



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 08, 2021
5:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency and the Mayor's Proclamation of Emergency, 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/84891515420?pwd=Y3FNcFYxWktRYUxOeVRneUU1Z0RBZz09>. **Passcode: 714647**

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



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Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 848 9151 5420 - Passcode: 714647**
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 - 5:00 P.M.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilwoman Villarreal

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

Councilor Garcia

4. **INVOCATION**

Councilor Rivera

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Regular Governing Body Meeting – August 25, 2021

9. **PRESENTATIONS**

- a. Informational Briefing by the U.S. Forest Service on the Santa Fe Mountains Landscape Resiliency Project- Sandy Hurlocker, Santa Fe National Forest Ranger. (Alan Hook, Water Resources Coordinator Asst.: aghook@santafenm.gov; 955-4205) **INFORMATION ONLY**



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- b. City of Santa Fe Monthly Water Supply and Demand Update. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
INFORMATION ONLY

10. CONSENT CALENDAR

- a. Request for Approval of FY22 Supplemental Police Vehicle Purchase Request in the Total Amount of \$228,332.55 for the Vehicles, Equipment, and Labor Cost Associated with Each Vehicle. (Ben Valdez, Deputy Chief of Police: bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Finance Committee: 08/30/21

Quality of Life Committee: 09/01/21

Governing Body Committee: 09/08/21

- b. Request for Approval of the Agreement between the City of Santa Fe and Axon Enterprise, Inc., in the Total Amount of \$5,481,937.15 for 5 Years for Providing Body Worn Cameras, In-Car Cameras, Interview Room Cameras, Less Lethal Taser Devices, Empathy Training Devices, and all Associated Equipment and Software to Manage the Provided Devices. In Addition to the Equipment, Digital Media Evidence Management Cloud Services will be Provided. The Equipment and Services are to Increase Quality and Reliability of Digital Evidence, Efficiency, Accountability, and Officer and Public Safety. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

1) Request for Approval of Budget Amendment Resolution in the Amount of \$902,076

Committee Review:

Finance Committee: 08/30/21

Quality of Life Committee: 09/01/21

Governing Body: 09/08/21

- c. Request for Approval to Use Cooperative Agreement #042016-WEX, (Sourcewell, Formerly National Joint Powers Alliance (NJPA) with WEX Bank for the Purchase of Fuel for the Police Department Fleet, in the Total



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Estimated Amount of \$2,100,000. (Benjamin Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Finance Committee: 08/30/21
Quality of Life Committee: 09/01/21
Governing Body Committee: 09/08/21

- d. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$109,484 for the Nutrition Services Incentive Program (NSIP), Term Ending June 30, 2022. (Gino Rinaldi, Senior Services Division Director, earinaldi@santafenm.gov, 955-4710)

Committee Review:

Finance Committee: 08/30/2021
Quality of Life Committee: 09/01/2021
Governing Body: 09/08/2021

- e. Request Approval for Award of Bid Number '21/43/B for the FY 2022 Priority Line Replacement Price Agreement, CIP # 3058 to Sub Surface Contracting, Inc. and A.A.C Construction, LLC. (Bill Huey, Water Division Engineer, bchuey@santafenm.gov, 955-4273)

1) Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$3,500,000.

Committee Review:

Finance Committee: 08/30/2021
Public Works and Utilities Committee: 09/07/2021
Governing Body: 09/08/2021

- f. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) Federal and State Sub-Award Contract in the Total Amount of \$866,912.20 for the Title III Federal and State Sub-Award Contract, Term Ending June 30, 2022. (Gino Rinaldi, Senior Services Division Director, earinaldi@santafenm.gov, 955-4710)

Committee Review:

Finance Committee: 08/30/2021
Quality of Life Committee: 09/01/2021



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Governing Body: 09/08/2021

- g. Request for Approval of Budget Amendment Resolution (BAR) Amendment to Allocate \$4,000,000 for Use of General Fund GRT Revenues Earned in the Prior Year (FY21) Above Budgeted Revenue to Fund the Southside Teen Center Project. (Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-795-2491)

Committee Review:

Finance Committee: 08/30/2021

Public Works and Utilities Committee: 09/07/2021

Governing Body: 09/08/2021

- h. Request for Approval to Award ITB #21/38/B to Low Bidder EMCO of Santa Fe, LLC, for Runway 2 Runway Safety Area (RSA) Grading, in a Total Amount of \$396,886.41, Inclusive of New Mexico Gross Receipts Tax. (Mark Baca, Airport Manager: mdcaca@santafenm.gov, 955-2901)

Committee Review:

Finance Committee: 08/30/21

PW/U Committee: 09/07/21

Governing Body: 09/08/21

11. **DISCUSSION/ACTION ITEMS**

- a. **Request to Publish Notice of Public Hearing on September 29, 2021.**
An Ordinance Amending the Land Development Code, Chapter 14 FCC 1987, to Address Zoning Issues Related to Cannabis; Amending Table 14-6.1-1, Table of Permitted Uses, to Clarify Zoning Districts for Various Types of Cannabis Establishments, and to Adopt Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.2(H), Agricultural Uses, to Address Cannabis Production; Adding a New Subsection 14-6.2(I) to Adopt Use-Specific Standards for Cannabis Establishments, Including Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.3(B)(2) to Prohibit Commercial Cannabis Establishments as Accessory Uses or Structures on Residentially Zoned Property; Amending Subsection 14-6.3(D)(2) to



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Prohibit the Conduct of a Cannabis Establishment as a Home Occupation; Amending Section 14-12.1 to Add Definitions for Various Types of Cannabis Establishments; Establishing an Effective Date; and Making Such Other Changes as are Necessary to Carry Out the Purpose of this Ordinance. (Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303 and Noah Berke, Current Planning Manager: nlberke@santafenm.gov, 955-6647)

Committee Review:

Planning Commission: 08/19/21

Planning Commission: 09/02/21

Public Works and Utilities Committee: 09/07/21

Economic Development Advisory Committee: 09/08/21

Governing Body (Request to Publish): 09/08/21

Quality of Life Committee: 09/15/21

Finance Committee: 09/20/21

Governing Body (Public Hearing): 09/29/21

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from SF Wine & Spirits, Inc. for a Transfer of Location Only of Dispenser Liquor License No. 0156 from 1005 S. St. Francis Drive, Suite 101, Santa Fe, to Susan's Fine Wine and Spirits, 632 Agua Fria, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 08/16/2021

Governing Body: 08/25/2021

Governing Body: 09/08/2021

- c. **Ratification of the City Manager's Approval of Airport Coronavirus Response Grant Program (ACRGP) Concessions Relief Addendum Award No. 3-35-0037-056-2021 in the Amount of \$30,578 and Approval of the BAR to Budget Grant Funds into the Airport FY22 Operating Budget Federal Grant Revenue Org and Object 5456050.490550.** (Mark Baca, Airport Manager: mdbaca@santafenm.gov, 955-2901)

Committee Review:

Public Works and Utilities Committee: 09/07/21

Governing Body: 09/08/21



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- d. **Ratification of the City Manager's Approval of** Airport Rescue Grant Award No. 3-35-0037-057-2021 in the Amount of \$2,226,110 and Approval of the BAR to Budget Grant Funds Into the Airport FY22 Operating Budget Federal Grant Revenue Org and Object 5456050.490550. (Mark Baca, Airport Manager: mdbaca@santafenm.gov, 955-2901)

Committee Review:

Public Works and Utilities Committee: 09/07/21
Governing Body: 09/08/2021

- e. Request for Approval of an Agreement with Jayne's Corporation for the Construction of the South Side Teen Center in the Total Amount of \$9,267,014.53 Including New Mexico Gross Receipts Tax. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-795-2491)

Committee Review:

Governing Body: 09/08/2021

- f. Review and Approval of a Memorandum of Agreement between the City of Santa Fe and Santa Fe County for Placement and Maintenance of Election Ballot Drop-Boxes on City of Santa Fe Property. (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512 and Kristine Mihelcic, City Clerk and Community Engagement Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:

Governing Body: 09/08/2021

- g. Approval of a Settlement Agreement with AFSCME in PELRB Case #106-20 for an Amount of Seven Hundred Thousand Dollars (\$700,000) and Reimbursement of Leave Accruals. (Christopher Ryan, Senior Assistant City Attorney; cwryan@santafenm.gov, 955-6843 and Erin K. McSherry, City Attorney; ekmcsberry@santafenm.gov, 955-6512)

Committee Review:

Governing Body: 09/08/2021

- h. Approval of a Mediation Settlement Agreement and Release of Claims with the New Mexico Taxation and Revenue Department in *City of Albuquerque*,



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et al. v. New Mexico Taxation & Revenue Dept., D-202-CV-2018-08036 for a Gross Recovery of Two Million, Six-Hundred-Ninety-Five Thousand, Eight Hundred Ninety-One Dollars and Ninety-Three Cents (\$2,695,000.93). (Erin K. McSherry, City Attorney; ekmcsherry@santafenmgov, 955-6512)

Committee Review:

Governing Body: 09/08/2021

12. **MATTERS FROM THE CITY MANAGER**
13. **MATTERS FROM THE CITY ATTORNEY**
14. **MATTERS FROM THE CITY CLERK**
15. **COMMUNICATIONS FROM THE GOVERNING BODY**
 - a. Introduction of Legislation

EVENING SESSION - 7:00 P.M.

16. **ROLL CALL**
17. **PETITIONS FROM THE FLOOR**
18. **APPOINTMENTS**
19. **PUBLIC HEARINGS**
 - a. **CONSIDERATION OF BILL NO. 2021-17. ADOPTION OF ORDINANCE 2021-____.** (Mayor Webber)
An Ordinance Authorizing the City of Santa Fe (“Borrower”) to Enter into a Loan Agreement with the New Mexico Environment Department (“NMED”) for the Purpose of Obtaining Project Loan Funds up to the Amount of \$4,000,000 Plus Accrued Interest and Loan Subsidy Grant Funds in the Amount of \$180,000 for Total Funded Amount not to Exceed \$4,180,000; Designating the Use of the Funds for the Purpose Defined in the Most Current Project Description Form as Approved by NMED; Declaring the Necessity for the Loan; Providing that the Loan Will be Payable and Collectible Solely from the Borrower’s Pledged Revenues Defined Below;



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and Prescribing Other Details Concerning the Loan and the Security Therefore. (Melissa McDonald, Acting Parks Division Director: mdmcdonald@santafenm.gov, 955-6840)

Committee Review:

Introduced: 07/14/21

Finance Committee: 08/02/21

Public Works and Utilities Committee: 08/09/21

Governing Body (request to publish): 08/11/21

Governing Body (public hearing): 09/08/21

- b. CONSIDERATION OF BILL NO. 2021-18. ADOPTION OF ORDINANCE NO. 2021-____. (Mayor Webber)

An Ordinance Removing Section 20-6 Relating to Marijuana and Marijuana Paraphernalia Possession. (Kyle Hibner, City Prosecutor: kjhibner@santafenm.gov, 955-5195)

Committee Review:

Introduced: 07/28/21

Governing Body (Request to Publish): 08/11/21

Finance Committee: 08/16/21

Public Safety Committee: 08/17/21

Quality of Life Committee: 08/18/21

Governing Body (Public Hearing): 09/08/21

- c. Review and Recommend Approval of Consolidated Annual Performance Evaluation Review (CAPER) on Uses of CDBG Funds for the 2020 - 2021 Program Year, as Required by HUD. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee: 08/30/2021

Community Development Commission: 09/01/2021

Quality of Life Committee: 09/01/2021

Public Works and Utilities Committee: 09/07/2021

Governing Body (Public Hearing): 09/08/2021

20. **ADJOURN**

21. **UPCOMING PUBLIC HEARINGS**



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a. **UPCOMING PUBLIC HEARINGS**

Meeting Date – September 29, 2021

Publication Date – September 10, 2021

CONSIDERATION OF BILL NO. 2021-20. ADOPTION OF ORDINANCE NO. 2021-_____. (Councilor Garcia, Councilor Romero-Wirth, and Councilwoman Villarreal)

An Ordinance Amending Section 9-3.6 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Seed Money Contributions on the Required Forms; Amending Section 9-3.7 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Qualifying Contributions on the Required Forms; and Amending Section 9-3.12 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Qualified Small Contributions. (Marcos Martinez, Assistant City Attorney: mdmartinez@santafenm.gov, 955-6502)

Committee Review:

Introduced: 08/02/21

Quality of Life Committee: 08/18/21

Governing Body (Request to Publish): 08/25/21

Finance Committee: 08/30/21

Governing Body (Public Hearing): 09/29/21

CONSIDERATION OF BILL NO. 2021-21. ADOPTION OF ORDINANCE 2021-_____. (Councilwoman Renee Villarreal, Councilor Cassutt, and Councilor Garcia)

An Ordinance Relating to Closed Captions; Creating a New Section 7.5 SFCC 1987 to Require Places of Public Accommodation to Activate Closed Captioning on Television Receivers. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518; Jennifer Faubion, Council Liaison: jrfaubion@santafenm.gov, 955-6033)

Committee Review:

Introduced: 07/14/21

Quality of Life Committee: 08/18/21

Mayor's Committee on Disability: 08/19/21

Governing Body (Request to Publish): 08/25/21

Finance Committee: 08/30/21

Governing Body (Public Hearing): 09/29/21

Closed captions are provided for this meeting. Persons with disabilities in need of additional accommodations, contact the City Clerk's office at 505-955-6521, five (5) working days prior to meeting date.

**Governing Body
SUMMARY INDEX
September 8, 2021**

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3. Salute to the State Flag	Led by Councilor Garcia	1
4. Invocation	Led by Councilor Rivera	1-2
5. Roll Call	Quorum Present	2
6. Approval of Agenda	Approved as amended	3
7. Approval of Consent Calendar	Approved as amended	3
8. Approval of Minutes		
a) July 28 Meeting on August 25, 2021	Approved	4
9. Presentations		
a) Forest Service Project	Informational	4-6
b) Water Supply and Demand Update	Informational	6-9
10. Consent Calendar	Listed	9-12
b) Axon Agreement	Approved	9-11
11. Discussion/Action Items		
a) Cannabis Zoning Issues	Approved	11-12
b) Liquor License Transfer	Approved	12-20
c) Airport Coronavirus Response	Approved	21-22
d) Airport Rescue Grant Award	Approved	22
e) Teen Center Construction	Approved	22-24
f) County MOA for Ballot Boxes	Approved	24-26
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h) NMTRD Mediation Agreement	Approved	27-29
12. Matters from the City Manager	Informational	29
13. Matters from the City Attorney	Recommendation	30
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15. Communications from Governing Body	Communication	29-33
Evening Session	Began at 9:33	34
16. Roll Call	Quorum Present	34
17. Petitions from the Floor	No Petitions	34
18. Appointments	None	34
19. Public Hearings		
a) NMED Project Loan	Approved	38-40
b) Marijuana Ordinance	Approved	40-41
c) CDBG CAPER Review	Approved	34-38
20. Adjournment	Adjourned at 10:43 p. m.	41-42

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, September 8, 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, September 8, 2021, at approximately 5:01 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Villarreal in Spanish.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Rivera. He honored those lost in the “911 attacks” and for the firefighters and others serving the emergency. He offered a prayer for all firefighters.

Councilor Villarreal remembered the passing of her dear childhood neighbor, Sharon Tiner.

Councilor Garcia recognized the life of Bernadette Tennyson, strong educator and was an advocate very vested in education He remembered her family and grandchildren.

Councilor Vigil Coppler thanked Councilor Rivera for his wonderful prayer. It was a horrible day in our lives and gave thanks to all families with firefighters and police officers who whose families worked there and the others who were there and tried to stop the flames, etc. She remembered our own firefighters and police of Santa Fe. For the work they do and sacrifices they make thanks to them for doing what they do. We will never forget.

Councilor Romero-Wirth sent condolences to her family upon the death of her aunt who was a nurse administrator in Albuquerque and especially to her aunt’s son and his wife and gave thanks for the great life she lived.

Mayor Webber joined Councilor Garcia in his remembrance and also gave condolences to Richard Czoski who just lost his wife after his retirement from the Railyard Community Corporation as Executive Director. Let's take time of silence in remembrance to those lost 20 years ago at the World Trade Center, and others.

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

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
Andrea Salazar, Assistant City Attorney
Kristine Bustos-Mihelcic, City Clerk
Kyra Ochoa, Community Health & Safety Director
Regina Wheeler, Public Works Department Director
Rich Brown, Community & Economic Development Department Director
Andrew Padilla, Chief of Police
Ben Valdez, Deputy Chief of Police
Sean Strahon, Police Department
Sam Burnett Facilities Division Director
Jesse Guillen, Legislative Liaison
Noah Berke, Current Planning Manager
Melissa McDonald, Acting Parks Division Director
Kyle Hibner, City Prosecutor
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Councilor Villarreal wondered, if possible, to change evening agenda to have agenda item 19c CAPER moved up to be the first public hearing.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to amend the posted agenda by moving item 19 c) as the first item heard under Public Hearings.

VOTE: The motion to amend 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

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

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Villarreal asked to discuss Item 10(b).

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to approve the Consent Calendar as amended with item 10(b) removed for discussion.

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.

8. APPROVAL OF MINUTES

- a. Regular Governing Body Meeting – August 25, 2021

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the Minutes of The Regular Governing Body meeting on August 25, 2021, as presented.

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.

9. PRESENTATIONS

- a. Informational Briefing by the U.S. Forest Service on the Santa Fe Mountains Landscape Resiliency Project- Sandy Hurlocker, Santa Fe National Forest Ranger. (Alan Hook, Water Resources Coordinator Asst.: aghook@santafenm.gov; 955-4205) **INFORMATION ONLY**

Ms. Bustos-Mihelcic read the caption for this item. Ranger Hurlocker and Mr. Hook were present.

Mr. Hook said this is a briefing on the landscape resiliency project to explain the process and the work to be done.

Ranger Hurlocker presented the briefing. He noted this project has been on the books for several years and they are now ready to roll out the Environmental Assessment (EA) next week in draft format. First is to talk about where we were a couple of years ago when we discussed the loss of habitat and other assets. As we went through the EA, we got into fire ecology and possible catastrophe. Science informs the imbalance of this area from where it should be. The EA explains well the ecology and how fire works on those landscapes.

The Forest Service is trying to restore the landscapes to provide benefit and be in tune with fire ecology there. They determined objectives of restoring the forest to its natural fire regime which means a low-intensity fire every other year, reducing high intensity fires propensity to protect watersheds,

wildlife, and recreation. They realized the Mexican Spotted Owl habitat was larger than previously considered. Spotted owls are a threatened species.

He referred to a map showing the 107,000 acres in the area where the 50,000 acre project will undertake thinning and prescribed burns that have been done successfully in the watershed and now they will do outside the watershed. The Medio Fire last year ran into one of those areas and slowed it down. Around Pecos and Glorieta, they want to do those basic treatments and stream restoration and close on the road that follows the stream.

The draft EA is at the contractors now and he expected to have it released next Monday to the public for review on September 13th.

During scoping there was a request for extra review time. They decided to delay the 30-day comment period because of its size, and will not start the 30 days until September 27 to accommodate the request for public review to a 40-day comment period.

He commented that ecological restoration for a balance that makes the area resilient and protects the Mexican Spotted Owl is needed. With no thinning, it wouldn't be a suitable habitat even without a fire.

Ranger Hurlocker said the Forest Services is giving out information on how to make comment and participate in either of the two virtual public meetings in October. He directed people to the Forest Service web page and the notice issued will have a link to the document.

Councilor Villarreal thanked him for presenting and sharing the next step on EA and public meetings in October. She said the Council got information from the Santa Fe Forest Coalition and she wondered about the proposed thinning and prescribed burns. She pointed out that trees communicate through their root system and share resources, so she asked, when they thin and burn, what happens with the trees left in the area.

Ranger Hurlocker saw that as a question for the soils staff and horticulturalist. He had read some of the articles on connectivity. "It is kind of an unknown because we don't know how they communicate. We have thousands of acres under our belts for protection of soils and have not seen large scale die-off or loss of trees. So we believe what we are doing is okay."

Mr. Hook said he was not a horticulturist either but a lot of work was done in the Santa Fe Watershed to protect water supply. There is evidence in research that 50-60 trees per acre is best. "Too many trees mean more trees are susceptible to disease and uncontrolled wildfire. For over a decade, we see trees becoming more resilient. The fires prescribed don't get to the crown or take out the whole forest."

Councilor Villarreal asked him to direct her to information about prescribed burns. Her other question was how tree health is affected by climate change and perhaps a need to modify what the Forest Services does with those burns because of it.

Ranger Hurlocker explained the prescribed burns are simple treatments to burn the piles and then do the broadcast burn. "It is not complicated. What is complicated is the weather and it is not so much changing the treatment but when we can do the burns with this weather. We talk in the EA about, by sight, how the area will react. If it is really dry, we do a light prescribed burn to burn off the needles in the topsoil and that is best done after the monsoon season and leaves the soil untouched."

Mr. Hook added that timing of the burn is important. A window in the fall opens into October. Smoke in the air is the balance with climate change. We are all sensitive to smoke in the air and don't want prolonged exposure to smoke.

Ranger Hurlocker noted that climate change makes it harder to find the window. As things get hotter and drier, we will have more options to keep them small and not damage resources.

Councilor Villarreal heard there was a decision last year to not do prescribed burns since we are still battling COVID.

Ranger Hurlocker explained that getting the smoke up and out is the goal. This year with COVID, the firefighters are busy and coming home tired, if we can find the window, we will try prescribed burns this year.

Councilor Villarreal thanked them for root/soil information being sent.

- b. City of Santa Fe Monthly Water Supply and Demand Update. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
INFORMATION ONLY

Ms. Bustos-Mihelcic read the caption for this item. Jesse Roach was present for it.

Director Roach updated the August supply/demand of water. He proposed to report monthly through October and then resume in the spring. It is available on our website. He reviewed the statistics for August that processed 600 million gallons of water. On August 4 and 17, muddy water in river meant more well production. Water sources showed 73% of production was from the river and 27% from wells. His graphic had a dotted

grey line that compared with 2020 production. The good monsoon reduced the City's dependence. The next figures showed reservoir storage and San Juan Chama Storage. (Heron and El Vado). In August, storage was lower than in last couple of years and a result of the drought. The city has 13,000 ac/ft in storage (more than a year's worth) just in the Chama Water.

He showed the inflows to McClure through the gauge. It was less until July 1 and then went to the largest flows in August.

Mayor Webber asked what the take-away items were that the Governing Body should read out of those charts.

Director Roach summarized that, although we are in significant drought now, our water resiliency is still alive and well. The first take-away was conservation – using less water this year than last year - less than 9,000 ac/ft of water. Even in this dry year, 73% was from surface water resources. We are still allowing our wells to recover from the 1990's when they were overused.

Mayor Webber appreciated that. It gives us a good view of resources and demand. It appeared the demand was exceeded by resources by about 4,000 ac/ft.

Councilor Garcia recalled last night Director Roach said our resources are dependent on river water being available. He asked if there is an Option B if the river water is much reduced and what would a projection like that would look like. The City needed a Plan B for that circumstance. It is less and less as each year goes by. If Santa Fe relies heavily on river water, and it is lacking, we would be in a position where our supply doesn't meet the demand. He didn't know if that could be addressed for the October meeting but hoped for it.

Director Roach first responded that the City does long-range planning, and took the basin study and looked at what climate change might do with a 25-33% reduction in the river flows as a scenario. It projected an increased demand and ended up with shortages if there was no more river flow. That would be far down the list of possibilities. They also could provide that. They have presented with consideration of return-flow and that was where they landed on Plan A.

Councilor Garcia pointed out that if return flow was not allowed, that is where Plan B is needed. It might seem extreme to some, but we should be

prepared, and future generations would surely ask why we didn't plan for an extreme situation.

Councilor Romero-Wirth asked what groundwater included.

Director Roach said groundwater is water extracted through our wells from the underground aquifer.

Councilor Romero-Wirth understood that Buckman is one area and City wells is another area.

Director Roach agreed.

Councilor Romero-Wirth asked about river water or surface water.

Director Roach clarified that river and surface water are the same thing.

Councilor Romero-Wirth felt it was important to understand the distinction. In 2019, the Governing Body approved a resolution to set up a water plan for the future and the plan suggested that in 50 years, we might have a shortage. So the Governing Body directed long term planning. And that planning is being done in five-year chunks.

Director Roach agreed. We proposed a five-year planning cycles and went through one last week. We are defining the most likely scenarios and what we should prepare for changes in population growth, changes in demand, etc. and the most recent climate change statistics. In the fourth year of the cycle, we would recommend what to do about the results we found. At each stage we ask for feedback from the public and how we can make sure we are prepared for next 40-80 years.

Councilor Romero-Wirth asked him to comment on well water increases. We also lowered the reservoir level for dam repair and asked if that was in the stats.

Director Roach said they hoped to start on the Nichols conduit to bring the old infrastructure up to date and hoped to do it this past winter but couldn't get prepared for it. So we could not empty Nichols and now they are planning to start next fall. We used our wells more because of lack of river flow. At the BDD, we can run into muddy water. At this time, we decided to stop treating when the mud reaches a certain level. We run our wells every

year to make sure they can operate when we need them. And in any given year, we could go entirely to well water. Last year, we got into high 200's and had never seen that before and the wells worked fine. So far, we see we can divert down to that level.

Mayor Webber thanked Director Roach for the presentation and answers.

10. **CONSENT CALENDAR**

- a. Request for Approval of FY22 Supplemental Police Vehicle Purchase Request in the Total Amount of \$228,332.55 for the Vehicles, Equipment, and Labor Cost Associated with Each Vehicle. (Ben Valdez, Deputy Chief of Police: bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Finance Committee: 08/30/21

Quality of Life Committee: 09/01/21

Governing Body Committee: 09/08/21

DISCUSSED

- b. Request for Approval of the Agreement between the City of Santa Fe and Axon Enterprise, Inc., in the Total Amount of \$5,481,937.15 for 5 Years for Providing Body Worn Cameras, In-Car Cameras, Interview Room Cameras, Less Lethal Taser Devices, Empathy Training Devices, and all Associated Equipment and Software to Manage the Provided Devices. In Addition to the Equipment, Digital Media Evidence Management Cloud Services will be Provided. The Equipment and Services are to Increase Quality and Reliability of Digital Evidence, Efficiency, Accountability, and Officer and Public Safety. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

1) Request for Approval of Budget Amendment Resolution in the Amount of \$902,076

Committee Review:

Finance Committee: 08/30/21

Quality of Life Committee: 09/01/21

Governing Body: 09/08/21

Ms. Bustos-Mihelcic read the caption for this item. Ben Valdez and Sean Strahon were present from the Police Dept.

Councilor Villarreal didn't think a presentation was needed. It was extensive at the QOL meeting. She appreciated the details on training. We are protected from facial recognition in this contract. And it explains what tasers meant. She wanted to be assured the storage charges would not continue if the City canceled the contract.

Deputy Chief Valdez explained that if we end the agreement with Axon, we would need a cloud storage or a server on which to store the data. And would need to purchase one or the other. With access, we would be able to use the data. The Department would hope for a virtual server rather than a physical server, but he needed to get estimated costs from IT.

Councilor Villarreal noted on the internet an article of an agency in California that could not get out of their contract with Axon. She also wanted to be assured the City is self-sufficient and not totally dependent on contractors from IT who knows all the ins and outs of the system and the software.

She also wanted to understand again the two reasons why it did not get included at the budget hearings in April. The required body cams from State came in March and upgrades to the evidence room. She asked why the Governing Body was not notified about this \$5 million contract with Axon. We needed a heads up on it.

Chief Padilla said they flagged that topic and budget for the entire City but were not able to address it. It has been his bosses' call for several years.

Councilor Villarreal understood, but said it was not told to the Governing Body, even during budget hearings. It would have been nice to know it was coming up with requirements from the State Legislature.

Chief Padilla apologized and said they would next time.

Councilor Villarreal hoped it will be beneficial, but these are things that need to be flagged when there is not money for it. This is a 5-year commitment and the Governing Body should be told what is coming for long term needs.

Deputy Chief Valdez recalled letting the Governing Body know first in April 2020. He did not have the cost of the contract then but started researching it in spring of 2020 and provided estimates to their leadership. He will do better to share it with Governing Body. The first step was for security. We will attempt to provide all information on it to the Governing Body.

Councilor Vigil Coppler asked about training.

Director Ochoa briefly described the virtual reality training

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve the agreement with Axon Enterprises as presented.

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

- c. Request for Approval to Use Cooperative Agreement #042016-WEX, (Sourcewell, Formerly National Joint Powers Alliance (NJPA) with WEX Bank for the Purchase of Fuel for the Police Department Fleet, in the Total Estimated Amount of \$2,100,000. (Benjamin Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Finance Committee: 08/30/21

Quality of Life Committee: 09/01/21

Governing Body Committee: 09/08/21

- d. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$109,484 for the Nutrition Services Incentive Program (NSIP), Term Ending June 30, 2022. (Gino Rinaldi, Senior Services Division Director, earinaldi@santafenm.gov, 955-4710)

Committee Review:

Finance Committee: 08/30/2021

Quality of Life Committee: 09/01/2021

Governing Body: 09/08/2021

- e. Request Approval for Award of Bid Number '21/43/B for the FY 2022 Priority Line Replacement Price Agreement, CIP # 3058 to Sub Surface Contracting, Inc. and A.A.C Construction, LLC. (Bill Huey, Water Division Engineer, bchuey@santafenm.gov, 955-4273)

1) Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$3,500,000.

Committee Review:

Finance Committee: 08/30/2021

Public Works and Utilities Committee: 09/07/2021

Governing Body: 09/08/2021

- f. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) Federal and State Sub Award Contract in the Total Amount of \$866,912.20 for the Title III Federal and State Sub-Award Contract, Term Ending June 30, 2022. (Gino Rinaldi, Senior Services Division Director, earinaldi@santafenm.gov, 955-4710)

Committee Review:

Finance Committee: 08/30/2021

Quality of Life Committee: 09/01/2021

Governing Body: 09/08/2021

- g. Request for Approval of Budget Amendment Resolution (BAR) Amendment to Allocate \$4,000,000 for Use of General Fund GRT Revenues Earned in the Prior Year (FY21) Above Budgeted Revenue to Fund the Southside Teen Center Project. (Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-795-2491)

Committee Review:

Finance Committee: 08/30/2021

Public Works and Utilities Committee: 09/07/2021

Governing Body: 09/08/2021

- h. Request for Approval to Award ITB #21/38/B to Low Bidder EMCO of Santa Fe, LLC, for Runway 2 Runway Safety Area (RSA) Grading, in a Total Amount of \$396,886.41, Inclusive of New Mexico Gross Receipts Tax. (Mark Baca, Airport Manager: mdcaca@santafenm.gov, 955-2901)

Committee Review:

Finance Committee: 08/30/21

PW/U Committee: 09/07/21

Governing Body: 09/08/21

11. DISCUSSION/ACTION ITEMS

- a. **Request to Publish Notice of Public Hearing on September 29, 2021.**
An Ordinance Amending the Land Development Code, Chapter 14 FCC 1987, to Address Zoning Issues Related to Cannabis; Amending Table 14-6.1-1, Table of Permitted Uses, to Clarify Zoning Districts for Various Types of Cannabis Establishments, and to Adopt Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.2(H), Agricultural Uses, to Address Cannabis Production; Adding a New Subsection 14-6.2(I) to Adopt Use-Specific Standards for Cannabis Establishments, Including Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.3(B)(2) to Prohibit Commercial Cannabis Establishments as Accessory Uses or Structures on Residentially Zoned Property; Amending Subsection 14-6.3(D)(2) to Prohibit the Conduct of a Cannabis Establishment as a Home Occupation; Amending Section 14-12.1 to Add Definitions for Various Types of Cannabis Establishments; Establishing an Effective Date; and Making Such Other

Changes as are Necessary to Carry Out the Purpose of this Ordinance.
(Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303 and Noah Berke, Current Planning Manager: nlberke@santafenm.gov, 955-6647)

Committee Review:

Planning Commission: 08/19/21

Planning Commission: 09/02/21

Public Works and Utilities Committee: 09/07/21

Economic Development Advisory Committee: 09/08/21

Governing Body (Request to Publish): 09/08/21

Quality of Life Committee: 09/15/21

Finance Committee: 09/20/21

Governing Body (Public Hearing): 09/29/21

Ms. Bustos-Mihelcic read the caption for this item. Andrea Salazar and Noah Berke were present.

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

Discussion on the Motion:

Councilor Vigil Coppler pointed to attachments on PrimeGov and noted the action taken at the Public Works Committee (PWC) was not accurate. The PWC pulled it off the agenda and there was no vote on it.

She thanked Ms. Salazar for the good presentation today at the EDAC meeting. There are many unanswered questions, but this is brand new. She found it useful that an offer of a link provided an overlay of 300 feet. It was a big file that could not be loaded on Prime Gov but can be accessed. And the overlay was laid out on where companies might be located. She gave kudos to all Staff who worked on it. The Planning Commission also worked on it.

Mayor Webber pointed out this is only a request to publish notice.

Councilor Garcia wanted to confirm on the confusion that it is going back to PWC.

Councilor Rivera said, in looking at the Action Sheet, it was probably an error and should have been for QOL from Ms. Diaz who just started working on it.

Councilor Lindell understood it would come back to PWC.

Manager Berke agreed. There were last-minute corrections by the City Attorney's Office, and it would go back to Public Works on September 27.

Councilor Vigil Coppler agreed that the Action Sheet should be removed.

Councilor Rivera pointed out that this is just a notice to publish so it will be heard by the public on September 29 at the Governing Body meeting.

Mayor Webber agreed. This keeps the process moving and retains committee oversight.

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

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from SF Wine & Spirits, Inc. for a Transfer of Location Only of Dispenser Liquor License No. 0156 from 1005 S. St. Francis Drive, Suite 101, Santa Fe, to Susan's Fine Wine and Spirits, 632 Agua Fria, Santa Fe. (Geralyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 08/16/2021

Governing Body: 08/25/2021

Governing Body: 09/08/2021

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

Councilor Lindell recused herself and left the room.

MOTION: Councilor Cassutt moved, seconded by Councilor Romero-Wirth, to approve the liquor license transfer request as presented.

Discussion on the Motion:

Mayor Webber asked Ms. McSherry to frame the issue of the authority of the Governing Body and other issues such as Land Use and Planning issues.

Ms. McSherry recalled the last consideration and remanding that took place. This adds more detail to the case with the traffic review and the Hearing Officer's recommendation was not a contingent recommendation. There were no conditions of his recommendation of approval and traffic could be taken into consideration. We are just looking at the license transfer itself that considers the statutory provisions.

The concern was whether the transfer would affect the health, safety, or morals of the community. She looked more deeply at the case law and could respond to questions.

Councilor Romero-Wirth asked for her to speak on the substantial evidence.

Ms. McSherry clarified this was not opinion evidence but competent evidence through direct knowledge or expert testimony. She acknowledged that personal knowledge also can be relied upon. Once the preliminary recommendation is found to be a problem, the burden is on the applicant to resolve it.

Councilor Romero-Wirth thanked her and commented that the cases sometimes speak to the type of evidence that happens a lot where people express an opinion that they don't like alcohol establishments.

Ms. McSherry clarified that a generalized concern about alcohol is not sufficient. If it meets zoning, it must be direct testimony on the applicant.

Councilor Vigil Coppler asked what happened to the conditions of approval on the relocated access. She asked if the Hearing Officer provided any follow up on that issue.

Ms. McSherry agreed. The updated memo is the second attachment in the packet.

Ms. Bustos-Mihelcic agreed. It has the updated report and updated memo from the Hearing Officer. The first link was the updated report and the second link was an amended application.

Ms. McSherry explained the attachment on page 1 of the first link and the Findings of Fact section was where the Hearing Officer explained his intent about traffic.

Councilor Vigil Coppler understood he explained his notes in his recommendation. She also found some recommendations about making it one way in and one way out. But we are not here to discuss that. But she

wondered, if there was a traffic consequence, and if there was a mishap, what kind of liability the City would bear.

Ms. McSherry said it would be no different than with a business without a liquor license. That was not in front of the Governing Body now.

Councilor Vigil Coppler agreed, but it was still a concern that a traffic engineer on Staff could put it on the radar for future analysis. It makes good business sense for the applicant. But because we cannot deal with the traffic conditions, we should keep an eye out for it in some way and not create more problems on our streets.

Councilor Villarreal asked Ms. McSherry to explain the traffic review done recently and an explanation on traffic patterns.

Ms. McSherry said the applicant is aware of the traffic concerns and cannot bring that conversation into this case. It has been highlighted to them. The traffic engineer found it not ideal and recommended another alternative and it would be an issue regardless of the liquor license. If it was unique to liquor license, the Governing Body could consider it, but it is not.

Councilor Villarreal agreed. And because it was not in record, we cannot consider that and she could not ask any of her questions. She didn't agree with the belief that the transfer would cause increased crime.

She referred to # 17 on page 7 and did not agree there was no competent evidence showing an impact on traffic. She felt a liquor store was different than another type retail store. Other businesses in the area don't have the patron turnover a liquor store has. So the access issue was still on her mind. She wished there was a way the Governing Body could deal with it. There was probably evidence on how a liquor store was different from other businesses. It was hard for her to try to connect that one piece with this type of business. She felt that most of her questions, like moving in before the license was granted, made her distrust it. Overall, the differential impact of traffic was giving her pause.

Councilor Garcia asked for the reason Councilor Lindell had recused herself from this case. He thought Councilor Villarreal was really onto something on turnover because of the type of license. The Governing Body must take into consideration the time patrons spend at a business. More times than not, a consumer is there for 15 minutes or less. Tasting might prolong it. It was expressed as a concern by the Public Works Team. So, due to our ordinances, this process is flawed. He believed the Governing Body could consider patronage in this type of license. If not, how does the Governing Body address the clear concerns. Access is a definite concern How do we address that?

Ms. McSherry said the Governing Body could consider it if there was competent testimony that clearly showed a differential. That would need to be identified to discuss it.

Councilor Garcia asked what other testimony we would need.

Ms. McSherry explained that the review was not based on the license. It was just on the location and access. The Hearing Officer said on page 8 that no condition of approval was imposed.

Councilor Garcia posed an example of unacceptable traffic and Ms. McSherry said it would not have a review or would require a policy change for it to be considered.

Councilor Garcia reasoned that we have a flawed process with clear cut evidence that we could make it better but cannot consider it here to make sure there is safety in that community. It is not to say he didn't support the business. It should be heard in the normal process and not quasi-judicial.

Councilor Cassutt pointed out that if this was any other type of business, we would not have had this conversation. How frequently does this come up? Are these policy questions we should consider? She was not sure who could answer that.

Ms. McSherry didn't know. The Governing Body has not had controversial liquor transfers in the past. We changed to use a Hearing Officer because we did not have much public conversation on them. In the 1990's there was a bunch of litigation on them and after that, the law was clearly established. Challenges don't go very far. They don't go to appellate courts.

Ms. Bustos-Mihelcic agreed. We have hearings on Zoom on a regular basis and they usually last about ten minutes, and some are done in five minutes. This is the most controversial one. And most are considered here under the Consent Agenda.

Councilor Cassutt agreed it was something for us to think about. It seemed the process works very well about 99% of the time.

Ms. Bustos-Mihelcic welcomed suggestions for the procedures for making it more useful or including anything the Hearing Officer should address in their hearings.

Councilor Cassutt thought questions that were not relevant to the issue, should be considered elsewhere.

Ms. McSherry agreed.

Councilor Cassutt said the Governing Body can look at the evidence in the record, There is evidence the applicant is willing to work with the neighborhood and as a result, had agreed to change the ingress/egress. We can't make a requirement, but that evidence is there in the previous record. She wanted to confirm that there were no requests for variances at this location and the location was in a place where alcohol can be served without a variance. So she could see no reason to deny their request for a license transfer. It should be approved at this location.

Ms. Bustos-Mihelcic noted that signing a lease was part of the process. Councilor Villarreal noted it during the discussion. She clarified that.

Councilor Cassutt agreed. And that is a State requirement.

Councilor Vigil Coppler wanted to know the reason for a conflict for Councilor Lindell.

Ms. McSherry said it was not a conflict but her perception she was not able to be fair. It does not have to be a conflict for recusal.

Councilor Vigil Coppler recalled the discussion in a previous meeting that it is best to state the recusal reason for public transparency. It is important to disclose.

Her other question was on the business license. There is a traffic analysis done for a business license. And the business must reapply when changing locations. She didn't see anything here that the applicant had applied for a new business license and didn't know about others who moved and had to comply with the license requirements that include a traffic analysis. She did not see anything here. She asked if there was a business license change.

Mayor Webber said apparently it is not included in a license transfer case.

Ms. McSherry agreed it was required but not in what we need to consider.

Councilor Vigil Coppler asked that it be considered. In #8, there was not substantial evidence on impact of traffic. But on page 7, Public Works Staff found an unacceptable traffic impact. She asked if there was a Public Works traffic study or not. She didn't see anything else from Public Works in the attachments. She asked if there was an attachment.

Ms. Bustos-Mihelcic said there is an attachment and a supplemental form attached. The City Clerk asks the applicant to fill out the form and that was attached. There were questions on business volume, etc. which was filled out by the applicant and then a review was done in a visual survey. It does not appear there was substantial evidence.

Councilor Cassutt mentioned that the Applicant offered an alternate access because of concerns of a neighbor and recommendations from Chris Frazier, the Hearing Officer, on the new access. An additional memo was attached.

Councilor Vigil Coppler found in the second attachment a submission from Director Wheeler which she quoted. She asked how the Governing Body could just ignore that. The Hearing Officer is just a recommendation, and the Governing Body can decide. She asked what would be wrong with approving it with that condition and if there is an accident, we would have a defense.

Ms. McSherry said anyone here could talk with the applicant about traffic after the hearing. We know it is in the record and we know all those things but the only decision we can make is granting or denying the license. And the public hearing is already closed at this time.

Mayor Webber explained a liquor license is different from a public works or land use issue. The criteria before the Governing Body are very narrow and while we may be chafing to remedy concerns raised on traffic, it is a different policy choice for a transfer of a liquor license. It is somewhat unusual. This one borders a residential zone. That adds to the friction and the dissatisfaction on limited authority. It is very frustrating.

Councilor Romero-Wirth appreciated what Mayor Webber just said. We must understand the arena in which we are playing that is dictated by the State and in three Supreme Court cases, one of which definitely involved the City of Santa Fe and on this same street. And if it was a bakery moving in there, we wouldn't even be here considering it.

Ms. McSherry agreed.

Councilor Romero-Wirth knew Santa Fe has been overruled by the State ABC and the Supreme Court. We could deny the transfer, but we would get reversed. She encouraged the public to read the documents in PrimeGov to understand the predicament. Bumping up to residential zone makes it worse.

She read the three reasons that could be used for denial. Then she went to case law. Traffic impact is not because of the transfer of liquor license so we cannot deny it.

Ms. McSherry said she stated that very well.

Councilor Romero-Wirth agreed it is hard when the residents say there will be traffic impacts. We are almost prohibited from addressing those impacts and makes it very frustrating. The Hearing Officer walked us through it step by step on why the Supreme Court is right on point and gives us little opportunity to deny it.

Councilor Cassutt knew the Governing Body has been discussing Agua Fria because originally, Public Works was looking at Romero Street for access, not Agua Fria. The business changed access to Agua Fria at the request of the neighbors. It is the specific location on Agua Fria that makes it a problem. She was glad the Governing Body asked for a traffic analysis which came from the change, and it looked like access from Agua Fria was not an option. So the original proposal by Public Works would not cause a traffic impact.

Ms. McSherry said her review was correct. And for this review, no traffic analysis is required.

Councilor Garcia suggested that if traffic is reviewed for any business license relocation and this is not, he was concerned and added that it would not be reviewed again.

Mayor Webber asked Director Brown if the City requires a traffic analysis.

Director Brown said one was not required normally for a business license.

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

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

Against: Councilor Vigil Coppler. Councilor Lindell was not present for the vote.

Councilor Lindell returned to the bench after the vote was taken.

- c. **Ratification of the City Manager's Approval of Airport Coronavirus Response Grant Program (ACRGP) Concessions Relief Addendum Award No. 3-35-0037-056-2021 in the Amount of \$30,578 and Approval of the BAR to Budget Grant Funds into the Airport FY22 Operating Budget Federal Grant Revenue Org and Object 5456050.490550.** (Mark Baca, Airport Manager: mdbaca@santafenm.gov, 955-2901)

Committee Review:

Public Works and Utilities Committee: 09/07/21

Governing Body: 09/08/21

Ms. Bustos-Mihelcic read the caption for this item. Mark Baca was present for it.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve the grant and BAR as presented.

Discussion on the Motion:

Councilor Villarreal asked Manager Baca about the airport concessions there right now.

Manager Baca said this will help our partners with their leases currently. They are looking for further direction from FAA to get them to apply for those who are paying their fees and rent throughout the pandemic. They provide the concession fees we require. It is help for them from the federal government This is relief for some of them we have at the airport.

Councilor Villarreal understood they could not provide concession services while the airport was closed.

Manager Baca agreed. Now we are exceeding expectations and seeing more closely the revenue we had in February 2020.

Councilor Villarreal asked if they are limited in their concession services now.

Manager Baca said they have paid their fees even though they were not getting business. We can now pay back those fees for businesses that were disadvantaged.

Councilor Villarreal understood there were delayed flights, and some passengers could not find access to food or water. She thought the concession was open, but there were no vending machines and it worried her. The passengers need some access to water and snacks.

Manager Baca clarified that what we consider concession fees are with tickets, rental cars, etc and he was not talking about concessions for food and drink. We were not able to provide those during the pandemic. We have worked on that and spoken with vending machine companies. With the upcoming construction, there will be more need. We are trying to address that issue, but this money is to relieve our current businesses.

Councilor Villarreal thanked Manager Baca for the clarification.

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

- d. **Ratification of the City Manager’s Approval of** Airport Rescue Grant Award No. 3-35-0037-057-2021 in the Amount of \$2,226,110 and Approval of the BAR to Budget Grant Funds Into the Airport FY22 Operating Budget Federal Grant Revenue Org and Object 5456050.490550. (Mark Baca, Airport Manager: mdbaca@santafenm.gov, 955-2901)

Committee Review:

Public Works and Utilities Committee: 09/07/21

Governing Body: 09/08/2021

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

MOTION: **Councilor Vigil Coppler moved, seconded by Councilor Cassutt, to approve the grant award and BAR as presented.**

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

- e. Request for Approval of an Agreement with Jayne’s Corporation for the Construction of the South Side Teen Center in the Total Amount of \$9,267,014.53 Including New Mexico Gross Receipts Tax. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-795-2491)

Committee Review:

Governing Body: 09/08/2021

Ms. Bustos-Mihelcic read the caption. Director Burnett was present.

MOTION: Councilor Garcia moved, seconded by Councilor Lindell, to approve the construction agreement as presented.

Discussion on the Motion:

Councilor Villarreal understood the increase in construction fees. She observed the agreement said the City will use General Funds and asked what the difference was since she couldn't reconcile the difference.

Director Burnett clarified amounts and sources. There were four funding sources, including several legislative grants from past years and a City allocation. The total cost was \$9,267,015. The total included any unanticipated cost overruns or contingency at 3%. He explained that he didn't identify each specific source in the agreement. The money all came to the General Fund and was allocated from it.

Councilor Villarreal asked where the money was from that the Governing Body did not approve.

Director Burnett explained that all of the funding has been approved. There was on the consent calendar a portion granted from the State that is pending.

Councilor Villarreal thought it was missing something.

Director Wheeler clarified the BAR is for a million dollars and excess GRT revenues to process a PO for the entire construction costs. When the pending state money is approved, we won't spend all the City's money.

Councilor Villarreal thanked her for explaining it.

Councilor Garcia thanked our legislative delegation for making this happen. We have had a vision for this teen center on south side for a decade and to know there will be a groundbreaking and open to public in a year is exciting. He thanked the people who had the vision, our delegation, and the lobbyist. And when it is open, he challenged Councilor Abeyta to a game of horse. Councilor Villarreal and Councilor Lindell volunteered, too.

Councilor Abeyta said Councilor Garcia said everything he wanted to say in thanks. He also thanked the youth who have participated over the years. He remembered the first contract was to an architect in 2009. And our work isn't done with construction. He looked forward to our game of horse in the

gym when it has been constructed. He also thanked Councilor Rivera for his support.

Councilor Vigil Coppler thanked our delegation and past Councilors and Mayors who have been involved for some time on this. Last night at the Public Works meeting, she asked why this did not go to Finance. One reason was, as reported by Director Burnett because of the increase in material prices. The responsibility is up to the contracted construction company. She was not against moving forward but questioned why this sidestepped a Committee very interested in the financing. We have other items that did not go to Finance. We must not sidestep our committees without proper analysis. It was planned to go to Finance but didn't. This is important and would challenge all of Councilors to something in that center.

Councilor Abeyta said they discussed it at Public Works last night and had talked about the BAR at Finance and he felt comfortable with it

Mayor Webber called it a monumental achievement. It started with a million dollars in the budget three years ago and he has been making it our highest priority. Everyone should take some pride in it. And it is only a beginning to address youth needs for safe activities and self-improvement for a better future. He thanked Director Burnett for his incredibly hard work on it.

Councilor Rivera thanked Roman for all his work on it and his experience with youth and having his pulse on what youth want and need and pushing us over the top to make it come to fruition.

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

- f. Review and Approval of a Memorandum of Agreement between the City of Santa Fe and Santa Fe County for Placement and Maintenance of Election Ballot Drop-Boxes on City of Santa Fe Property. (Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512 and Ms. Bustos-Mihelcic, City Clerk and Community Engagement Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:

Governing Body: 09/08/2021

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to approve the MOA with the County for election ballot drop box locations as presented.

Discussion on the Motion:

Councilor Garcia noted two locations were identified in the MOA and asked if the location that might not be on City property was known.

Mr. Martinez said the County proposed the Rodeo Grounds which is county property, so we eliminated that location from the MOA. They have their own drop box there regardless of an MOA. He was unaware of other County locations and would try to get that information for Councilor Garcia.

Ms. Bustos-Mihelcic said the County posted their proposed locations on the County website and listed them.

Councilor Garcia wondered if a City resident was eligible to drop off their ballot at a County (non-City) location.

Councilor Vigil Coppler asked if Ms. Bustos-Mihelcic knew for sure there will be one at Rodeo Grounds.

Ms. Bustos-Mihelcic said the locations are preliminary and not finalized yet. She is contacting the Rodeo Association for that verification.

Councilor Vigil Coppler explained that the County Fair building next to the Rodeo grounds but there is no facility at the Rodeo grounds. She thought the City should be prepared to locate one at the GCCC just in case the Rodeo will not have one. She proposed that as a site.

Ms. Bustos-Mihelcic said the County Clerk proposed the locations, and she made that suggestion to the County Clerk, so she is aware of it.

Councilor Vigil Coppler asked if the Rodeo is the actual location.

Ms. Bustos-Mihelcic agreed and explained it is a drive-through.

Councilor Vigil Coppler did not think the County owned the Rodeo Grounds. She found that interesting and different.

Councilor Rivera asked Ms. Bustos-Mihelcic about including a one-page flyer describing ranked choice voting in the City. He received many constituents' questions about it.

Ms. Bustos-Mihelcic said she started community education in the August 29, 2021 Santa Fe New Mexican and the City website. She is still working on additional education and outreach for it. She wasn't sure about any flyer with absentee ballots but agreed to work with County Clerk on that.

Councilor Rivera thought it would be good to include that with the absentee ballots. A lot of people told him they would vote for just one candidate. He explained to them why that didn't work.

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

- g. Approval of a Settlement Agreement with AFSCME in PELRB Case #106-20 for an Amount of Seven Hundred Thousand Dollars (\$700,000) and Reimbursement of Leave Accruals. (Christopher Ryan, Senior Assistant City Attorney; cwryan@santafenm.gov, 955-6843 and Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

Committee Review:

Governing Body: 09/08/2021

Ms. Bustos-Mihelcic read the caption for this item. Christopher Ryan was present for this item.

MOTION: **Councilor Lindell moved, seconded by Councilor Cassutt, to approve the Settlement Agreement as presented.**

Discussion on the Motion:

Councilor Vigil Coppler acknowledged a long road taken and in the spirit of celebrating Labor Day, she applauded the employees who didn't give up and fought for their rights and for not backing down. She valued every employee, and it was long overdue. She thanked everyone involved for this settlement - especially those who endured time off without pay. That is what Labor day is all about.

Councilor Rivera thanked Mr. Ryan. He asked if this is a separate check or if it is with their regular paycheck.

Director McCoy said it is a separate check.

Councilor Rivera thanked her for that.

Mayor Webber agreed it has been a long and difficult journey. We are heartened that it complies with the Labor Board and recognizes our employees. We were faced with a very bad set of options. It was a very hard decision for him as Mayor. We were flying without good data and did not know how deep or long the recession would last. The City did not lay off anyone or take away any health benefits. We value employees who would have a job when we came out. And we were able to put a 4% increase into the budget. It makes AFSCME employees whole. Now we can put it behind us and appreciate the work of Mr. Ryan and Mr. Curtis for this negotiation. We want it resolved in a way that is constructive. This is a good outcome.

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

- h. Approval of a Mediation Settlement Agreement and Release of Claims with the New Mexico Taxation and Revenue Department in, D-202-CV-2018-08036 for a Gross Recovery of Two Million, Six-Hundred-Ninety-Five Thousand, Eight Hundred Ninety-One Dollars and Ninety-Three Cents (\$2,695,000.93). (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

Committee Review:

Governing Body: 09/08/2021

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to approve the mediation settlement with NMTRD as presented.

Discussion on the Motion:

Councilor Villarreal asked for a summary presentation since there was nothing in the packet.

Ms. McSherry noted that two documents were attached in the agenda. This problem started in 2006 through May of this year and we are not aware of any concerns on it. It is a number greater than Santa Fe expected. The

attorneys are not charging their full fee for their work on it. The amount is greater than half of what was projected. She recommended approval.

Councilor Villarreal asked where the proceeds would go.

Ms. McSherry said a BAR is needed to decide that. It is not in the budget so the Governing Body will need to decide.

Councilor Villarreal asked about the schedule.

Ms. McSherry expected the proceeds to come to the City in October and after that, we can decide.

Director McCoy clarified the process. We will receive it as revenue, and it will go into the General Fund until further allocation is made. If funding has not been allocated by the end of the fiscal year, it will go into reserves and after October, She would bring a BAR request to the Governing Body by way of committee reviews.

Councilor Vigil Coppler saw the net was \$2.4 million and asked if that was what the City would receive after the bills were paid.

Ms. McSherry said the City will receive the entire amount and then pay the costs incurred.

Mayor Webber appreciated Ms. McSherry's overview. But if listening for the first time, a person would be unaware of the lawsuit. It would be good to review the dispute, what it was over and who was involved.

Ms. McSherry explained the Municipal League discovered discrepancies in the allocations. The City gets its GRT revenue through the NMTRD and a report by category, but it contains no confidential information. There were statutory changes on how to correct errors and whether those were being made correctly. That was not resolved under the first lawsuit but now are resolved. There were several time periods involved and different risk levels and likelihood of success. So the municipalities entered the lawsuit together and a lot of factors were considered. The impacts were different and it took time for all the negotiation to happen and went through the transition of state administration. Many different people were involved.

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

12. MATTERS FROM THE CITY MANAGER

Manager LaPan Hill acknowledged our City team for Zozobra. It was a very large event that went off without incident. She thanked our partners and Kiwanis for how they handled it. The City had a half-day off for Fiestas and she hoped all enjoyed a safe Fiestas weekend.

She asked Director McCoy to provide a brief report on the audit.

Director McCoy said the audit is an independent review to ensure our records are clear and accurate. It is performed by CLA external auditors. They gave a review for the last two months and they produce the report and submit it to the State Auditor. So the City does not issue the audit. As of today, they have not submitted to the State Auditor but will, in accordance with State Audit Rules. After the Auditor reviews and issues the report, there is a 5-day review before releasing to the public. If not released, it would be a finding.

The Code governs the release and distribution. A copy is released to each Councilor and CLA provides a report to the Audit Committee and to the Finance Committee. Any reports the Governing Body wants can be provided.

She highlighted a few reasons why it is late, including implementing a new IT system. The old one had technical challenges. COVID and the Cares Act funding made it more challenging. We had a 40% vacancy rate and some members who were infected. The Cares Act had a December 31, 2020 deadline for using the funds. There was also turnover in key positions.

Manager LaPan Hill had nothing further.

13. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry looked forward to introducing new employees, Patricia Feghali, who filed a position that had been vacant since February 2020, and Frank Ruybalid, who filled the position vacated by Sally Paez.

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

15. COMMUNICATIONS FROM THE GOVERNING BODY

a. Introduction of Legislation

Councilor Rivera thanked Mayor Webber and Councilor Vigil Coppler and the others who participated in the Fore Kids Golf Tournament. They honored Molly Whitted who was part of that organization for many years and this helps kids get into sports with offsetting initial costs, equipment, etc. Great organization and the golf course was in very good shape.

Secondly, Zozobra was great with no big issues. The community appreciated it. Thanks to Kiwanis and all the volunteers.

On September 11, the Fire Department is planning something on the 20-year anniversary. Please keep a lookout for the notice.

Lastly, he thanked Councilor Lindell for covering for him.

He announced his daughter left early this morning for Okinawa to meet with her husband over there. His mother's birthday was yesterday. "She says she is 46 and I believe her. I love you, Mom."

Councilor Garcia also thanked Ray Sandoval and everyone for an awesome Zozobra and the 80's fashion show. The Santa Fe High Demons football team is on a streak

He might miss the next meeting with a brand new baby.

He thanked Manager LaPan Hill for the updates and reversing course on no presentation and said he still has plenty of questions. He was still deeply concerned about the lack of information on this audit. An audit tells the health of an organization. We had a late audit last year and were eight months late this year. He wanted to ensure the lifeline with the City is strong and getting critical information is imperative. The Governing Body is eligible for this information and have been denied that several times. Where do we actually stand? Manager LaPan Hill sent out a notice that no information could be given but we got some information tonight. He said he would request that any preliminary information be provided to all Council members. It was mentioned the Mayor was at the exit conference and he requested that such information also be provided to the Governing Body. We are all one and the same in the requirement. And, if that won't be honored, he will make an IPRA request. That is critical for the Governing Body to ensure we are healthy. He hoped we can acknowledge the rights and duties of the Governing Body that are in the Municipal Charter. He was willing to exert the necessary steps. He asked Director McCoy if the Governing Body can receive all exit conference information – not the audit reports but information shared before or during the exit conference.

Director McCoy will give that request to Clifton, Larsen, Allen.

Councilor Garcia asked that be provided before September 23rd to adequately prepare for the Finance Committee meeting. An audit is a valuable tool to tell us what is going wrong but also what is going great. He wanted to understand where we can approve.

Councilor Cassutt also thanked everyone who was part of Zozobra. It was very first since high school. It was so much fun. She thought we should follow them quarterly and thanked Councilor Villarreal for enjoying that with her at the event. It was such a huge lift and important part of what makes Santa Fe special.

Her mother was here for her birthday on Sunday, and she is helping to watch my kids. Yesterday was Rosh Hashana and with everyone one it is a very cool time in Jewish Year and the time between Rosh Hana and Yom Kippur is a very special time for looking at where you have wronged someone and see how to make amends. It is something we should do year round. She invited everyone to take part in it.

She asked to be listed as a co-sponsor to the Mayor's resolution.

She thanked two Parks workers who, this morning, were on the trail where a lot of graffiti had been done. She spoke with Andreas Lopez and Steven Apodaca there about how much it means to them to take care of this community and home and how much they enjoyed their work here. She appreciated them cleaning up the graffiti.

Councilor Villarreal said Zozobra was a treat and so many individuals to thank. She enjoyed getting to see things behind the scenes. It reminded her of how much she enjoyed the 80's music but not the clothing styles. She wished everyone a happy and safe Fiestas.

Councilor Vigil Coppler introduced a resolution establishing a local preference for the development of Las Estrellas; and establishing minimum criteria for submitted bids to develop the property. She also signed on as cosponsor of the minimum wage increase and Councilor Abeyta's resolution for capital improvements for Senior Services.

She gave thanks to all who had responsibility for Zozobra – Kiwanis, sponsors, firefighters and police officers, public works people and many other employees there who were cleaning up afterward.

She congratulated SFHS and St. Mike's who had a good game day. She is rooting for the Lobos to beat the Aggies on Saturday. With Councilor Rivera, she was thankful for the golf tournament. It is a wonderful fund raiser. Molly Whitted and Peso Chavez as former Councilors were there. Peso was stellar as MC.

Regarding the Audit Report, she would like a copy of the information from preliminary report that Director McCoy mentioned. There is nothing inappropriate for a municipal employee making a request for information. As elected officials, we have a right to examine the report and the information provided at the exit conference. She was denied attendance at the exit conference and her request was just seeking information. As an elected official, we are permitted access to the confidential information. There is nothing to preclude any Councilor from requesting information from the external auditor. She got that determination from the State Auditor's Office. She didn't know why there has been such push back and didn't know why we, as elected officials, were treated with disrespect. We took an oath of office to keep the information confidential. She was not at all pleased with the push back. Other councilors should know it is something at least from advice she received that any Councilor may receive that information. So she asked Director McCoy for the material statements and the findings. Lastly, she said Staff told her the CLA has not submitted the audit to the State Auditor yet.

Director McCoy said she didn't have that information yet.

Councilor Vigil Coppler asked if no one asked CLA why we are well beyond the August 31 deadline.

Director McCoy understood there was a vigorous review process at the State Auditor and imagined it is forthcoming very soon.

Councilor Vigil Coppler said she sits on BDD and SWAMA boards who also have CLA as auditor. They were late because they must rely on City data. She appreciated everyone listening to her request for information and expected to get it very soon.

Councilor Lindell was glad everyone had a good time at Zozobra. It was hard to believe what astounding things volunteers can put together. So thanks to Kiwanis.

She thanked Mayor for Webber for being willing to show up at the animal shelter with her trying to raise money for the shelter. They raised more than \$50,000 for the shelter. The shelter deserves our support. They are over-full of animals.

Also, we are still in the midst of the Delta variant and in need of hospital beds. She encouraged all Councilors to ask others to stay safe.

Councilor Lindell introduced an ordinance relating to the City's Uniform Traffic Ordinance amending the penalty schedule. It provides for increased fines for loud mufflers. Police say those fines are considered part of the fund.

Councilor Abeyta also thanked Kiwanis and Ray Sandoval. He was at the Demons' football game and will be there this Friday. He congratulated the Demons' Soccer

Team which is ranked #1 in the state. He also noted that his son Josh ran a marathon at Peñasco and can came in second.

Councilor Abeyta Introduced a resolution adopting the 2023-2027 Senior Infrastructure Capital Improvements Plan for the Division of Senior Services, Community Health and Safety Department. He also asked to be listed as a co-sponsor on the loud muffler ordinance.

Councilor Romero-Wirth thanked Mary McCoy for the outline she gave on the audit process and recognized the challenges the Finance Staff faced and dealt with during the last few years. She didn't think anyone is saying the audit is not our role and we have gotten copies of the audit every year. We are being audited by an outside independent third party to make sure we are doing things correctly and, from the McHard Report, we know how important that is. We want to preserve the integrity of that process and not massage the outcomes of the final product. It is just a question of when we get it. She had forgotten about the \$17 million they had to push out the door quickly in the right places in the middle of the pandemic with other struggles gong on. Three years ago, the McHard report was all the City could talk about. And what we were facing to get our house in order. Everyone needs to remember it takes time under best of circumstances. She knew our Staff is working hard to get it all done and looked forward to the time we are operating with new IT system and no pandemic. She thought we will get it at Finance in 2½ weeks to see what we are doing well and what we need to improve.

Mayor Webber was grateful to Councilor Lindell for reminding us again about COVID. He just received a report on how many City employees had come down with the new variant. He was concerned about the human suffering under the ongoing pandemic. He was thankful for the beautiful celebration of Zozobra and the masked crowd to keep people safe. He urged everyone to continue to be careful.

He shared with Councilor Cassutt celebrations of the Jewish New Year for good health and recovery for everybody and lament the graffiti swastika on the wall of a Jewish family in Santa Fe. It is not acceptable and no form of racism and prejudice or discrimination is acceptable. Everyone should condemn that graffiti. We should all speak out against it.

He said the performance of Ray Sandoval and his team at Zozobra was outstanding and extraordinary. He deserves to be one of the Ten Who Made a Difference in Santa Fe.

He introduced a resolution supporting a minimum wage of \$15 per hour for City employees and directing the City Manager to take the steps required to implement hourly wage increases for all City employees paid less than fifteen dollars per hour.

EVENING SESSION – 9:33 P.M.

16. **ROLL CALL**

Members Present

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

17. **PETITIONS FROM THE FLOOR**

There were no petitioners and the petition session was closed.

The Governing Body recessed until 9:45 p.m. and reconvened.

18. **APPOINTMENTS**

There were no appointments.

19. **PUBLIC HEARINGS**

- c) Review and Recommend Approval of Consolidated Annual Performance Evaluation Review (CAPER) on Uses of CDBG Funds for the 2020 - 2021 Program Year, as Required by HUD. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee: 08/30/2021
Community Development Commission: 09/01/2021
Quality of Life Committee: 09/01/2021
Public Works and Utilities Committee: 09/07/2021
Governing Body (Public Hearing): 09/08/2021

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

Staff Presentation

Director Ladd presented the CAPER to the Governing Body and commented that her Department has vastly surpassed the goals which reflects amazing partners for this undertaking. There are unspent funds for homebuyers' assistance that buys down the amount of the mortgage and reduces the homebuyer's payments. The owners pay the assistance back when the home is sold and that generates money for the Fund. She noted that HUD doesn't like unspent funds so she is going to announce a new opportunity an amend the plan.

Nonprofits are asked to explain (the funds left) and without fail, they all had good reasons. Habitat was one, and they worked in conjunction with weatherization. This year, all they did was six roofs and ran out of money. A roof that doesn't leak is very important.

Youth shelters did not spend enough for youth safety because of the pandemic. The longer youth stay in a shelter, the harder it is to get permanent housing for them.

Public Comment

There were no public comments and the public comment period was closed.

Staff Questions and Comments

Councilor Villarreal reported the Community Development Committee recommended approval. They had lots of good comments and just a few minor corrections.

Action of the Governing Body

MOTION: Councilor Villarreal moved, seconded by Councilor Romero-Wirth, to approve the CAPER as amended.

Discussion on the Motion:

Councilor Romero-Wirth thanked Director Ladd for her work in this area and her report and for all the good this gets done. She asked Director Ladd what she had been able to do regarding homelessness during this pandemic to help prevent more and get people off the streets. In looking through the report, it looked like there were things accomplished.

Director Ladd explained that part of this money provided housing at Midtown for folks before and during the pandemic. A few were asked to leave for issues that arose but most of them are in a better place now. It is a real testament to what happens when you house homeless people. Other services must accompany that. Public services were capped at 25% of the total. But because of COVID, HUD removed the cap for the Cares Act money, so we were able to pay for all services at Midtown this year. And subsidies for housing reduced other costs for the Midtown work.

The suites were not funded through CDBG but did use the second round of funding freed up other resources so the social services framework could be done. We now have a much better understanding of what is needed for success.

Councilor Romero-Wirth saw the services have also been important and part of the \$17 million the City had to push out quickly. She talked with a constituent on the variety of things being done and it is something we will deal with for a long time. We have directed critical resources to it during the pandemic.

Mayor Webber agreed. Affordable housing and care of people is our #1 priority and it would be a mistake not to put into the record on what this document actually says. He read some of the specifics how public services were planned to serve 45 households and served three times that amount. This program provided a lifeline. He asked what it takes to exceed those proposed numbers during a pandemic when volunteers were hard to come by and staff levels decreased.

Director Ladd agreed it was a good achievement, and she was responsible for the paper pushing end of it. All partners were amazing to provide the work in a more nimble fashion. In this situation, we were able to tell the nonprofits what we could do to help them get the work done.

They had to change their business models and it was inspiring to everyone to bring the power of the government to the task and get the funds out to help many more people than we imagined - particularly when it came to the nonprofits serving homeless people. Traditionally it has been a scarcity model. But we were able to break that down a little and for once, had resources for what were needed. So we could do the best possible instead of barely scrape by. We are still working on those projects and it is amazing.

Mayor Webber saw on page 10 the report talked about leveraging at a 10:1 ratio and that was so significant. The work of Interfaith Housing was astonishing and a partnership effort.

Director Ladd agreed. What she tried to do was have the City housing funds be the foundation. We can't pay for everything and we close the last mile, particularly in construction. As a result, we are creating capacity across the community.

Mayor Webber noted it was 100% solar. Another champion was Adelante on page 11 with a remarkable overachievement – with resource linking and service, they accomplished three times what was projected.

Director Ladd pointed out that Adelante is a very good example, because they are better situated to provide the service. After years of support, they have a great capacity to provide the services. Adelante also applied for rental assistance funds, so the people renting don't fall through the cracks.

Mayor Webber saw on page 17 the Community Housing Trust work. This is a significant partnership for people having trouble finding affordable housing.

Director Ladd said these are three flagship properties for really high class housing. It links resources across the community. The Housing Trust has led the way. Interfaith uses that same model.

Mayor Webber referred to page 19 where Director Ladd laid out why the Fee in Lieu of option really helps people. The report is very clear there on how it is beneficial.

Director Ladd compared their inability prior to fee in lieu of program and the limited units to begin with. None were added in a decade and that really hurt. Being able to generate revenues for the Trust Fund helped give much more flexibility to get people into a new unit, etc. and it continues to provide for the long term.

Mayor Webber mentioned St. Elizabeth's, a partner providing services at five locations and helping 2,000 clients through the year. That shout out is well deserved.

He said Director Ladd highlighted what the City need to do better on page 22 – services for the mentally ill who are also homeless. He asked if she has seen models that work.

Director Ladd noted that everyone is put in the same database and they can use that database to track the assistance. That may sound trivial, but it really has been an opportunity during the pandemic by using the connect network across agencies and providers for the first time because we had to. That helped us be able to track someone through the system.

It is super hard work, but we are beginning to see how all partners, participating in the database, implement a full and comprehensive strategy. It means they don't fall through the cracks when they cannot get from one service provider to another.

Mayor Webber said he visited Santa Fe Suites and saw a resident who was an old friend who came for help to City Hall before COVID, but needed stability and now, he has it.

Mayor Webber thanked Director Ladd for her work in Affordable Housing and for this report, celebrating successes and identifying what yet we need to do. Having this report is a tremendous opportunity. It is a year of great accomplishments.

Councilor Garcia thanked Director Ladd for putting on her superwoman cape in organizing the partners and working with them. Tell the partners thank you. "Without them the numbers would be zero – thank you."

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

a. CONSIDERATION OF BILL NO. 2021-17. ADOPTION OF ORDINANCE 2021-16. (Mayor Webber)

An Ordinance Authorizing the City of Santa Fe ("Borrower") to Enter into a Loan Agreement with the New Mexico Environment Department ("NMED") for the Purpose of Obtaining Project Loan Funds up to the Amount of \$4,000,000 Plus Accrued Interest and Loan Subsidy Grant Funds in the Amount of \$180,000 for Total Funded Amount not to Exceed \$4,180,000; Designating the Use of the Funds for the Purpose Defined in the Most Current Project Description Form as Approved by NMED; Declaring the Necessity for the Loan; Providing that the Loan Will be Payable and Collectible Solely from the Borrower's Pledged Revenues Defined Below; and Prescribing Other Details Concerning the Loan and the Security Therefore. (Melissa McDonald, Acting Parks Division Director: mdmcdonald@santafenm.gov, 955-6840)

Committee Review:

Introduced: 07/14/21

Finance Committee: 08/02/21

Public Works and Utilities Committee: 08/09/21

Governing Body (request to publish): 08/11/21
Governing Body (public hearing): 09/08/21

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

Staff Presentation

Director McDonald provided an overview of this ordinance. It is legislation for execution of a loan at 1% interest from the Clean Water Revolving Fund, administered by the New Mexico Environment Department, Construction Services Bureau. She noted that Tye Franz was here from NMED. The loans can be as much as \$4 million and part of the loan is a \$140,000 federal subsidy that doesn't need to be paid back.

Repayment is a 15-30-year time. Repayment would be made from the Stormwater Utility Service Charge. This is a good leverage example for needed projects. These funds are for Phase One of our Stormwater Strategic Plan that are in the West Santa Fe River area and the Arroyo de los Pinos (a contributor to the Arroyo Chamiso). This will help greatly in accomplishing the stormwater goals.

Mr. Franz added that stormwater in New Mexico has been devastating. NMED offers these loans to mitigate the damage done and to encourage cities to apply for them. Smaller communities will get a lower interest rate, but Santa Fe is at a higher CPI rate.

The Clean Water Bureau is easy to work with. We get about \$10 million per year, and none of it is taxpayer dollars but subsidized by the State Revolving Fund and is in perpetuity. He was glad to see Santa Fe's application coming to fruition. Everyone is excited to finally work the Santa Fe on mitigation from flood damage.

Public Comments

There were no public comments and the public comment portion was closed.

Governing Body Discussion and Questions

Councilor Villarreal thanked Director McDonald for all her work and diligence to find funding, especially after the big flood a few years ago. She wanted to cosponsor this. The world's climate change and our old infrastructure has contributed to the need. "Thanks for your dedication and the many hats you wear."

Mayor Webber echoed what Councilor Villarreal said. One theme tonight is how much difference it can make when you have enough money. Director McDonald is finding the money and deploying it effectively. Being able to deploy the money makes a huge difference and is a really big deal.

Action of the Governing Body

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to approve the Ordinance for the NMED loan as presented.

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

- b) CONSIDERATION OF BILL NO. 2021-18. ADOPTION OF ORDINANCE NO. 2021-17. (Mayor Webber)
An Ordinance Removing Section 20-6 Relating to Marijuana and Marijuana Paraphernalia Possession. (Kyle Hibner, City Prosecutor: khibner@santafenm.gov, 955-5195)

Committee Review:

Introduced: 07/28/21

Governing Body (Request to Publish): 08/11/21

Finance Committee: 08/16/21

Public Safety Committee: 08/17/21

Quality of Life Committee: 08/18/21

Governing Body (Public Hearing): 09/08/21

Ms. Bustos-Mihelcic read the caption.

Staff Presentation

Mr. Kyle Hibner presented this proposed ordinance to the Governing Body. He summarized that the Legislature's legalization of marijuana removes this from the City's criminal code as it would conflict with State Law.

Public Comment

There were no public comments and the public portion was closed.

Governing Body Discussion and Questions

Councilor Villarreal said she read the memo and was trying to remember when possession of marijuana was decriminalized in Santa Fe. She thought it was 2014.

Mr. Hibner clarified that the City made it a civil violation with up to a \$25 civil fine.

Councilor Villarreal understood this ordinance just takes it off the books.

Mr. Hibner agreed.

Councilor Garcia asked if it meant that past convictions would be expunged.

Mr. Hibner believed in HB 2 there was an automatic expungement. The way they identified that was the City would be complying to release the record.

Councilor Garcia asked to be a cosponsor on this.

Action of the Governing Body

MOTION: Councilor Villarreal moved, seconded by Councilor Garcia, to approve the Ordinance as presented.

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 Villarreal asked to be listed as a cosponsor.

20. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 10:43 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine Mihelcic (Oct 3, 2021 11:58 MDT)

Kristine M. Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



**GOVERNING BODY MEETING OF
SEPTEMBER 8, 2021
 BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
 BY MEMBERS OF THE GOVERNING BODY**

EXHIBIT ONE
 GB Sept. 8, 2021

Mayor Alan Webber		
Co-Sponsors	Title*	Tentative Committee Schedule*
Lindell Romero-Wirth Abeyta	A RESOLUTION SUPPORTING A MINIMUM WAGE OF FIFTEEN DOLLARS PER HOUR FOR EMPLOYEES OF THE CITY OF SANTA FE; AND DIRECTING THE CITY MANAGER TO TAKE THE STEPS REQUIRED TO IMPLEMENT HOURLY WAGE INCREASES FOR ALL CITY EMPLOYEES PAID LESS THAN FIFTEEN DOLLARS PER HOUR.	Quality of Life Committee – 10/6/21 Economic Development Committee – 10/13/21 Finance Committee – 10/18/21 Governing Body – 10/27/21
Councilor Roman “Tiger” Abeyta		
Co-Sponsors	Title*	Tentative Committee Schedule*
Rivera	A RESOLUTION ADOPTING THE 2023-2027 SENIOR INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (“ICIP”) FOR THE DIVISION OF SENIOR SERVICES, COMMUNITY HEALTH AND SAFETY DEPARTMENT	Quality of Life – 9/15/21 Finance Committee – 9/20/21 Public Works and Utilities Committee – 9/27/21 Governing Body – 9/29/21
Councilor Jamie Cassutt		
Co-Sponsors	Title*	Tentative Committee Schedule*
Councilor Michael J. Garcia		
Co-Sponsors	Title*	Tentative Committee Schedule*
Councilor Signe I. Lindell		
Co-Sponsors	Title*	Tentative Committee Schedule*
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE (“UTO”); AMENDING SECTION 12-10-1.10 TO INSERT A CLAUSE STATING THAT A PERSON WHO VIOLATES A PROVISION OF SECTION 12-10-1.10 OF UTO IS GUILTY OF A PENALTY ASSESSMENT MISDEMEANOR AND TO ADD PENALTIES IN SCHEDULE A OF THE TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE.	Quality of Life – 10/6/21 Governing Body (Request to Publish) – 10/13/21 Finance Committee – 10/18/21 Public Safety Committee – 10/19/21 Governing Body (Public Hearing) – 10/27/21

Councilor Chris Rivera

Co-Sponsors	Title*	Tentative Committee Schedule*

Councilor Carol Romero-Wirth

Co-Sponsors	Title*	

Councilor JoAnne Vigil Coppler

Co-Sponsors	Title*	Tentative Committee Schedule*
	A RESOLUTION ESTABLISHING A LOCAL PREFERENCE FOR THE DEVELOPMENT OF LAS ESTRELLAS; AND ESTABLISHING MINIMUM CRITERIA FOR SUBMITTED BIDS TO DEVELOP THE PROPERTY.	Economic Development Advisory Committee - 9/8/21 Quality Of Life Committee – 9/15/21 Public Works Committee – 9/27/21 Governing Body - 10/13/21

Councilor Renee Villarreal

Co-Sponsors	Title*	Tentative Committee Schedule*

* Subject to change

Introduced legislation will be posted on the City Attorney’s website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, 505-955-6518, jbg Guillen@santafenm.gov or Jeff Norris, 505-955-6692, jtnorris@santafenm.gov.