



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, the ban on public gatherings in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Governing Body meeting will be conducted virtually.

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

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

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

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

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

Public Comment: To provide live public comment during *Petitions from the Floor* or *Public Hearings*, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/96844713923?pwd=TGpGVDFuYkswdVFxMjFKL0RESic3QT09>. **Passcode: 745692**



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

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

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 968 4471 3923 - Passcode: 745692**

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

AFTERNOON SESSION - 4:00 P.M.

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

Councilor Cassutt-Sanchez

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

Councilor Lindell

4. **INVOCATION**

Councilor Romero-Wirth

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

- a. Regular Governing Body Meeting – May 12, 2021

9. **PRESENTATIONS**

- a. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Kyra Ochoa,



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

Acting Community Health and Safety Director, krochoa@santafenm.gov, 955-6603) **INFORMATION ONLY**

- b. International Dark Sky Presentation by Ruskin Hartley, Executive Director. (Regina Wheeler, PW Director, rawheeler@santafenm.gov) **INFORMATION ONLY**

10. CONSENT CALENDAR

- a. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Villarreal)
A Resolution Withdrawing the City of Santa Fe as a Member of the Regional Coalition of LANL Communities (RCLC). (Jennifer Faubion, Council Liaison: jrfaubion@santafenm.gov, 955-6033)

COMMITTEE REVIEW:

Introduced: 03/31/21

Quality of Life Committee: 05/5/21

Finance Committee: 05/17/21

Governing Body: 05/26/21

- b. Request for Approval of a Contract for the Santa Fe Business Incubator: A Renewal Contract for Small Business Development Services for the Economic Development Department. (Janice Krish, Economic Development Specialist: jakrish@santafenm.gov, 955-6915; Richard Brown, Director, Community & Economic Development: rdbrown@santafenm.gov, 995-6625)

COMMITTEE REVIEW:

Public Works/Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021

Governing Body: 05/26/2021

- c. Request for Approval of Amendment No. 1 to Contract # 20-0565 for the NM Suicide Intervention Project to Increase Safety Net Services for Virtual Suicide Prevention Services and Decrease Number of Youth Served by Navigation Services. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505 470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- d. Request for Approval of Amendment No. 1 to Contract # 19-0592 for Interfaith Shelter to Extend the Term for One Year from 6/30/21 to 6/30/22. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505-470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- e. Request for Approval of Amendment No. 1 to Contract # 19-0594 for New Mexico Immigrant Law Center to Extend the Term for One Year from 6/30/21 to 6/30/22. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505-470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- f. Request for Approval of Amendment No. 1 to Contract # 20-0563 for Gerard's House to Add Safety Net Services of Grief Support Groups for Youth and Decrease Number of Youth Served by Navigation Services. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505 470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- g. Request for Approval of a Change Order #1 to CIP #967 Aeration Project Bid Number 1'20/17/B with RMCI Inc. for an Increase of \$294,446.51. (Michael Dozier, Wastewater Management Division Director: mldozier@santafenm.gov, 955-4642)

1. Request for Approval of Budget Amendment Resolution



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021

Governing Body: 05/26/2021

- h. Request for Approval of Amendment # 2 with Carollo Engineers, Inc. Professional Services Agreement 18-1065, to Provide Additional Construction Administration and Inspection Services to the Paseo Real Wastewater Treatment Plant Aeration System Improvements Project Detailed in the Attached Agreement in the Amount of \$126,353.00 Exclusive of NMGRT. (Michael Dozier, Wastewater Management Division Director: mldozier@santafenm.gov, 955-4642)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021

Governing Body: 05/26/2021

- i. Request for Approval of Exempt Procurement for Contract Amendment # 4 with Eric Blinman, Director of the NM Office of Archaeological Studies (OAS) to Provide Continued Service to the Water Division Construction Projects in the Amount of \$100,000 Exclusive of NMGRT. (Brian Snyder, Water Division Engineering Manager: bksnyder@santafenm.gov, 955-4277)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021

Governing Body: 05/26/2021

- j. Request for the Approval of Amendment #2 to Service Contract 20-0027 Extending the Term of the Agreement by One Year, from June 30, 2021 to June 20, 2022, and Increasing Compensation in the Amount of \$500,000 to a Total Amount of \$1,250,000 Plus NMGRT for HVAC, Mechanical, Plumbing and Electrical Services with B&D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager: jsburnett@santafenm.gov, 955-5933)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021

Governing Body: 05/26/2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

- k. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by a Majority of Members of the Governing Body to Grant Appeal #2021-3393-APPL, Reverse the Historic District Review Board's Decision in Case #2021-3111-HDRB, and Approve the Application from James and Jay Heneghan to Construct a New Single-Story Residence at 314 North Guadalupe Street. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

- l. Request for Approval of the Road Transfer Agreement between NMDOT and the City of Santa Fe that Transfers Road Maintenance Responsibilities for Segments of Cerrillos Road, St. Michaels Drive and Old Pecos Trail to the City of Santa Fe. (Javier Rosado, PW Engineering Division Director: jhrosado@santafenm.gov, 955-6638).

COMMITTEE REVIEW:

Finance Committee: 05/03/2021

Public Works & Utilities Committee: 05/11/2021

Governing Body: 05/26/2021

11. **DISCUSSION/ACTION ITEMS**

- a. Request for Approval of a Budget Adjustment Resolution to execute the use of the \$300,000 Grant from the New Mexico Tourism Department per agreement 21-0211 to Support the Restart of the Group Business that Uses the Convention Center, Pursuant to SFCC 1987, Section 2-4.6(B). (Randy Randall, Executive Director, Tourism Santa Fe: rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

- b. Approval of a Lighting Design for the Conversion of Streetlights in the City to LEDs to be Incorporated into the City's Global Management Performance Contract with Dalkia Energy Solutions, LLC, Contract #3202498, and the Streetlight Conversion Contract with the Public Service Company of New Mexico (PNM), Contract #3202499, as Applicable to Each Contract. (Regina Wheeler, PW Director, rawheeler@santafenm.gov)



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

- c. Request for the Approval of a Memorandum of Agreement between the City of Santa Fe and the New Mexico Department of Cultural Affairs for the Undergrounding of Utilities, Alteration of an Electric Transformer, the Use and Demolition of the Train Depot Shed, and Landscaping of the Demolished Shed Area. (Sam Burnett, Public Works Property Maintenance Manager: jsburnette@santafenm.gov, 505-795-2491)
- d. Approval of Professional Services Agreement with the Kiwanis Club of Santa Fe in the Amount of \$60,000 Per Year, with a Total Compensation Not to Exceed \$240,000 (Inclusive of NMGRT) Over the Four Year Term, to Plan Promote and Execute the City's Independence Day Celebration. (Melissa McDonald, Acting Parks Division Director: mamcdonald@santafenm.gov, 505-303-9502)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/24/2021
Governing Body: 05/26/2021

- e. CONSIDERATION OF RESOLUTION NO. 2021-___. (Mayor Webber)
A Resolution Extending the State of Emergency as Proclaimed by the Mayor on May 24, 2021 by Forty-Seven (47) Days, Expiring at Noon on July 12, 2021, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6961)

12. **MIDTOWN OVERVIEW**

- a. Midtown Planning & Development Bi-Weekly Report, by Office of Economic Development Department. (Rich Brown, Director, Community & Economic Development Department: rdbrown@santafenm.gov) **INFORMATION ONLY**

Progress Report: Update

Presenter: Daniel Hernandez, Proyecto, Midtown Redevelopment Project Manager

13. **MATTERS FROM THE CITY MANAGER**

14. **MATTERS FROM THE CITY ATTORNEY**

15. **MATTERS FROM THE CITY CLERK**



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Legislative Introductions

EVENING SESSION - 6:00 P.M.

17. **ROLL CALL**

18. **PETITIONS FROM THE FLOOR**

19. **APPOINTMENTS**

20. **PUBLIC HEARINGS**

21. **ADJOURN**

22. **UPCOMING PUBLIC HEARINGS**

- a. **Meeting Date – June 9, 2021**

CONSIDERATION OF BILL NO. 2021-11. ADOPTION OF ORDINANCE 2021-____. (Councilor Garcia and Councilor Lindell)

An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.3 SFCC 1987 To Reassign the Authority to Appoint the, Members of the Commission to the Ethics and Campaign Review Board and to Reassign the Authority to Appoint the Commission's Chairperson to the Commission's Members; and Amending Section 6-16.2 SFCC to Add the Duty of Appointing the Independent Salary Commission Members to the Ethics And Campaign Review Board's Powers and Duties. (Jesse Guillen, Legislative Liaison: jbguillen@santafenm.gov, 955-6518)

COMMITTEE REVIEW:

Governing Body (Introduced): 04/14/21

Quality of Life Committee: 04/21/21

Public Works and Utilities Committee: 04/26/21

Finance Committee: 05/3/21

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

Governing Body (Public Hearing): 06/09/21

Publication Date – May 20, 2021



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2021
4:00 PM
ATTEND VIRTUALLY

CONSIDERATION OF BILL NO. 2021-13. ADOPTION OF ORDINANCE 2021-____. (Councilor Abeyta, Councilor Lindell, and Councilor Rivera)

An Ordinance Amending Subsection 14-3.7(F), Notes 15 and 16 of Table 14-7.2-1, and Subsection 14-9.6(B) to Allow the Minimum Lot Size to be 1.25 Acres for a Lot Created Through an Inheritance or Family Transfer Subdivision and that Results in Only One Additional Lot; Amending Subsection 14-7.2(B) to Require Rounding Down of the Calculation of Maximum Number of Dwelling Units for a Family Transfer Subdivision Where Neither Public Sewer nor Public Water are Available; and Amending Subsection 14-9.6(A) to Require Proof of Adequate Septic and Well Assurances Prior to the Approval of an Inheritance or Family Transfer Subdivision that Lacks Public Sewer and Water. (Eli Isaacson, Planning and Land Use Director: esisaacson@santafenm.gov, 955-6830)

Committee Review:

Introduced: 03/31/21

Planning Commission: 05/6/21

Public Works and Utilities Committee: 05/11/21

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

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

Publication Date – May 20, 2021

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

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

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

SUMMARY INDEX
Governing Body
May 26, 2021

ITEM	ACTION	PAGE
1. Call to Order	Convened at 4:06 p.m.	1
2. Pledge of Allegiance	Led by Councilor Cassutt-Sanchez	1
3. Salute to the State Flag	Led by Councilor Lindell	1
4. Invocation	Led by Councilor Romero-Wirth	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as amended	2-4
7. Approval of Consent Calendar	Approved as amended	4-5
8. Approval of Minutes		
a) Regular Meeting on May 12, 2021	Approved	5
9. Presentations		
a) COVID-19 Update	Presented	5-6
b) International Dark Sky	Presented	6-9
10. Consent Calendar	Listed	9-16
a) Withdrawal from RCLC	Approved	9-10
m) Roads Transfer	Approved	14-16
11. Discussion/Action Items		
a) State Tourism Grant BAR	Approved	16-17
b) NMDCA MOA for Utility Changes	Approved	17-18
c) Kiwanis PSA for July 4 th Event	Approved	18-20
d) Emergency Extension to July 12	Approved	20
12. Midtown Overview	Presentation	39-40
13. Matters from the City Manager	Recommended closed session	40
14. Matters from the City Attorney	Recommendation	40
15. Matters from the City Clerk	Comments	40
16. Communications from Governing Body	Communicated	40-42
a) Legislative Introductions		
Evening Session	Began at 7:00	21
17. Roll Call	Quorum Present	21
18. Petitions from the Floor	Petitions made	22
19. Appointments	None	22
20. Public Hearings		
a) Streetlight LED Conversion Design	Approved	22-39
21. Adjournment	Adjourned at 11:09 pm	42

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, May 26, 2021
Virtual Meeting**

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, May 26, 2021, at approximately 4:02 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 Cassutt-Sanchez.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Romero-Wirth.

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
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler

Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Kyra Ochoa, Acting Community Health and Safety Director
Jesse Roach, Water Division Director
Alexandra Ladd, Affordable Housing Director
Sally Paez, Assistant City Attorney
Elias Isaacson, Land Use Director
Jesse Guillen, Legislative Liaison
Michael Dozier, Wastewater Management Division Director
Rich Brown, Economic Development Director
Jennifer Faubion, Council Liaison
Randy Randall, TSF Director
Regina Wheeler, Public Works Director
Sam Burnett, Public Works Property Maintenance Manager
Melissa McDonald, Acting Parks Division Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to remove item 20-a (the Public Hearing on Streetlight Conversion) from the agenda.

Discussion on the Motion:

Councilor Garcia explained that in reviewing the City's rules and procedure, it said no item that was not gone through the Committee process should be placed on the agenda unless it falls under uncommon circumstances or in the case of an emergency. He saw no special circumstance or emergency for this item and recommended it go back to the three committees for full vetting and approval first.

Ms. McSherry pointed out this item is part of a schedule the Governing Body allowed with the adoption of the contract which is a special circumstance. It is specific to timely matters that come before the Governing Body. Secondly, this matter was already before the Governing Body because there was a prior plan and an attached contract. This was essentially anticipating a future contract amendment for a contract that has been to all the committees.

Director Wheeler said she thought that was what the motion was at the last hearing to have it return to the Governing Body for approval of the design. That is exactly what was said and exactly what she had done in exactly the time frame that was directed. There is also significant financial constraint and a time constraint, which if not followed, we would not have enough money allocated for it.

Councilor Garcia asked if we have reached out to our lender, Sterling Bank to see if they are flexible on the timeline, given that we have not approved the plan. That was part of the whole agreement coupled with the legislation on arrangement with Sterling Bank which documents were not provided to the Governing Body. Also, one item that was provided to the Governing Body which was the full equipment list to be purchased in the agreement and there was no mention that the additional information was provided. That was very impactful and somewhat unethical.

Mayor Webber didn't understand how that was unethical and asked him to explain.

Councilor Garcia explained when the Governing Body reviewed the Sterling ordinance for the committee process, there was exhibit information containing brief information about the equipment that would be purchased through that lending agreement. Exhibit A-1 and Exhibit A-2 - one had what he would call a very draft plan and the other was blank. But by the time it came to the Governing Body, it was a completely different plan. The revised exhibit information was not provided to the Governing Body. To have that not brought to our attention was what was not ethical. Most Councilors probably did not read that. They were not given the information on the lease agreements that we told the lender.

Mayor Webber asked if he was saying providing additional information was an ethical lapse.

Councilor Garcia said it was. The information was not there for the committees. There was not a list committing us to provide that and now are committed to purchase.

Ms. McSherry looked at the specific motion and it was to bring it back to the Governing Body. She also cautioned the Councilors about making derogatory comments about Staff.

Councilor Vigil Coppler said very often we have items presented to us with information incomplete or no information. This agenda item is one of those. There have been many changes along the course of this item and what we discussed in the past is not before us today. It deserves another go around with the present information. We have a presentation scheduled tonight. This is much different than what she understood it was. It will impact the City for many years to come. So we need to discuss it further.

Councilor Abeyta didn't disagree with what has been said but he wanted to hear from the public. We could have an option to postpone. The committees usually are not public hearings so the public will know exactly where we are on it.

Councilor Villarreal concurred with Councilor Abeyta. She had specifically asked for this to be a public hearing because she wanted to hear from the public and have Staff work to get more information. Taking it off the agenda does not help us. We can bring up the matters with it kept on the agenda.

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

For: Councilor Garcia.

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the agenda as presented.

Discussion on the Motion:

Councilor Vigil Coppler noticed when she reviewed the agenda late last night, that the Public Works Action Sheet was missing from the exhibits for b, d, e, h, and I. But Quality of Life and Finance Committees were held much after the Public Works Committee. She added that this wasn't the first time. It keeps happening and was left off those six items. Item 12 was not in PrimeGov until this morning. Some of us have different ways to study the agenda. She didn't know why they are so late, and it was getting annoying. It is not good business for our preparation and not a good service to the public when they are not there. She brought it up previously regarding Midtown. If something is not ready, it should not be on the agenda. The City Manager needs to review it to make sure everything is ready.

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

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

Against: None.

7. APPROVAL OF CONSENT CALENDAR

Councilor Vigil Coppler pulled item 10(l) for discussion.

Councilor Villarreal pulled item 10(a) for discussion.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to approve the Consent Calendar as amended with items (a) and (l) removed for discussion.

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

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

Against: None.

8. APPROVAL OF MINUTES

a. Regular Governing Body Meeting of May 12, 2021

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the minutes from May 12, 2021 as presented.

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

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

Against: None.

b. PRESENTATIONS

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

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

Director Ochoa said we may see younger people get vaccinated. Their infection rate is increasing. DOH encouraged further testing among unvaccinated. The Fire Department is still delivering vaccines to the homebound and are reaching out to those with mobility issues to see if they

need vaccinations, using the DOH database. She gave a big shout out to Fire and Police teams and Chainbreaker for their efforts. The event at the Southside Library was a huge success. They provided 323 vaccinations including 211 for those under 18 and 70 were walk-ups. Thanks to Councilor Rivera and Councilor Abeyta for their support and presence. A follow up will be done at the Southside Library on June 12. The County is still vaccinating at Fairgrounds.

She is submitting the COVID Report at the second Governing Body meeting of each month.

Councilor Vigil Coppler referred to page 1 of the report where she did not understand the info dispatch time. Chief Padilla explained that for the COVID reporting period, when there were no calls, it is zero, zero.

Councilor Vigil Coppler understood this one was for 5/5 to 5/18.

Chief Padilla agreed that was the period of this report. During the whole reporting period, we listed repeat calls at particular locations.

Councilor Rivera asked Chief Babcock, after seeing numbers for COVID, that the Fire Department responded to 55 calls and only two were for transport and none were for COVID, how those calls were related to COVID.

Chief Babcock said it includes any types of symptoms that were like COVID. We still get transit requests from airport but that is not related.

Councilor Rivera asked if it meant they come in as possibly COVID related and then were determined not to be related.

Chief Babcock agreed that was correct.

- b. International Dark Sky Presentation by Ruskin Hartley, Executive Director. (Regina Wheeler, PW Director, rawheeler@santafenm.gov)
INFORMATION ONLY

Director Wheeler introduced Mr. Ruskin Harley to speak on Dark Skies.

Mr. Hartley shared his screen and said Dark Skies is what New Mexico stands for in the Land of Enchantment. He showed a satellite photo of light spots and commented on what climate change has done. There is no analog with climate change. He asked why we should spend time on this issue and answered that light pollution impacts our heritage, wildlife, climate change and others. Light pollution is a global issue but is also a local issue. Glaring lights make it hard to see at night.

He shared Five Principles for Responsible Outdoor Lighting and commented briefly on them. Responsible use it to put light where you need it, when you need it and with just enough but no more.

He spoke briefly about Tucson's conversion to LEDs producing a 63% reduction in lumens. Sky Glow was down 8%. 20,000 lights were converted from HPS to LED with two goals – reduce costs and preserve astronomy there.

He then compared it with Chelan, Washington, a smaller community where LEDs were 3000/4000K with full cut off. It provided a 50% reduction, but sky glow was up 60%.

He commented on the spectrum variation and ecological impacts. Blue light gives a disproportionate impact on the nighttime environment, exacerbates skyglow and his organization (IDA) recommends they limit blue to what is needed and use 2200Kelvin (amber), filtered where possible, to keep total emissions as low as possible.

He said Santa Fe needs a lighting policy, with public lighting conforming with policy, with community support and demonstration projects. Then a light Pollution Monitoring Program is needed on a multi-year journey. He shared their recommendations in more detail and entertained questions.

Mayor Webber revisited his email exchange with Mr. Hartley when he had claimed that any Kelvin over 2000 was unacceptable. Mr. Hartley said that claim is not supported by IDA recommendations. There is strong emphasis on the IDA website for 2,200 Kelvin lights.

Mr. Hartley agreed. That is just one of the variables. Time and time again, cities replace with 3000K. But it depends. 3000K has 16% blue light and 2,200 is about half of that. There are other variables, and it is important to consider the reasons.

Mayor Webber asked what led to the glow reduction in Tucson but not in Chelan.

Mr. Hartley said they chose the right fixtures for best addressing their needs.

Councilor Garcia asked how the first principle relates to the other four principles.

Mr. Hartley said, once the decision is made for Dark Skies, the other principles help to work out choices in the design to address it.

Councilor Garcia noted the problems with the Washington community were that they did not save as much energy as expected. Santa Fe is kind of in the same boat as they were. He asked what Mr. Hartley had in recommendations for Santa Fe.

Mr. Hartley said he didn't know Santa Fe like he knew the situation in California.

Councilor Garcia recalled he said the International Dark Sky guidelines are under review and trying to bring them into alignment with IDA policy including the value centered approach. He asked for more information on that.

Mr. Hartley said more and more communities were putting in 3000K LEDs and just increasing the light pollution. So with the new technology, they needed to have a new approach that would reduce light pollution. So they are working on newer guidance to bring them into alignment with what they have learned that meet the goal for 2022.

Councilor Garcia thanked him so much for providing explanations. He invited Mr. Hartley to return when the streetlighting is completed.

Councilor Cassutt thanked him also and asked about the 3000K cutoff strategy and what difference there is with 4000K.

Mr. Hartley said it would produce different outcomes, depending on how the variables are mixed. In some places where 4000K LEDs were installed, the people just didn't like the way it looked.

Councilor Cassutt understood him to say there was energy savings as well as ecological benefit from using 2200K lights.

Mr. Hartley emphasized the need to have good engineering to determine the right number of lights to be installed.

Councilor Cassutt asked if Santa Fe really needed the number proposed.

Mr. Hartley said a good way is to go where there is a question and consider how much is really needed in that location instead of just establishing a general policy for the whole city.

Councilor Cassutt thanked him for clarifying things.

Councilor Romero-Wirth thanked Mr. Hartley for his expertise, for sharing that by email over the last 3 months on this. She asked him to clarify – Flagstaff is a city be a dark sky city without any LED lighting.

Mr. Hartley agreed and shared a short version of the city's history.

Councilor Romero-Wirth reasoned that there are other designations for Dark Sky.

Mr. Hartley agreed. He explained that a city does not have to be nominated but can apply to be a dark sky city.

Councilor Romero-Wirth asked if his organization was the only one doing certifications.

Mr. Hartley said they are the best known and they have members around the world and best known in the US.

Councilor Romero-Wirth asked how many of the twenty-five who have achieved accreditation also have observatories to make sure they are doing something of value.

Mr. Hartley replied that they all are doing something of high value.

Councilor Romero-Wirth said Santa Fe clearly wants to protect our dark skies, but we have no observatory.

Mr. Hartley assured her that not all of them have observatories. They value the dark skies.

Councilor Romero-Wirth confirmed that he recommended independent engineers.

10. CONSENT CALENDAR

- a. CONSIDERATION OF RESOLUTION NO. 2021-28. (Councilor Villarreal)
A Resolution Withdrawing the City of Santa Fe as a Member of the Regional Coalition of LANL Communities (RCLC). (Jennifer Faubion, Council Liaison: jrfaubion@santafenm.gov, 955-6033)

COMMITTEE REVIEW:

Introduced: 03/31/21

Quality of Life Committee: 05/5/21

Finance Committee: 05/17/21

Governing Body: 05/26/21

Councilor Villarreal pulled this item for discussion.

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

Councilor Villarreal thanked various people who were advocates for leaving the coalition and for getting relevant statistics. She also thanked City Staff who helped. The RCLC Board voted unanimously last week to wind down the Coalition with actions toward dissolution. They still need to pay bills with what is left in the budget. And the decision be considered by DFA. That was why she wanted us to still approve this while it is still going on.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to approve the resolution to withdraw from the RCLC Coalition.

Discussion on the Motion:

Councilor Vigil Coppler asked Councilor Villarreal if with this, we are asking for the dues we just paid to be refunded.

Councilor Villarreal said that was in the resolution. She believed they must go through the process of paying bills to determine what can be refunded. Councilor Garcia – correct. >>

Councilor Vigil Coppler understood what was left would be refunded. If we don't get our \$10k back, are we committed to go after it?

Ms. McSherry – the resolution would call for us to ask for the dues back if the resolution passes. Resolution was to recommend dissolution at the appropriate time. Just a request and not forcing that.

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

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

Against: None.

- b. Request for Approval of a Contract for the Santa Fe Business Incubator: A Renewal Contract for Small Business Development Services for the Economic Development Department. (Janice Krish, Economic Development Specialist: jakrish@santafenm.gov, 955-6915; Richard Brown, Director, Community & Economic Development: rdbrown@santafenm.gov, 995-6625)

COMMITTEE REVIEW:

Public Works/Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021
Governing Body: 05/26/2021

- c. Request for Approval of Amendment No. 1 to Contract # 20-0565 for the NM Suicide Intervention Project to Increase Safety Net Services for Virtual Suicide Prevention Services and Decrease Number of Youth Served by Navigation Services. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505 470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- d. Request for Approval of Amendment No. 1 to Contract # 19-0592 for Interfaith Shelter to Extend the Term for One Year from 6/30/21 to 6/30/22. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505-470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- e. Request for Approval of Amendment No. 1 to Contract # 19-0594 for New Mexico Immigrant Law Center to Extend the Term for One Year from 6/30/21 to 6/30/22. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505-470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- f. Request for Approval of Amendment No. 1 to Contract # 20-0563 for Gerard's House to Add Safety Net Services of Grief Support Groups for Youth and Decrease Number of Youth Served by Navigation Services. (Elizabeth Peterson, Children and Youth Program Manager: empeterson@santafenm.gov, 505 470-3186)

COMMITTEE REVIEW:

Finance Committee: 05/17/2021
Quality of Life Committee: 05/19/2021
Governing Body: 05/26/2021

- g. Request for Approval of a Change Order #1 to CIP #967 Aeration Project Bid Number 1'20/17/B with RMCI Inc. for an Increase of \$294,446.51. (Michael Dozier, Wastewater Management Division Director: mldozier@santafenm.gov, 955-4642)
1. Request for Approval of Budget Amendment Resolution
- COMMITTEE REVIEW:**
 Public Works and Utilities Committee: 05/11/2021
 Finance Committee: 05/17/2021
 Governing Body: 05/26/2021
- h. Request for Approval of Amendment # 2 with Carollo Engineers, Inc. Professional Services Agreement 18-1065, to Provide Additional Construction Administration and Inspection Services to the Paseo Real Wastewater Treatment Plant Aeration System Improvements Project Detailed in the Attached Agreement in the Amount of \$126,353.00 Exclusive of NMGRT. (Michael Dozier, Wastewater Management Division Director: mldozier@santafenm.gov, 955-4642)
- COMMITTEE REVIEW:**
 Public Works and Utilities Committee: 05/11/2021
 Finance Committee: 05/17/2021
 Governing Body: 05/26/2021
- i. Request for Approval of Exempt Procurement for Contract Amendment # 4 with Eric Blinman, Director of the NM Office of Archaeological Studies (OAS) to Provide Continued Service to the Water Division Construction Projects in the Amount of \$100,000 Exclusive of NMGRT. (Brian Snyder, Water Division Engineering Manager: bksnyder@santafenm.gov, 955-4277)
- j. **COMMITTEE REVIEW:**
 Public Works and Utilities Committee: 05/11/2021
 Finance Committee: 05/17/2021
 Governing Body: 05/26/2021
- k. Request for the Approval of Amendment #2 to Service Contract 20-0027 Extending the Term of the Agreement by One Year, from June 30, 2021 to June 20, 2022, and Increasing Compensation in the Amount of \$500,000 to a Total Amount of \$1,250,000 Plus NMGRT for HVAC, Mechanical, Plumbing and Electrical Services with B&D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager: jsburnett@santafenm.gov, 955-5933)
- COMMITTEE REVIEW:**
 Public Works and Utilities Committee: 05/11/2021

Finance Committee: 05/17/2021
Governing Body: 05/26/2021

- I. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by most Members of the Governing Body to Grant Appeal #2021-3393-APPL, Reverse the Historic District Review Board's Decision in Case #2021-3111-HDRB, and Approve the Application from James and Jay Heneghan to Construct a New Single-Story Residence at 314 North Guadalupe Street. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

- m. Request for Approval of the Road Transfer Agreement between NMDOT and the City of Santa Fe that Transfers Road Maintenance Responsibilities for Segments of Cerrillos Road, St. Michaels Drive and Old Pecos Trail to the City of Santa Fe. (Javier Rosado, PW Engineering Division Director: jhrosado@santafenm.gov, 955-6638).

COMMITTEE REVIEW:

Finance Committee: 05/03/2021

Public Works & Utilities Committee: 05/11/2021

Governing Body: 05/26/2021

Councilor Vigil Coppler pulled this item for discussion.

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

Councilor Vigil Coppler loved us taking the roads but not without money from DOT. Page 2 of 42 of the actual agreement states that these are city priority 1 streets and maintenance costs would go up 50% and equipment would need to be purchased for the budget. But the equipment is not in the budget. All of that, means the City will be responsible. Many constituents called her about this unfunded mandate.

Originally, there was money from DOT to be coming, but not now. DOT refuses to fix a problem at the Airport and Cerrillos intersection.

The Old Pecos Trail ramps and drainage needs repair, and we will get reimbursed by DOT. She asked for a schedule on that.

She also saw this as an unfunded mandate. Things are turned over with no money, no equipment, no staff. She mentioned other things we must spend

money on. She saw no value on this right now. These are big roads to maintain. Are we getting any money from somewhere for this?

Director Wheeler and Javier Rosado were present.

Mr. Rosado had asked John Romero to come and speak to it.

John Romero said she had good questions. He apologized if he repeated what the Governing Body has heard already. Since 1989 when DOT constructed the 599 by-pass, a deal was struck but with different terms. The City was to take over roads and the City took over a great many of them, Agua Fria, Old Pecos Trail, Cerrillos Road and St. Francis Drive were delayed to a later date. DOT agreed to improvements which they did. We were negotiating with DOT when he was still at the City. They wanted to transfer to the City as is. But Old Pecos Trail was in poor shape. They had ignored routine maintenance on it. So the DOT was persuaded to help. In the agreement was reconstruction of Cerrillos Road. They have helped quite well and given money to it. The City managed the work including inspections. The State had dedicated staff as project managers and satisfied the Federal Highway Administration. Some was accomplished with consultants. We asked them to do the last segment, but DOT was not willing. Under the new administration, they were more agreeable. DOT is doing all project management, but the City is 100% doing the design work. That was a major win in the negotiation. So there was not much left from the 1989 agreement. DOT agreed to fix the bump on Airport Road and offered to do more, if needed.

Councilor Vigil Coppler asked about drainage and ramp on Old Pecos Trail.

Mr. Romero said the City is better suited to do those smaller projects. It is done as design/build. If the State did it, we would be required to do full set of construction drawings. He told DOT that the City could do it.

Councilor Vigil Coppler thought 599 was mostly in the County and wondered how that was a City deal.

Mr. Romero said 599 is within the City limits. Even before the big annexation. The question was how the bypass would affect the City. All those roads were regional roads.

Councilor Vigil Coppler asked what the benefit is to the City.

Mr. Romero added that the transfer agreement includes some things were previously agreed to. This transfer is in the best interest of the City. In the 1989 agreement, it said the State would try to help fund it. It is not City vs State but to verify the 1989 agreement.

Councilor Rivera noted one of the big complaints we continue to get is on the main roads after a snow fall not getting immediate attention. He asked if Mr. Romero was familiar with scheduling on how they are prioritized.

Mr. Romero pointed out that the City's high priority is the State's low priority. The National Highway System takes priority for DOT.

Councilor Romero-Wirth understood the streetlights we will now be controlled by the City.

Director Wheeler agreed. The City already manages them but now we will not be bound by the State's higher Kelvin level.

Councilor Vigil Coppler asked what impacts there were in taking over those roads. She recalled Director Wheeler saying the impact was \$5 million.

Director Wheeler said that is for city-wide road maintenance. The City will have a crew and \$500,000 for equipment in the capital budget. Lots of asphalt will be added to our roads index.

Councilor Vigil Coppler understood the bump would be fixed at state expense.

Mr. Romero agreed.

Mayor Webber remembered the change in state administration, and the advice not to take them over until we got a partner. Mr. Romero's hand in that was absolutely instrumental to get roads in good condition and not having to repair them right away. He deserves a huge debt of gratitude for that. Also, in addition to snowstorm clean up, for the City to oversee our own dusting, it makes sense to take on the main roads.

Councilor Lindell praised Mr. Romero for being so gracious and civic minded to come and talk with the Governing Body by giving his time tonight. It was great to see you, John.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the roads transfer agreement with NMDOT as presented.

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

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

Against: None.

Councilor Villarreal and Mayor Weber also thanked Mr. Romero for coming to this meeting.

11. **DISCUSSION/ACTION ITEMS**

- a. Request for Approval of a Budget Adjustment Resolution to execute the use of the \$300,000 Grant from the New Mexico Tourism Department per agreement 21-0211 to Support the Restart of the Group Business that Uses the Convention Center, Pursuant to SFCC 1987, Section 2-4.6(B). (Randy Randall, Executive Director, Tourism Santa Fe: rrandall@santafenm.gov, 955-6209)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

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

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve the requested use of the Tourism Grant as presented.

Discussion on the Motion:

Councilor Villarreal was curious why this did not go to the Finance Committee.

Mr. Randall said the actual ratification came at the last Council meeting and he was advised to come to the next Governing Body meeting for approval on how the funds would be used.

Councilor Villarreal noticed it said this was ratified in 2020. She didn't recall that.

Mr. Randall explained it had to be a typo. This was ratified at the last Governing Body meeting.

Councilor Villarreal asked for clarification in the memo about a certification body.

Mr. Randall explained that is a requirement of the grant to get the certification. The Department of Tourism required it. It is a nationally recognized certification and the \$1,000 for certification cost will come from the grant. It concerns the quality of the Convention Center facility related to air quality.

Councilor Villarreal asked if this would add shows to attend.

Mr. Randall agreed. It will also allow staff members to attend four consumer shows in cities that he identified.

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

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

Against: None.

- b. Request for the Approval of a Memorandum of Agreement between the City of Santa Fe and the New Mexico Department of Cultural Affairs for the Undergrounding of Utilities, Alteration of an Electric Transformer, the Use and Demolition of the Train Depot Shed, and Landscaping of the Demolished Shed Area. (Sam Burnett, Public Works Property Maintenance Manager: jsburnette@santafenm.gov, 505-795-2491)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

Ms. Bustos-Mihelcic read the caption. Mr. Burnett and Nick Schiavo were present.

MOTION: **Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve the MOA with State DCA as presented.**

Discussion on the Motion:

Councilor Vigil Coppler asked what real costs to the City are expected.

Mr. Burnett said the cost per quote from B & D is \$62,000 and will be split with DCA. The improvement is concurrent with remodeling of the train depot and modernizing the wiring system. We will benefit from it as will DCA.

Councilor Vigil Coppler thought the diagram seemed to show it going through a parking lot, so she asked if discussions happened with the owner.

Mr. Burnett agreed, and we have an easement for it.

Councilor Vigil Coppler figured the construction will disrupt their business so are you sharing the construction schedule with them on it.

Mr. Burnett agreed. The back gate opening is open now and we will regularly communicate with Tomasitas as it impacts their operation.

Mayor Webber welcomed Peter Ives to the meeting.

Councilor Villarreal also welcomed Nick Schiavo and Peter Ives back.

Councilor Villarreal asked about the delay on this to understand what caused it.

Mr. Burnett explained that because of the nature of an intergovernmental agreement, there were many revisions, and the final revision finally came at 6:30 last night. It was important to move on it and get a contractor in without disrupting work at the Vladem Museum. He apologized for the inconvenience.

Councilor Villarreal understood the train shed housed equipment.

Mr. Burnett said it is being used as construction administration for work at Vladem. So delaying that part of the project is for exchanging the cost of demolishing the shed.

Councilor Villarreal knew the City has had lots of unwarranted activities there and trash accumulating. So having someone physically there with a temporary office will help.

Mr. Burnett agreed and that will dissuade that unwanted activity there.

Councilor Ives said what a delight it was to see everyone and seeing Mr. Romero was an additional treat.

Mr. Schiavo wished he had spoken first since it is always hard to follow Councilor Ives.

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

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

Against: None.

- c. Approval of Professional Services Agreement with the Kiwanis Club of Santa Fe in the Amount of \$60,000 Per Year, with a Total Compensation Not to Exceed \$240,000 (Inclusive of NMGRT) Over the Four Year Term,

to Plan Promote and Execute the City's Independence Day Celebration.
(Melissa McDonald, Acting Parks Division Director:
mamcdonald@santafenm.gov, 505-303-9502)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 05/24/2021

Governing Body: 05/26/2021

Ms. Bustos-Mihelcic read the caption for this item. Director McDonald was present.

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to approve the PSA with the Kiwanis Club of Santa Fe as presented.

Discussion on the Motion:

Councilor Villarreal asked what the City has contributed in the past.

Director McDonald said last year was \$41,000. It increases every year because of insurance and overhead.

Councilor Villarreal noted the City usually does this per year but here we are doing a four-year agreement. She asked if each year would be a new quote.

Director McDonald agreed.

Councilor Villarreal asked about more details on the budget.

Director McDonald referred to page 14 for the budget details. The agreement is split between two fiscal years since it finishes on July 4.

Councilor Villarreal asked how the resolution allows fireworks on July 4.

Director McDonald said the City can do group fireworks, so people won't do fireworks in their yard.

Councilor Rivera said they hoped residents would attend a controlled fireworks programs instead of shooting their own fireworks.

Councilor Villarreal asked if people will be allowed out of their cars.

Director McDonald agreed if we can do it.

Councilor Vigil Coppler emphasized the importance of continuing dialogue with the Adé Community so their concerns are addressed. Police and Kiwanis do coordinate it and it takes time to get that done.

Councilor Rivera thanked the Boys & Girls Club for their past productions at Santa Fe High. Nava Adé has done a great job each year with this celebration with controlled activities. He appreciated Kiwanis and B&G Club for all their work too.

Councilor Cassutt knew a neighborhood near Santa Fe Place Mall is greatly impacted. We should also reach out to that neighborhood on how to prepare for it to be safe and contained.

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

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

Against: None.

- d. CONSIDERATION OF RESOLUTION NO. 2021-29. (Mayor Webber)
A Resolution Extending the State of Emergency as Proclaimed by the Mayor on May 24, 2021 by Forty-Seven (47) Days, Expiring at Noon on July 12, 2021, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 955-6961)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the resolution to extend the State of Emergency to July 12, 2021.

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

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

Against: None.

Amendment to the Agenda

Mayor Webber asked if an agenda change was warranted.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to suspend the remainder of the afternoon session and return to it after the evening session is completed.

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

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

Against: None.

Mayor Webber recessed the meeting until 7:00 for the evening session.

12. **MIDTOWN OVERVIEW**

- a. Midtown Planning & Development Bi-Weekly Report, by Office of Economic Development Department. (Rich Brown, Director, Community & Economic Development Department: rbrown@santafenm.gov)

INFORMATION ONLY

Progress Report: Update

Presenter: Daniel Hernandez, Proyecto, Midtown Redevelopment Project Manager

13. **MATTERS FROM THE CITY MANAGER**

14. **MATTERS FROM THE CITY ATTORNEY**

15. **MATTERS FROM THE CITY CLERK**

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Legislative Introductions

EVENING SESSION – 7:00 P.M.

17. **ROLL CALL**

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

Members Present Remotely

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

Members Excused

18. PETITIONS FROM THE FLOOR

The first person let in did not have a petition.

Stefanie Beninato, P.O. Box 1601, spoke about Salvador Perez Pool. She said during first couple of days, the boiler was not working, and the water was very cold. The last two times it opened it was a boiler problem. She requested Public Works to fix the boiler problem.

The sidewalk of her neighbor was cited. She was surprised to see that and felt other neighbors would also be cited. The sidewalk was broken but so was the curb. There were others in the 500 block of Galisteo where the sidewalk is literally falling apart. They need to be replaced for safety.

There were no other petitions.

19. APPOINTMENTS

There were no appointments.

20. PUBLIC HEARINGS

- a. Approval of a Lighting Design for the Conversion of Streetlights in the City to LEDs to be Incorporated into the City's Global Management Performance Contract with Dalkia Energy Solutions, LLC, Contract #3202498, and the Streetlight Conversion Contract with the Public Service Company of New Mexico (PNM), Contract #3202499, as Applicable to Each Contract. (Regina Wheeler, PW Director, rawheeler@santafenm.gov)

COMMITTEE REVIEW:

Governing Body: 05/26/2021

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

Staff Presentation

Ms. Wheeler presented this matter on streetlighting. She thanked the Governing Body for their attention to this matter and important issues related to light. She introduced people working on it. Javier Rosado, City Engineering Division Director, PNM Team members – Jamie Aranda, Derek Casteñeda, Brad Shinabargar, Kevin Kaye, JC Florenson, Cheyenne Ernst, Tom Graham, and others. They have worked constantly to modify the design and change products and do analyses.

This is a much better Dark Skies solution and she got approval for a lower Kelvin rating to use.

She mentioned there were safety, security, and reliability issues. Streetlights have been the #3 community concern. Albuquerque selected Dalkia for their lighting. Our streetlights have been a concern for many years. It is now exciting to take all of this on and think we have a solution. She also thanked the Dark Sky Community for this too.

She described the Community Engagement Activities, first through emails since February 23 and newsletters and a webpage with a continually updated website. We received good feedback from the community with over 300 responses. And we had identified individuals who could help at the four demonstration sites since April 23 and connected directly with people and afterward via website. We introduced additional shielding. We made sure concerns were incorporated. On March 31, she contacted IDA. Community Feedback was made available. The website got 297 responses and much of the engagement was from District 1 and 2 and some living outside the City limits.

Many had more than one priority. #1 was to preserve the night sky (132 people). Limit wildlife affect and preservation of safety and preserving City ambience. Many would like reduced brightness. 178 mentioned color temperature. 2700K was the maximum Some even asked for less than 2000 and some 2000-2200.

The group met and discussed different neighborhoods and what they needed. A video of the group is on Youtube.

Engineering Design – Standards, Regulations, Goals: The guide has been the City Ordinance and intersection with latest recommendations on

roadside lighting and the IDA. We want to exceed the Night Skies Protection Act and are making it as equitable as possible. There was much discussion with PNM, DOT, and PRC.

Product Selection, Demo, and photometry: The average, minimum and average minimum levels were gathered. To achieve uniform distribution, we needed more brightness. We are reducing the brightness and there are now some dark spots. It is better than where we started. She showed a video at the Jaguar demo site, first with existing sodium lights.

Residential lighting is about 58% of the total. The group came up with 2200 and 3000 with dimming capability. This design would save costs and have an average color spectrum.

The dimming capability provides at least a 50% reduction. The model shown adopts the same output. It is great for our sustainability goals. So we have balanced all four goals with 2,800 average across the City.

Jamie Aranda said she couldn't wait to meet in person at City Hall. Partnerships are important to find reasonable solutions. PNM looks forward to the implementation and she was present for any questions.

Troy Harms talked about the blue light. He has been involved in replacing millions of high pressure sodium with LEDS and made much effort in eliminating up-light. We have successful projects in reducing blue light to ensure we meet objectives for cost savings and public safety. This is one of the best designs he had seen and encouraged the Council and public to embrace it. It will give lower blue light emissions, more uniform lighting and will address all environmental concerns.

Director Wheeler added that Dalkia is required to participate in a committee on management and changes in technology. Technology will continue to evolve in the future.

Public Hearing

Mayor Webber saw 26 people in the hearing room.

Ms. Bustos-Mihelcic agreed to mute at the end of two minutes each.

Sam Stem, 29 Quido Road, said this is a robust exercise of our responsibility. Good lighting designs are complicated and every pole is different. Tucson engaged an advisor, Washington didn't. Dalkia contracted to install and maintain. Their profit depends on with partners of Acuity

Electric. They are conflicted on the choices. He encouraged the Governing Body to use an independent consultant.

Alba Blandes 42 Valentine Loop and Chair of SW Advocates, congratulated Director Wheeler and Ms. Ernst for their hard work with the Working Group. Obviously, this has been done with serious endeavor. Two things stand out: it is complicated and should be left to the experts to do it. Tucson has received a lot of coverage but does not have all LED but also some low pressure sodium.

As a resident non-engineer, she went to demonstration points and walked under the lights and asked herself questions on it. Her questions were all met at Jaguar and not at Frenchy's.

Peter Lipscomb, Calle Jaime, member of the Citizen's Working Group and member of IDA, tried to remain open to the process. He noted bumps along the way and successes. Two messages recently have given him concerns. The City hired Dalkia as the consultant. That means they cannot be independent or neutral. Dalkia is too close to the design process. Santa Fe compares with Tucson. Tucson success wouldn't have happened without an independent third-party consultant. He was baffled why an independent review was not considered.

Nancy Lewis, 4331 Calle Shannon, member of the City Public Safety Committee and Working Group member, mentioned an article in the paper and commented that the Group has moved a long way since then by proposing measures to prevent glare and reducing Kelvin. Reducing to 2200 would help even more and put Santa Fe on the cutting edge. She trusted what the City has done.

Leslie LaKind, Ridgecrest Drive, had have never lived in the country but has had epiphanies sometimes. He trusts the experts. He sided with Engineer Wheeler, who recently spent time patiently explaining to him what it is, and he was comfortable with her decisions.

Albert Schultz, Glorieta and owner of 107 Cienega Street, was disappointed with the demonstration sites. When he visited some, they were not working and when working, had glare problems at Frenchy's and Gov. Miles Road. When the project came in February, his chief concern was over color temperature. And he felt the rest was taken care of. But now he is still concerned and hoped the City gets a disinterested independent opinion.

June Farrell, 218B Canyon Road, pointed out there are thousands of children who have never seen the Milky Way and she didn't want Santa Fe to become one where children cannot see the Milky Way. She had three recommendations: first, slow down to get it right. Take time to follow

procedures for oversight and all information needed. Second, hire a qualified lighting engineer – someone who is independent and has no possible conflict of interest. Third – use the technology Dr. Hartley suggested. In the 2700K we will already be behind the curve. We want the best for Santa Fe. Please take these three recommendations into consideration. Thank you.

Sidier Simon, White Rock, agreed the lighting infrastructure is very outdated. Focus on color temperature. He visited all four demo sites and saw no reason to go above 2700K. From Dark Sky, some information is misleading. 2700 and 3000K ignore the fact that 3000K will be much brighter than residential streets. 2700K is 60% of lights but 30% of the total light. The design plan E is going to be much closer to 3000K than to 2700K.

Michael Jacobs, Paseo de la Cuma, applauded the Governing Body efforts and wholeheartedly supported the initiative. He was a lawyer, not a lighting engineer, but he understood process. He encouraged an independent lighting consultant. This is once in a generation.

Madeline Carey, 1674 Calle Cruz Blanca, was on advisory board and felt good about the progress with a new appreciation for what this Body does. It is good for citizens to see that. She was impressed with City Staff and their attention to detail. Meetings were 5:30 – 7:00 but it would have been good to have night shift meeting. She felt they were hyper-focused on Dark Sky and would have liked more on legal liability for car accidents, etc. Some was subjective and qualitative, and it is important to hear from everyone. She was broadly supportive. Tucson is five times larger than Santa Fe and has more resources.

Miguel Gabaldon said this is a difficult matter to discuss. The demonstration sites were hard to show dark skies above the fixtures. Lights might be beneficial after midnight. He wondered if this increases city liability in dark spots. Regarding City ownership, they could still be eligible for federal funding but must meet federal requirements on Kelvin. St. Michael's and St. Francis would be eligible for those funds.

Anthony Ashland, from District, thanked all who were involved. He was an engineer and had two statements and two questions. He urged having an independent lighting engineer – that would better serve the project. According to the slides, our current Kelvin is at 2,400 K and proposed at 2,800K. He asked if there was a proposal for 2200K with newer technology. He asked how Santa Fe is going to measure its dark sky improvement.

Stefanie Beninato, PO Box 1601, liked dark Skies and felt it would be great at 2200K to get our dark sky designation. She urged an independent third party consultant. Thanks.

Jim Baker, 98 Principe de Paz, spoke at the February 24 meeting also. He thanked City Staff, contractors, and Council for all their work which was highly technical. He was distressed by the New Mexican headline and some Dark Skies were rowdy and personal attacks and irrational comments. He hoped we have reached a mutual solution on the right goals. 2,200 K is better than any higher values and healthier for humans, better for safety and the environment. We should agree the best numbers should be zero, zero, zero.

George Jones, 1018 Canyon Road, strongly supported an independent licensed engineer. Not to say we didn't do a good job, but it always helps to have another set of eyes and ears and come to realize it is much more complicated. He is a software developer for large companies. Getting another look and you've got the best answers. That would be good. Perception is 90% of reality and we only have a small portion of the public responding.

David Carr, 3411 Via ??, member of the Working Group and AIA, said Option E+ is the best compromise. He talked with an electrical engineer with experience in streetlighting all around the State. He suggested looking into added dimming strategies including turning off in residential areas. He also thought there are still issues at St. Michael's Drive on glare that should be considered. The City will need to work with schools, businesses, and government. The design for Alamogordo has issues with low pressure sodium because of the observatory there.

Ken Hughes, representing Sierra Club on the Working Group, suggested a 3-month project in underserved areas and see how they work out.

Diane McGinnis, thanked the Governing Body for the opportunity to speak and for the heroic effort all of you engaged in this complex project. Still there are significant risks to safety - scattered lighting. Clearly, the City needs an independent consultant. It should be referred to the Public Safety Committee and other committees. The City should also demo 2000K and 2200K lights to see the difference. The 38-page pamphlet contains lots of good information. Let's not rush it through tonight. We are not yet there but getting close. The improvements make it better but let's get it right for another generation.

Galen Geiser, Los Alamos, supported a consultant. Slow down. Let's not rush things. Let's do it right with best technology. Flagstaff uses low pressure sodium for long wavelength and reduced blue light that way. Low pressure sodium is not recommended. It is an old technology but removing blue light is important.

There were no other speakers from the public.

Action of the Governing Body

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to pause approval and seek to hire an independent engineer.

Discussion on the Motion:

Councilor Cassutt wanted further information for the Governing Body. What would an independent engineer do differently beyond what has been done? He wanted to hear from Director Wheeler on it.

Director Wheeler said she had the same question. The Group is committed to finding the lowest Kelvin and best finances and a warranty for ten years. That is part of our big goal and looking for 2700K lights which have the lowest blue light and will reduce glare on the roads. Frenchy's is what she wants. She said they have not modeled side glow. She would like to measure for a base line. They did a study of Tucson's lights and found they were 20% night glow.

Councilor Cassutt asked what would be different.

Mr. Florenson said Dalkia does lighting design and has the engineers. That was one of the criteria the City liked about Dalkia. It is a design/build project that brings the guarantee of the company to follow the design laid out, He could bring the high level guarantee and a design with strong engineering. He was not sure what an independent engineer would do differently.

Councilor Cassutt observed that the City is not flush with cash these days. She wanted to make sure it would be in addition and not just repeating work. Somehow, we signed a contract with Dalkia. but there is an interest on the design.

Director Wheeler said that based on the equipment and guaranteed energy savings, we were able to contain costs. But they are required to meet the specs and get our design approved but with no incentive.

Councilor Cassutt asked if it would be cheaper without the guarantee.

Director Wheeler explained the 10-year guarantee was in the RFP. So taking it out would violate the procurement policy.

Mayor Webber said on the question of an independent but special engineer, he would separate out the pause button and engage the engineer to raise our confidence.

Mr. Hartley pointed to the sky glow issue and said if another engineer could measure that for a baseline right now and looking at different designs, it would be a completely appropriate response and an interest as a measure of our commitment to the dark sky policy. It is a specific focus of work in a significant area. Hiring a general consultant sounds redundant. With the sky glow issue, it would add to our confidence to achieve what we want to achieve. And trying to arrive at the best solution.

Councilor Garcia agreed. What Director Hartley said was to engage independent experts. Organizations hire an independent auditor to avoid bias. We want to ensure there is no potential for bias from anyone who has a stake in it - no conflict of interest. We cannot do that right now. That is why we had such strong interest in that. Director Wheeler has much interest in 2200K, and we did not have that in a demonstration project. What we do for the next 30-40 years should be something we are proud of. It should be done now before we start building and converting. We want to make sure it is done right the first time.

Councilor Romero-Wirth asked Director Wheeler what other kinds of projects we hire outside consultants for.

Director Wheeler said every single infrastructure project, whether design/build, we hire engineering to oversee the work.

Councilor Romero-Wirth asked how many times the City has hired a consultant for such projects.

Director Wheeler said the City oversees the work of our consultants to make sure there is quality and competence. And with federal funds we still hire our consultants.

Councilor Romero-Wirth noted we hired Dalkia as consultants on the objective we were trying to achieve.

Director Wheeler agreed.

Councilor Romero-Wirth asked if Director Wheeler thought there is anything Dalkia is not concerned about with the dark skies. PNM said there is no 2200K product available. So part of the reason we want an independent consultant was that there was distrust that 2200K was not evaluated. She would like to hear about that. What is it about if PNM cannot do the 2200K,

but the City was able to find 2200k, that would be a problem for the City? What is the issue right now?

Mr. Florenson said today a manufacturer could give you a fixture product you want. We have reached out to a manufacturer that is making plans to do that. He got sufficient material on it. But today we would not be able to use that in our contract.

Councilor Romero-Wirth said the contract just made the point. It requires a certain level of energy savings and we cannot get the energy savings on conversion with 2200K lighting on this contract.

Director Wheeler said Ms. Aranda is here.

Ms. Aranda apologized. She could not get on with her computer but did with her phone.

Councilor Romero-Wirth was trying to understand why 2200K could not be achieved. PNM had a list of approved vendors, but none was able to provide 2200K fixtures.

Ms. Aranda agreed to look at adding a new vendor for getting a 2200 K product. It is not a standard product.

Councilor Romero-Wirth asked if PNM didn't have a problem with guarantee.

Ms. Aranda said since there is no product, a guarantee is moot.

Councilor Romero-Wirth asked if PNM could expand its vendor list.

Ms. Aranda said PNM goes through a rigorous process to ensure quality.

Director Wheeler said PNM has most of their lights downtown and in residential areas. And PNM has a problem with 2700K on roadways.

Ms. Aranda explained that 3000K is their minimum product for roadway use.

Councilor Romero-Wirth asked Dalkia where the guarantee comes in.

Mr. Florenson said, regarding the guarantee, that it could be a four-year and a ten year guarantee. With the ten-year product, the same rule would apply for the next 15 years. There are different guarantees.

Councilor Romero-Wirth reasoned that we are paying for performance over ten years and it would cost the City more on anything less.

Mr. Florenson agreed and reiterated that Dalkia is a design/build company.

Councilor Romero-Wirth asked Director Wheeler about the Tucson consultants and how many they had.

Director Wheeler said none. They used Ameresco and had to have design/build.

Councilor Romero-Wirth clarified there was a point to these questions. Councilor Garcia said we want to protect against bias, and she was not sure what that is. This community wants dark skies and Dalkia has promised the darkest sky we would get. What would an independent engineer do? What is the scope of their work? We already know a 2200K product would not work. Is modeling the sky glow something Dalkia could do?

Mr. Florenson said they would contract it out.

Councilor Romero-Wirth said that made sense. Who would do the continuing monitoring work?

Director Wheeler said monitoring would be by the City and Dalkia and those who are with Dark Skies and a couple of safety experts for the committee.

Mayor Webber understood the consultant would not be required to go through Dalkia. The City could do that directly.

Mayor Webber noted the IDA folks are changing too. They are now looking at sky glow.

Mr. Florenson said on sky glow, that Tucson found that 80% of sky glow comes from other sources. It was a much bigger part so it would make sense to have a separate contract for that purpose.

Councilor Garcia said Councilor Romero-Wirth asked what kind of bias that he was trying to guard against. Mr. Florenson mentioned that no 2,200K product was available with a ten-year guarantee. He said that was not true and referenced an email from May 19 that said all products were available with either a 5-year or a 10-year warranty. That is misinformation, and the kind of bias he sought to guard against. And an independent consultant could advise differently.

Councilor Garcia also commented on the lack of time for members of the Advisory Committee to ask questions when vendors presented to them. He added that he was kicked out of the Advisory Committee meeting and not allowed to attend.

We spoke about how PNM would work with us to get the necessary approvals and how they could okay lower Kelvin products. He asked Ms. Aranda if PNM would entertain a proposal of a lower program.

Ms. Aranda stated, as she said previously, that a lower K product would have to be qualified through regulatory process.

Councilor Garcia mentioned other equipment that was approved for shorter duration (18 – 24 months). In his experience, it was usually about a 3-onth approval process.

Ms. Aranda did not know what he was saying and asked him to elaborate.

Director Wheeler explained that PNM is a regulated utility by the PRC and must follow approvals by the PRC regulation. She noted that PNM had identified a 2,700K product that would meet the PRC performance specifications and added it to their approved products just for the City. But there is no 2200K product from an approved vendor that meets the performance specification. As soon as PNM finds one that might qualify, it would go through the process for regulatory approval process at the PRC. She concluded that we are much closer with a 2,700K light than a 2,200K light.

Ms. Cheyenne Ernst gave a long speech about the process for Councilor Garcia and meant the same thing.

Councilor Garcia understood we must wait on PNM lights for approval and that is where the community should have input. That is what they are asking for. They are the taxpayers paying to replace the lighting they don't want and where the independent consultant would help greatly. We are not exploring all options. Everyone can agree that moving forward with LED conversion is the right step, but the conversion needs to be with us for decades to come.

Ms. Ernst clarified that forty-percent of respondents asked for a limit of 2700K and additional respondents asked for the lowest Kelvin possible. So 57% are in line with what we are proposing. We are listening to the community to align the goals with their hopes.

Councilor Garcia disagreed. Community response has not been robust. What was heard over the last few weeks was not successful. We didn't demonstrate anything lower than 2700K and an independent consultant could help us get other options. So the demonstration project was flawed. We really need to ensure we have a valid process.

Councilor Vigil Coppler commented on the suggestion of hiring engineers to oversee other engineers. That is sometimes probably overkill, but this is different, and it affects everyone in our City. Nor have we had such input on it. This is more like auditors with outside auditors overseeing internal auditors. A lot of response is not trusting what was presented. She didn't trust things early on and then came Dalkia's email that Councilors had met and agreed. But they had not met with her and knew others that have not been met with. So she sent out a disclaimer and got no response from it.

Something has gone wrong because the public is not buying it at all. She was not impressed with these numbers at all. she knows District 3 and District 4 representation was very low. Some constituents don't speak English. We have had these kinds of things before. The response is really from only one side of town.

Tonight we had public comment and many of them were not impressed and asked for independent review. She didn't think there was anything wrong with asking for an external engineer to come look at everything. She didn't see a fire under us right now. Most of the lights are functioning. But we are speeding ahead on this. PNM says wouldn't it be nice to have the same configuration. We do need to do it right. And we have not responded. People are talking. It is much easier to cut people off with Zoom. It seems like we procured services that Albuquerque used. We took the easy route, so we did not look around on our own. We took the easy way. She felt sure there are other people who are doing this for a living. We are not quite there yet. We kind of know what we want.

She asked if the City of Albuquerque was a dark sky city.

Director Wheeler said they are not, and neither are we. We follow regulations and our own ordinance. She always follows our ordinances. The Governing Body has never issued guidance on Dark Skies or Kelvin.

Councilor Vigil Coppler thought if we want to start now to try to become a dark skies community, maybe the Albuquerque source is not where we should consult.

Director Wheeler pointed out that three blocks on St. Michael's have no lights working. We get hundreds of complaints each year on lights not working or back lighting in bedroom windows. Every light must be moved over to new rates.

Councilor Vigil Coppler understood but here is an opportunity. Many of us want to preserve dark skies. Here is an opportunity to do this right. Where is the fire? She saw no major deadline that would cause us not to consider this improvement carefully.

The bureaucratic process dictates. it is worth exploring all the avenues. Why not let a qualified independent person come in to look at it? And no input from the Police Department. They are left out of the process. There is much more we can learn to get to a better decision.

Councilor Vigil Coppler asked how we got Sterling Bank when there was no procurement. It is part of why we're in need to slow it down. She also wondered how the PNM-Avengrid merger will affect this.

Ms. Aranda said the merger would not affect this at all.

Councilor Cassutt recalled Mr. Hartley said the consultant was to keep the interests of the City at the forefront. She asked Director Wheeler if she was an engineer.

Director Wheeler said she has an engineering degree but was not a P.E.

Councilor Cassutt asked if we have the expertise here. We do have an agreement with a contractor on this. Director Wheeler has done an incredible job – far beyond what many would do. She just didn't see the purpose of getting an independent consultant in here. The 2200K lights don't meet the savings we want. How are we reducing our carbon footprint? There was a wonderful slide Ms. Ernst had about it. What we do get is that the technology will catch up. Keeping the same thing for 30 years is a terrible idea. Do we have what we need at the table?

Director Wheeler thanked her for her kind words. It is exciting to have partnership with PNM and a lighting engineer from Dalkia. We have available rate savings from PRC with dimming ability. If we wait for the 2200K light in five years, then we will wait longer for dark skies. We could put in 2700 now.

Mr. Florenson said Dalkia is a fairly large company and a client of a large manufacturer. So we are aware of the latest and greatest. So we can bring the latest and greatest to the City. The City of Los Angeles was mentioned as starting ten years ago and now they are converting anew. They could have waited but are using the savings from the first lights now. There is a high cost of waiting.

Councilor Cassutt added that if we go with this plan tonight, we are not stuck with it and have upgrade options along the way. There is a tradeoff we are not talking about.

Councilor Abeyta said Ms. Blandes is the representative from District 3 and she had represented the district well and reported back. We have one on

the Public Safety Committee also. We often have difficulty getting responses. He has been knocking on doors for his campaign. Their concerns are burglary, B&E, and car safety. We are giving feedback and don't want Ms. Blandes feeling she failed. She did a great amount, and he didn't want her to be discouraged.

Councilor Villarreal pointed out this is a big deal and most of us want to live in Santa Fe. It is not a one and done matter. Dalkia will be with us a long time. An independent engineer does not resonate with her. Each area is different and almost warrants a separate situation. We didn't have a demonstration on a small road. The Council agreed to do this in phasing. We should do a flyover to analyze what the conversion looks like in that area. We should look at one area first before we move on with a 3-6 month check-in.

Director Wheeler said she wanted a site on Canyon Road but found out PNM owns all the lights there. It is a great idea to divide it into four phases. We are committed to only use as much light as needed for the Dark Sky. Mr. Kaye talked about the phased approach and installation. We have people on scooters analyzing the light and getting feedback on status results. It takes 3-5 days for drone pictures. And then install and compare.

Councilor Villarreal said if we move on into the next phase, we will get an idea of what we are looking at and get feedback from people who live there on what changes they have experienced.

Director Wheeler agreed.

Councilor Villarreal said before and after analyses will be helpful and should be required.

Councilor Vigil Coppler said her comments were intended to encourage more participation in District 3 and District 4. District 3 was 4% and District 4 was 8% participation. She was not criticizing but commenting on inadequate engagement. Some have no computer, and some speak only Spanish. On February 24, Dalkia talked about a neighborhood by neighborhood roll out.

Mr. Florenson did not recall saying that.

Director Wheeler did not recall it either.

Councilor Vigil Coppler said she did recall it. Tonight, JC said AEL was a partner.

Mr. Florenson explained they are a vendor, and we have a long-term relationship with them.

Councilor Vigil Coppler wondered if that was a conflict?

Mr. Kaye said AEL was a partnership for them.

Ms. Ernst said we need a solution for 100w, 250w and 400w solutions. So it is a set of specifications we ask for, so the status specification is reported. We partnered with AEL because they were able to get it done quickly. It was an ambitious timeline and they accommodated us. We follow a procurement process for it.

Councilor Vigil Coppler still thought the public should know about it.

Councilor Romero-Wirth called the question and Councilor Lindell seconded.

Mayor Webber allowed one more comment from one who had not spoken so far but no one spoke.

Mayor Webber briefly summarized the discussion and made several comments, since he had not yet spoken. He was in favor of an independent consultant for sky glow purposes.

Vote on the Question:

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

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

Against: None.

Vote on the Motion:

VOTE: The motion to pause was disapproved on the following Roll Call vote:

For: Councilor Garcia and Councilor Vigil Coppler

Against: Mayor Webber, Councilor Abeyta, Councilor Cassutt, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

New Action of the Governing Body:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve the proposal in its current form.

Discussion on the Motion:

Councilor Cassutt asked where we would add in a situation to pause and, after the review, decide to hire a consultant for the work not being done by current consultant to measure the glow.

Ms. McSherry clarified that the topic on the agenda is not the final contract but an amendment to the original contract that is being prepared. The timing check in might not be part of a lighting plan.

Director Wheeler explained that is part of the implementation plan in phases and where it belongs. Regarding the other contract, we can gather resumes and come back to the Governing Body.

Councilor Romero-Wirth asked if that was somebody to monitor the sky glow.

Councilor Cassutt said it was so we can consider that in the future.

Ms. McSherry added that if it is within the range for Governing Body approval, it could be acted upon.

Councilor Villarreal noticed in the item it says approval of a lighting design, so she asked if we need to choose which one we are approving.

Director Wheeler said Option E in the packet is the recommended option.

Councilor Villarreal asked about Option E+.

Director Wheeler said the plus is about dimming.

Councilor Villarreal said it is a strategy so why now add that language?

Director Wheeler thought it would be great to add it.

Ms. Ernst said that option had the specifications in the control the City would use. Engaging the community was to understand the dimming strategy.

Councilor Villarreal asked when the Governing Body would be able to address the phasing strategy.

Ms. McSherry said it could be part of the strategy motion we are working on. We could do the contract amendment which could include other things and is not ready for tonight.

Director Wheeler agreed it would all be an amendment to the contract.

Councilor Villarreal asked what the timeline is.

Director Wheeler said it is a month and a half. It will go through committees.

Councilor Romero-Wirth understood, to be clear, we don't need to add this direction in the motion.

Mayor Webber agreed.

Vote on the Second Motion:

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

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

Against: None.

Councilor Vigil Coppler and Councilor Garcia asked to explain their votes prior to the conclusion of voting.

Councilor Vigil Coppler thanked Councilor Villarreal for the discussion to make this better. She definitely believed in goals on climate change and her comments were to try to get a better project and outcome. She was looking forward to a better Santa Fe. We are in a better situation than when we started.

Councilor Garcia was happy to be moving toward with more sustainability lighting. He was thankful we are moving toward below 3000K LED lighting. "Let's move forward to lessen our carbon footprint."

Mayor Webber thanked all who participated in this item.

The Governing Body returned to the remainder of the Afternoon Session at 10:39

12. **MIDTOWN OVERVIEW**

- a. Midtown Planning & Development Bi-Weekly Report, by Office of Economic Development Department. (Rich Brown, Director, Community & Economic Development Department: rdbrown@santafenm.gov)

INFORMATION ONLY

Progress Report: Update

Presenter: Daniel Hernandez, Proyecto, Midtown Redevelopment Project Manager

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

Director Brown shared his screen for the presentation on Midtown report. He reminded the Governing Body there were nine action plans and tonight was on infrastructure, plans for reuse of buildings, and redevelopment.

Mr. Hernandez said on the costs associated with zoning and Land Use process. He spoke with other consultants about fees elsewhere and the zoning process will be about \$600-800,000 and is made public on the Midtown website.

Also staff will come on board to lead the planning and zoning process. It is a complex process. We will give presentations on other assets and will restore and dispose of certain assets for the presentation at the next Governing Body meeting.

He showed a list of buildings to be preserved which included Visual Arts Center, Library complex, Garson Performance Theater. Garson Studios and two others.

Further assessment/Temporary Reuse means those buildings are not on a demolition list. He listed nine of them.

Public Engagement for Development Planning will be leading to workshops in the last half of July. Presentation topics were shown again and the two websites for further information.

Director Brown added that the City IT Department is moving into Yukon Hall because of security concerns, over the next six weeks.

Councilor Vigil Coppler asked about cost documentation in Prime.Gov. She asked if part of the \$435,000 was for Mr. Hernandez's contract.

Director Brown said that was shown in the third box.

Strategic Economics was from 2019 through an RFP contract and described what it included.

Councilor Vigil Coppler asked what the \$100,000 was for.

Director Brown said it was for cataloging and care for some art assets. we will have a presentation on that upcoming.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry provided one update after yesterday's meeting. The AG has no updated information but suggestions to stay at home for most activities. Hybrid gathering is still in order with normal guidance on this point.

15. MATTERS FROM THE CITY CLERK

Ms. Bustos-Mihelcic clarified regarding the agenda that each agenda needs to be finalized 72 hours ahead of the meeting, so no items are added to the agenda on Friday afternoon.

16. COMMUNICATIONS FROM THE GOVERNING BODY

a. Legislative Introductions

A copy of the introduction of Bills and Resolutions is incorporated herewith to these minutes as Exhibit 1.

Councilor Rivera introduced two resolutions: A resolution proclaiming severe or extreme drought conditions exist in the City of Santa Fe; Imposing fire restrictions between June 10, 2021 and July 10, 2021; Restricting the Sale or Use of Fireworks with the City of Santa Fe and Prohibiting other Fire Hazard activities. The other is A resolution proclaiming severe or extreme drought for the period of July 11, 2021 through August 10, 2021.

Councilor Vigil Coppler gave shout out to three employees who hung all the veterans' banners on Cerrillos Road and named some of them. She also thanked Don Christie for the program and Director Wheeler. She also gave a shout out to

Fire Dept for the new hook and ladder truck. The newsletter only mentioned the Mayor's attendance but she and Councilor Cassutt were present too. She commented that Councilors rarely get mentioned in the newsletter.

Councilor Cassutt introduced a Resolution to announce elections on November 2 for Councilors and Mayor of Santa Fe.

She was not aware of the traditions in the Fire Department and was grateful for the wonderful ceremony. The fire staff were incredible showing her the trucks and everything. And for sharing their world with her son and other kids who were there.

Councilor Villarreal noted the deadline on evaluation of City Manager and asked if we have discussion in an executive session then.

Mayor Webber agreed to email it to her.

Councilor Villarreal announced the Governing Body's our 4:00 pm start resolution is expiring, and she will not renew that unless someone has objections because we will be meeting in person soon.

Councilor Garcia was cool with changing the meeting to 5. He asked Manager LaPan Hill on discussions and recommendations to the Arts Commission on the white box on the plaza. Would their recommendation come to Governing Body for approval?

Manager LaPan Hill did not know the answer at this moment.

Councilor Garcia wanted to make sure we follow the process in the Charter and quoted the rules from the Charter. The Arts Commission needs to be involved as well as the CHART process. To follow it would be great.

He gave a shout out to the 2021 graduates and wished them all the best. Lastly, Happy Memorial Day weekend. Please be safe on the road and remember our veterans.

Councilor Romero-Wirth drove down Cerrillos Road today. The banners look great and just in time for the Memorial Day weekend. To Councilor Rivera and Ms. Bustos-Mihelcic she said she would like to cosponsor Councilor Rivera's resolution on fireworks restrictions. Happy Memorial Day.

Councilor Lindell wanted to be a cosponsor with Councilor Rivera on the fireworks Resolution and Memorial Day weekend is traditionally the opening of summer but think about the troops we lost.

Councilor Abeyt
Kindergarten kid
Eighth Grade gra

Mayor Webber g
hearts and spirits
were with them a
event with Coun
see our commun
more vaccination
Have a safe wee



BILLS AND

Co-Sponsors	
Co-Sponsors	

Co-Sponsors	
Co-Sponsors	
Co-Sponsors	

* Subject to change

Introduced legislation will be posted on that time or you would like to be a co-sponsor, please email jtnorris@santafenm.gov.