7 dwelling units per acre) to High Density Residential (12 to 29 dwelling units per acre).

Additionally, in related Case #2020-2914, the Applicant seeks a general plan amendment for a property at the southwest corner of St. Francis Drive and Zia Road, to change the Future Land Use Designation from Low Density Residential (3 to 7 dwelling units per acre) to Transitional Mixed Use.

Additionally, in related Case #2020-2899, the Applicant seeks a rezoning from R-1 (Residential-one dwelling unit per acre) to C-2 PUD (General Commercial - Planned Unit Development) for properties located at the northwest and southwest corners of St. Francis Drive and Zia Road.

Finally, in related Case #2020-2901, the Applicant seeks preliminary development plan approval for a mixed-use Planned Unit Development to be developed in two phases for two properties at the northwest and southwest corners of St. Francis Drive and Zia Road.

After conducting a public hearing and having heard from staff and all interested persons, the Governing Body hereby FINDS, as follows:

II. FINDINGS OF FACT

A. **Background: Property History**

1. In 2001, SF Brown Ltd. Company, managing partner in Zia Station, LLC (Applicant) entered into an agreement to purchase the 8.34-acre pumice plant property at the southwest corner of St. Francis drive and Zia Road.
2. On January 14, 2004, the Governing Body approved Resolution No. 2004-4, changing the future land use designation of the property that the northwest corner of St. Francis and Zia Road from Open Space to Low Density Residential (3 to 7 dwelling units per acre), and the property at the southwest corner from Park and Open Space to Transitional Mixed-Use, with a small portion changing to Low Density Residential (together, the Project).
3. At that time, the Applicant stated an intention to request a rezoning in the future to develop the northern property at approximately R-5 (Residential- five dwelling units per acre) or R-7 (Residential- seven dwelling units per acre), and to request a rezoning to C-2 PUD (General Commercial- Planned Unit Development) to develop the southern property as a mixed use development.
4. In 2005, SF Brown Ltd. Company closed on the purchase of pumice plant.
5. In 2007, the pumice plant was demolished.

B. **Background: City Planning Efforts Related to Commuter Rail**

6. On September 10, 2003, the Governing Body passed Resolution No. 2003-70, unanimously supporting the effort to establish a commuter rail line between Albuquerque and Santa Fe.
7. On November 14, 2007, the Governing Body passed a follow-up Resolution No. 2007-102, reaffirming the City's commitment to commuter rail and identifying concerns to be resolved.
8. On December 13, 2007, the Santa Fe Metropolitan Planning Organization (MPO) Transportation Policy Board approved the location of the Rail Runner Express Station at Zia Road.
9. NMDOT built the Zia Station platform prior to the commencement of Rail Runner service between Albuquerque and Santa Fe in 2008.
10. In 2008, the City of Santa Fe Long Range Planning Division prepared the Rail Corridor Strategic Plan, which identified Zia Station as the "Gateway to Santa Fe" and recommended a mixed-use, transit and pedestrian oriented development at the site consisting of up to three-story buildings. This Plan and its recommendations were not formally adopted by the City's Governing Body or incorporated into the City's General Plan.
11. On March 14, 2011, City and MPO staff conducted a public input meeting to discuss the opening of the Zia Station platform for rail service as a "kiss and ride" station. MPO staff presented a conceptual plan to show how pedestrian, bicycle, transit, and automobile access could be accommodated at the site. A majority of the 250 people present expressed a desire for the Zia Station platform to open.
12. On August 30, 2011, the Governing Body adopted Resolution No. 2011-44, recognizing the need for additional capital improvements in order to open the Zia Station platform.
13. On August 13, 2015, the City entered into an Impact Fee Credit Agreement with the Applicant for the Applicant to receive impact fee credits in exchange for constructing "kiss and ride"

(passenger drop off only) improvements to the Zia Station platform area. The Agreement was filed with the records of the City Clerk as Item #15-0511.

14. The Applicant completed the “kiss and ride” improvements to the Zia Station platform area in 2017.
15. In April 2017, Rail Runner service became available at the at Zia Station platform.

C. Background: Procedural History

16. Santa Fe City Code (SFCC) Section 14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
17. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC §14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC §14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC §14-3.1(H)-(I)].
18. A pre-application conference was held on February 6, 2020 in accordance with SFCC Section 14-3.1(E)(1).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held on the Application on October 29, 2020. The ENN meeting was attended the Project team, members of City staff, and approximately 90 members of the public. Residents voiced concerns about traffic impacts, building height and visual impacts to the skyline, project density, loss of open space, and impacts to their neighborhood and property values. Skepticism was expressed about the TIA results, and that suggested road improvements could handle traffic presumed to be generated by the project. Residents stated that it was difficult for them to evaluate the project before receiving actual application materials, but staff pointed out that under the SFCC, the ENN always takes place before submission of an application. The President of the Candlelight Neighborhood Association requested that another ENN be held for the project.
21. The Applicant held one more, informal virtual meeting to answer additional questions on November 12, 2020.
22. City staff held one more, informal virtual meeting with residents on November 16, 2020, after residents had an opportunity to review the submitted application materials. Questions for staff were largely procedural in nature, although there were questions about the specific details of the project. Staff asked residents to summarize their questions and submit them to staff for follow up. Only one resident did this, submitting a detailed traffic analysis.
23. Pursuant to SFCC Section 14-3.2(D)(1), city staff reviewed the rezoning application, along with the related materials and information submitted by the Applicant, for conformity with applicable SFCC requirements (Submittal Requirements) and provided the Planning Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the application.
24. Staff recommended that the Planning Commission (Commission) should recommend that the Governing Body approve the rezoning.
25. Pursuant to SFCC Section 14-2.3(C)(7)(c) and Section 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
26. Pursuant to SFCC 14-3.5(B)(2)(a), “[a]ll proposed rezonings shall be submitted to the planning commission for review and recommendation at a public hearing.”

27. The Commission conducted a public hearing over the course of two meetings held February 4, 2021, and February 18, 2021.
28. The meeting minutes reflect that approximately forty-six (46) members of the public provided sworn public comment at the February 4, 2021 Commission meeting.
29. The record before the Governing Body reflects that approximately forty-two (42) individuals and one neighborhood association provided written public comment for the Commission's consideration at the public hearing.
30. On February 18, 2021, a majority of the Commission voted to recommend that the Governing Body approve the rezoning; two members of the Commission did not concur with the majority vote.
31. On March 4, 2021, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its recommendation.

D. Rezoning: Request to Amend the Boundaries of the SCHC

32. At a hearing conducted over the course of two special meetings held April 6, 2021, and April 8, 2021, the Governing Body considered the application in this case concurrently with the applications in Case Nos. 2020-2898, 2020-2914, 2020-2899, and 2020-2901.
33. Approximately thirty-nine (39) members of the public submitted written public comments in advance the written comment deadline of 1:00 p.m. on April 6, 2021, as set forth on the published meeting agenda.
34. At the April 6, 2021 meeting, the Governing Body received reports from staff, sworn testimony and evidence from the Applicant, and sworn testimony offered by interested members of the public.
35. Approximately forty-four (44) members of the public provided sworn public testimony at the April 6, 2021 meeting, and members of the Governing Body asked follow-up questions of some members of the public and allowed them to further testify and respond.
36. At the April 8, 2021 meeting, the Governing Body asked questions of city staff and the Applicant, and conducted discussion and deliberation prior to making a decision.
37. In this case, the Applicant seeks to amend the boundaries of the South Central Highway Corridor to exclude the Properties from the overlay district.
38. On June 25, 1986, the Governing Body adopted Ordinance No. 1986-25, creating the South Central Highway Corridor Protection District (SCHC), for the purposes of establishing and maintaining a clear sense of visual openness and continuity of development, as seen from major highway entrances" to the City. SFCC § 14-5.5(A)(1)(a). The SCHC does this by regulating allowed landscaping, encouraging architectural style and scale that is representative of Santa Fe, establishing setbacks, limiting density to 21 dwelling units per acre, and limiting building height to 25'. *See* SFCC § 14-5.5(A).
39. SFCC Section 14-5.1 explains that overlay districts "are intended to apply in combination with the underlying zoning districts" and that overlay rezoning cases are governed by the general requirements set forth in SFCC Section 14-3.5, which apply to all rezonings, plus any additional rezoning requirements established by SFCC Section 14-5.
40. Pursuant to SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by the SFCC Chapter 14 and any other information requested by the land use director as reasonably necessary to determine compliance with Chapter 14 (Submittal Requirements).

41. Pursuant to SFCC Section 14-2.2(A) and Section 14-3.5(B)(2), and Table 12-2.1-1, the Governing Body has the authority to review and approve rezonings.
42. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
43. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving a rezoning.
44. Pursuant to SFCC Section 14-3.5(C)(1)(a)(i), the Governing Body finds that the rezoning is justified because implementation of the SCHC Overlay District is complicated by the fact that the City did not make accommodations for current and intended future uses on individual tracts within the SCHC Overlay when it was adopted, as it has when adopting other plans.
45. Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii), the Governing Body finds that the rezoning is justified because the surrounding area has changed, in that the St. Francis corridor has developed into a dense, mixed-use corridor since the SCHC was adopted. The establishment of commuter rail at the site is a significant change, and City planning efforts have repeatedly called for some level of mixed-use development at the site. The 25' height restriction of the SCHC will prevent the three-story residential density required to create a transit-focused development that will capitalize on the public investment in commuter rail.
46. Pursuant to SFCC Section 14-3.5(C)(1)(a)(iii), the Governing Body finds that the rezoning is justified in that the proposed land uses for Zia Station align with General Plan Themes and Policies, such as Affordable Housing, Transportation Alternatives, Economic Diversity, Urban Form/Higher Densities, Community Oriented Development, and Mixed-Use.
47. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
48. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the Zia Station proposal generally aligns with General Plan Themes and Policies. With respect to the future land use map, the Applicant has requested the required general plan amendments in the related cases considered concurrently with this case. The proposed exclusion of the subject property from the SCHC is consistent with previous actions of the City to implement the guiding development principles identified in the General Plan, such as mixed-use, infill, affordable housing, multi-modal transportation, and economic diversification at a commuter rail station. General Plan policies and resulting City ordinances allow for height above two stories elsewhere in the City, primarily in the Business Capitol District (BCD), where heights up to 56 feet are allowed in one sub-district and heights of 36 feet are allowed in several of the sub-districts. The proposed rezoning is consistent with the Transitional Mixed-Use future land use designation and multiple City studies and plans, including the Amended Draft Rail Corridor Study: Transit Oriented Development for Santa Fe's Rail Corridor Neighborhoods, created by the City of Santa Fe Long Range Planning Division in 2008, which recommended that heights of up to three-stories could be appropriate at Zia Station.
49. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that the property is of sufficient size for rezoning, is located in an area the General Plan designated as both infill and future growth, and that the height limitation of the SCHC will prevent proper capitalization on public investment in commuter rail.
50. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure will be able to accommodate or can be modified to accommodate the

impacts of the proposed development. Furthermore, the subject properties are adjacent to the Rail Trail and the Zia Rail Runner Station, providing a unique opportunity to maximize the benefits of this key piece of public infrastructure with the establishment of a transit-focused development.

51. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the character of the St. Francis corridor has changed over time. Multi-family housing is plentiful along the southern St. Francis corridor, especially on the east side. To the north, the LINC Overlay recognizes the need for increased height to provide density that will support walkable, mixed-use neighborhoods.
52. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that at approximately 22.7 acres, the proposed rezoning is well over the two acre threshold.
53. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or the general public. The public will be served by development that will see adequate return on and maximize the benefit of significant public investment in multi-modal transportation infrastructure at the Zia Rail Runner Station and the Rail Trail.
54. Pursuant to SFCC Section 14-3.5(D)(1), the Governing Body finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure improvements.
55. Pursuant to SFCC Section 14-3.5(D)(2), the Governing Body finds that the developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees. The Applicant will make road improvements both on and off-site as required to support the proposed development.

E. Vote at the Hearing

56. The following member of the Governing Body did not concur with the majority vote of the Governing Body: Councilor Carol Romero-Wirth.
57. The following members of the Governing Body were not present for the hearing and did not participate in the decision: Councilor Signe Lindell and Councilor Christopher Rivera.

III. CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.

Rezoning

2. The Applicant has the right under the SFCC to propose the rezoning of the Property.
3. The Governing Body has the power and authority at law and under the SFCC to review and approve the proposed rezoning.
4. The Applicant met the applicable Submittal Requirements.

5. The Governing Body should approve the requested rezoning because all applicable code requirements and criteria for approval of the proposed rezoning have been met.

WHEREFORE, IT IS ORDERED ON THE 28TH DAY OF APRIL 2021 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the rezoning, as requested in the Application for Case #2020-2900.



Alan M. Webber
Mayor

May 5, 2021

Date

FILED:



Kristine Bustos-Mihelcic
City Clerk GB MTG 04-28-21

May 5, 2021

Date

APPROVED AS TO FORM:



Erin K. McSherry
City Attorney

Apr 29, 2021

Date






2020-2900_Zia SCHC Rezoning_GB_FOFCOL_DRAFT

Final Audit Report

2021-04-29

Created:	2021-04-29
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3Pnd77fKbbmAu7_lwR56hapv6vAAjpyn

"2020-2900_Zia SCHC Rezoning_GB_FOFCOL_DRAFT" History

-  Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2021-04-29 - 2:36:48 PM GMT- IP address: 63.232.20.2
-  Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
2021-04-29 - 2:37:29 PM GMT
-  Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
2021-04-29 - 10:44:55 PM GMT- IP address: 174.62.11.171
-  Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
Signature Date: 2021-04-29 - 10:45:41 PM GMT - Time Source: server- IP address: 174.62.11.171
-  Agreement completed.
2021-04-29 - 10:45:41 PM GMT

C

Governing Body hereby FINDS, as follows:

After conducting a public hearing and having heard from staff and all interested parties, the Governing Body hereby FINDS, as follows:

from the Overlay District:

exclude two properties at the northwest and southwest corners of St. Francis Drive and the Official Zoning Map of the South Central Highway Corridor Protection District. Additionally, in related Case #3030-3800, the Applicant seeks a rezoning to amend

properties located at the northwest and southwest corners of St. Francis Drive and one dwelling unit per acre) to C-3 RUD (General Commercial- Planned Unit Development). Additionally, in related Case #3030-3888, the Applicant seeks a rezoning from

Use:

Designation from Low Density Residential (3 to 4 dwelling units per acre) to Medium Density Residential (5 to 10 dwelling units per acre) and District to change from C-3 RUD to C-3 RUD. Additionally, in related Case #3030-3814, the Applicant seeks a general plan

Residential (15 to 20 dwelling units per acre).

Designation from Low Density Residential (3 to 4 dwelling units per acre) to Medium Density Residential (5 to 10 dwelling units per acre) and District to change from C-3 RUD to C-3 RUD. Additionally, in related Case #3030-3888, the Applicant requests a general plan amendment

South Central Highway Corridor Protection District (SCHC):

design. The properties are zoned R-1 (Residential- one dwelling unit per acre) and are currently vacant. The Applicant includes a request for approval of an approximately 384 dwelling units, 84,000 square feet of office space, and 300,000 square feet of retail space. The Planned Unit Development will be a preliminary development plan approval for a mixed-use Planned Unit Development and District, totaling approximately 55.7 acres (Properties). The Applicant's request pertains to properties located at the northwest and southwest corners

I. INTRODUCTION

agent for District Station, LLC (Applicant).

On 8/1/2021 and April 8, 2021 (Hearing) upon the application (Application) of the Applicant, THIS MATTER came before the Governing Body (Governing Body) for public hearing.

Agent's Name – Jenkins-Caslin, Inc.

Owner's/Applicant's Name – District Station, LLC

District Station Preliminary Development Plan

Case #3030-3801

**Findings of Fact and Conclusions of Law
Governing Body
July 28, 2021**

ITEM #31-0

II. FINDINGS OF FACT

A. **Background: Procedural History**

1. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC § 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
2. A pre-application conference was held on February 6, 2020 in accordance with SFCC Section 14-3.1(E)(1).
3. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
4. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held on the Application on October 29, 2020. The ENN meeting was attended by the Project team, members of City staff, and approximately 90 members of the public. Residents voiced concerns about traffic impacts, building height and visual impacts to the skyline, project density, loss of open space, and impacts to their neighborhood and property values. Skepticism was expressed about the TIA results, and that suggested road improvements could handle traffic presumed to be generated by the project. Residents stated that it was difficult for them to evaluate the project before receiving actual application materials, but staff pointed out that under the SFCC, the ENN always takes place before submission of an application. The President of the Candlelight Neighborhood Association requested that another ENN be held for the project.
5. The Applicant held one more, informal virtual meeting to answer additional questions on November 12, 2020.
6. City staff held one more, informal virtual meeting with residents on November 16, 2020, after residents had an opportunity to review the submitted application materials. Questions for staff were largely procedural in nature, although there were questions about the specific details of the project. Staff asked residents to summarize their questions and submit them to staff for follow up. Only one resident did this, submitting a detailed traffic analysis.
7. Pursuant to SFCC Section 14-3.2(D)(1), city staff reviewed the preliminary development plan application, along with the related materials and information submitted by the Applicant, for conformity with applicable SFCC requirements (Submittal Requirements) and provided the Planning Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the application.
8. Staff recommended that the Commission should recommend that the Governing Body approve the preliminary development plan and innovative street design, subject to conditions of approval and the technical corrections set forth in the Staff Report and exhibits.
9. The Commission conducted a public hearing over the course of two meetings held February 4, 2021, and February 18, 2021.
10. The meeting minutes reflect that approximately forty-six (46) members of the public provided sworn public comment at the February 4, 2021 Commission meeting.
11. The record before the Governing Body reflects that approximately forty-two (42) individuals and one neighborhood association provided written public comment for the Commission's consideration at the public hearing.

12. On February 18, 2021, a majority of the Commission voted to recommend that the Governing Body approve the preliminary development plan and innovative street design; two members of the Commission did not concur with the majority vote.
13. On March 4, 2021, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its recommendation.

B. Development Plan

14. At a hearing conducted over the course of two special meetings held April 6, 2021, and April 8, 2021, the Governing Body considered the application in this case concurrently with the applications in Case Nos. 2020-2898, 2020-2899, 2020-2900, and 2020-2914.
15. Approximately thirty-nine (39) members of the public submitted written public comments in advance the written comment deadline of 1:00 p.m. on April 6, 2021, as set forth on the published meeting agenda.
16. At the April 6, 2021 meeting, the Governing Body received reports from staff, sworn testimony and evidence from the Applicant, and sworn testimony offered by interested members of the public.
17. Approximately forty-four (44) members of the public provided sworn public testimony at the April 6, 2021 meeting, and members of the Governing Body asked follow-up questions of some members of the public and allowed them to further testify and respond.
18. At the April 8, 2021 meeting, the Governing Body asked questions of city staff and the Applicant, and conducted discussion and deliberation prior to making a decision.
19. Under SFCC Section 14-3.8(B)(3)(a), a new development with a gross floor area of thirty thousand (30,000) square feet or more requires approval of a development plan.
20. Under SFCC Section 14-3.8(B)(3)(b), a new development with a gross floor area of ten thousand (10,000) square feet in the C-2 zone requires a development plan.
21. Pursuant to SFCC Section 14-5.7(C)(1), an application for PUD rezoning must be accompanied by a preliminary development plan.
22. Pursuant to SFCC Sections 14-2.2(A), 14-3.8(C)(2)(a), 14-3.5(B)(2), and 14-5.7(C)(1), and Table 12-2.1-1, the Governing Body has the authority to review and approve preliminary development plans associated with C-2 PUD rezoning applications.
23. SFCC Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing and a decision based on the criteria set out in SFCC Section 14-3.8(D).
24. SFCC Section 14-3.8(C)(1) requires the Applicant to submit plans and other documentation that demonstrates conformance with applicable provisions of the SFCC (Submittal Requirements).
25. SFCC Section 14-3.8(D)(1) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving a development plan.
26. Pursuant to SFCC Section 14-3.8(D)(1)(a), the Governing Body finds that it has the authority to review the preliminary development plan under SFCC Sections SFCC Sections 14-2.2(A), 14-3.8(C)(2)(a), 14-3.5(B)(2), and 14-5.7(C)(1), and Table 12-2.1-1.
27. Pursuant to SFCC Section 14-3.8(D)(1)(b), the Governing Body finds that the preliminary development plan will not adversely affect the public interest. The Governing Body has implemented the General Plan and ordinances to establish minimum standards for health,

- safety and welfare affecting land uses and developments as a means to protect the public interest. This project serves the public interest through the provision of much-needed housing proximate to multi-modal transit options and public trails.
28. Pursuant to SFCC Section 14-3.8(D)(1)(c), the Governing Body finds that the use and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration. The subject property is located in a mixed-use area comprising significant commercial and multi-family development. The proposed uses and scale of the project is compatible with land uses in the vicinity, while serving as an appropriate transition between the adjacent existing residential development and the St. Francis corridor.
 29. Pursuant to SFCC Section 14-3.8(D)(2), the Governing Body “may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.”
 30. The Governing Body finds that the conditions of approval and technical corrections set forth in the Staff Report and exhibits are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
 31. At the Hearing, the Applicant agreed to four additional conditions of approval, as follows: (1) the Applicant shall use 500-year storm event modeling when determining the final design for arroyo bank stabilization measures; (2) the Applicant shall assist with coordinating the efforts of the City, the New Mexico Gas Company, and any other relevant parties to mitigate erosion and other issues associated with the natural gas line, which is located off-site (not on the Applicant’s property); (3) any amendments to the Santa Fe Homes Program Agreement for the project shall be presented to the Governing Body for review and approval; and (4) the New Mexico Department of Transportation shall approve the final placement, design, and operation of the HAWK pedestrian crossing and any work or improvements within the State of New Mexico’s right-of-way.
 32. The Governing Body finds that the four additional conditions agreed to at the hearing are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
 33. Pursuant to SFCC Section 14-9.2(B)(3), the Governing Body may consider and approve an innovative street design that is not included among the street types and street sections shown or described in SFCC Section 14-9.2 if the innovative street design provides adequate pedestrian and bicycle facilities, as well as necessary transit facilities.
 34. The Governing Body finds that the Applicant’s proposed innovative street design should be approved because it furthers the intent of SFCC Section 14-9.2 and provides adequate pedestrian and bicycle facilities, as well as necessary transit facilities.

C. Vote at the Hearing

35. The following member of the Governing Body did not concur with the majority vote of the Governing Body: Councilor Carol Romero-Wirth.
36. The following members of the Governing Body were not present for the hearing and did not participate in the decision: Councilor Signe Lindell and Councilor Christopher Rivera.

III. CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.

Development Plan

2. Pursuant to SFCC Section 14.5-7(C)(1), a preliminary development plan must accompany a request for C-2 PUD rezoning.
3. The Governing Body has the authority to review and approve the preliminary development plan, including the proposed innovative street design, subject to conditions.
4. The Applicant met the applicable Submittal Requirements.
5. The Governing Body should approve the preliminary development plan and innovative street design, subject to the conditions of approval and technical corrections recommended by staff and the additional conditions agreed to at the hearing, because all applicable code requirements and criteria for preliminary development plan approval have been met.
6. Final development plans for one or both phases of the Project shall be subject to review and approval by the Planning Commission at a public hearing, pursuant to SFCC Section 14-3.8 and other applicable provisions of Chapter 14 of the SFCC.

WHEREFORE, IT IS ORDERED ON THE 28TH DAY OF APRIL 2021 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the preliminary development plan for the Properties (Case #2020-2901), including the request for an innovative street design, subject to the conditions and the technical corrections set forth in the Staff Report and exhibits, and the following additional conditions of approval:

(1) The Applicant shall use 500-year storm event modeling when determining the final design for arroyo bank stabilization measures.

(2) The Applicant shall assist with coordinating the efforts of the City, the New Mexico Gas Company, and any other relevant parties to mitigate erosion and other issues associated with the natural gas line, which is located off-site (not on the Applicant's property).

(3) Any amendments to the Santa Fe Homes Program Agreement for the Project shall be presented to the Governing Body for review and approval.

(4) The New Mexico Department of Transportation shall approve the final placement, design, and operation of the HAWK pedestrian crossing and any work or improvements within the State of New Mexico's right-of-way.

Pursuant to SFCC Section 14-3.19(B)(2), approval of the preliminary development plan shall expire three years after this final action approving it unless the final development plan is approved or an extension is granted pursuant to SFCC Section 14-3.19(C). If the preliminary development

plan expires, a new preliminary development plan must be submitted to the Governing Body for review and approval prior to development of the Properties.



Alan M. Webber
Mayor

May 5, 2021

Date

FILED:



Kristine Bustos-Mihelcic 
City Clerk GB MTG 04/28/2021

May 5, 2021

Date

APPROVED AS TO FORM:



Erin K. McSherry
City Attorney

Apr 29, 2021

Date






2020-2901_Zia Prelim. Dev. Plan_GB_FOFCOL_DRAFT

Final Audit Report

2021-04-29

Created:	2021-04-29
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAy8xscAoEZU1zwUS64ngbHoGMPsSeGQMt

"2020-2901_Zia Prelim. Dev. Plan_GB_FOFCOL_DRAFT" History

-  Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2021-04-29 - 2:34:30 PM GMT- IP address: 63.232.20.2
-  Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
2021-04-29 - 2:34:57 PM GMT
-  Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
2021-04-29 - 10:45:52 PM GMT- IP address: 174.62.11.171
-  Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
Signature Date: 2021-04-29 - 10:46:29 PM GMT - Time Source: server- IP address: 174.62.11.171
-  Agreement completed.
2021-04-29 - 10:46:29 PM GMT

C

Governing Body hereby FINDS, as follows:

After conducting a public hearing and having heard from staff and all interested parties,

the northwest and southwest corners of St. Francis Drive and Via Rosal, for a mixed-use Planned Unit Development to be developed in two phases. Finally, in related Case #2020-2801, the Applicant seeks preliminary development

from the Overlay District:

exclude two properties at the northwest and southwest corners of St. Francis Drive on the Official Zoning Map of the South Central Highway Corridor Protection District. Additionally, in related Case #2020-2800, the Applicant seeks a rezoning to amend

Use:

Designation from Low Density Residential (3 to 4 dwelling units per acre) to Medium Density Residential (5 to 10 dwelling units per acre) on the property at the southwest corner of St. Francis Drive and Via Rosal, to change the

Designation from Low Density Residential (3 to 4 dwelling units per acre) to Medium Density Residential (5 to 10 dwelling units per acre).

located at the northwest corner of St. Francis Drive and Via Rosal, to change the Use to Medium Density Residential (5 to 10 dwelling units per acre) in related Case #2020-2888, the Applicant requests a general plan amendment

Corridor Protection District (ZCHC).

Commercial- Planned Unit Development). The properties are within the South Central Highway Corridor Protection District. The rezoning from R-1 (Residential- one dwelling unit per acre) to C-2 (Commercial- Planned Unit Development) on the properties located at the northwest and southwest corners of St. Francis Drive and Via Rosal, totaling approximately 25.7 acres (Properties). The Applicant seeks a rezoning to properties located at the northwest and southwest corners of St. Francis Drive and Via Rosal, totaling approximately 25.7 acres (Properties). The Applicant seeks a rezoning to properties located at the northwest and southwest corners of St. Francis Drive and Via Rosal, totaling approximately 25.7 acres (Properties).

I. INTRODUCTION

Agent for Via Station, LLC (Applicant).

On 10/20/2021 and April 8, 2022 (Hearing) upon the application (Application) of the Applicant for a rezoning of the properties located at the northwest and southwest corners of St. Francis Drive and Via Rosal, totaling approximately 25.7 acres (Properties). The Applicant seeks a rezoning to properties located at the northwest and southwest corners of St. Francis Drive and Via Rosal, totaling approximately 25.7 acres (Properties).

Agent's Name – JenkinsCavin, Inc.

Owner's/Applicant's Name – Via Station, LLC

Via Station C-2 PUD Rezoning

Case #2020-2888

**Findings of Fact and Conclusions of Law
Governing Body
City of Santa Fe**

II. FINDINGS OF FACT

A. **Background: Property History**

1. In 2001, SF Brown Ltd. Company, managing partner in Zia Station, LLC (Applicant), entered into an agreement to purchase the 8.34-acre pumice plant property at the southwest corner of St. Francis drive and Zia Road.
2. On January 14, 2004, the Governing Body approved Resolution 2004-4, changing the future land use designation of the property that the northwest corner of St. Francis and Zia Road from Open Space to Low Density Residential (3 to 7 dwelling units per acre), and the property at the southwest corner from Park and Open Space to Transitional Mixed-Use, with a small portion changing to Low Density Residential (together, the Project).
3. At that time, the Applicant stated an intention to request a rezoning in the future to develop the northern property at approximately R-5 (Residential- five dwelling units per acre) or R-7 (Residential- seven dwelling units per acre), and to request a rezoning to C-2 PUD (General Commercial- Planned Unit Development) to develop the southern property as a mixed use development.
4. In 2005, SF Brown Ltd. Company closed on the purchase of pumice plant.
5. In 2007, the pumice plant was demolished.

B. **Background: City Planning Efforts Related to Commuter Rail**

6. On September 10, 2003, the Governing Body passed Resolution No. 2003-70, unanimously supporting the effort to establish a commuter rail line between Albuquerque and Santa Fe.
7. On November 14, 2007, the Governing Body passed a follow-up Resolution No. 2007-102, reaffirming the City's commitment to commuter rail and identifying concerns to be resolved.
8. On December 13, 2007, the Santa Fe Metropolitan Planning Organization (MPO) Transportation Policy Board approved the location of the Rail Runner Express Station at Zia Road.
9. NMDOT built the Zia Station platform prior to the commencement of Rail Runner service between Albuquerque and Santa Fe in 2008.
10. In 2008, the City of Santa Fe Long Range Planning Division prepared the Rail Corridor Strategic Plan, which identified Zia Station as the "Gateway to Santa Fe" and recommended a mixed-use, transit and pedestrian oriented development at the site consisting of up to three-story buildings. This Plan and its recommendations were not formally adopted by the City's Governing Body or incorporated into the City's General Plan.
11. On March 14, 2011, City and MPO staff conducted a public input meeting to discuss the opening of the Zia Station platform for rail service as a "kiss and ride" station. MPO staff presented a conceptual plan to show how pedestrian, bicycle, transit, and automobile access could be accommodated at the site. A majority of the 250 people present expressed a desire for the Zia Station platform to open.
12. On August 30, 2011, the Governing Body adopted Resolution No. 2011-44, recognizing the need for additional capital improvements in order to open the Zia Station platform.
13. On August 13, 2015, the City entered into an Impact Fee Credit Agreement with the Applicant for the Applicant to receive impact fee credits in exchange for constructing "kiss and ride"

- (passenger drop off only) improvements to the Zia Station platform area. The Agreement was filed with the records of the City Clerk as Item #15-0511.
14. The Applicant completed the “kiss and ride” improvements to the Zia Station platform area in 2017.
 15. In April 2017, Rail Runner service became available at the at Zia Station platform.

C. Background: Procedural History

16. Santa Fe City Code (SFCC) Section 14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
17. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC §14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC §14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC §14-3.1(H)-(I)].
18. A pre-application conference was held on February 6, 2020 in accordance with SFCC Section 14-3.1(E)(1).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held on the Application on October 29, 2020. The ENN meeting was attended the Project team, members of City staff, and approximately 90 members of the public. Residents voiced concerns about traffic impacts, building height and visual impacts to the skyline, project density, loss of open space, and impacts to their neighborhood and property values. Skepticism was expressed about the TIA results, and that suggested road improvements could handle traffic presumed to be generated by the project. Residents stated that it was difficult for them to evaluate the project before receiving actual application materials, but staff pointed out that under the SFCC, the ENN always takes place before submission of an application. The President of the Candlelight Neighborhood Association requested that another ENN be held for the project.
21. The Applicant held one more, informal virtual meeting to answer additional questions on November 12, 2020.
22. City staff held one more, informal virtual meeting with residents on November 16, 2020, after residents had an opportunity to review the submitted application materials. Questions for staff were largely procedural in nature, although there were questions about the specific details of the project. Staff asked residents to summarize their questions and submit them to staff for follow up. Only one resident did this, submitting a detailed traffic analysis.
23. Pursuant to SFCC Section 14-3.2(D)(1), city staff reviewed the rezoning application, along with the related materials and information submitted by the Applicant, for conformity with applicable SFCC requirements (Submittal Requirements) and provided the Planning Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the application.
24. Staff recommended that the Planning Commission (Commission) should recommend that the Governing Body approve the rezoning.
25. Pursuant to SFCC Section 14-2.3(C)(7)(c) and Section 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
26. Pursuant to SFCC 14-3.5(B)(2)(a), “[a]ll proposed rezonings shall be submitted to the planning commission for review and recommendation at a public hearing.”

27. The Commission conducted a public hearing over the course of two meetings held February 4, 2021, and February 18, 2021.
28. The meeting minutes reflect that approximately forty-six (46) members of the public provided sworn public comment at the February 4, 2021 Commission meeting.
29. The record before the Governing Body reflects that approximately forty-two (42) individuals and one neighborhood association provided written public comment for the Commission's consideration at the public hearing.
30. On February 18, 2021, a majority of the Commission voted to recommend that the Governing Body approve the rezoning; two members of the Commission did not concur with the majority vote.
31. On March 4, 2021, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its recommendation.

D. Rezoning: R-1 to C2-PUD

32. At a hearing conducted over the course of two special meetings held April 6, 2021, and April 8, 2021, the Governing Body considered the application in this case concurrently with the applications in Case Nos. 2020-2898, 2020-2914, 2020-2900, and 2020-2901.
33. Approximately thirty-nine (39) members of the public submitted written public comments in advance the written comment deadline of 1:00 p.m. on April 6, 2021, as set forth on the published meeting agenda.
34. At the April 6, 2021 meeting, the Governing Body received reports from staff, sworn testimony and evidence from the Applicant, and sworn testimony offered by interested members of the public.
35. Approximately forty-four (44) members of the public provided sworn public testimony at the April 6, 2021 meeting, and members of the Governing Body asked follow-up questions of some members of the public and allowed them to further testify and respond.
36. At the April 8, 2021 meeting, the Governing Body asked questions of city staff and the Applicant, and conducted discussion and deliberation prior to making a decision.
37. In this case, the Applicant seeks a rezoning from R-1 (Residential-one dwelling unit per acre) to C-2 PUD (General Commercial- Planned Unit Development).
38. Pursuant to SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by the SFCC Chapter 14 and any other information requested by the land use director as reasonably necessary to determine compliance with Chapter 14 (Submittal Requirements).
39. Pursuant to SFCC Section 14-2.2(A) and Section 14-3.5(B)(2), and Table 12-2.1-1, the Governing Body has the authority to review and approve rezonings.
40. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
41. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving a rezoning.
42. Pursuant to SFCC Section 14-3.5(C)(1)(a)(i), the Governing Body finds that the rezoning is justified because when the City created the Transitional Mixed-Use future land use designation, it did not create a compatible zoning classification.

43. Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii), the Governing Body finds that the rezoning is justified because the default R-1 zoning of the properties is not representative of the surrounding area, which includes SC-1, C-1, I-1, BIP, R-21, R-7, and R-5. In addition, the Rail Runner Zia Station is an important public transit improvement that deserves responsible development of the adjacent properties.
44. Pursuant to SFCC Section 14-3.5(C)(1)(a)(iii), the Governing Body finds that the rezoning is justified because the Zia Station mixed-use, transit/pedestrian-oriented development furthers General Plan Themes and Policies, such as Affordable Housing, Transportation Alternatives, Economic Diversity, Urban Form/Higher Densities, Community Oriented Development, and Mixed Use.
45. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
46. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the proposed rezoning is consistent with the applicable policies of the general plan in that most of the Phase 2 property is already designated Transitional Mixed-Use, which supports the requested C-2 PUD zoning, and the Applicant is requesting required amendments to the Future Land Use Map of the General Plan concurrently with this Application.
47. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that the property is of sufficient size for rezoning and is located in an area that was designated for infill and future growth. At approximately 21 acres, the project site has the potential to provide significant housing and neighborhood scale services, at a location served by existing infrastructure, transit, and pedestrian trails.
48. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure can be modified to accommodate the impacts of the proposed development. A TIA was performed to assess the impact of the additional traffic anticipated to be generated by the proposed development. The Applicant will make improvements to the intersection of St. Francis Drive and Zia Road, including a third left-turn lane, which will improve traffic movement and stacking at this intersection.
49. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the proposed zoning amendment will enable the construction of a mixed use development appropriate to the existing Transitional Mixed-Use future land use designation. The St. Francis corridor is generally mixed-use in nature, with both commercial and residential development, including much multi-family residential.
50. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that at 21.0 acres, the proposed rezoning is well over the two acre threshold.
51. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or the general public, in that Zia Station not only complies with numerous General Plan policies as addressed above, but is the type of mixed-use, walkable community that the General Plan encourages. The project benefits the general public through increased housing supply, road network improvements, pedestrian amenities, neighborhood services, opportunities for small businesses, and multi-modal transportation options. The Governing Body has taken multiple actions leading toward a mixed use, transit-focused development at this location.
52. Pursuant to SFCC Section 14-3.5(D), the Governing Body finds that the proposed rezoning and density can be accommodated by the proposed road infrastructure improvements.

53. At the Hearing, the Applicant stated that the Applicant did not intend for the Properties to be used for short-term rental uses and that the Applicant was in agreement with a condition to prohibit short-term rental uses within the planned unit development.

E. Vote at the Hearing

54. The following member of the Governing Body did not concur with the majority vote at the Hearing: Councilor Carol Romero-Wirth.

55. The following members of the Governing Body were not present for the hearing and did not participate in the decision: Councilor Signe Lindell and Councilor Christopher Rivera.

III. CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.

Rezoning

1. The Applicant has the right under the SFCC to propose the rezoning of the Property.
2. The Governing Body has the power and authority at law and under the SFCC to review and approve the proposed rezoning.
3. The Applicant met the applicable Submittal Requirements.
4. The Governing Body should approve the requested rezoning subject to a condition prohibiting short-term rental uses because all applicable code requirements and criteria for approval of the proposed rezoning have been met.

WHEREFORE, IT IS ORDERED ON THE 28TH DAY OF APRIL 2021 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the rezoning, as requested in the Application for Case #2020-2899, subject to the condition that short-term rental uses shall be prohibited throughout the planned unit development.



Alan M. Webber
Mayor

May 5, 2021

Date

FILED:



Kristine Bustos-Mihelcic
City Clerk GB MTG 04/28/2021 

May 5, 2021

Date

Case #2020-2899
Zia Station C-2 PUD Rezoning

APPROVED AS TO FORM:



Erin K. McSherry
City Attorney

Apr 29, 2021

Date






2020-2899_Zia C2-PUD Rezoning_GB_FOFCOL_DRAFT

Final Audit Report

2021-04-29

Created:	2021-04-29
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3Ljsvot2z9D0FPMda9hpDxwrZptkkAxU

"2020-2899_Zia C2-PUD Rezoning_GB_FOFCOL_DRAFT" History

-  Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2021-04-29 - 2:31:55 PM GMT- IP address: 63.232.20.2
-  Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
2021-04-29 - 2:32:24 PM GMT
-  Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
2021-04-29 - 10:46:43 PM GMT- IP address: 174.62.11.171
-  Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
Signature Date: 2021-04-29 - 10:47:17 PM GMT - Time Source: server- IP address: 174.62.11.171
-  Agreement completed.
2021-04-29 - 10:47:17 PM GMT

C

Governing Body hereby FINDS, as follows:

After conducting a public hearing and having heard from staff and all interested parties,

the northwest and southwest corners of 21 Francis Drive and 21A Road for a mixed-use Planned Unit Development to be developed in two phases. Finally, in related Case #2020-2801, the Applicant seeks preliminary development

properties located at the northwest and southwest corners of 21 Francis Drive and one dwelling unit per acre) to C-3 PUD (General Commercial- Planned Unit Development). Additionally, in related Case #2020-2800, the Applicant seeks a rezoning from

from the Overlay District exclude two properties at the northwest and southwest corners of 21 Francis Drive on the Official Zoning Map of the South Central Highway Corridor Protection District. Additionally, in related Case #2020-2800, the Applicant seeks a rezoning to same

Use Designation from Low Density Residential (3 to 3 dwelling units per acre) to TR property at the southwest corner of 21 Francis Drive and 21A Road to change the in related Case #2020-2814, the Applicant seeks a general plan amendment to

Highway Corridor Protection District (SCHC) Property is zoned R-1 (Residential- one dwelling unit per acre) and is within one dwelling unit per acre) to High Density Residential (15 to 30 dwelling units per acre) amendment to change the Future Land Use Designation from Low Density Residential to High Density Residential (13.3 acres (Property). The Applicant requests The Application pertains to a property located at the northwest corner of 21 Francis

I. INTRODUCTION

agent for 21A Station, LLC (Applicant) on 10/19/2021 and April 8, 2021 (Hearing) upon the application (Application) of 21A Station, LLC. THIS MATTER came before the Governing Body (Governing Body) for public hearing on 10/19/2021.

Agent's Name – Jenkins-Caslin, Inc.

Owner's/Applicant's Name – 21A Station, LLC

North 21A Station General Plan Amendment
Case #2020-2808

Findings of Fact and Conclusions of Law
Governing Body
11/11/2021

II. FINDINGS OF FACT

A. **Background: Property History**

1. On January 14, 2004, the Governing Body approved Resolution No. 2004-4, changing the future land use designation of the property at the northwest corner of St. Francis and Zia Road from Open Space to Low Density Residential (3 to 7 dwelling units per acre), and the property at the southwest corner from Park and Open Space to Transitional Mixed-Use, with a small portion changing to Low Density Residential.
2. At that time, the Applicant stated an intention to request a rezoning in the future to develop the northern property at approximately R-5 (Residential- five dwelling units per acre) or R-7 (Residential- seven dwelling units per acre), and to request a rezoning to C-2 PUD (General Commercial- Planned Unit Development) to develop the southern property as a mixed use development.

B. **Background: City Planning Efforts Related to Commuter Rail**

3. On September 10, 2003, the Governing Body passed Resolution No. 2003-70, unanimously supporting the effort to establish a commuter rail line between Albuquerque and Santa Fe.
4. On November 14, 2007, the Governing Body passed a follow-up Resolution No. 2007-102, reaffirming the City's commitment to commuter rail and identifying concerns to be resolved.
5. On December 13, 2007, the Santa Fe Metropolitan Planning Organization (MPO) Transportation Policy Board approved the location of the Rail Runner Express Station at Zia Road.
6. NMDOT built the Zia Station platform prior to the commencement of Rail Runner service between Albuquerque and Santa Fe in 2008.
7. In 2008, the City of Santa Fe Long Range Planning Division prepared the Rail Corridor Strategic Plan, which identified Zia Station as the "Gateway to Santa Fe" and recommended a mixed-use, transit and pedestrian oriented development at the site consisting of up to three-story buildings. This Plan and its recommendations were not formally adopted by the City's Governing Body or incorporated into the City's General Plan.
8. On March 14, 2011, City and MPO staff conducted a public input meeting to discuss the opening of the Zia Station platform for rail service as a "kiss and ride" station. MPO staff presented a conceptual plan to show how pedestrian, bicycle, transit, and automobile access could be accommodated at the site. A majority of the 250 people present expressed a desire for the Zia Station platform to open.
9. On August 30, 2011, the Governing Body adopted Resolution No. 2011-44, recognizing the need for additional capital improvements in order to open the Zia Station platform.
10. On August 13, 2015, the City entered into an Impact Fee Credit Agreement with the Applicant for the Applicant to receive impact fee credits in exchange for constructing "kiss and ride" (passenger drop off only) improvements to the Zia Station platform area. The Agreement was filed with the records of the City Clerk as Item #15-0511.
11. The Applicant completed the "kiss and ride" improvements to the Zia Station platform area in 2017.
12. In April 2017, Rail Runner service became available at the at Zia Station platform.

C. Background: Procedural History

13. Santa Fe City Code (SFCC) Section 14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
14. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC § 14-3.1(F)(2)(a)(xii)]; and (c) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
15. A pre-application conference was held on February 6, 2020 in accordance with SFCC Section 14-3.1(E)(1).
16. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
17. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held on the Application on October 29, 2020. The ENN meeting was attended the Project team, members of City staff, and approximately 90 members of the public. Residents voiced concerns about traffic impacts, building height and visual impacts to the skyline, project density, loss of open space, and impacts to their neighborhood and property values. Skepticism was expressed about the Traffic Impact Analysis (TIA) results, and whether suggested road improvements could handle traffic presumed to be generated by the project. Residents stated that it was difficult for them to evaluate the project before receiving actual application materials, but staff pointed out that under the SFCC, the ENN always takes place before submission of an application. The President of the Candlelight Neighborhood Association requested that another ENN be held for the project.
18. The Applicant held one more, informal virtual meeting to answer additional questions on November 12, 2020.
19. City staff held one more, informal virtual meeting with residents on November 16, 2020, after residents had an opportunity to review the submitted application materials. Questions for staff were largely procedural in nature, although there were questions about the specific details of the project. Staff asked residents to summarize their questions and submit them to staff for follow up. Only one resident did this, submitting a detailed traffic analysis.
20. Pursuant to SFCC Section 14-3.2(D)(1), city staff reviewed the general plan amendment application, along with the related materials and information submitted by the Applicant, for conformity with applicable SFCC requirements (Submittal Requirements) and provided the Planning Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the application.
21. Staff recommended that the Planning Commission (Commission) should recommend that the Governing Body approve the general plan amendment.
22. Pursuant to SFCC 14-3.2(D)(2)(a), “[a]ll proposed general plan amendments shall be submitted to the [Commission] for review and recommendation at a public hearing.”
23. The Commission conducted a public hearing over the course of two meetings held February 4, 2021, and February 18, 2021.
24. The meeting minutes reflect that approximately forty-six (46) members of the public provided sworn public comment at the February 4, 2021 Commission meeting.
25. The record before the Governing Body reflects that approximately forty-two (42) individuals and one neighborhood association provided written public comment for the Commission’s consideration at the public hearing.

26. On February 18, 2021, the Commission voted unanimously to recommend that the Governing Body approve the general plan amendment.
27. On March 4, 2021, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its recommendation.

D. General Plan Amendment from Low Density to High Density Residential

28. At a hearing conducted over the course of two special meetings held April 6, 2021, and April 8, 2021, the Governing Body considered the application in this case concurrently with the applications in Case Nos. 2020-2914, 2020-2899, 2020-2900, and 2020-2901.
29. Approximately thirty-nine (39) members of the public submitted written public comments in advance the written comment deadline of 1:00 p.m. on April 6, 2021, as set forth on the published meeting agenda.
30. At the April 6, 2021 meeting, the Governing Body received reports from staff, sworn testimony and evidence from the Applicant, and sworn testimony offered by interested members of the public.
31. Approximately forty-four (44) members of the public provided sworn public testimony at the April 6, 2021 meeting, and members of the Governing Body asked follow-up questions of some members of the public and allowed them to further testify and respond.
32. At the April 8, 2021 meeting, the Governing Body asked questions of city staff and the Applicant, and conducted discussion and deliberation prior to making a decision.
33. Pursuant to SFCC Sections 14-2.2(A) and 14-3.2(D)(3), and Table 14-2.1-1, the Governing Body has the authority to review and approve amendments to the general plan.
34. Pursuant to SFCC Section 14-3.2(B), the general plan must be amended before new zoning regulations establishing new land use classifications may be approved.
35. In this case, the Applicant seeks an amendment of the future land use designation from Low Density Residential to High Density Residential.
36. Under the general plan, “High Density Residential” is the highest density category and permits residential zoning of twelve to twenty-nine units per acre.
37. SFCC Section 14-3.2 sets out certain procedures for amendments to the general plan, including, without limitation, submittal of an application for review, a public hearing by the Commission, and a recommendation from the Commission to the Governing Body based upon the criteria set out in SFCC Section 14-3.2(E).
38. SFCC Section 14-3.2(E)(1) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving an amendment to the general plan.
39. Based on the Staff Report and exhibits and the testimony and evidence presented at the hearing, the Governing Body finds that all applicable criteria in SFCC 14-3.2(E)(1) have been met.
40. Pursuant to SFCC 14-3.2(E)(1)(a), the Governing Body finds that the proposal is consistent with growth projections for Santa Fe and that an adequate supply of housing to support the workforce is important for economic development. As an infill site adjacent to major roads and commuter rail, the subject property is served by existing utility, transit, and roadway infrastructure.
41. Pursuant to SFCC 14-3.2(E)(1)(b), the Governing Body finds that the proposal is consistent with other parts of the general plan, including Guiding Policies regarding a mix of housing

- types in all parts of the city, and the need to provide a mix of services and uses at the neighborhood level in the form of pedestrian-oriented neighborhood centers.
42. Pursuant to SFCC 14-3.2(E)(1)(c), the Governing Body finds that the proposed use is not inconsistent with the prevailing use and character in the area when considering the St. Francis corridor as a whole, that the Property is well over the two-acre minimum required for a general plan amendment, and that the project will not benefit one or a few landowners at the expense of the surrounding landowners or the general public because it will increase housing supply, including affordable housing; result in needed roadway improvements at Zia and St. Francis; and provide pedestrian amenities and multi-modal transportation options.
 43. The Governing Body finds that the criterion in SFCC 14-3.2(E)(1)(d) is not applicable because Criterion 14-3.2(E)(1)(c) is met.
 44. The Governing Body finds that the criterion in SFCC 14-3.2(E)(1)(e) is not applicable to this case.
 45. Pursuant to SFCC 14-3.2(E)(1)(f), the Governing Body finds that approving a proposal for housing on the Property would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area.
 46. Pursuant to SFCC 14-3.2(E)(1)(g), the Governing Body has considered conformity with other city policies, including land use policies, ordinances, regulations, and plans. The project is supported by goals and recommendations of the 2020-2045 Santa Fe Metropolitan Transportation Plan Approved May 28, 2020 by the Santa Fe MPO Transportation Policy Board; the Draft City of Santa Fe Land Use & Urban Design Plan proposed by the City of Santa Fe Long-Range Planning Division in 2017 (never adopted); the Amended Draft Rail Corridor Study: Transit Oriented Development for Santa Fe's Rail Corridor Neighborhoods, created by the City of Santa Fe Long Range Planning Division in 2008 (never adopted); and the Sustainable Santa Fe 25-Year Sustainability Plan with the Goal of Achieving Carbon Neutrality by the Year 2040, adopted by Resolution No. 2018-65.
 47. The Governing Body finds that the additional criteria in SFCC 14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.
 48. The Governing Body finds that the additional criteria in SFCC 14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

E. Vote at the Hearing

49. The members of the Governing Body present at the hearing voted unanimously to approve the general plan amendment requested in this case.
50. The following members of the Governing Body were not present for the hearing and did not participate in the decision: Councilor Signe Lindell and Councilor Christopher Rivera.

III. CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.

General Plan Amendment

2. The Applicant has the right under the SFCC to propose an amendment to the general plan.
3. The Governing Body has the power and authority at law and under the SFCC to review and approve the proposed amendment to the general plan.
4. The Applicant met the applicable Submittal Requirements.
5. The Governing Body should approve the requested general plan amendment because all applicable code requirements and criteria for approval of the proposed amendment to the general plan have been met.

WHEREFORE, IT IS ORDERED ON THE 28TH DAY OF APRIL 2021 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the general plan amendment, as requested in the Application for Case #2020-2898.



Alan M. Webber
Mayor

May 5, 2021

Date

FILED:



Kristine Bustos-Mihelcic
City Clerk GB MTG 04/28/2021

May 5, 2021

Date

APPROVED AS TO FORM:



Erin K. McSherry
City Attorney

Apr 29, 2021

Date






2020-2898_Zia North GP Amend_GB_FOFCOL _DRAFT

Final Audit Report

2021-04-29

Created:	2021-04-29
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6I18M4xInhx1x0U2I9X2Yahx74ApdJ26

"2020-2898_Zia North GP Amend_GB_FOFCOL_DRAFT" History

-  Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2021-04-29 - 2:30:40 PM GMT- IP address: 63.232.20.2
-  Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
2021-04-29 - 2:31:06 PM GMT
-  Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
2021-04-29 - 10:47:31 PM GMT- IP address: 104.47.65.254
-  Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
Signature Date: 2021-04-29 - 10:47:50 PM GMT - Time Source: server- IP address: 174.62.11.171
-  Agreement completed.
2021-04-29 - 10:47:50 PM GMT

C

Governing Body hereby FINDS, as follows:

After conducting a public hearing and having heard from staff and all interested parties,

the northwest and southwest corners of 21 Francis Drive and 21A Road for a mixed-use Planned Unit Development to be developed in two phases. Finally, in related Case #2020-2801, the Applicant seeks preliminary development

properties located at the northwest and southwest corners of 21 Francis Drive and one dwelling unit per acre) to C-3 PUD (General Commercial- Planned Unit Development). Additionally, in related Case #2020-2808, the Applicant seeks a rezoning from

from the Overlay District exclude two properties at the northwest and southwest corners of 21 Francis Drive on the Official Zoning Map of the South Central Highway Corridor Protection District. Additionally, in related Case #2020-2800, the Applicant seeks a rezoning to single

Residential (15 to 20 dwelling units per acre) Designation from Low Density Residential (3 to 5 dwelling units per acre) located at the northwest corner of 21 Francis Drive and 21A Road to change the zoning in related Case #2020-2808, the Applicant requests a general plan amendment

(2CHC) one dwelling unit per acre) and is within the South Central Highway Corridor Protection District to 5 dwelling units per acre) to Transitional Mixed Use. The property is zoned single-family residential to the general plan future land use map designation from Low Density Residential (totaling approximately 1.8 acres (Property)). The Applicant requests a rezoning. The Application pertains to a property located at the southwest corner of 21 Francis Drive and 21A Road.

I. INTRODUCTION

agent for 21A Station, LLC (Applicant) on June 18, 2021 and April 8, 2021 (Hearing) upon the application (Application) of 21A Station, LLC. THIS MATTER came before the Governing Body (Governing Body) for public hearing on June 18, 2021.

Agent's Name – Jenkins-Caslin, Inc.

Owner's/Applicant's Name – 21A Station, LLC

South 21A Station General Plan Amendment Case #2020-2814

**Findings of Fact and Conclusions of Law
Governing Body
July 28, 2021**

II. FINDINGS OF FACT

A. **Background: Property History**

1. In 2001, SF Brown Ltd. Company, managing partner in Zia Station, LLC (Applicant) entered into an agreement to purchase the 8.34-acre pumice plant property at the southwest corner of St. Francis drive and Zia Road.
2. On January 14, 2004, the Governing Body approved Resolution No. 2004-4, changing the future land use designation of the property that the northwest corner of St. Francis and Zia Road from Open Space to Low Density Residential (3 to 7 dwelling units per acre), and the property at the southwest corner from Park and Open Space to Transitional Mixed-Use, with a small portion changing to Low Density Residential (together, the Project).
3. At that time, the Applicant stated an intention to request a rezoning in the future to develop the northern property at approximately R-5 (Residential- five dwelling units per acre) or R-7 (Residential- seven dwelling units per acre), and to request a rezoning to C-2 PUD (General Commercial- Planned Unit Development) to develop the southern property as a mixed use development.
4. In 2005, SF Brown Ltd. Company closed on the purchase of pumice plant.
5. In 2007, the pumice plant was demolished.

B. **Background: City Planning Efforts Related to Commuter Rail**

6. On September 10, 2003, the Governing Body passed Resolution No. 2003-70, unanimously supporting the effort to establish a commuter rail line between Albuquerque and Santa Fe.
7. On November 14, 2007, the Governing Body passed a follow-up Resolution No. 2007-102, reaffirming the City's commitment to commuter rail and identifying concerns to be resolved.
8. On December 13, 2007, the Santa Fe Metropolitan Planning Organization (MPO) Transportation Policy Board approved the location of the Rail Runner Express Station at Zia Road.
9. NMDOT built the Zia Station platform prior to the commencement of Rail Runner service between Albuquerque and Santa Fe in 2008.
10. In 2008, the City of Santa Fe Long Range Planning Division prepared the Rail Corridor Strategic Plan, which identified Zia Station as the "Gateway to Santa Fe" and recommended a mixed-use, transit and pedestrian oriented development at the site consisting of up to three-story buildings. This Plan and its recommendations were not formally adopted by the City's Governing Body or incorporated into the City's General Plan.
11. On March 14, 2011, City and MPO staff conducted a public input meeting to discuss the opening of the Zia Station platform for rail service as a "kiss and ride" station. MPO staff presented a conceptual plan to show how pedestrian, bicycle, transit, and automobile access could be accommodated at the site. A majority of the 250 people present expressed a desire for the Zia Station platform to open.
12. On August 30, 2011, the Governing Body adopted Resolution No. 2011-44, recognizing the need for additional capital improvements in order to open the Zia Station platform.
13. On August 13, 2015, the City entered into an Impact Fee Credit Agreement with the Applicant for the Applicant to receive impact fee credits in exchange for constructing "kiss and ride"

(passenger drop off only) improvements to the Zia Station platform area. The Agreement was filed with the records of the City Clerk as Item #15-0511.

14. The Applicant completed the “kiss and ride” improvements to the Zia Station platform area in 2017.
15. In April 2017, Rail Runner service became available at the at Zia Station platform.

C. Background: Procedural History

16. Santa Fe City Code (SFCC) Section 14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
17. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC § 14-3.1(F)(2)(a)(xii)]; and (c) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
18. A pre-application conference was held on February 6, 2020 in accordance with SFCC Section 14-3.1(E)(1).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held on the Application on October 29, 2020. The ENN meeting was attended the Project team, members of City staff, and approximately 90 members of the public. Residents voiced concerns about traffic impacts, building height and visual impacts to the skyline, project density, loss of open space, and impacts to their neighborhood and property values. Skepticism was expressed about the Traffic Impact Analysis (TIA) results, and whether suggested road improvements could handle traffic presumed to be generated by the project. Residents stated that it was difficult for them to evaluate the project before receiving actual application materials, but staff pointed out that under the SFCC, the ENN always takes place before submission of an application. The President of the Candlelight Neighborhood Association requested that another ENN be held for the project.
21. The Applicant held one more, informal virtual meeting to answer additional questions on November 12, 2020.
22. City staff held one more, informal virtual meeting with residents on November 16, 2020, after residents had an opportunity to review the submitted application materials. Questions for staff were largely procedural in nature, although there were questions about the specific details of the project. Staff asked residents to summarize their questions and submit them to staff for follow up. Only one resident did this, submitting a detailed traffic analysis.
23. Pursuant to SFCC Section 14-3.2(D)(1), city staff reviewed the general plan amendment application, along with the related materials and information submitted by the Applicant, for conformity with applicable SFCC requirements (Submittal Requirements) and provided the Planning Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the application.
24. Staff recommended that the Planning Commission (Commission) should recommend that the Governing Body approve the general plan amendment.
25. Pursuant to SFCC 14-3.2(D)(2)(a), “[a]ll proposed general plan amendments shall be submitted to the [Commission] for review and recommendation at a public hearing.”
26. The Commission conducted a public hearing over the course of two meetings held February 4, 2021, and February 18, 2021.

27. The meeting minutes reflect that approximately forty-six (46) members of the public provided sworn public comment at the February 4, 2021 Commission meeting.
28. The record before the Governing Body reflects that approximately forty-two (42) individuals and one neighborhood association provided written public comment for the Commission's consideration at the public hearing.
29. On February 18, 2021, the Commission voted unanimously to recommend that the Governing Body approve the general plan amendment.
30. On March 4, 2021, the Commission adopted written Findings of Fact and Conclusions of Law reflecting its recommendation.

D. General Plan Amendment from Low Density Residential to Transitional Mixed-Use

31. At a hearing conducted over the course of two special meetings held April 6, 2021, and April 8, 2021, the Governing Body considered the application in this case concurrently with the applications in Case Nos. 2020-2898, 2020-2900, 2020-2899, and 2020-2901.
32. Approximately thirty-nine (39) members of the public submitted written public comments in advance the written comment deadline of 1:00 p.m. on April 6, 2021, as set forth on the published meeting agenda.
33. At the April 6, 2021 meeting, the Governing Body received reports from staff, sworn testimony and evidence from the Applicant, and sworn testimony offered by interested members of the public.
34. Approximately forty-four (44) members of the public provided sworn public testimony at the April 6, 2021 meeting, and members of the Governing Body asked follow-up questions of some members of the public and allowed them to further testify and respond.
35. At the April 8, 2021 meeting, the Governing Body asked questions of city staff and the Applicant, and conducted discussion and deliberation prior to making a decision.
36. Pursuant to SFCC Sections 14-2.2(A) and 14-3.2(D)(3), and Table 14-2.1-1, the Governing Body has the authority to review and approve amendments to the general plan.
37. Pursuant to SFCC Section 14-3.2(B), the general plan must be amended before new zoning regulations establishing new land use classifications may be approved.
38. In this case, the Applicant seeks an amendment of the future land use designation from Low Density Residential to Transitional Mixed-Use.
39. On November 28, 2001, the Governing Body adopted Resolution No. 2001-82, adding "Transitional Mixed-Use" as a new future land use designation.
40. Under the general plan, as amended, "Transitional Mixed-Use" is intended to allow a mix of compatible land uses in an area, including residential and commercial, in a way that creates a transitional buffer between single-family neighborhoods and commercial development through a reduction in scale and intensity.
41. SFCC Section 14-3.2 sets out certain procedures for amendments to the general plan, including, without limitation, submittal of an application for review, a public hearing by the Commission, and a recommendation to the Governing Body based upon the criteria set out in SFCC Section 14-3.2(E).
42. SFCC Section 14-3.2(E)(1) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving an amendment to the general plan.

43. Based on the Staff Report and exhibits and the testimony and evidence presented at the hearing, the Governing Body finds that all applicable criteria in SFCC 14-3.2(E)(1) have been met.
44. Pursuant to SFCC 14-3.2(E)(1)(a), the Governing Body finds that the proposal is consistent with existing land use conditions and that there is access to available infrastructure.
45. Pursuant to SFCC 14-3.2(E)(1)(b), the Governing Body finds that the proposal is consistent with growth projections for Santa Fe, and that an adequate supply of housing to support the workforce is important for economic development. The project will provide a variety of neighborhood services in an area that is currently not served without crossing St. Francis. As an infill site adjacent to major roads and commuter rail, the subject property is served by existing utility, transit, and roadway infrastructure.
46. Pursuant to SFCC 14-3.2(E)(1)(c), the Governing Body finds that the proposed use is not inconsistent with the prevailing use and character in the area when considering the St. Francis corridor as a whole, that the requested general plan amendment is an adjustment to the future land use designation boundary between two districts, and that the project will not benefit one or a few landowners at the expense of the surrounding landowners or the general public because it will increase housing supply, including affordable housing; result in roadway improvements at Zia and St. Francis; and provide pedestrian amenities and multi-modal transportation options.
47. Pursuant to SFCC 14-3.2(E)(1)(d), the Governing Body finds that the project promotes the general welfare by providing housing and neighborhood-scale commercial in an area not currently served by such commercial amenities, adjacent to commuter rail and a public trail. New residents of the development, as well as existing residents in adjacent neighborhoods, will have alternatives to automobile travel and services within walking distance, potentially reducing pollution and traffic congestion. The proposal is of public advantage and justified by prior City actions to promote significant public investment in commuter rail. Multiple City planning documents address the importance of neighborhood scale commercial services, as detailed in the Staff Report and exhibits.
48. The Governing Body finds that the criterion in SFCC 14-3.2(E)(1)(e) is not applicable to this case.
49. Pursuant to SFCC 14-3.2(E)(1)(f), the Governing Body finds that Zia Station is a rare opportunity to create a transit-focused development in Santa Fe, promoting the general welfare through providing housing and services in a walkable, pedestrian scale environment. It will create economic opportunity and community amenities on Zia Road on the west side of St. Francis. The Governing Body has taken a series of actions over many years to welcome commuter rail to Santa Fe and has recognized Zia Station as a location for some level of transit-focused development through multiple studies.
50. Pursuant to SFCC 14-3.2(E)(1)(g), the Governing Body has considered conformity with other city policies, including land use policies, ordinances, regulations, and plans. The Project is supported by goals and recommendations of the 2020-2045 Santa Fe Metropolitan Transportation Plan Approved May 28, 2020 by the Santa Fe MPO Transportation Policy Board; the Draft City of Santa Fe Land Use & Urban Design Plan proposed by the City of Santa Fe Long-Range Planning Division in 2017 (never adopted); the Amended Draft Rail Corridor Study: Transit Oriented Development for Santa Fe's Rail Corridor Neighborhoods, created by the City of Santa Fe Long Range Planning Division in 2008 (never adopted); and

the Sustainable Santa Fe 25-Year Sustainability Plan with the Goal of Achieving Carbon Neutrality by the Year 2040, adopted by Resolution No. 2018-65.

51. The Governing Body finds that the additional criteria in SFCC 14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.
52. The Governing Body finds that the additional criteria in SFCC 14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

E. Vote at the Hearing

1. The members of the Governing Body present at the hearing voted unanimously to approve the general plan amendment requested in this case.
2. The following members of the Governing Body were not present for the hearing and did not participate in the decision: Councilor Signe Lindell and Councilor Christopher Rivera.

III. CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Governing Body CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.

General Plan Amendment

2. The Applicant has the right under the SFCC to propose an amendment to the general plan.
3. The Governing Body has the power and authority at law and under the SFCC to review and approve the proposed amendment to the general plan.
4. The Applicant met the applicable Submittal Requirements.
5. The Governing Body should approve the requested general plan amendment because all applicable code requirements and criteria for approval of the proposed amendment to the general plan have been met.

WHEREFORE, IT IS ORDERED ON THE 28TH DAY OF APRIL 2021 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Governing Body approves the general plan amendment, as requested in the Application for Case #2020-2914.

Alan M. Webber, Mayor

Date

FILED:



Kristine Bustos-Mihelcic 
City Clerk GB MTG 04/28/2021

May 5, 2021

Date

APPROVED AS TO FORM:




Erin K. McSherry
City Attorney

Apr 29, 2021

Date

FISCAL IMPACT REPORT**General Information:**(Check) Bill: _____ Resolution: X Short Title(s): Galisteo Road Plat Vacation

Sponsor(s): _____

Reviewing Department(s): Land Use DepartmentStaff Completing FIR: Lee Logston Date: 6/15/21 Phone: 955-6136Reviewed by City Attorney:  Date: Jun 23, 2021Reviewed by Finance Director:  Date: Jun 24, 2021
Alexis Lotero, Assistant Finance Director
Alexis Lotero, Assistant Finance Director (Jun 24, 2021 14:56 MDT)**Summary:**

The proposed Resolution approves the vacation of existing portions of Galisteo Road, south of its intersection with Zia Road, contingent on the Planning Commission's approval of the vacation and the dedication of new rights-of-way in new alignment. The vacation and dedication is required to build the Zia Station project, as reflected in the preliminary development plan that the Governing Body approved on April 28, 2021. The proposed vacation requires Governing Body approval because the City owns the right-of-way proposed to be vacated. The purpose of this Resolution, if adopted, is to document the Governing Body's approval. If the Governing Body approves the vacation by adopting this Resolution, the developer will ask the Planning Commission to consider final approval of the vacation in conjunction with reviewing the developer's proposal to dedicate new Galisteo rights-of-way. Specifically, as part of the project the developer proposes to move Galisteo's current intersection with Zia further to the west and to add new roadway to the north of the intersection. The Planning Commission's review will be conducted pursuant to the Planning Commission's authority to consider an application for a final development plan and to approve the dedication of new public rights-of-way and improvements that are required to serve the new development.

Departments Affected:Public Works, Planning and Land Use**Consequences of Not Enacting Legislation:**

The Applicant will not be able to build Zia Station in the configuration for which the Governing Body gave preliminary development plan approval on April 28, 2021. Zia Road will not gain a HAWK pedestrian activated crossing at the realigned Galisteo intersection.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:None**Performance and Administrative Implications:**

The Public Works Department will continue to maintain the existing Galisteo Road right-of-way until the developer has constructed the new roadway, at the developer's expense, and taken the necessary steps to relocate utilities. When the new roadway and associated public improvements have been constructed to City standards and accepted by the City, the Department will assume maintenance of the new roadway and improvements.

Fiscal Implications:

This Resolution, which approves the vacation of the southern portion of Galisteo Road right-of-way, will have no fiscal impact because a new, replacement roadway will be dedicated to the City simultaneously with the vacation. Although the proposed Zia Station project will also result in the dedication of new right-of-way north of Zia Road, this aspect of the project can be approved by the Planning Commission in the exercise of its authority to review development proposals and falls outside the scope of this Resolution.

Fiscal Impact

 X Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:

Signature: Lee Logston
Lee Logston (Jun 23, 2021 14:06 MDT)

Email: lrlogston@santafenm.gov

Signature: 
Noah Berke (Jun 24, 2021 13:46 PDT)

Email: nlberke@santafenm.gov

Signature: Elias Isaacson
Elias Isaacson (Jun 23, 2021 14:31 MDT)

Email: esisaacson@santafenm.gov

ACTION SHEET
PUBLIC WORKS AND UTILITES COMMITTEE MEETING OF 06/28/2021

ISSUE NO. 10a

CONSIDERATION OF RESOLUTION NO. 2021-__.
 A Resolution Approving the Vacation of Existing Portions of the Galisteo Road Rights-of-Way at Galisteo Road’s Intersection with Zia Road, Contingent on the Planning Commission’s Approval of the Vacation of Existing Rights-of-Way and the Dedication of New Galisteo Road Rightof-Way South of Galisteo Road’s Intersection with Zia Road in a New Alignment, and New Galisteo Road Right-of-Way North of Galisteo Road’s Intersection with Zia Road. (Lee Logston, Senior Land Use Planner: lrlogston@santafenm.gov, 955-6136)

Committee Review:
 Public Works and Utilities Committee: 06/28/21
 Quality of Life Committee: 07/07/21
 Governing Body: 07/14/21

PUBLIC WORKS AND UTILITES COMMITTEE ACTION: Approved to forward to 7/7/2021 Quality of Life Committee with the motion that this goes as a Public Hearing either to the 7/14/2021 Governing Body meeting or a subsequent committee with a yellow sign notice to the public.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

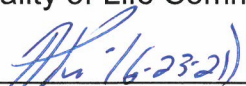
VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	EXCUSSED		

City of Santa Fe New Mexico

Memo

DATE: June 22, 2021

TO: Governing Body
Finance Committee
Quality of Life Committee

FROM: 
Andrew Padilla, Chief of Police

ITEM AND ISSUE:

Request approval of Budget Amendment Resolution (BAR) for Department of Justice, Office of Justice Programs, FY 20 Coronavirus Emergency Supplemental Funding Grant Award.

BACKGROUND AND SUMMARY:

The City of Santa Fe has been awarded \$78,590 from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance "BJA FY 20 Coronavirus Emergency Supplemental Funding Program".

The grant funding is for the purpose of purchasing PPE for Police Department personnel and staff such as gloves, in various sizes, safety glasses, disposable 3 ply masks and KN 95 masks.

The award was signed by the City Manager, Jarel LaPan Hill, on July 9, 2020, as per Ordinance No. 2020-10, Section 1 20-1.4 paragraph E, City Manager Authority: During a state of emergency declared due to the spread of a contagious disease declared to be a public health emergency by the New Mexico Department of Health or recognized by the World Health Organization as a pandemic, the city manager has the authority to take the following actions, sub paragraph 3, approve contracts with a total value up to two hundred thousand dollars (\$200,000) excluding gross receipts taxes.

REQUESTED ACTION:

Approval of BAR as submitted.

Attachments:
Grant Award
Budget Amendment Resolution (BAR)

Log # {Finance use <u>only</u> }:	
Journal # {Finance use <u>only</u> }:	

City of Santa Fe, New Mexico BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME					DATE	
Police Department / Administration					5/7/2021	
ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE	
EXPENDITURES				<i>(enter as <u>positive</u> #)</i>	<i>(enter as <u>negative</u> #)</i>	
Operating Supplies	2230315	530200	CORONAEMER	\$78,578.00		
REVENUES				<i>(enter as <u>negative</u> #)</i>	<i>(enter as <u>positive</u> #)</i>	
Department of Justice-OJP Coronavirus Emer Supp	2230315	490555	CORONAEMER	(78,578)		
JUSTIFICATION: <i>(use additional page if needed)</i> --Attach supporting documentation/memo					\$	-

To record Grant Award for Coronavirus Emergency Supplemental Funding for the purpose of purchasing PPE for all Police Department personnel.

<i>(Complete section below if BAR results in a net change to ANY Fund)</i>	
Fund(s) Affected	Fund Balance Increase/(Decrease)
TOTAL:	0

Laura A Vigil Prepared By <i>(print name)</i>	5/7/2021 Date	<i>(Use this form for Finance Committee/ City Council agenda items ONLY)</i>	Andy Hopkins Budget Officer	5/12/21 Date
Division Director Signature <i>(optional)</i> <i>Ally Padilla A 5/1/21</i>		CITY COUNCIL APPROVAL		N/A
Department Director Signature <i>Ally Padilla A 5/1/21</i>		City Council Approval Date <input style="width: 100%;" type="text"/>	Finance Director { ≤ \$5,000 } N/A	
		Agenda Item #: <input style="width: 100%;" type="text"/>	City Manager { ≤ \$60,000 } N/A	



Department of Justice (DOJ)
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

June 5, 2020

Mr. Jarel LaPan Hill
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87504-1904

Dear Mr. LaPan Hill:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Santa Fe for an award under the OJP funding opportunity entitled "BJA FY 20 Coronavirus Emergency Supplemental Funding Program." The approved award amount is \$78,590. These funds are for the project entitled Law Enforcement PPE.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Santa Fe accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Elaine Vanlandingham, Program Manager at (202) 305-0034; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at ask.ocfo@usdoj.gov.

We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Sullivan".

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Encl.



Department of Justice (DOJ)
Office of Justice Programs
Office of Civil Rights

Washington, DC 20531

June 5, 2020

Mr. Jarel LaPan Hill
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87504-1904

Dear Mr. LaPan Hill:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

Handwritten signature of Michael L. Alston in black ink.

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File
From: Orbin Terry, NEPA Coordinator
Subject: Categorical Exclusion for City of Santa Fe

The Coronavirus Emergency Supplemental Funding (CESF) Program allows eligible states, local units of government, and tribes to support a broad range of activities including preventing, preparing for, and responding to the coronavirus.

All recipients of CESF funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a sub-grantee or third party.

BJA's expectation is that none of the following activities will be conducted whether under this federal award or a related third party action:


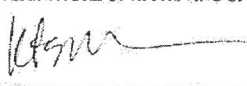
- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories) other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

If, however, award funds are proposed to be used for any of the enumerated projects or activities above, grant recipients must contact their grant manager, and receive written approval prior to commencing that project or activity.

Questions about this determination may be directed to your grant manager or Orbin Terry, Environmental Coordinator for BJA.

ITEM # 20-0289

 Department of Justice (DOJ) Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 16																
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87504-1904		4. AWARD NUMBER: 2020-VD-BX-1762																		
		5. PROJECT PERIOD: FROM 01/20/2020 TO 01/31/2022 BUDGET PERIOD: FROM 01/20/2020 TO 01/31/2022																		
2a. GRANTEE IRS/VENDOR NO. 856000168		6. AWARD DATE 06/05/2020		7. ACTION Initial																
2b. GRANTEE DUNS NO. 069420818		8. SUPPLEMENT NUMBER 00																		
3. PROJECT TITLE Law Enforcement PPE		9. PREVIOUS AWARD AMOUNT \$ 0																		
		10. AMOUNT OF THIS AWARD \$ 78,590																		
		11. TOTAL AWARD \$ 78,590																		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C																				
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.034 - Coronavirus Emergency Supplemental Funding Program																				
15. METHOD OF PAYMENT GPRS																				
AGENCY APPROVAL		GRANTEE ACCEPTANCE																		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Jarel LaPan Hill City Manager <i>Jarel LaPan Hill</i> <small>Jarel LaPan Hill (Jun 24, 2020 21:30 MDT)</small>																		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL <i>Jarel LaPan Hill</i>		19A. DATE 7/9/2020																
AGENCY USE ONLY																				
20. ACCOUNTING CLASSIFICATION CODES <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>VD</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>78590</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	B	VD	80	00	00		78590	21. VVDUGT1542		
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT													
X	B	VD	80	00	00		78590													

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

AWARD # 2020-VD-BX-1762

CITY ATTORNEY'S OFFICE:

Marcos Martinez

Marcos Martinez (Jun 24, 2020 07:59 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED:

Mary McCoy

MARY McCOY, FINANCE DIRECTOR
2230315.490555

ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK *YV*

6-25-20
DATE



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

AWARD CONTINUATION
SHEET
Grant

PAGE 2 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 3 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 4 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 5 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 6 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

AWARD CONTINUATION
SHEET
Grant

PAGE 7 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 8 OF 16

PROJECT NUMBER 2020-YD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administe[r]ed in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 9 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE: This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 10 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 11 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 12 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 13 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. Signing Authority

This award must be signed by an authorized official of the applicant State, local, or tribal government, on behalf of that applicant State, unit of local government, or Tribe, unless the applicant designates an organizational unit to apply on its behalf. For example, if designated by a unit of local government, a Police Department or Sheriff's Office (or similar agency) may apply on behalf of the applicant jurisdiction, as long as the department, office, or agency is listed as the organizational unit on the SF-424. In that case, the head of the designated organizational unit (such as a Police Chief or Sheriff) may sign the award. Documentation of the designation by the appropriate governing body must be retained by the grant recipient.

32. The "Emergency Appropriations for Coronavirus Health Response and Agency Operations" law (Public Law 116-136) includes definitions, reporting requirements, and certain other provisions that apply (whether in whole or in part) to this award. In addition, consistent with the CESF Program's purposes, which involve preparing for, preventing, and responding to the coronavirus national emergency, OJP will provide notice of any additional CESF program-specific grants administrative requirements on an award page, accessible at <https://www.ojp.gov/funding/explore/CESF-program-specific-condition>, that is incorporated by reference here.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

PAGE 14 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

33. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

34. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

35. Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

36. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

37. Justice Information Sharing

Recipients are encouraged to comply any information-sharing projects funded under this award with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) is encouraged to conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information.

38. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 15 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

39. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA. The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are: a. New construction; b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories. The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations. Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

40. Establishment of interest-bearing account

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish an interest-bearing account dedicated specifically to this award. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The award funds, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Coronavirus Emergency Supplemental Funding (CESF) program. The recipient also agrees to obligate the award funds in the account (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41. Expenditures requiring prior approval

No funds under this award may be expended on individual items costing \$500,000 or more, or to purchase Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV) without prior written approval from BJA. Prior approval must be obtained post-award, through the submission and approval of a Grant Adjustment Notice (GAN) through OJP's Grant Management System (GMS).



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 16 OF 16

PROJECT NUMBER 2020-VD-BX-1762

AWARD DATE 06/05/2020

SPECIAL CONDITIONS

42. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after January 20, 2020

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (January 20, 2020), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds.

43. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

44. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.



Department of Justice (DOJ)
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2020-VD-BX-1762

PAGE 1 OF 1

This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C

1. STAFF CONTACT (Name & telephone number)

Elaine Vanlandingham
(202) 305-0034

2. PROJECT DIRECTOR (Name, address & telephone number)

Laura Vigil
Accounting Supervisor
P O Box 909
2515 Camino Entrada
Santa Fe, NM 87504-0909
(505) 955-5086

3a. TITLE OF THE PROGRAM

BJA FY 20 Coronavirus Emergency Supplemental Funding Program

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

Law Enforcement PPE

5. NAME & ADDRESS OF GRANTEE

City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87504-1904

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 01/20/2020 TO: 01/31/2022

8. BUDGET PERIOD

FROM: 01/20/2020 TO: 01/31/2022

9. AMOUNT OF AWARD

\$ 78,590

10. DATE OF AWARD

06/05/2020

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Coronavirus Emergency Supplemental Funding (CESF) Program allows States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments to support a broad range of activities to prevent, prepare for, and respond to the coronavirus. Funded projects or initiatives may include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.

NCA/NCF

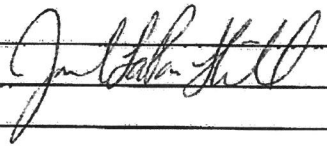
DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

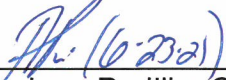
1. Type of Federal Action: <input checked="checked" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input checked="checked" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input checked="checked" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="checked" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier , if known: City of Santa Fe P O Box 909 Santa Fe, NM 87504-0909 Congressional District, if known: 03	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: N/A Congressional District, if known:	
6. Federal Department/Agency: US Department of Justice Office of Justice Programs	7. Federal Program Name/Description: Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant Solicitation CFDA Number, if applicable: <u>16.034</u>	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ 78,577.00	
10. a. Name and Address of Lobbying Registrant <i>(if individual. last name. first name. MI):</i> N/A	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name. first name. MI):</i> N/A	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Jarel LaPan Hill</u>  Print Name: <u>Jarel LaPan Hill</u> Title: <u>City Manager</u> Telephone No.: <u>(505) 955-6848</u> Date: <u>5/29/2020</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

City of Santa Fe New Mexico

Memo

DATE: June 22, 2021

TO: Governing Body
Finance Committee
Quality of Life Committee

FROM: 
Andrew Padilla, Chief of Police

ITEM AND ISSUE:

Request approval of Budget Amendment Resolution (BAR) for New Mexico Department of Transportation Traffic Projects Grant Award.

BACKGROUND AND SUMMARY:

The City of Santa Fe has been awarded \$89,304 from the NM Department of Transportation for funding traffic projects: End Driving While Impaired (ENDWI); Buckle Up (BKLUP)/Click it or Ticket (CIOT); Selective Traffic Enforcement Program (STEP) / Summer Enforcement Period Project.

The project funds reimburse the City of Santa Fe Police Department for eligible expenses required to conduct projects aimed at reducing traffic-related injuries and deaths. ENDWI Project for \$44,722 will allow officers to conduct sobriety checkpoints and DWI directed enforcement patrols in high crash locations identified in data compiled by local, state or federal government agencies and included in the City's Operational Plan. Buckle Up/Click it or Ticket Project for \$14,250 is to conduct occupant protection directed enforcement patrols in high crash locations. STEP and Summer Enforcement Program Project for \$30,332 is to conduct directed enforcement patrols in high crash locations identified and included in the City's Operational Plan.

The award was signed by the City Manager, Jarel LaPan Hill, on February 4, 2021, as per Ordinance No. 2020-10, Section 1 20-1.4 paragraph E, City Manager Authority: During a state of emergency declared due to the spread of a contagious Disease declared to be a public health emergency by the New Mexico Department of Health or recognized by the World Health Organization as a pandemic, the city manager has the authority to take the following actions, sub paragraph 3, approve contracts with a total value up to two hundred thousand dollars (\$200,000) excluding gross receipts taxes.

REQUESTED ACTION:

Approval of BAR as submitted.

Attachments:

Grant Award

Budget Amendment Resolution (BAR)

CONTRACT NUMBER: _____
GRANTEE DUNS NUMBER: 069420818
VENDOR NUMBER: 0000054360

GRANT AGREEMENT

This Grant Agreement (**Agreement**) is between the New Mexico Department of Transportation (**Department**) and City of Santa Fe (**Grantee**), collectively referred to as “the Parties.” This Agreement is effective as of the date of the last party to sign it on the signature page below. The Department and the Grantee agree as follows:

1. **Award.** The Department hereby awards the Grantee funding for the following projects:
 - a. End Driving While Impaired (**ENDWI**), Project No. 01-AL-64-090, \$44,722.00;
 - b. Buckle Up (**BKLUP**)/Click It or Ticket (**CIOT**), Project No. 01-OP-RF-090, \$14,250.00;
 - c. Selective Traffic Enforcement Program (**STEP**), Project No. 01-PT-RF-090, \$30,332.00;
 - d. Total Funding awarded per this Agreement \$89,304.00.

2. **Scope of Work.** The Grantee shall perform the professional services stated in the following exhibits: **Exhibit A** - ENDWI; **Exhibit B** - BKLUP/CIOT; **Exhibit C** - STEP.

3. **Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely, properly prepared reimbursement requests as provided in the Department’s Electronic Grant Management System or the Traffic Safety Division Financial Management Manual 2019, as directed by the Department. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than thirty (30) days after termination of this Agreement, unless otherwise approved by the Department.

4. **Records and Audit.** The Grantee shall strictly account for all receipts and disbursements related to this Agreement. The Grantee shall record costs incurred, services rendered and payment received, and shall maintain these financial records during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee’s principal office during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty (30) days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the project, or otherwise used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty days of written notice.

5. **Officials Not to Benefit.** The Parties intend that no member of the New Mexico legislature or the United States Congress, or any public official, public employee or tribal council member, in that person's individual capacity, will benefit from this Agreement.
6. **Termination.** The Department may terminate this Agreement for any reason, by giving the Grantee thirty (30) days written notice. On receipt of a "Notice of Cancellation," the Grantee shall suspend work unless otherwise directed by the Department in writing. The Grantee may only terminate this Agreement based on the Department's uncured, material breach of the Agreement and by giving by giving the Department thirty (30) days' written notice. The Parties acknowledge that termination will not nullify obligations incurred prior to termination.
7. **Appropriations.** The Grantee acknowledges that:
 - a. this Agreement is contingent upon sufficient appropriations and authorizations being made by the Congress of the United States or the New Mexico state legislature;
 - b. if sufficient appropriations and authorizations are not made, this Agreement will terminate upon written notice by the Department to the Grantee; and
 - c. the Department will not expend any funds until they are approved for expenditure, and the Department's determination as to whether approval has been granted will be final.
8. **Compliance with Law.** The Grantee, its employees, agents and contractors, shall comply with the following:
 - a. Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, and 49 C.F.R. Section 21;
 - b. all federal and state laws, rules, and regulations, and executive orders of the Governor of the state of New Mexico pertaining to equal employment opportunity, including the Human Rights Act, NMSA 1978, Sections 28-1-1 through 28-1-15 (and in accordance with such, the Grantee states that no person, on the grounds of race, religion, national origin, sex, sexual orientation, gender identity, spousal affiliation, serious medical condition, age, disability, or other protected class will be excluded from employment with or participation in, denied the benefits of, or otherwise subjected to, discrimination in any activity performed under this Agreement; if the Grantee is found to be in violation of any of these requirements, the Grantee shall take prompt and appropriate steps to correct such violation);
 - c. state laws applicable to workers compensation benefits for the Grantee's employees, including the Workers' Compensation Act, NMSA 1978, Sections 52-1-1 through 52-1-70, and related regulations;
 - d. 2 C.F.R. 200, Subpart F - Audit Requirements, Sections 200.500 - 200.521; and
 - e. those sections in **Exhibit D** labeled "applies to subrecipients as well as states."
9. **Notices.** For a notice under this Agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or email; and be addressed as follows:

to the Department at:
New Mexico Dept. of Transportation
Attn: Traffic Safety Division
P.O. Box 1149
Santa Fe, NM 87504

to the Grantee at:
Santa Fe PD
Attn: Chief Andrew Padilla
2515 Camino Entrada
Santa Fe, NM 87505

10. **Severability.** The terms of this Agreement are lawful; performance of all duties and obligations shall confirm with and do not contravene any state, local, or federal statute, regulation, rule, or ordinance. The Parties intend that if any provision of this Agreement is held to be unenforceable, the rest of the Agreement will remain in effect as written.
11. **Tort Claims.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with the Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, as amended. This paragraph is intended only to define the liabilities between the Parties and it is not intended to modify in any way, the Parties' liabilities as governed by common law or the New Mexico Tort Claims Act.
12. **Jurisdiction and Venue.** The Grantee acknowledges the jurisdiction of the courts of the state of New Mexico for any adversarial proceeding arising out of this Agreement, and that venue for any such proceeding will be in the First Judicial District Court for the county of Santa Fe, New Mexico.
13. **Project Responsibility.** The Grantee acknowledges that it bears sole responsibility for performing the services referred to in Section 2.
14. **Term.** This Agreement takes effect upon signature of all Parties. If the Grantee does not deliver the signed Agreement to the Department within sixty (60) days of the Department's signature, the Agreement will be voidable by the Department. The Agreement terminates at 12:00 a.m. on September 30, 2021, unless earlier terminated as provided in Section 6 or Section 7.
15. **Applicable Law.** The laws of the state of New Mexico, without giving effect to its choice of law principles, govern all adversarial proceedings arising out of this Agreement.
16. **Amendment.** No amendment of this Agreement will be effective unless it is in writing and signed by the Parties.
17. **No Third-party Beneficiary.** This Agreement does not confer any rights or remedies on anyone other than the Department and the Grantee.
18. **Scope of Agreement and Merger.** This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of the Agreement and supersedes all other Agreements, whether written or oral, between the Parties, except that this Agreement does not supersede the Grantee's rights under any other grant agreement.
19. **Disadvantaged Business Enterprise.** The following provision applies to a USDOT-assisted federally funded Agreement only. The recipient shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the award and performance of any USDOT-assisted

contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

The remainder of this page is intentionally left blank.

Each party is signing this Agreement on the date stated opposite that party's signature. This Agreement is effective as of the date of the last party to sign it on the signature page below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

SANTA FE, CITY OF

By: Jarel LaPan Hill
Jarel LaPan Hill (Feb 4, 2021 08:56 MST)

Date: Feb 4, 2021

Title: City Manager

Approved as to form and legal sufficiency.

By: *John Howell*
Assistant General Counsel
Department of Transportation

Date: Dec 18, 2020

Approved as to form and legal sufficiency.

By: Marcos Martinez
Marcos Martinez (Feb 23, 2021 08:38 MST)

Date: Feb 23, 2021

Title: Senior Assistant City Attorney

Exhibit A: Scope of Work, Training, Reimbursement and Reporting

END DRIVING WHILE IMPAIRED (ENDWI) Project Number: 01-AL-64-090

1. **Scope of Work.** The Grantee shall conduct sobriety checkpoints (SCs) and DWI directed enforcement patrols (DDEPs) as negotiated between the Department and the Grantee, in high crash locations identified in data compiled by local, state or federal government agencies and included the Grantee's Operational Plan. The Department encourages the Grantee to accompany SCs and DDEPs with public information, media and educational activities. SCs must be scheduled to be staffed by at least 9 officers and must last at least 5 hours. If for any reason, the SC is not staffed with the minimum number of officers or was not conducted for the minimum number of hours, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for SCs based on the justification. DDEPs must deploy officers in high crash locations consistent with the enforcement plan. If for any reason, the DDEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DDEPs based on the justification. The Grantee is encourage to schedule SCs and DDEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, and National DWI Mobilizations as identified below.
2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.
 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.
 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.
 - "Winter Superblitz Period"** means November 13, 2020 to January 2, 2021.
 - "St. Patrick's Day Mini Superblitz Period"** means March 12 to March 20, 2021.
 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2021.
 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2021.
 - "National DWI Mobilization Period"** means August 20 to September 6, 2021.
3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the SCs and DDEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers' normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
- a. pay, including overtime, for officers conducting traffic safety DWI enforcement in areas consistent with the enforcement plan;
 - b. pay, including overtime, for officers attendance at administrative license revocation hearings and court hearings directly related to DWI arrests made while participating in the ENDWI program;
 - c. overtime costs for officers or civilian employees to dispatch or process paperwork directly related to the SCs and/or DDEPs conducted during the claim month. The Grantee can only claim up to 10 percent of the total monthly claim amount; and
 - d. in state travel and related expenses for officers to attend DWI related training approved by the Department in advance, and shall be reimbursed in accordance with the Regulation Governing the New Mexico Per Diem and Mileage Act, 2.42.2 NMAC.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be 23 U.S.C. Section 164 and the Catalog of Federal Domestic Assistance (CFDA) number to be 20.608. However, both funding source and CFDA number are subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$44,722.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$44,722.00

7. **Goals.** The Department's performance goals for the state are as follows: Five-year average alcohol-impaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State's continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit B: Scope of Work, Training, Reimbursement and Reporting

BUCKLE UP (BKLUP) and CLICK IT OR TICKET (CIOT) Project Number: 01-OP-RF-090

1. **Scope of Work.** The Grantee shall conduct occupant protection directed enforcement patrols (ODEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the ODEPs with public information, media and educational activities. ODEPs must deploy officers in high crash locations consistent with the enforcement plan for occupant protection issues. If for any reason, the ODEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for ODEPs based on the justification. The Grantee is encouraged to schedule ODEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, National DWI Mobilizations and the National Click It or Ticket Mobilizations identified below.
2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.
 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.
 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.
 - "Winter Superblitz Period"** means November 13, 2020 to January 2, 2021.
 - "St. Patrick's Day Mini Superblitz Period"** means March 12 to March 20, 2021.
 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2021.
 - "National Occupant Protection Mobilization Click It or Ticket period"** means November 16-29, 2020 and May 24 to June 6, 2021.
 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2021.
 - "National DWI Mobilization Period"** means August 20 to September 6, 2021.
3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the ODEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
- a. pay, including overtime, for officers conducting traffic safety occupant protection focused enforcement in areas consistent with the enforcement plan;
 - b. attendance at, and excess per diem for, operation safe kids training and the four-day NHTSA standardized child passenger safety training; and
 - c. assistance at child safety seat clinics or car seat fitting stations.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be state road fund. However, the funding source is subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$14,250.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$14,250.00

7. **Goals.** The Department's performance goals for the state are to:
- a. Unrestrained occupant fatalities rose by 7 percent in 2018 from 2017, but preliminary and projected data indicate relatively stable numbers of these fatalities through 2021. Given the State's BKUP enforcement and awareness campaign and participation in the National CIOT, the State has determined to set the annual projection of 114 as the 2021 target
 - b. New Mexico's observed seatbelt use percentage has remained above 90 percent since 2011. The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target

8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit C: Scope of Work, Training, Reimbursement and Reporting

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) and SUMMER ENFORCEMENT PERIOD Project Number: 01-PT-RF-090

1. **Scope of Work.** The Grantee shall conduct directed enforcement patrols (DEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the DEPs with public information, media and educational activities. DEPs must deploy officers in high crash locations consistent with the Operational Plan. If for any reason, the DEPs were conducted in areas not consistent with the Operational Plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DEPs based on the justification. *The Grantee is encouraged to schedule DEPs through the grant period with a focus on participating during the Summer enforcement period which runs June 20, 2020 through September 27, 2021.*
2. **Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

"Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.

"Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.
3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.
4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the DEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that was not above and beyond the officer's normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:

- a. Pay, including overtime pay, for officers conducting the traffic safety enforcement described in paragraph 1 of this Exhibit C; and
 - b. training for officers not previously trained in STEP.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding – STEP.** The Department expects the funding source to be State Road Fund. However, the funding source is subject to change at the Department’s discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project’s itemized budget is as follows:

Personal Services	\$30,332.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$30,332.00

7. **Goals.** The Department’s performance goals for the state are as follows:
- a. Speeding-related fatalities rose by 10.6 percent in 2016 from 2014, and then fell by 9.6 percent in 2018 from 2016. Preliminary data indicate that speeding-related fatalities were 36.8% of all crash fatalities in 2019, and projected data show these fatalities increasing again in 2020 and 2021. Given these anticipated increases, the State has determined to set the annual projection of 155 as the 2021 target
 - b. Five-year average alcohol-impaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State’s continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
 - c. New Mexico’s observed seatbelt use percentage has remained above 90 percent since 2011. The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target
 - d. Five-year average fatalities rose by 5.6 percent between 2014 and 2018, and preliminary and projected data indicate that fatalities will continue to increase, but by a higher 15.6 percent between 2017 and 2021. The State has determined to set a five-year average target at the projected level of 411.6.
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit D: Certifications and Assurances

Appendix A to Part 1300 – Certifications and Assurances for Fiscal Year 2021 Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: New Mexico

Fiscal Year: 2021

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities,

public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100)).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;

- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;

- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 - 1. Taking appropriate personnel action against such an employee, up to and including termination;
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seat belts by occupants of motor vehicles;
 - Submission of information regarding mobilization participation into the HVE Database;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

- An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
- Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a).
(23 U.S.C. 402(b)(1)(F))

8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.


 Michael Sandoval (Jul 27, 2020 10:43 MDT)

 Signature Governor's Representative for Highway Safety

 Date

 Printed name of Governor's Representative for Highway Safety

New Mexico Traffic Safety Division Project Information Sheet

Contract Number:					
Government Unit:		Santa Fe, City of			
Contract term:		(- 09/30/2021)			
Vendor Number:		0000054360	Address ID:		
Grantee Contact Info					
Project Director and Title:		Chief Andrew Padilla			
Phone:	505-955-5257	E-mail:	aapadilla@ci.santa-fe.nm.us		
Agency Name:		Santa Fe, City of			
Address:		PO Box 909			
City, State ZIP:		Santa Fe, New Mexico 87504			
TSD Contact Info					
Program Manager:		John Vargas	Phone:	505-231-6784	
TSD Finance:		Avalon Wright	Phone:	505-660-8103	
Budget Breakdown					
Funding	Project Number	Amount	Fund	Department Code	PO Number
ENDWI	01-AL-64-090	\$44,722.00	10010	5000000000	
BKLUP	01-OP-RF-090	\$14,250.00	20100	5100000000	
STEP	01-PT-RF-090	\$30,332.00	20100	5100000000	
Total		\$89,304.00			
PO Entered by TSD Finance:					Date:
PO Approved by Contracts:					Date:
Comments:					

Signature:

Email: rocio.dominguez@state.nm.us

CITY OF SANTA FE:

Jarel LaPan Hill

Jarel LaPan Hill (Feb 4, 2021 08:56 MST)

JAREL LAPAN HILL, CITY MANAGER

DATE: Feb 4, 2021

ATTEST:

Kristine Mihelcic

Kristine Mihelcic (Feb 4, 2021 10:15 MST)

KRISTINE MIHELICIC, CITY CLERK^{XIV} *new*

CITY ATTORNEY'S OFFICE:

Marcos Martinez

Marcos Martinez (Jan 25, 2021 11:32 MST)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

Mary McCoy

MARY MCCOY, FINANCE DIRECTOR

1000065.501400

AL
AL

City of Santa Fe, New Mexico

memo

DATE: January 22, 2021

TO: Jarel LaPan- Hill, City Manager

VIA: Mary McCoy, Finance Department Director
Fran Dunaway, Purchasing Officer
Andrew Padilla, Chief of Police (12221)

FROM: 
Paul Joye, Deputy Chief of Police

ITEM AND ISSUE:

Request for a General Fund budget increase and approval of NM Department of Transportation for the funding of projects: End Driving While Impaired (ENDWI) Project # 01-AL-64-090; Buckle Up (BKLUP)/Click it or Ticket (CIOT) Project # 01-OP-RF-090, Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project # 01-PT-RF-090 in the Total Project Amount of \$89,304. (Deputy Chief Paul Joye, pmoye@santafenm.gov, ext. 5040.)

BACKGROUND AND SUMMARY:

The attached project award to the City of Santa Fe Police Department is from the New Mexico Department of Transportation and does not require matching funds from the City of Santa Fe. The project funds reimburse the City of Santa Fe Police Department for eligible expenses required to conduct projects aimed at reducing traffic-related injuries and deaths. End Driving While Impaired (ENDWI) Project #01-AL-64-090 for \$44,722 will allow officers to conduct sobriety checkpoints and DWI directed enforcement patrols in high crash locations identified in data compiled by local, state or federal government agencies and included in the City's Operational Plan. Buckle Up (BKLUP)/Click it or Ticket (CIOT) Project # 01-OP-RF-090 for \$14,250 is to conduct occupant protection directed enforcement patrols in high crash locations. Selective Traffic Enforcement Program (STEP)/Summer Enforcement Period Project # 01-PT-RF-090 for \$30,332 is to conduct directed enforcement patrols in high crash locations identified in data compiled local, state or federal government agencies and the City's Operational Plan.


The agreement becomes effective upon the date of the signature of both parties and ends September 30, 2021. This request is to increase the General Fund budget - Police Overtime 1000065.501400 in the amount of \$89,304.

ACTION REQUESTED:

The Police Department respectfully requests your review and approval for budget increase of NM Department of Transportation Consolidated Project Agreement. Thank you in advance for your assistance.

City of Santa Fe, New Mexico

memo

DATE: January 22, 2021
TO: Fran Dunaway, Chief Procurement Officer
FROM: Paul Joye, Deputy Chief of Police 
SUBJECT: Exemption Determination Request

The Police Department respectfully request exempt determination to be approved by the City's CPO, Fran Dunaway. The Letter of Justification for Grant Agreement is between the New Mexico Department of Transportation Traffic Safety Division and City of Santa Fe Police Department to conduct projects aimed at reducing traffic-related injuries and deaths.

City of Santa Fe follows the New Mexico State Procurement code.

State Procurement Exemption: 13-1-98 A (State Agency) - procurement of items of tangible personal property or services by a state agency or a local public body from a state agency, a local public body or external procurement unit except as otherwise provided in Sections 13-1-135 through 13-1-137 NMSA 1978;

State Agency: New Mexico Department of Transportation Traffic Safety Division
Amount: No Cost for City of Santa Fe – Grant Reimburse
Term: Upon Signature approval of City Manager through September 30, 2021

Approved Exemption:


Fran Dunaway (Jan 27, 2021 09:26 MST)

Fran Dunaway, Chief Procurement Officer



CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: New Mexico Department of Transportation Traffic Safety Division

Procurement Title: Letter of Justification for Grant Agreement between the NM Dept. of Transportation Traffic Safety Division and SFPD

Procurement Method: State Price Agreement Cooperative Sole Source Other Grant Agreement

Exempt Request For Proposal (RFP) Invitation To Bid (ITB) Contract under 60K Contract over 60K

Department Requesting: Santa Fe Police Department Staff Name: Deputy Chief Paul Joye

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Approved Procurement Checklist (by Purchasing)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Price Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	RFP
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Evaluation Committee Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ITB
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bib Tab
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Quotes (3 valid current quotes)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cooperative Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sole Source Request and Determination Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contractors Exempt Letter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Purchasing Officers approval for exempt procurement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	BAR
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FIR
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Executed Contract, Agreement or Amendment
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Current Business Registration and CRS numbers on contract or agreement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Summary of Contracts and Agreements form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Certificate of Insurance
<input type="checkbox"/>	<input checked="" type="checkbox"/>	All documentation presented to Committees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Other: <u>Letter of Justification for Grant Agreement between the NMDOT Traffic Safety Division and SFPD</u>

Paul Joye Deputy Chief 1/22/21
Department Rep Printed Name (attesting that all information included) Title Date

Fran Dunaway
Fran Dunaway (Jan 27, 2021 09:26 MST)

Purchasing Officer (attesting that all information is reviewed) Title Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.



City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # 3202504

Contractor: New Mexico Department of Transportation Traffic Safety Division

Description: New Mexico Department of Transportation for the award of Traffic projects: (ENDWI) Project # 01-AL-64-090, Buckle Up(BKLUP)/Click it or Ticket(CIOT) Project # 01-OP-RF-090, and (STEP)/Summer Enforcement Period Project # 01-PT-RF-090.

Contract Agreement Lease / Rent Amendment

Term Start Date: upon signed approval Term End Date: 09/30/2021

Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

Approved by Council Date: _____

Amendment is for:

2. **HISTORY** of Contract, Amendments & Lease / Rent - Please Elaborate (option: attach spreadsheet if multiple amendments)

The attached project award to the City of Santa Fe Police Department is from the New Mexico Department of Transportation and does not require matching funds from the City of Santa Fe. The project funds reimburse the City of Santa Fe Police Department for eligible expenses required to conduct projects aimed at reducing traffic-related injuries and deaths.

3. Procurement History: _____

Sam Denny
Sam Denny (Jan 27, 2021 08:26 MST)

Jan 27, 2021

Purchasing Officer Review

Date:

Comment & Exceptions: Exemption: 13-1-98A Entity to Entity

4. Funding Source: _____ Org / Object: 1000065-501400

Alexis Lotero
Alexis Lotero (Jan 27, 2021 09:11 MST)

Jan 27, 2021

Budget Officer Approval

Date:

Comment & Exceptions: Grants- Letter of Justification for Grants Agreement

Staff Contact who completed this form: AnnaMarie Bowen Phone # x5122

Email: acbowen@santafenm.gov

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

MEMORANDUM

Date: October 16, 2020
To: Michael Sandoval, Cabinet Secretary
Through: Jeff Barela, Director, Traffic Safety Division *Jeff Barela*
JEFF BARELA (DEC 10, 2020 11:21 AMST)
From: Kimberly Wildharber, Staff Manager
Subject: Letter of Justification for Grant Agreement between the New Mexico Department of Transportation Traffic Safety Division and the City of Santa Fe.

1. TSD Program Manager John Vargas Phone # 505-231-6784 will oversee the project(s).
2. The Consolidated Agreement provides funding to Santa Fe PD to conduct the following project(s) and activities as shown below.
 - ENDWI – \$44,722.00 (Federal 164 AL Fund)
The ENDWI program funds overtime enforcement for DWI checkpoint and DWI directed patrol program. Funds are used to maintain the program, as funding allows, and to expand the program in areas of the State with high rates of DWI.
 - BKLUP - \$14,250.00 (State Road Fund)
The BKLUP program funds overtime for law enforcement agencies to conduct safety belt and child restraint/ booster seat use activities to increase in occupant protection use in New Mexico.
 - STEP – \$30,332.00 (State Road Fund)
Provides funding for sustained enforcement program to target specific traffic problems such as speed, DWI, road rage, distracted and reckless driving, fatigue/ drowsy driving, occupant protection, and crashes involving pedestrians, primarily through the use of Safety Corridors. Participating agencies include local law enforcement.
3. The agreement will be effective from date of last signature to 9/30/2021.
4. A deliverables table is listed in Exhibit A-C.
5. The agreement is Exempt from the procurement as it is with another government agency, (per NMSA 1978 Section 13-1-98, et seq.)

General Office

P. O. Box 1149

Santa Fe, NM 87504

**Michelle Lujan
Grisham**
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

October 16, 2020

Chief Andrew Padilla
Santa Fe PD
2515 Camino Entrada
Santa Fe, New Mexico 87550

RE: Project Agreement

Dear Chief Andrew Padilla:

Enclosed is the project agreement for the federal 2021 fiscal year. This letter contains information required to meet Federal Funding Accountability and Transparency Act (FFATA) and 2 CFR Part 200 requirements. Please provide a copy of this letter to the person responsible for meeting those requirements at your City, County, Town or Tribal agency. The following table contains the information necessary to meet these requirements.

Project Number	Funding Source	CFDA #	FAIN	Award Date	Amount
01-AL-64-090	23 U.S.C. § 164	20.608	69A37520300001640NMA	8/14/2019	\$44,722.00
01-OP-RF-090	State Road Fund				\$14,250.00
01-PT-RF-090	State Road Fund				\$30,332.00

2 CFR Subpart F 200.500-521

(a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

Michelle Lujan Grisham
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6



(d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If expenditures are less than \$750,000 during your agency's fiscal year 2020, please submit a statement to the Traffic Safety Division at the address listed on this letterhead. The Statement should read, "We did not meet the \$750,000 expenditure threshold and therefore we are not required to have a single audit performed for FY {20}."

Your agency must submit copies of any audits and review reports which they have had prepared to the Department for informational purposes if requested regardless of whether the criteria for audit or review are met.

Operational Plan

Your agency is required to develop an operational plan to include a jurisdiction-specific performance goal, problem statement, problem identification and basic crash data upon which the project is based. Performance goals should be specific, measurable, action-oriented, realistic, and time-bound.

Performance Indicators

The Department has implemented performance indicators on Department funded law enforcement projects. The performance indicators are as follows:

- ENDWI Medium Agency (Populations 50,000 - 99,000) – 1 DWI in 32 Hours
- BKLUP 1 seat belt or child restraint citation for every 2 hours of enforcement worked.
- STEP 2 citations or warnings for every hour of enforcement worked.

At no time does the New Mexico Department of Transportation require an individual officer to issue a specific number of citations during an enforcement period.

We look forward to working with you to prevent injuries and fatalities. Thank you for your cooperation.

Sincerely,


Jeff Barela (Dir.) 10/20/2015 11:18:57

Jeff Barela, Director
Traffic Safety Division

Enclosure

Office of General Counsel Contract Brief Form

Date: October 16, 2020 From: John Vargas Location: Traffic Safety Division

Phone: 505-231-6784

Agency: NMDOT

Contractor: Santa Fe, City of

Project No.: 01-AL-64-090, 01-OP-RF-090, 01-PT-RF-090

NEW CONTRACT

- Copy of RFP, if applicable
- Copy of approved sole source justification
- Copy of approved small purchase justification
- Copy of Contract Brief signed by Contract Administration

AMENDMENT TO EXISTING CONTRACT

- Scope of Work
- Additional Compensation
- Time extension

Note: For amendments please attach a copy of the original agreement, any previous amendments, and a copy of the RFP. (If applicable)

EXEMPT FROM PROCUREMENT PROCESS (university; other educational institutions; other state agency, bureau; local public bodies).

The Office of General Counsel's policy for turnaround time is ten (10) working days. Please indicate below if there are extenuating circumstances, which require immediate review of this agreement.

Attorney Review Comments

The attached agreement is being returned for revisions or corrections. Please call at (505) 469-6411 if you have any questions.

Please make corrections on pages __

I have signed the agreement with the understanding that you will make the corrections indicated on the agreement submitted for review or discussed with you.

Please make corrections on pages and return the marked copy to the receptionist for further review and approval.

Other Comments

CONTRACT NUMBER: _____
GRANTEE DUNS NUMBER: 069420818
VENDOR NUMBER: 0000054360

GRANT AGREEMENT

This Grant Agreement (**Agreement**) is between the New Mexico Department of Transportation (**Department**) and City of Santa Fe (**Grantee**), collectively referred to as "the Parties." This Agreement is effective as of the date of the last party to sign it on the signature page below. The Department and the Grantee agree as follows:

1. **Award.** The Department hereby awards the Grantee funding for the following projects:
 - a. End Driving While Impaired (**ENDWI**), Project No. 01-AL-64-090, \$44,722.00;
 - b. Buckle Up (**BKLUP**)/Click It or Ticket (**CIOT**), Project No. 01-OP-RF-090, \$14,250.00;
 - c. Selective Traffic Enforcement Program (**STEP**), Project No. 01-PT-RF-090, \$30,332.00;
 - d. Total Funding awarded per this Agreement \$89,304.00.

2. **Scope of Work.** The Grantee shall perform the professional services stated in the following exhibits: **Exhibit A** - ENDWI; **Exhibit B** - BKLUP/CIOT; **Exhibit C** - STEP.

3. **Payment.** To be reimbursed for eligible expenses, the Grantee must submit timely, properly prepared reimbursement requests as provided in the Department's Electronic Grant Management System or the Traffic Safety Division Financial Management Manual 2019, as directed by the Department. The Grantee acknowledges that the Department will not pay for any expenses incurred prior to both Parties signing the Agreement, after termination of the Agreement, or in excess of the amount of the award noted in Section 1. The Grantee must submit its final reimbursement request no later than thirty (30) days after termination of this Agreement, unless otherwise approved by the Department.

4. **Records and Audit.** The Grantee shall strictly account for all receipts and disbursements related to this Agreement. The Grantee shall record costs incurred, services rendered and payment received, and shall maintain these financial records during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. On request, the Grantee shall provide the financial records to the Department and the state auditor, and shall allow the Department and the state auditor to inspect or audit these financial records during business hours at the Grantee's principal office during the term of this Agreement and for three (3) years from the date of submission of the final reimbursement request. If the financial records provided by the Grantee are insufficient to support an audit by customary accounting practices, the Grantee shall reimburse the Department for any expense incurred related to the insufficient documentation within thirty (30) days of written notice from the Department. If an audit or inspection reveals that funds were used for expenses not directly related to the project, or otherwise used inappropriately, or that payments were excessive or otherwise erroneous, the Grantee shall reimburse the Department for those funds or payments within thirty days of written notice.

5. **Officials Not to Benefit.** The Parties intend that no member of the New Mexico legislature or the United States Congress, or any public official, public employee or tribal council member, in that person's individual capacity, will benefit from this Agreement.
6. **Termination.** The Department may terminate this Agreement for any reason, by giving the Grantee thirty (30) days written notice. On receipt of a "Notice of Cancellation," the Grantee shall suspend work unless otherwise directed by the Department in writing. The Grantee may only terminate this Agreement based on the Department's uncured, material breach of the Agreement and by giving the Department thirty (30) days' written notice. The Parties acknowledge that termination will not nullify obligations incurred prior to termination.
7. **Appropriations.** The Grantee acknowledges that:
 - a. this Agreement is contingent upon sufficient appropriations and authorizations being made by the Congress of the United States or the New Mexico state legislature;
 - b. if sufficient appropriations and authorizations are not made, this Agreement will terminate upon written notice by the Department to the Grantee; and
 - c. the Department will not expend any funds until they are approved for expenditure, and the Department's determination as to whether approval has been granted will be final.
8. **Compliance with Law.** The Grantee, its employees, agents and contractors, shall comply with the following:
 - a. Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Environmental Justice Act of 1994, the Civil Rights Restoration Act of 1987, and 49 C.F.R. Section 21;
 - b. all federal and state laws, rules, and regulations, and executive orders of the Governor of the state of New Mexico pertaining to equal employment opportunity, including the Human Rights Act, NMSA 1978, Sections 28-1-1 through 28-1-15 (and in accordance with such, the Grantee states that no person, on the grounds of race, religion, national origin, sex, sexual orientation, gender identity, spousal affiliation, serious medical condition, age, disability, or other protected class will be excluded from employment with or participation in, denied the benefits of, or otherwise subjected to, discrimination in any activity performed under this Agreement; if the Grantee is found to be in violation of any of these requirements, the Grantee shall take prompt and appropriate steps to correct such violation);
 - c. state laws applicable to workers compensation benefits for the Grantee's employees, including the Workers' Compensation Act, NMSA 1978, Sections 52-1-1 through 52-1-70, and related regulations;
 - d. 2 C.F.R. 200, Subpart F - Audit Requirements, Sections 200.500 - 200.521; and
 - e. those sections in **Exhibit D** labeled "applies to subrecipients as well as states."
9. **Notices.** For a notice under this Agreement to be valid, it must be in writing; be delivered by hand, registered or certified mail return receipt requested and postage prepaid, fax or email; and be addressed as follows:

to the Department at:
New Mexico Dept. of Transportation
Attn: Traffic Safety Division
P.O. Box 1149
Santa Fe, NM 87504

to the Grantee at:
Santa Fe PD
Attn: Chief Andrew Padilla
2515 Camino Entrada
Santa Fe, NM 87505

10. **Severability.** The terms of this Agreement are lawful; performance of all duties and obligations shall conform with and do not contravene any state, local, or federal statute, regulation, rule, or ordinance. The Parties intend that if any provision of this Agreement is held to be unenforceable, the rest of the Agreement will remain in effect as written.
11. **Tort Claims.** Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with the Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1, *et seq.*, as amended. This paragraph is intended only to define the liabilities between the Parties and it is not intended to modify in any way, the Parties' liabilities as governed by common law or the New Mexico Tort Claims Act.
12. **Jurisdiction and Venue.** The Grantee acknowledges the jurisdiction of the courts of the state of New Mexico for any adversarial proceeding arising out of this Agreement, and that venue for any such proceeding will be in the First Judicial District Court for the county of Santa Fe, New Mexico.
13. **Project Responsibility.** The Grantee acknowledges that it bears sole responsibility for performing the services referred to in Section 2.
14. **Term.** This Agreement takes effect upon signature of all Parties. If the Grantee does not deliver the signed Agreement to the Department within sixty (60) days of the Department's signature, the Agreement will be voidable by the Department. The Agreement terminates at 12:00 a.m. on September 30, 2021, unless earlier terminated as provided in Section 6 or Section 7.
15. **Applicable Law.** The laws of the state of New Mexico, without giving effect to its choice of law principles, govern all adversarial proceedings arising out of this Agreement.
16. **Amendment.** No amendment of this Agreement will be effective unless it is in writing and signed by the Parties.
17. **No Third-party Beneficiary.** This Agreement does not confer any rights or remedies on anyone other than the Department and the Grantee.
18. **Scope of Agreement and Merger.** This Agreement constitutes the entire understanding between the Parties with respect to the subject matter of the Agreement and supersedes all other Agreements, whether written or oral, between the Parties, except that this Agreement does not supersede the Grantee's rights under any other grant agreement.
19. **Disadvantaged Business Enterprise.** The following provision applies to a USDOT-assisted federally funded Agreement only. The recipient shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the award and performance of any USDOT-assisted

contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

The remainder of this page is intentionally left blank.

Each party is signing this Agreement on the date stated opposite that party's signature. This Agreement is effective as of the date of the last party to sign it on the signature page below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____
Cabinet Secretary or Designee

Date: _____

SANTA FE, CITY OF

By: *Jarel LaPan Hill*
Jarel LaPan Hill (Feb 4, 2021 08:56 MST)

Date: Feb 4, 2021

Title: City Manager

Approved as to form and legal sufficiency.

By: *John Howell*
Assistant General Counsel
Department of Transportation

Date: Dec 18, 2020

Approved as to form and legal sufficiency.

By: *Marcos Martinez*
Marcos Martinez (Feb 23, 2021 08:38 MST)

Date: Feb 23, 2021

Title: Senior Assistant City Attorney

Exhibit A: Scope of Work, Training, Reimbursement and Reporting

END DRIVING WHILE IMPAIRED (ENDWI) Project Number: 01-AL-64-090

1. **Scope of Work.** The Grantee shall conduct sobriety checkpoints (SCs) and DWI directed enforcement patrols (DDEPs) as negotiated between the Department and the Grantee, in high crash locations identified in data compiled by local, state or federal government agencies and included the Grantee's Operational Plan. The Department encourages the Grantee to accompany SCs and DDEPs with public information, media and educational activities. SCs must be scheduled to be staffed by at least 9 officers and must last at least 5 hours. If for any reason, the SC is not staffed with the minimum number of officers or was not conducted for the minimum number of hours, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for SCs based on the justification. DDEPs must deploy officers in high crash locations consistent with the enforcement plan. If for any reason, the DDEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DDEPs based on the justification. The Grantee is encourage to schedule SCs and DDEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, and National DWI Mobilizations as identified below.

2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.

 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.

 - "Winter Superblitz Period"** means November 13, 2020 to January 2, 2021.

 - "St. Patrick's Day Mini Superblitz Period"** means March 12 to March 20, 2021.

 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2021.

 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2021.

 - "National DWI Mobilization Period"** means August 20 to September 6, 2021.

3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the SCs and DDEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:
- a. pay, including overtime, for officers conducting traffic safety DWI enforcement in areas consistent with the enforcement plan;
 - b. pay, including overtime, for officers attendance at administrative license revocation hearings and court hearings directly related to DWI arrests made while participating in the ENDWI program;
 - c. overtime costs for officers or civilian employees to dispatch or process paperwork directly related to the SCs and/or DDEPs conducted during the claim month. The Grantee can only claim up to 10 percent of the total monthly claim amount; and
 - d. in state travel and related expenses for officers to attend DWI related training approved by the Department in advance, and shall be reimbursed in accordance with the Regulation Governing the New Mexico Per Diem and Mileage Act, 2.42.2 NMAC.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding.** The Department expects the funding source to be 23 U.S.C. Section 164 and the Catalog of Federal Domestic Assistance (CFDA) number to be 20.608. However, both funding source and CFDA number are subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$44,722.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$44,722.00

7. **Goals.** The Department's performance goals for the state are as follows: Five-year average alcohol-impaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State's continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit B: Scope of Work, Training, Reimbursement and Reporting

BUCKLE UP (BKLUP) and CLICK IT OR TICKET (CIOT) Project Number: 01-OP-RF-090

1. **Scope of Work.** The Grantee shall conduct occupant protection directed enforcement patrols (ODEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the ODEPs with public information, media and educational activities. ODEPs must deploy officers in high crash locations consistent with the enforcement plan for occupant protection issues. If for any reason, the ODEPs were conducted in areas not consistent with the enforcement plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for ODEPs based on the justification. The Grantee is encouraged to schedule ODEPs throughout the grant period with a focus on participating during the Superblitz Period, 3 Mini Superblitz Periods, National DWI Mobilizations and the National Click It or Ticket Mobilizations identified below.
2. **Definitions.** For purposes of this exhibit, the following definitions apply:
 - "Agency Coordinator"** means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.
 - "Directed Enforcement Patrols"** means activities that enforce traffic laws in areas consistent with the agency's operational plan.
 - "Operational Plan"** means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.
 - "Winter Superblitz Period"** means November 13, 2020 to January 2, 2021.
 - "St. Patrick's Day Mini Superblitz Period"** means March 12 to March 20, 2021.
 - "Cinco de Mayo May Mini Superblitz Period"** means May 1 to May 7, 2021.
 - "National Occupant Protection Mobilization Click It or Ticket period"** means November 16-29, 2020 and May 24 to June 6, 2021.
 - "Fourth of July Mini Superblitz Period"** means July 1 to July 8, 2021.
 - "National DWI Mobilization Period"** means August 20 to September 6, 2021.
3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.

4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the ODEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that is not above and beyond the officers normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:

- a. pay, including overtime, for officers conducting traffic safety occupant protection focused enforcement in areas consistent with the enforcement plan;
- b. attendance at, and excess per diem for, operation safe kids training and the four-day NHTSA standardized child passenger safety training; and
- c. assistance at child safety seat clinics or car seat fitting stations.

5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.

6. **Funding.** The Department expects the funding source to be state road fund. However, the funding source is subject to change at the Department's discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project's itemized budget is as follows:

Personal Services	\$14,250.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$14,250.00

7. **Goals.** The Department's performance goals for the state are to:

- a. Unrestrained occupant fatalities rose by 7 percent in 2018 from 2017, but preliminary and projected data indicate relatively stable numbers of these fatalities through 2021. Given the State's BKLUP enforcement and awareness campaign and participation in the National CIOT, the State has determined to set the annual projection of 114 as the 2021 target
- b. New Mexico's observed seatbelt use percentage has remained above 90 percent since 2011. The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target

8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit C: Scope of Work, Training, Reimbursement and Reporting

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) and SUMMER ENFORCEMENT PERIOD Project Number: 01-PT-RF-090

1. **Scope of Work.** The Grantee shall conduct directed enforcement patrols (DEPs) in high crash locations identified in data compiled by local, state or federal government agencies and the Grantee's Operational Plan. The Department encourages the Grantee to accompany the DEPs with public information, media and educational activities. DEPs must deploy officers in high crash locations consistent with the Operational Plan. If for any reason, the DEPs were conducted in areas not consistent with the Operational Plan, the Grantee must submit a justification with the invoice for these services. The Department may choose to deny the invoice for DEPs based on the justification. *The Grantee is encouraged to schedule DEPs through the grant period with a focus on participating during the Summer enforcement period which runs June 20, 2020 through September 27, 2021.*
2. **Definitions.** For purposes of this exhibit, the following definitions apply:

"Agency Coordinator" means the person assigned by the Grantee to assume direct responsibility for administering all phases of the Agreement.

"Directed Enforcement Patrols" means activities that enforce traffic laws in areas consistent with the agency's operational plan.

"Operational Plan" means a plan based on the most current crash data that identifies the problem to be addressed, goals to be achieved, and the performance measures to be employed. The Grantee may update its operational plan as needed to align with current trends.
3. **Training and Qualifications.** The Agency Coordinator must attend the Department's Law Enforcement Coordinators symposium and other Department training as required. The Grantee should notify the Department of any changes in the Agency Coordinator as soon as possible. The Grantee's participating officers must have law enforcement certifications in all areas necessary to conduct the services noted in Section 1 of this exhibit. The Grantee shall keep documentation of training and provide the Department with a list of certified officers on request.
4. **Reimbursement.** The Department will pay the Grantee for the actual cost paid to personnel that worked the DEPs. Claims for payment must specify officers' actual hourly rate of overtime pay based on the Grantee's overtime policy; the Department will not pay any amount in excess of that rate or for any amount that was not above and beyond the officer's normal duties. The Grantee should submit claims at minimum quarterly no later than January 30th, April 30th and July 30th during this Agreement period. The final claim shall be submitted no later than October 31, 2021. If the final claim is submitted after October 31, 2021, the claim must be accompanied by a justification letter. The Department may choose to deny the claim based on the justification. The claim must be on a form approved by the Department. The Department will pay the Grantee for the following:

- a. Pay, including overtime pay, for officers conducting the traffic safety enforcement described in paragraph 1 of this **Exhibit C**; and
 - b. training for officers not previously trained in STEP.
5. **Reporting.** *The Grantee must submit activity reports by the 10th of each month using the activity report form provided unless otherwise directed by the Department.* Activity reports must include the type of activity and types of citations issued. The Grantee must report all citations to the Motor Vehicle Division of the New Mexico Taxation and Revenue Department and to the appropriate court in accordance with New Mexico state statute. The Grantee must submit timely crash reports to the Department in accordance with NMSA 1978, Section 66-7-207. If the Grantee is not submitting crash reports in accordance with NMSA 1978, Section 66-7-207, the Department may hold reimbursement claims until this provision is met.
6. **Funding – STEP.** The Department expects the funding source to be State Road Fund. However, the funding source is subject to change at the Department’s discretion. The Grantee may transfer funds between budget categories only with prior written approval from the Department. The project’s itemized budget is as follows:

Personal Services	\$30,332.00
Contractual Services	\$0.00
Commodities	\$0.00
Indirect	\$0.00
Other	\$0.00
TOTAL	\$30,332.00

7. **Goals.** The Department’s performance goals for the state are as follows:
- a. Speeding-related fatalities rose by 10.6 percent in 2016 from 2014, and then fell by 9.6 percent in 2018 from 2016. Preliminary data indicate that speeding-related fatalities were 36.8% of all crash fatalities in 2019, and projected data show these fatalities increasing again in 2020 and 2021. Given these anticipated increases, the State has determined to set the annual projection of 155 as the 2021 target
 - b. Five-year average alcohol-impaired fatality data show a relatively stable trendline from 2014 to 2018, and projected data through 2021 shows the trendline remaining stable. Given this data and the State's continued focus on reducing drunk driving through ENDWI and the National Drive Sober or Get Pulled Over enforcement and media efforts, the State has determined to set the five-year average projection of 110 as the 2021 target
 - c. New Mexico’s observed seatbelt use percentage has remained above 90 percent since 2011. The State anticipates being able to maintain its seatbelt use above 90 percent in 2021 and determines to set the annual projection of 91.0% as the 2021 target
 - d. Five-year average fatalities rose by 5.6 percent between 2014 and 2018, and preliminary and projected data indicate that fatalities will continue to increase, but by a higher 15.6 percent between 2017 and 2021. The State has determined to set a five-year average target at the projected level of 411.6.
8. **Equipment.** The Grantee may only purchase equipment under this Agreement with prior written approval of the Department.

Exhibit D: Certifications and Assurances

Appendix A to Part 1300 – Certifications and Assurances for Fiscal Year 2021 Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: New Mexico

Fiscal Year: 2021

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities,

public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;

- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;

- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 - 1. Taking appropriate personnel action against such an employee, up to and including termination;
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

- 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.


SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seat belts by occupants of motor vehicles;
 - Submission of information regarding mobilization participation into the HVE Database;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

- An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
- Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
- Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a).
(23 U.S.C. 402(b)(1)(F))

8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.


Michael Sandoval | Jul 27, 2020 10:43 MDT

Signature Governor's Representative for Highway Safety Date

Printed name of Governor's Representative for Highway Safety

New Mexico Traffic Safety Division Project Information Sheet

Contract Number:					
Government Unit:		Santa Fe, City of			
Contract term:		(- 09/30/2021)			
Vendor Number:		0000054360	Address ID:		
Grantee Contact Info					
Project Director and Title:		Chief Andrew Padilla			
Phone:	505-955-5257	E-mail:	aapadilla@ci.santa-fe.nm.us		
Agency Name:		Santa Fe, City of			
Address:		PO Box 909			
City, State ZIP:		Santa Fe, New Mexico 87504			
TSD Contact Info					
Program Manager:		John Vargas	Phone:	505-231-6784	
TSD Finance:		Avalon Wright	Phone:	505-660-8103	
Budget Breakdown					
Funding	Project Number	Amount	Fund	Department Code	PO Number
ENDWI	01-AL-64-090	\$44,722.00	10010	5000000000	
BKLUP	01-OP-RF-090	\$14,250.00	20100	5100000000	
STEP	01-PT-RF-090	\$30,332.00	20100	5100000000	
Total		\$89,304.00			
PO Entered by TSD Finance:					Date:
PO Approved by Contracts:					Date:
Comments:					

Signature:

Email: rocio.dominguez@state.nm.us

CITY OF SANTA FE:

Jarel LaPan Hill

Jarel LaPan Hill (Feb 4, 2021 08:56 MST)

JAREL LAPAN HILL, CITY MANAGER

DATE: Feb 4, 2021

ATTEST:

Kristine Mihelcic

Kristine Mihelcic (Feb 4, 2021 10:15 MST)

KRISTINE MIHELICIC, CITY CLERK ^{new}_{XIV}

CITY ATTORNEY'S OFFICE:

Marcos Martinez

Marcos Martinez (Jan 25, 2021 11:32 MST)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

Mary McCoy

MARY MCCOY, FINANCE DIRECTOR

1000065.501400

AL
AL