



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 02, 2021  
7:00 PM  
ATTEND VIRTUALLY

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## SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

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

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

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

**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 *Discussion Agenda* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/93695537786?pwd=MTFUTHp3WExuaEI0WldjOUhBa3lvZz09> **Passcode: 196679**

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

**Phone:** To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 936 9553 7786 – Passcode: 196679**



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## **RECONVENING OF JULY 28, 2021 MEETING - 7 PM**

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **CONSENT CALENDAR**

- k. Request for Approval of Service Agreement in the Total Amount of \$1,444,526.87 to Replace Ft. Marcy Roof and Skylights; First Mesa Construction, Inc. (Caryn Grosse, Project Administrator, [clgrosse@santafenm.gov](mailto:clgrosse@santafenm.gov), 955-5938)

**Committee Review:**

Public Works and Utilities Committee: 07/12/21

Finance Committee: 07/19/21

Governing Body: 07/28/21

4. **DISCUSSION/ACTION ITEMS**

- b. Request for Approval of Amendment No. 2 to On-Call Service Contract with Davenport Construction Management, Increasing Compensation in the Amount of \$1,000,000 to a New Total of \$1,250,000 Plus NMGRT that will Expire on June 30, 2023 for General Contracting Services Services throughout City Facilities, Davenport Construction Management, Inc. (Sam Burnett, Facilities Division Director, [jsburnett@santafenm.gov](mailto:jsburnett@santafenm.gov), 955-5933)

**Committee Review:**

Public Works and Utilities Committee: 07/26/21

Governing Body: 07/28/21

Governing Body: 08/02/2021

- d. Request for Approval of Liquor Hearing Officer’s Recommendation to Approve the Request from Food Art, LLC, 2279 Calle Cacique, Santa Fe for a Transfer of Location Only of Inter-local Dispenser Liquor License No. 2593 with On-Premise Consumption Only and Patio Service from 540 Montezuma Ave., to Pranzo Italian Grill, 321 Johnson Street, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk, [gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov), 955-6521)



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**Committee Review:**

Liquor Hearing: 07/12/21

Governing Body: 07/28/21

- e. Decision to Accept or Reject the City Attorney Office's Recommendation Concerning Case Number #2021-3812; Concurring with the Land Use Director's Determination that an Appeal Filed by Julia Hosford Barnes of a Short-Term Rental Permit Denial for 322 Otero Street Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Board of Adjustment Hearing. (Michael Prinz, Assistant City Attorney, mnprinz@santafenm.gov, 955-6554)

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**Committee Review:**

Governing Body: 07/28/21

- f. Request for Approval of Contract Amendment to the Housing Trust Mortgage Reduction Assistance Contract (19/24/P) to Extend the Term of Performance Through June 30, 2022 and Increase the Amount of Compensation by \$200,000 for a Total Contract Amount of \$357,500. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868).

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**Committee Review:**

Governing Body: 07/28/21

- g. Request for Approval of Contract Amendment to the Homewise Homeownership Services Contract (RFP 18/54/P) to Extend the Term of Performance through June 30, 2022 and Increase the Amount of Compensation by \$190,000 for a Total Contract Amount of \$380,000. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868).

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**Committee Review:**

Governing Body: 07/28/2021

- h. Request for Approval of Contract Amendment to the Housing Trust Homeownership Services Contract (RFP 18/54/P) to Extend the Term of Performance through June 30, 2022 and Increase the Amount of Compensation by \$110,000 for a Total Contract Amount of



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\$220,000. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868)

**Committee Review:**

Governing Body: 07/28/2021

5. **MATTERS FROM THE CITY MANAGER**

6. **MATTERS FROM THE CITY ATTORNEY**

7. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval of County Partnership in the San Juan Chama Return Flow Project. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309 and Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

**Committee Review:**

Public Works and Utilities Committee: 06/07/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

Governing Body: 07/28/2021

8. **MATTERS FROM THE CITY CLERK**

9. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Introduction of Legislation – July 28, 2021

**EVENING SESSION - 7:00 P.M.**

10. **ROLL CALL**

11. **PETITIONS FROM THE FLOOR**

- a. Petitions From the Floor Regarding Reasonable Limitations on the Operations of Cannabis Establishments, such as Density and Operating Hours; the Permitting of Recreational Cannabis Consumption Areas; the Use of Cannabis Tax Revenues; and Any other Matters Relevant to the City's Ability to Regulate or Benefit from Recreational Cannabis.



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- b. All Other Petitions from the Floor.

## 12. APPOINTMENTS

- a. City Historian (Pauline Kamiyama, Arts Commission Division Director, pkkamiyama@santafenm.gov, 955-6653)
- Valerie Rangel – Appointment – Term Ending 6/2022
- b. City's Poet Laureate (Pauline Kamiyama, Arts Commission Division Director, pkkamiyama@santafenm.gov, 955-6653)
- Daryl Wellington – Appointment – Term Ending 6/2022
- c. Airport Advisory Board (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)
- Kevin Egan – Reappointment – Term Ending 02/2024
  - Randal Limbacher – Appointment – Term Ending 02/2024

## 13. PUBLIC HEARINGS

- a. CONSIDERATION OF BILL NO. 2021-14. (Councilor Lindell and Mayor Webber)  
An Ordinance Amending Section 23-6.2 SFCC 1987 to Remove the Six-Month Minimum Lease Duration for the Sale and Consumption of Alcohol on City Property. (Randy Randall, TOURISM Santa Fe Executive Director: rrandall@santafenm.gov, 955-6209; Rich Brown, Community and Economic Development Department Director: rdbrown@santafenm.gov, 955-6625; Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

### **Committee Review:**

Introduced: 5/12/21

Quality of Life Committee: 6/16/21

Public Works and Utilities Committee: 06/28/21

Governing Body (Request to Publish): 06/30/21

Economic Development Advisory Committee: 7/14/21

Governing Body (Public Hearing): 07/28/21



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14. **ADJOURN**

15. **UPCOMING PUBLIC HEARINGS**

a. **CONSIDERATION OF BILL NO 2021-15. (Mayor Webber)**

An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2021 in an Aggregate Principal Amount not to Exceed \$14,745,000 for the Purpose of (1) Refunding, Discharging and Paying the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2010B and Maturing On and After June 1, 2022; (2) Refunding, Discharging and Paying the City of Santa Fe, New Mexico Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2012A and Maturing On and After June 1, 2022; and (3) Paying Costs of Issuance of the Series 2021 Bonds; Calling for the Redemption of the Outstanding Series 2010B Bonds and Series 2012A Bonds; Providing that the Bonds Will be Payable and Collectible from Certain Gross Receipts Tax Revenues Distributed to the City; Approving the Selection of an Underwriter and Forms of a Preliminary Official Statement and a Paying Agent Registrar and Depositary Agent Agreement; Delegating Authority to the Mayor or, in the Mayor's Absence, the City Manager or Finance Director, to Approve the Final Principal Amount, Interest Rates and Other Details of the Bonds Within the Parameters Set Forth in this Authorizing Ordinance, and to Execute and Deliver a Bond Purchase Agreement for the Sale of the Bonds to the Underwriter; Proving for the Collection of Certain Gross Receipts Tax Revenues; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Mayor Webber) (Brad Fluetsch, Planning and Investment Officer: bjfluetsch@santafenm.gov, 955-6885)

**Committee Review:**

Introduced: 06/30/21

Governing Body (request to publish): 07/14/21

Finance Committee: 07/19/21

Public Works and Utilities Committee: 07/26/21

Governing Body (public hearing): 08/11/21

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

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior



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to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

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

**Governing Body  
SUMMARY INDEX  
August 2, 2021**

*Page Numbers in Italics are from July 28 Meeting*

ITEM	ACTION	PAGE
1. Call to Order	Convened at 7:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as amended	2-4
7. <i>Approved on July 28</i>		
8. <i>Approved on July 28</i>		
9. <i>Presented on July 28</i>		
10. Consent Calendar	<i>Approved as amended</i>	4
k) Ft. Marcy Roof Replacement	<i>Postponed to Evening Session</i>	
11. Discussion/Action Items		
a) <i>Approved on July 28</i>		
b) <i>Approved on July 28</i>		
c) <i>Approved on July 28</i>		
d) Dalkia Lighting Amendment	Approved as amended	5-16
e) STR Permit Revocation	Approved	19-23
f) Housing Trust Mortgage Assistance	Approved	23-24
g) Homewise Service Contract	Approved	24-25
h) Homeownership Services Contract	Approved	25-26
i) <i>Notice to publish</i>	<i>Approved on July 28</i>	
j) <i>Notice to publish</i>	<i>Approved on July 28</i>	
5. Matters from the City Manager	Reported	26
6. Matters from the City Attorney	None	26
7. Executive Session Action Items		
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8. Matters from the City Clerk		27
9. Communications from Governing Body	Reported	
a) Introduction of Legislation	Communicated	27-31
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10. Roll Call	Quorum Present	31-32
11. Petitions from the Floor	Petitions Made	17-19
10 k. Fort Marcy Roof Replacement	Approved	32
12. Appointments	All approved	32-34
13. Public Hearings	Postponed to August 11	34-38
14. Adjournment	Adjourned at 12:07 a. m.	38-39

**Minutes of the  
Special Meeting of the Governing Body  
Wednesday, July 28, 2021, as Reconvened on August 2, 2021  
Virtual Meeting**

**1. CALL TO ORDER**

The reconvened meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Monday, August 2, 2021, at approximately 7:04 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

- 2. *Pledge of Allegiance*
- 3. *Salute to the State Flag*
- 4. *Invocation*

**5. ROLL CALL**

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

Members Present Remotely

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

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager  
Marcos Martinez, Senior Assistant City Attorney  
Kristine Bustos-Mihelcic, City Clerk  
Geraldyn Cardenas, Assistant City Clerk  
Regina Wheeler, Public Works Department Director  
Sam Burnett, Facilities Division Director  
Jesse Guillen, Legislative Liaison  
Alexandra Ladd, Affordable Housing Department Director  
Rich Brown, Economic Development Director  
Michael Prinz, Assistant City Attorney  
Randy Randall, Tourism Santa Fe Director  
Carl Boaz, Council Stenographer

## 6. APPROVAL OF AGENDA

Councilor Villarreal asked for clarification on the problems with the published agenda.

Mr. Martinez explained that the Open Meetings Act has a provision for reconvening a meeting. So for today's meeting, nothing new was added. But the Dalkia item was inadvertently not shown on the agenda for today. The Governing Body can choose to amend the agenda by correcting the left off item and possibly answer Councilor Villarreal's question.

Mayor Webber suggested the Governing Body could simply return to the agenda from Wednesday's meeting and it would take a motion to return to it.

Mr. Martinez agreed.

Councilor Vigil Coppler pointed out that last Wednesday, she had made a motion to approve, and it was seconded. So the Governing Body was right in the middle of that. So she asked if we could return to that discussion after amending the agenda.

Mr. Martinez explained that motion failed for lack of action by the Governing Body. The Governing Body could resume the matter or pick up the new one for the Agenda.

Mayor Webber thought that could be resolved by returning to the prior agenda.

Councilor Vigil Coppler did not agree that the item died. But we should pick up where we left off.

Mayor Webber agreed.

Councilor Romero-Wirth also didn't think that it failed. Now we are coming back into session and pick up where we left off.

**MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to return to the July 28 agenda starting with the Dalkia matter.**

### **Discussion on the Motion:**

Councilor Villarreal was confused with that. Last Wednesday's item did not include her and Councilor Garcia's amendments. It is a waste of time to send it by email as it relates to the community assessments.

Mayor Webber asked if the amendment was not in the packet last Wednesday.

Councilor Villarreal said that was correct.

Mayor Webber concluded it was never loaded into PrimeGov.

Councilor Garcia opined that amendment should have been amendment #1 when it was brought to Ms. McSherry's attention. But nothing happened with it. It absolutely relates to the title and there was never any conversation why the direction to the Public Works Director was never attended to. That should be answered tonight. It was left out at the direction of Staff, and he rushed to get it back in and the Governing Body still doesn't have it.

Councilor Cassutt understood we can't add anything to the agenda that was not there on Wednesday, but it would be part of the discussion of this item.

Mr. Martinez agreed. The meeting tonight is a continuation after a long recess. That is the purpose for this meeting. So the agenda simply carries over and no additions are permitted. So we are not able to correct that

Councilor Cassutt noted that doesn't mean we cannot talk about the amendment. The packet materials need to be the same packet as reviewed tonight. It doesn't sound like that can be part of the materials for this item.

Councilor Garcia appreciated Mr. Martinez' comments. We don't have to include an amendment that was not in the packet. It was not provided to the Governing Body and public in time. But nothing prohibits hearing the amendment tonight. He asked if that was correct.

Mr. Martinez agreed with him.

Councilor Romero-Wirth, to clarify, said we need to make a distinction here. What Mr. Martinez said is true for legislation. The reason this contract is before us again is that last May, Staff needed to talk with Dalkia to make sure they agreed. So we are in a different field with this contract. We gave direction for what was supposed to be in the contract amendment, and we can argue if the language accurately reflects what that understanding was.

Mayor Webber asked to hold off on discussion of that item until we choose our agenda.

### **Question Called**

**Councilor Vigil Coppler called for the question. Councilor Cassutt seconded.**

**The Question was ended by unanimous roll call vote with Councilor Abeyta, Councilor Cassutt, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, Councilor Villarreal, and Mayor Webber voting in favor and none voting against.**

**Further Discussion after the Question was called:**

Ms. Bustos-Mihelcic said the Governing Body needs to act on the Executive Session Action item.

Councilor Rivera thought the Governing Body decided not to consider that action. He did not see a need for an executive session.

Mayor Webber agreed it seemed unnecessary.

Mr. Martinez affirmed that anything addressed last Wednesday does not need to be reconsidered tonight.

Councilor Rivera added that the Governing Body also had action from Director Ladd.

Ms. Bustos-Mihelcic reminded the Governing Body that approval of the service agreement for the roof repair at Fort Marcy was postponed to the evening session for the warranty to be extended. That was from the previous agenda.

Councilor Rivera thought the request to publish notice regarding the Annual Action Plan was considered because she said it had to be done before this to meet the required notice time frame.

Ms. Bustos-Mihelcic pointed out the Governing Body did vote on two notices for public hearing. Any items we acted on would not be reconsidered now. We acted on both of those notices - Items 11(i) and (j).

**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**

*Approved as amended with four items pulled for discussion consideration.*

**8. APPROVAL OF MINUTES**

**9. PRESENTATIONS**

**10. CONSENT CALENDAR**

*All but 10(k) were approved.*

- k. Request for Approval of Service Agreement in the Total Amount of \$1,444,526.87 to Replace Ft. Marcy Roof and Skylights; First Mesa Construction, Inc. (Caryn Grosse, Project Administrator, [clgrosse@santafenm.gov](mailto:clgrosse@santafenm.gov), 955-5938)

**Committee Review:**

Public Works and Utilities Committee: 07/12/21

Finance Committee: 07/19/21

Governing Body: 07/28/21

*Postponed to the Evening Session.*

**11. DISCUSSION/ACTION ITEMS**

- a. *Approved on July 28*
- b. *Approved on July 28*
- c. *Approved on July 28*
- d. Request for Approval of Amendment No. 1 to the Global Management Performance Contract (Munis Contract No. 3202498) with Dalkia Energy Solutions LLC, for the City of Santa Fe Streetlight Conversion and Maintenance to Incorporate the Specifications of the Community Guided Lighting Design. (Regina Wheeler, Public Works Department Director, [rawheeler@santafenm.gov](mailto:rawheeler@santafenm.gov), 955-6622)  
**Committee Review:**  
Public Works & Utility Committee: 07/26/21  
Governing Body: 07/28/21

Director Wheeler started over to present this item and shared her screen.

Background: Steps and Governing Body Oversight.

- 1 – Decision- build, Maintain, Project Development
- 2 – Engage the Community – with Community guided Design
- 3 – contract Amendment with updated design with feedback given
- 4 – Project Implementation – contract.

Councilor Villarreal asked the City to do design validation and provide check-ins along the way.

Director Wheeler agreed to provide feedback from weekly team meetings. Dalkia would distribute door hangers to all who live in a recently converted area in English and Spanish and have it on the website. They would include a dedicated phone number to call as well as information on dimming strategies. They would report to the Public Works Committee every time they meet. She described the website content and the feedback collection process.

She described the four segments in the schedule: 1 – South/Southeast in September and October 2 – Downtown in October; 3 – East in November, and 4 – South/Southwest in December.

Mayor Webber asked if the Governing Body has a motion on the floor that was made last Wednesday.

Mr. Martinez agreed.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the amendment to the Dalkia Contract with the amendment #1.

**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.

**Discussion on the Motion:**

Councilor Villarreal thanked Staff for incorporating things we talked about. The sticking point was at the last meeting, when she talked about each segment, and the requirement to pause for the assessment and review from the data received and community feedback. She wanted to hear how that would be incorporated. There were explanations by Staff in the May 26 meeting. But she asked how we take the time needed to make sure we are doing it right. We had said a pause of two weeks minimum was needed for that pause, but no language has addressed that. So we need to add that. They would not want to go to the next segment without learning from the previous segment.

Director Wheeler pointed out that, as with any construction project, rented trucks and equipment are expensive to cover delays. So the project was designed with the opportunity to step back to evaluate progress. Each

segment takes about a month to complete, and the feedback begins immediately and still gives two weeks to process it.

They will have all the equipment in the warehouse. We have done photometric analysis per community feedback. And any more feedback is actionable. Such as back shielding but changing the design is not something they can do.

Councilor Villarreal reasoned that the only thing that would change is shielding and dimming.

Director Wheeler agreed. And if the workers are not acting safely or making too much noise, it would be addressed. And they would be gathering data on it.

Councilor Villarreal agreed that would be helpful. She did not want it to just be an exercise to check off, but to get a report to the Governing Body after each segment and not just Public Works, because not all Councilors are on the Public Works Committee. And the drone footage was very helpful as an example.

It would be important for the Governing Body to see how things are going in the review. So she felt the language was not there yet and needed a review section added. She agreed that a pause did not mean shutting down the facilities and nothing happening until the next but the Governing Body and the public needs to know what is happening.

Councilor Romero-Wirth said the pause scared her because of what it would cost to get the project finished. She felt improvements could be made on the ground while going through it. Dimming and shielding is needed as constituents make complaints on it. She felt there doesn't need to be a pause in the work.

Councilor Garcia echoed Councilor Villarreal sentiments. Reports should be given to the Governing Body and not PWC to allow all Commissioners to hear them and the broader public can participate in the meetings. That language in the contract needs to be changed from PWC to Governing Body.

Mayor Webber asked Director Wheeler if that language is in the contract.

Director Wheeler said no, but that was what they were committed to do. Public Works has oversight, and they are completely committed to transparency and Public Works meets more often. We could share it on the project website for the Governing Body and the public. It was not in the contract but was in their work plan.

Mayor Webber did not believe it was in the contract.

Councilor Garcia explained that was what he and Councilor Villarreal had for the amendment. It should be in the contract and nothing wrong to include it in the agreement to provide updates to the Governing Body. It brings up a bigger issue talked about in PWUC meeting that when Governing Body gives directive to Staff, we should work together. Staff did not work with us to include the language requested at the May 26 meeting.

He noted that Councilor Villarreal's language was not considered from that meeting. It was requested as an amendment at that meeting. We are doing the duty we are tasked with as elected officials to create public policy. To not follow the directive is concerning.

There have been other instances where Staff did not want to take the directive from the Governing Body. The most recent was where we had to develop a Resolution to get COVID updates. We should not have to pass a resolution to work together. To have the interpretation of the City Attorney say the Staff are not bound to follow resolutions defeats the purpose of the resolution. What is the authority of the Governing Body if Staff can turn it down?

Councilor Garcia asked Mayor Webber to help him understand why Staff would not follow the direction of the Governing Body.

Mayor Webber didn't agree with his premise or assessment of the COVID updates either. He said Councilor Garcia mis-portrayed that. Here, we had the sense of the Governing Body on how to get community engagement and feedback. What we heard from Director Wheeler and echoed by Councilor Romero-Wirth was a practical application of that desire and a concern that if the literal word, "pause" were to be implemented, we would be micromanaging in a nonproductive way.

Director Wheeler shared a sensible model for improving implementation of the project. He saw in that slide, the direct quotes from the meeting. She said they watched the video to manage the project in a way that would meet with the Governing Body directive. He guessed we have a difference of opinion on the premise.

Councilor Garcia thanked him for the feedback. It is good to reference back to what happened at the May 26 meeting. He went back to review it and wrote out the dialogue from the video on that item and quoted from it to the Governing Body. Then he said, "How are we supposed to work

together when we, as a Governing Body, put forth our requests and then those requests are not honored?

Tonight is a clear example of this. We have even sent in our amendments to the amendments last week. And it still wasn't acted upon. And we even have the extension of the meeting... We are really putting into question the authority of the City Council. It is obvious the executive is stepping in to protect that duty the City Council has."

Councilor Villarreal said Councilor Garcia quoted the exact statements from the video of that meeting.

Councilor Garcia asked Director Wheeler if shielding is still the responsibility of Dalkia at no additional cost to the citizens of Santa Fe.

Director Wheeler agreed.

Councilor Garcia asked if providing dimming is also at no additional cost.

Director Wheeler said that is correct on the City-owned lights being converted by Dalkia.

Councilor Garcia referred to page 8, paragraph 1 that talks about DOT roadways, and asked if we are not installing any 4000 Kelvin lighting on any NMDOT roadways.

Director Wheeler said that was correct.

Councilor Cassutt said regarding Councilor Garcia's earlier point on requests not being honored, that she has not had that experience. She didn't think the way Councilor Garcia was addressing Staff behavior was accurate. It was frustrating to her to see how hard Staff is working and felt we should honor that. They are doing the best they can.

What Director Wheeler was communicating there was the overall evaluation of the project and taking them on as efficiently as possible. She agreed pauses would reasonably make the project more expensive. She appreciates when Staff bring their expertise to the project. That collaboration is very important.

She preferred the reports go to Public Works since the Governing Body has incredible access on our own. We can attend the meeting or review the Youtube later. It is more appropriate to route to PWC. Otherwise, what is the point of having Committees? The PWUC is the appropriate place for the reports.

She asked if this is something Director Wheeler is promising to do or if Dalkia would be showing up at PWUC to make the report.

Director Wheeler replied that it would be her undertaking in overseeing the contractor and that is included in the contract.

Councilor Cassutt understood. This is not a contract between Director Wheeler and the Governing Body. If someone wants to bring a Resolution, she had faith they will provide the analysis and data gathering.

Councilor Vigil Coppler commented that with a multi-million contract, no scrutiny is out of line. She thought the requests made by Councilors were not out of line. "None of us are writing this check from our own money. We have a responsibility to perform to the best of our ability. She knew Staff do work hard. We have the power to carry out our work diligently. We work hard and Staff works hard. But we have a right to ask questions on things that affect our constituents.

"We have to do our job and sometimes that means going into the wee hours. In listening to the transcription of that meeting, Staff can say they did not have the power to do that, but it was not said in that meeting. I have seen Staff do some turnabouts but those are in the past. The buck stops with Governing Body and if anyone questions that, they should go back and read ordinances and the Charter. We sent a whole half page on these things a month ago.

"I am so disheartened that we must have these conversations like this. I can't blame a Councilor for being disillusioned when commitments are made by Staff and then not done. We can soften our tone, but it doesn't change the fact. I hope that anyone on this Zoom will realize that if the Governing Body or a Councilor says something wasn't done, that they do it or explain why it can't be done. But at this level of contractual dollars and have this conversation now, is not appropriate but we have to do it. A contract should always be able to be changed. There is so much public scrutiny. We might as well put everything in a resolution if commitments are not honored. People should honor their agreements."

Director Wheeler said, "I'm sorry if Councilors feel I did not follow direction. I am committed to taking the guidance of the Governing Body on adopted plans. I work hard to follow your guidance. We did meet with Councilor Villarreal and got her feedback, and we made the changes she proposed. There are three new pages for that and Dalkia has not charged us more for that. We have a great contractor who will deliver what we asked. We are not going to convert NMDOT lights."

Councilor Garcia said, "I take this role seriously and a guiding principle is accountability. It is my self-guiding to hold our government accountable. I promised my constituents to do that. Please hold me accountable. But I am discouraged that it is looked down on by my colleagues. The feedback I got was that it wasn't done because it was not in the motion."

Councilor Abeyta commented on that meeting when Director Wheeler said she had met with Councilor Villarreal on this and maybe we should hear from her about the meeting with Director Wheeler. That was the impression he got from the PWUC meeting.

Councilor Villarreal acknowledged the meetings she and Director Wheeler had after May 26 were helpful. It was a good opportunity for feedback, but it should not go into a black hole. There is a need to explain to the Governing Body on how these phases are working out. She thought the contractor would make the reports, but it is okay for Staff to report. She understood she might have to attend other committee meetings, but she has a job to do.

She felt the contract still needed to have a way to add this phasing language but was concerned the maybe Dalkia doesn't want to do that.

Councilor Rivera asked how much it would cost for that pause of two weeks.

Director Wheeler explained the project is about 16 months long and extra staff will be hired, and warehouse storage and it would mean a 30% increase in duration.

Mr. Florenson agreed. In response to Councilor Villarreal, he said Dalkia is willing to include a six-week delay which would cost \$242,000.

Director Wheeler said she asked PNM what it would cost them, and they indicated the cost would be similar.

Councilor Rivera asked, if Dalkia moves on to phase 2 while gathering the feedback, if that would cause any delays.

Director Wheeler said it would not and was exactly what she was proposing for the project.

Councilor Rivera asked what the purpose of the data collection was.

Director Wheeler said the project team would respond weekly on the feedback received and for validation of the project.

Councilor Rivera asked what would happen if some neighbors said these lights are entirely too bright.

Director Wheeler said they would make sure the correct lights were installed and consider backlighting or dimming.

Councilor Rivera reasoned that after dimming, and everything adjusted, the residents would be stuck with it.

Director Wheeler pointed out that the design has been approved and if it is shielded as much as possible, it is the design. She noted that PNM will not install anything below the national standards, and we don't have a plan for any other lights. The City has already approved the design.

Councilor Rivera didn't think Councilor Villarreal's proposal was out of line and it was discussed it at the May meeting. This is a big project and will affect lots of people.

Councilor Romero-Wirth referred to page 9, amendment #1, attachment A that had the revised implementation plan with continuous community engagement that identified a website. She asked who was responsible for that. She saw in the document that it was the Contractor's responsibility. This continuous community engagement is exactly what we asked for and what is in the contract. It says feedback per phase. So she was not sure what we are arguing about here. We are getting exactly what we asked for. The word "pause" was not mentioned in that May meeting. We committed to the lighting, the design, the equipment, and the lumens. There is no changing of that, although maybe a particular light can be shielded or dimmed. She didn't support a pause because it will cost us too much money. We are getting what we requested. We know what can be done.

She worried whenever the Governing Body starts micro-managing. "We must recognize what we committed to do." Pauses would need \$250,000 more because it will delay this contract. We could end up with a contractor who decides to walk away.

Councilor Villarreal wanted the Governing Body to get rid of the word "pause." But the amendment should include how that information will be used. She would like the contract to state we would consider the feedback with back shielding or dimming to make sure the Contractor addresses those. And the data should not go into a black hole. It just needs to state that somewhere. It must ensure that we actually use that data in the other phases.

Director Wheeler noted the contract is very explicit about responding to constituent requests. It has minimum time frames. She spends all day responding to those requests, many times on the same day. We are committed to that and Dalkia is also committed and there are penalties for not responding to them. She reports them to PWUC at every meeting. Dalkia is charged to ensure the design installed matches the design that we approved.

Councilor Villarreal asked where it says Dalkia is held accountable.

Councilor Romero-Wirth said that is on page 12 on the contract and page 18 of the 208 pages in packet. It is part of the implementation plan. It is #9 on pages 12 and 13 of the contract. She read the specific reviews from it and read the generation of an action plan to be developed from feedback.

Councilor Villarreal thanked her for finding that wording. She asked if there is also one about constituent responsibility.

Councilor Romero-Wirth read that section for her too.

Councilor Villarreal asked Director Wheeler if the updates can be provided to the Governing Body, even if it had already been presented at PWUC. It is important that the Governing Body and the public can actually hear it.

Director Wheeler agreed to provide a monthly presentation.

Councilor Vigil Coppler noted the chart on page 8 and asked Director Wheeler, if it matched the other chart shown in her screen share

Director Wheeler was certain they match because she created that slide form the chart.

Councilor Vigil Coppler thought there were calendar months on it.

Director Wheeler asked Ms. Cheyenne Ernst to clarify that.

Ms. Ernst agreed the table was from page 8. It starts at February 24, the start of the contract and this is the month and sequence.

Councilor Vigil Coppler said “month ten” to her means October, not December.

Director Wheeler clarified that the whole contract structure is based on that start date in February and it is specific in the contract.

Councilor Vigil Coppler asked where she could find the chart that was just shared.

Ms. Ernst said the chart is on page 41 of the packet and pages 40-43 is the whole presentation. Month 10 is the tenth month after February 24.

Councilor Vigil Coppler thought it was a whole different schedule and hard to follow. She asked if it was out of date. She pointed out that February 24 is already past and asked if the work is going on now.

Director Wheeler agreed. They are working hard on it.

Councilor Vigil Coppler asked what the penalty is for not being on schedule.

Director Wheeler said there is not a penalty for delays in the contract She added that everything has been done with no delay at all so far. The contractor is totally committed to it.

Councilor Vigil Coppler saw a need for the City be protected if they lag behind.

Director Wheeler explained that she didn't say there were no protections The City Attorney reviewed the contract, and she would follow up with Councilor Vigil Coppler later.

Councilor Vigil Coppler asked if the completion was February 2022 or February 2023.

Director Wheeler said the completion date is December 31, 2021.

Ms. Ernst clarified the conversion is scheduled to be finished in December, but the Commissioning process is validated by the City and PNM and then switches over to the new PNM LED (cheaper) rate and then the City signs off as satisfied and month 12 is beyond the conversion date in February 2022. At that time, the contract becomes maintenance.

Councilor Vigil Coppler moved to amend her motion to add monthly updates to the Governing Body.

Mayor Webber asked if there was a second.

Councilor Garcia seconded the amendment addendum.

Councilor Romero-Wirth raised a point of order that it must be the same seconder as on the original amendment.

Councilor Lindell did she would not second this amendment.

Councilor Romero-Wirth said since the seconder did not agree, the “old” amendment was still on the floor.

Councilor Vigil Coppler withdrew her motion.

Councilor Romero-Wirth raised a point of order that to withdraw a motion, the seconder would have to agree.

Councilor Lindell said she was not going to withdraw her second.

Mayor Webber asked to understand this.

Councilor Vigil Coppler asked if the Governing Body is against having monthly presentations on progress reports to provide the transparency to the public.

Councilor Lindell said she heard Director Wheeler say they would bring reports to PWUC and then was requested to bring the report to the Governing Body, and she said she would. She does respond to the requests of the Governing Body every day. “I know that to be true. I am going back to what Councilor Romero-Wirth said – I don’t know what we are disagreeing about here. It has taken since February to work on this It is complicated, and numerous sizable different entities involved. I appreciate the mammoth amount of work that has gone into it. I have talked about this project since 2014 and I appreciate that we have the resources and Staff to bring it to fruition. It has taken a long time. I am very grateful about it. I call for the question and don’t see what are disagreeing about.”

### **Question Called**

**Councilor Lindell called the Question. Councilor Romero-Wirth seconded.**

**The Question (Discussion) was ended by unanimous roll call vote with Councilor Abeyta, Councilor Cassutt, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, Councilor Villarreal, and Mayor Webber voting in favor and none voting against.**

**VOTE: The motion was approved on the following 6-3 Roll Call vote:**

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt, Councilor Garcia, Councilor Lindell, and Councilor Romero-Wirth.

**Against:** Councilor Rivera, Councilor Vigil Coppler, and Councilor Villarreal.

Councilor Cassutt, Councilor Garcia, and Mayor Webber had asked to explain their votes.

Councilor Cassutt said she voted yes with the expectation that presentations would be made. It is not the contractor's duty but Director Wheeler's duty. And it is important for that to be available to the public.

Mayor Webber said we covered important ground here on what is in the contract, and it speaks to the ongoing process and volumes of our Public Works Director's commitment and how seriously we take this project. As Councilor Lindell said, it has been a long time coming. In the evaluation of the work, we should see a significant decrease in CO<sub>2</sub> and take cars off the road and reduce costs. The process laid out in the contract gave him a great deal of confidence that it will be done with the public interests at heart. The "pause" issue was resolved for a successful project with a sound and sensitive approach while protecting the dark skies we value so much. "I can support the process, knowing our team will do an outstanding job, taking the public concerns into account."

Councilor Garcia was just disappointed there was so much push back. He was frustrated with the process and just speechless in the manner it went. "It leaves me disappointed. I wish we didn't have to have two and a half hours of discussions to include the public."

## **AMENDMENT OF THE AGENDA**

**MOTION:** Councilor Rivera moved, seconded by Councilor Vigil Coppler, to amend the agenda by suspending the remainder of the Afternoon Session and consider Petitions from the Floor immediately, and then return and continue the Afternoon Session agenda where the Governing Body left off.

**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.

At 9:30 p.m., the Governing Body went to Petitions from the Floor.

19. **PETITIONS FROM THE FLOOR**

- a. Petitions From the Floor Regarding Reasonable Limitations on the Operations of Cannabis Establishments, such as Density and Operating Hours; the Permitting of Recreational Cannabis Consumption Areas; the Use of Cannabis Tax Revenues; and Any other Matters Relevant to the City's Ability to Regulate or Benefit from Recreational Cannabis. Each was given 3 minutes to speak.

Stefanie Beninato had trouble getting into Zoom, so she got in by telephone. She said she submitted written comments that should be in the public record. She said the City is reevaluating the policies to not use cannabis for three years. People may use cannabis when not on duty such as paramedics and heavy equipment operators. Why treat it any differently than alcohol. Alcohol problems have taken up a lot of time at Governing Body and she expected that for cannabis too. There should not be regulations on distances. Look at all the breweries and other alcohol establishments downtown. Her biggest concern is the amount of water for cannabis growers. She asked how the Governing Body will address this whole concern about how much water the growers would use. A large greenhouse or processing plant would possibility have a fire. The City perhaps will need to have zoning rather than have them just anywhere. With recreational cannabis, people will be obliged to come.

Miguel Gabaldon had a concern from a public safety standpoint, particularly in enforcement whether public employees or private sector, who are under the influence during work in enforcement of ambulance, etc. Coming up with some way to work with the State on rules for using vehicles. Alcohol is a big problem. Maybe something like bat-mobiles for enforcement could be used. We had a driver run into a semitruck and it could have been a driver with a family and children. He hoped enforcement and public safety can come together on how to deal with it. People using marijuana used to stay home to eat and sleep on the couch. This will be a challenge and he hoped the Governing Body can address it.

There were no others speaking about cannabis.

- b. All Other Petitions from the Floor.

Amber Espinoza Trujillo was appalled that City employees are still unpaid for the money owed to them from illegal furloughs. She pointed out that

90% of them are Hispanics who are owed up to \$1,700 each. This is blatant discrimination. "You, Mayor, should be ashamed of yourself in your continued discriminatory behavior toward Hispanics. Whether it is destroying our traditions, the Fiestas, destroying the Soldiers' Monument, taking our DeVargas statue, or just the way you talk about and ignore Staff and their needs. You show disrespect to most of them. The County Clerk's Office has stated that the errors of poll workers in the last election forced voters to rank all candidates in error and against the Municipal Charter for rank-choice voting. We wouldn't even be having this conversation of you because you would not have received the forced votes of people who didn't want you. We are working hard to educate voters this election – that they are not required to write in all candidates. Please, only the ones they prefer. It is their choice. In this way, we hope to rid our City of your racist divisive nature. Pay the employees back with interest. Do one thing right during your inept administration. And, by the way, Mayor, there is Roberts' Rules of Order available at almost any bookstore. You might want to read it. Because it is sad that three and a half years into your administration, you still cannot run a meeting."

Stefanie Beninato talked about the City Recreation Department. She said Ms. Liz Roybal testified under oath that she found notes in her office from years ago and said they were stuck in there and had internal emails from Staff that the person being complained about doesn't even know it. There is a purpose in having them reviewed by the City Attorney. This is a violation of constitutional rights. In addition, she had asked to view those notebooks because she did ask for them as IPRA but was told there were none. But Liz Roybal testified under oath that there were other notebooks, not just Ms. Beninato's. She also asked for an investigation of Ms. Roybal by the Human Rights Commission. This is just outrageous that this type of thing is happening. There is an order the City entered into voluntarily in 2004 that her records were to be segregated and not be made public. "But there they were, sitting in a notebook." It took her six weeks to get an appointment. She finally got an appointment this afternoon to see the paper documents and was supposed to pay for it. That was three weeks after the permit was issued. "I thought we had immediate access to these permits."

Miguel Gabaldon said he attended Coffee with a Cop and got to have conversation with a Captain. He was pleased to see what he considered loitering or abandonment of shopping carts on public sidewalks on Richards Avenue across from Walgreens by Defined Fitness. After the conversation, the matter was removed for obstruction on a sidewalk. It is not a good thing to have such objects on a sidewalk and force people walking there to step off the curb into traffic and become a hazard to pedestrians. Thanks to the Police Department for taking care of it. In regard to the ordinance introduced by Councilor Vigil Coppler and Council

Cassutt, who are moving forward with an ordinance regarding loitering on public rights-of-way, whether with an ad for a business or leaving shopping carts on sidewalks. It is now a big issue for objects across a sidewalk. Mr. Gabaldon said his dad is in a wheelchair and there is no room when shopping carts left. It is an ADA issue. This is something to investigate further in terms of loitering. Thanks for your time.

There were no other Petitions from the Floor, and the public comment section was closed.

At 9:49 p.m., the Governing Body reverted to the afternoon agenda where they left off.

## 11. DISCUSSION/ACTION ITEMS

- e. Decision to Accept or Reject the City Attorney Office's Recommendation Concerning Case Number #2021-3812; Concurring with the Land Use Director's Determination that an Appeal Filed by Julia Hosford Barnes of a Short-Term Rental Permit Denial for 322 Otero Street Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Board of Adjustment Hearing. (Michael Prinz, Assistant City Attorney, mnprinz@santafenm.gov, 955-6554)

**Committee Review:**

Governing Body: 07/28/21

Ms. Bustos-Mihelcic read the caption. Mr. Prinz was present.

Councilor Villarreal thought the next item was Consent Agenda, item k.

Ms. Bustos-Mihelcic reminded her that item k was moved to the evening agenda and where the Governing Body was on the original agenda was 11 e.

**MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to accept the City Attorney Office's recommendation regarding the Short-Term Rental Permit Denial as presented.**

**Discussion on the Motion:**

Mr. Prinz presented the matter coming by Statute 14-317 D 6 that requires the Land Use Director to review all appeals based on the requirements for Land Use appeals. This appeal was from a homeowner who applied in March. The application was denied because the neighboring property at 328 Otero Street, was within 50 feet of 322 Otero Street, and, under

the current Short-Term Rental Ordinance, the Land Use Director is not allowed to issue a permit when that condition exists. The appeal did not conform to one of the three requirements used as a basis for an appeal in Section 14.3-27 (a) (2). Ms. Barnes's appeal was to waive the 50-foot rule. Her permit had lapsed, and her application was requested to not be considered a new application because of COVID. So she did not present a legal reason. He recommended accepting the Land Use Director's determination of the denial.

Councilor Villarreal asked for clarification when a resident is notified, they have not renewed their permit, of what they receive.

Mr. Prinz said the Land Use Director sends letters: one when their permit needs to be renewed. Another letter is sent after a grace period saying the deadline is coming and it will lapse. The Land Use Director does not send another letter, but they can reapply.

Councilor Villarreal asked how a resident knows where to look for the three requirements.

Mr. Prinz said the City provides the form and directs them to the ordinance to inform them of the requirements. The City Attorney does not provide a legal counsel to them. They must submit the application within 15 days.

Councilor Villarreal pointed out that if the person didn't know where to look and the Land Use Director did not think the COVID reason was valid. She did not know how the appellant would know it did not qualify. She was unaware of the three reasons and was confused about that. We need to direct people better.

Mr. Prinz clarified that a lay person might not have the exact language to put in their appeal but as long as they provide a basis that speaks to one of the three grounds for appeal – As long as it is clear they have a legal basis for their appeal and not just "I think you should change your mind on this or "I think it is unfair." It needs a valid reason for the appeal. The first is to test noncompliance in Chapter 14; second is to contest the rule. And the third is lacking substantial language to support the appeal.

Councilor Villarreal understood in this case, they asked for a waiver from COVID.

Mr. Prinz agreed. Ms. Barnes said she had a permit in the past and did not renew it in time because of COVID. Or maybe she didn't need to because of COVID. She asked for forgiveness but did not specify a legal reason.

Councilor Villarreal thanked him for the explanation.

Councilor Garcia asked, when we notify their application is being rejected, if we give the information on how to appeal and provide that guidance.

Mr. Prinz was not sure. He would have to ask the Land Use Director. He thought they did send a letter that the appeal was denied but did not know if they informed the process to appeal.

Councilor Garcia said the City should do that. He asked if there were any waivers granted by the Land Use Director in the past for any type of permit.

Mr. Prinz was not aware of any waivers. Nothing in the Ordinance allows for a discretionary waiver. He would need to go back to Land Use Director and ask them.

Councilor Garcia asked how the property at 328 Otero was operating and if there was any time when both were operating at the same time (thus grandfathered in).

Mr. Prinz did not know the answer, but he could easily find out. He would do that.

Councilor Vigil Coppler asked that same question. It was important to know when 328 Otero got their permit. If they had it at the same time, she wondered why when Ms. Barnes applied on March 2, it took until June 3 to deny it.

Mr. Prinz did not know the answer why it took that long. He was unaware of the appeal and said he could find out.

Councilor Vigil Coppler asked when Ms. Barnes' STR permit expired and the grandfathering that was allowed when the new use became effective.

Mr. Prinz did not know the exact date but sometime early in 2020. He thought they started sending out letters and the first deadline was in March and the second was in April. That was the renewal period for all permits. It probably would have lapsed in March or April 2020.

Councilor Vigil Coppler asked if Noah Berke knew that.

Mr. Berke was not familiar with it. The Department does have a 30-day grace period and only two Staff to deal with all renewals. If they miss the deadline in April, no renewal could be issued. He explained the Staff do inform permittees of the process and the appeal period of 15 days from

Land Use Director's denial. If not done then, it cannot be considered. He knew of no waivers across the board. No waivers were built in.

Councilor Vigil Coppler said they had a case when no permit was issued.

She asked when the 328 Otero permit was approved and if it followed all the requirements. She wanted to make sure they did not violate the 50-foot rule then. We may have more talking to do.

Mr. Berke said he tried to look at the platform during the early discussion and could not find out.

Councilor Vigil Coppler was not prepared to vote tonight because there is not enough information.

Councilor Lindell wanted to clarify that we are being asked whether this complied with our requirements for appeal. That is the question asked. She would like Mr. Prinz to confirm that.

Mr. Prinz agreed. The question before you is: – do you agree with the determination by the Land Use Director that the appeal does not conform to the rules for an appeal.

Councilor Lindell felt these other questions were interesting but not what we are to do. She could ask other questions about the permit but that is not the question we are being asked to determine tonight.

Councilor Romero-Wirth agreed and pointed to page 2 in the packet on analysis. She read that part and concluded the reason we don't have a lot of information is that we are not being asked to consider the requirements of the appeal. This appeal does not cite any of the three reasons for an appeal. The reason for this denial is not from noncompliance; does not appeal the permit; but was aware of the 50-foot rule and did not know the permit had lapsed.

What we are being asked to accept is very narrow. We spent time in 2020 trying to get serious about STRs and enforcement with teeth. We have a serious problem with STRs in this community. So she echoed Councilor Lindell's comment on what we are asked to decide.

Councilor Vigil Coppler appreciated those steering remarks by Councilor Lindell and Councilor Romero-Wirth. But we do have a right to ask questions. She didn't view the question before us so narrowly. District Court would consider it de novo, so it behooves us to ask those questions. And if it does, there would be numerous questions. That's where we deliberate. If not, we are not exploring as much as we should. There is

also customer service to consider. She thanked both of them for the advice, but she thought it was important to consider all of it.

Councilor Garcia assumed this is about the technical rules. Why can't an appellant come plead their case with us?

Mr. Prinz said the Code doesn't not allow for input from the public or the appellant.

Councilor Garcia thought allowing a full hearing for the applicant is the proper process to follow. Give the circumstances that they didn't know their permit had lapsed, it should have a full hearing.

There was no further discussion.

Ms. Bustos-Mihelcic stated the motion was whether the Governing Body accepts the recommendation of the Land Use Director's decision.

**VOTE: The motion was approved on the following 7-2 Roll Call vote:**

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

**Against:** Councilor Garcia and Councilor Vigil Coppler.

- f. Request for Approval of Contract Amendment to the Housing Trust Mortgage Reduction Assistance Contract (19/24/P) to Extend the Term of Performance Through June 30, 2022 and Increase the Amount of Compensation by \$200,000 for a Total Contract Amount of \$357,500. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868).

**Committee Review:**

Governing Body: 07/28/21

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

**MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the contract amendment as presented.**

**Discussion on the Motion:**

Director Ladd explained the amendment to the Housing Trust Mortgage Reduction Assistance Contract to the Governing Body. She explained it

is more a contract extension to allow for more of the mortgage reduction program. It allows the borrower to have a lower mortgage, thus reducing their housing costs. It is an important step for homebuyers. The increase is totally passed through to the homebuyers.

**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. Request for Approval of Contract Amendment to the Homewise Homeownership Services Contract (RFP 18/54/P) to Extend the Term of Performance through June 30, 2022 and Increase the Amount of Compensation by \$190,000 for a Total Contract Amount of \$380,000. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868).

**Committee Review:**

Governing Body: 07/28/2021

Ms. Bustos-Mihelcic read the caption for this matter which Director Ladd had already spoken to.

**MOTION:**      **Councilor Vigil Coppler moved, seconded by Councilor Romero-Wirth, to approve the Homewise Contract Amendment as presented.**

**Discussion on the Motion:**

Director Ladd explained this one and the next were administrative contracts providing services to the community and directly to the City. They report on the numbers they are serving under the contract. The value of the accumulated equity for the loans, addresses of the homes, etc – a lot of data from the contracts. But the most important data is that these two contracts will assist for profit builders who are subject to the Santa Fe Homes Program for inclusion requirements. In providing the required 20% for affordable housing, they work with either Homewise or the Housing Trust to get certified homebuyers for those mortgages. That help greatly reduces their advertising costs. The services were selected by an RFP and having two providers was very helpful to her office.

Councilor Villarreal said it was just a correction on the procurement amount shown on page 30 in the packet, which doesn't match the stated

total increase of \$190,000 instead of \$380,000. She asked that Staff make the correction.

**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. Request for Approval of Contract Amendment to the Housing Trust Homeownership Services Contract (RFP 18/54/P) to Extend the Term of Performance through June 30, 2022 and Increase the Amount of Compensation by \$110,000 for a Total Contract Amount of \$220,000. (Alexandra Ladd, Director of Office of Affordable Housing; agladd@santafenm.gov, 505-303-9868)

**Committee Review:**

Governing Body: 07/28/2021

Ms. Bustos-Mihelcic read the caption for this item and Director Ladd already had spoken to it.

**MOTION:**    **Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve the Housing Trust Contract Amendment as presented.**

**Discussion on the Motion:**

Mayor Webber pointed out that each of these is a substantial increase. He asked if Director Ladd could provide the context on how the increases came about. It appears this is implementing a lot of the increased commitment of the City.

Director Ladd said these are normally brought, at the beginning of each fiscal year. The only reasons these are increased – we are not increasing the contract, but they do represent the increased commitment of the City for how important it is to support all these housing needs.

Mayor Webber reasoned that those on consent and here shows our increased commitment to housing and The Office of Affordable Housing is getting the money to be useful.

Director Ladd agreed and said the nonprofit providers appreciate that funding.

**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.

          i.        *Approved on July 28.*

          j.        *Approved on July 28.*

13.    **MATTERS FROM THE CITY MANAGER**

Manager LaPan Hill reported on the Job Fair on Saturday with over 100 people coming for 57 listed job openings at the City. The rapid hire event will be coming up. Interest is high and continues.

14.    **MATTERS FROM THE CITY ATTORNEY**

Mr. Martinez had no matters to report.

15.    **EXECUTIVE SESSION ACTION ITEMS**

- a.    Request for Approval of County Partnership in the San Juan Chama Return Flow Project. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309 and Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

**Committee Review:**

Public Works and Utilities Committee: 06/07/2021

Finance Committee: 06/21/2021

Governing Body: 06/30/2021

Governing Body: 07/28/2021

Ms. Bustos-Mihelcic understood this was not going to be acted upon tonight.

Councilor Romero-Wirth agreed. We are not ready to take any action.

16. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic noted nominating signatures for several candidates were approved. She read them into the record as Brian Gutierrez, Carol Romero-Wirth, Lee Garcia, Amanda Chavez, and Rebecca Romero. The County Clerk placed them on the ballot. The petitions were due July 19. Several of them qualified for public financing, including Brian Gutierrez, Carol Romero-Wirth, Lee Garcia, and Amanda Chavez.

She thanked Staff for the events sponsored by the Community Services Department events they participated in recently.

She thanked the Santa Fe Opera and Kiwanis Club for putting on Opera in the Park yesterday and which will continue next weekend at the Santa Fe Place Mall.

Councilor Lindell asked Ms. Bustos-Mihelcic how the petitions could be certified before reviewing all the petitions for possible duplicates.

Ms. Bustos-Mihelcic said the County Clerk is accepting petitions until August 19, but she certified the public financing candidates in writing after the July 19 deadline. She suggested perhaps the County Clerk could provide further information.

Councilor Villarreal asked about when Item 10(k) would be considered on the agenda.

Ms. Bustos-Mihelcic said it would be considered right after Communications from Governing Body when the meeting goes to the Evening Session.

Later, Ms. Bustos-Mihelcic wished Councilor Abeyta a happy birthday, which is today.

17. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Introduction of Legislation – July 28, 2021

Communications were considered at 10:50 p.m.

Councilor Villarreal introduced a Resolution authorizing the sale and consumption of beer and wine at the Montezuma Pocket Park for the celebration of George R. R. Martin's birthday on September 18 and 19, 2021.

Councilor Rivera was sponsoring a Resolution proclaiming severe or extreme drought conditions exist in the City of Santa Fe; imposing fire restrictions between August 11, 2021, and September 9, 2021; restricting the sale or use of fireworks within the City of Santa Fe and prohibiting other fire hazard activities.

Councilor Cassutt introduced a Resolution approving the design and installation plan for banners supporting the Food Depot's Tenth Annual "Neighbor to Neighbor Fund Drive."

She also introduced a Resolution finding the building and premises located at 3003 Calle Caballero to be ruined, damaged, and dilapidated, and a menace to the public comfort, health, peace, and safety; ordering the owner of record of 3003 Calle Caballero to remove the building, rubbish, and debris from the municipality; providing that if the owner of record of 3003 Calle Caballero does not remove the building, rubbish, and debris, the City of Santa Fe shall remove the building, rubbish, and debris and have a lien on the property.

She also mentioned Music on the Plaza last Tuesday, which was a great hit with the kids, including her son.

Regarding COVID and the Delta Variant, she has been thinking about City meetings in person. She is concerned with reports coming out that vaccinated persons can transmit it and no kids vaccinated. She urged everyone to go get vaccinated to help prevent spreading and to reconsider masking. The whole point of prevention is not to wait until something happens. We need to reconsider our plans for in-person meetings.

Councilor Lindell echoed what Councilor Cassutt said Please get vaccinated. If your children are eligible, please get them vaccinated. School starts very soon and numbers around the country are increasing in a way that is scary.

Councilor Abeyta had nothing to communicate.

Councilor Garcia introduced an Ordinance amending Section 9-3.6 SFCC 1987 to allow Electronic signature for Seed Money contributions on the required forms; amending Section 9-3.7 of SFCC 1987 to allow electronic signatures for qualifying

contributions on the required forms; and amending Section 9-3.12 of SFCC 1987 to allow electronic signatures for qualified small contributions.

He noted this is last weekend of Joe Hays story career at the Wheelwright Museum on Saturday and Sunday nights at 7 p.m.

He gave best wishes to all children returning to school this week.

He thanked the City Clerk for updates on the audits and still would like a briefing in executive session, so we know exactly what is going on.

Councilor Vigil Coppler said she thought we only had one minute to explain our vote. She asked if that is the limit or if it is as long as we want.

Mr. Martinez said he was not versed to respond. He said Roberts' Rules of Order doesn't allow explaining votes. He didn't know what the Governing Body's time limit is.

Councilor Vigil Coppler recalled the recommendation from Mayor Webber was for one minute to explain one's vote and asked if we are going to take as much time as we need.

Mayor Webber said he will review it and consider it at the next meeting.

Councilor Vigil Coppler got a notice that Softball de Santa Fe was played without lights on the field tonight. The people were told it would take 3-4 weeks to fix it. She asked City Manager to follow up on it. Apparently, they had games tonight and they are not very happy. Councilor Lindell said they play at the MRC.

Councilor Vigil Coppler commented about the Skate Park at GCCC, that in March 2020, there was lots of graffiti at that time. Although the paint doesn't last long, there was a group who painted a mural on the skate park. Meanwhile, more graffiti appeared and some it very graphic.

But now she learned from Director Kamiyama that a mural has been painted on the back of GCCC. Director Kamiyama said she was never informed about the skate park. The Olympics are on right now and kids have to go to the skate park as it is. That mural at the skate park should have received priority. Director Kamiyama agreed it would be a fine mural to paint and important for our youth and their parents. Councilor Vigil Coppler asked Manager LaPan Hill to follow up on that.

Regarding murals, Councilor Vigil Coppler said there were murals in her District of which she had not been informed. The Governing Body should have some kind of say so to the murals going up in our City. She would like a discussion why they are going up all over town and we have no say-so about them. She probably will bring a resolution on that.

She also wanted an update on the audit and why we are still late. She asked if the City is going to meet the August deadline.

Manager LaPan Hill responded that, as of last week, we are on track to meet our obligation. Last Thursday, that was reported. It goes to the external auditors now and they are working on it.

Councilor Vigil Coppler asked if she was allowed to call the auditors to find out.

Manager LaPan Hill did not know.

Councilor Vigil Coppler asked if the AS 400 is going out and if there was a way to find out if it is functioning. She was told it was out for two weeks with no revenue coming in. She was told that about \$2 million per week was lost as a result. None of that was communicated to the Governing Body and it was out for several weeks. That is a lot of money lost. When the system goes down and is not monitored, the Governing Body has a responsibility. The losses were from Utilities and Parking. She wanted a report on how that would be made up.

Councilor Romero-Wirth signed on to Councilor Rivera's Resolution banning fireworks.

She referred the Governing Body to the procedural rule and restated that vote explanations were not to exceed one minute in length.

Mayor Webber introduced an Ordinance repealing Section 20-6 relating to marijuana and marijuana paraphernalia possession. That will go through the Committee structure.

He thanked all who signed on the full page ad in Sunday's New Mexican to get vaccinations. "Do it for your family, coworkers, neighborhood. Wear masks, practice social distancing. People in the hospital are predominately the unvaccinated. Ask your doctor or a public health official to get the information."

He acknowledged the great job with the Opera in the Park event. Southside Summer wrapped up in SWAN Park. The Battle of the Badges was another great event that we care enough to contribute blood for our community.

He recognized those at the All-Star Tournament at Alto Park, the work of Brandon Labarre and Rudy Romero for their commitment to the public, making sure the ball games went smoothly and on GMA early Vincent Jaramillo cleaned up at the Plaza after the celebrities did not clean up after themselves.

Mayor Webber remembered the life of Dave McQuarie, who died recently after giving himself in service to our community. He was a longtime active member of the Mayor's Committee on Disabilities.

### **WAIVER OF ENDING TIME RULE**

At 11:11 p.m., Mayor Webber entertained a motion to waive the ending time rule (11:30 pm).

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Lindell, to waive the 11:30 pm ending time rule for this meeting.

**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

### **EVENING SESSION – 11:13 P.M.**

#### **18. ROLL CALL**

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

Members Present Remotely

Mayor Alan Webber  
Councilor Roman "Tiger" Abeyta  
Councilor Jamie Cassutt  
Councilor Michael J. Garcia  
Councilor Signe Lindell

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

Members Excused

None

10. **CONSENT CALENDAR**

- k. Request for Approval of Service Agreement in the Total Amount of \$1,444,526.87 to Replace Ft. Marcy Roof and Skylights; First Mesa Construction, Inc. (Caryn Grosse, Project Administrator, clgrosse@santafenm.gov, 955-5938)

**Committee Review:**

Public Works and Utilities Committee: 07/12/21

Finance Committee: 07/19/21

Governing Body: 07/28/21

Ms. Bustos-Mihelcic read the caption for this item and said Caryn Grosse was present.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Lindell, to approve the Service Agreement with First Mesa Construction as amended to extend the roof guarantee for five years.

Ms. Grosse presented this item and provided the updated contract that included the five-year guarantee on the roof work as agreed to by the contractor. She sent an email to everyone documenting the guaranteed extension to five years at no additional cost. She hoped the Governing Body was satisfied with the amended language in the contract.

**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

20. **APPOINTMENTS**

- a. City Historian (Pauline Kamiyama, Arts Commission Division Director, pkkamiyama@santafenm.gov, 955-6653)
- Valerie Rangel – Appointment – Term Ending 6/2022

Ms. Bustos-Mihelcic read the nominee for this position.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Romero-Wirth, to approve the appointment of Valerie Rangel as City Historian.

**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. City's Poet Laureate (Pauline Kamiyama, Arts Commission Division Director, pkkamiyama@santafenm.gov, 955-6653)
- Daryl Wellington – Appointment – Term Ending 6/2022

Ms. Bustos-Mihelcic read the nominee for this position.  
Rod Lamber was present for this item.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Romero-Wirth, to approve the appointment of Daryl Wellington as City's Poet Laureate.

**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. Airport Advisory Board (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)
- Kevin Egan – Reappointment – Term Ending 02/2024
  - Randal Limbacher – Appointment – Term Ending 02/2024

Ms. Bustos-Mihelcic read the nominees for the Airport Advisory Board.

**MOTION:** Councilor Garcia moved, seconded by Councilor Vigil Coppler, to appoint Kevin Egan and Randal Limbacher to the Airport Advisory Board.

**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

## 21. PUBLIC HEARINGS

- a. CONSIDERATION OF BILL NO. 2021-14. (Councilor Lindell and Mayor Webber)

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

**Committee Review:**

Introduced: 5/12/21

Quality of Life Committee: 6/16/21

Public Works and Utilities Committee: 06/28/21

Governing Body (Request to Publish): 06/30/21

Economic Development Advisory Committee: 7/14/21

Governing Body (Public Hearing): 07/28/21

Ms. Bustos-Mihelcic read the caption for this public hearing.

**Staff Presentation:**

Director Randall presented this matter. He said the purpose is to extend the provision of outdoor dining with alcohol service without a six-month required term. The restaurants must comply with all other requirements. Once the COVID restriction is lifted the restaurants will be required to have the minimum number of restrooms and any other rules that would apply. Most people felt that was a real benefit for the City to offer. The issue of using space will include events and negotiate possible locations to avoid conflicts.

**Public Testimony:**

There were no public comments on this matter. Mayor Webber closed the public hearing.

Questions and Discussion by the Governing Body:

Councilor Vigil Coppler noted this was discussed at the last EDAC meeting. She asked Director Randall, if the Governing Body approves it, if this would apply in perpetuity.

Director Randall said it would be an existing ordinance for the City until it is changed.

Councilor Vigil Coppler reasoned that it has no sunset clause. She asked if this is being fair to other businesses, especially around the Plaza to use for their businesses. This is for alcohol service, but other businesses also want to make money. She asked if there is any concern that this is a way to say no as the Governing Body.

Director Randall agreed this does relate specifically to alcohol on City property and does not contemplate other uses on City property, but the Governing Body could consider another ordinance, as well.

Councilor Vigil Coppler wondered if we are giving preference with some businesses and not others. She was interested in promoting all businesses. It is good to have all businesses thrive because it contributes to our GRT. This ordinance favors some businesses over others. EDAC wants all businesses to succeed. The other important thing was that we are taking up space that our market events use. Some booths would not be able to participate. She asked what is being arranged with good negotiating.

Director Randall said The City has the ability for us to find other space at current markets that would zero out any loss of booth space. The street in front of La Fonda is not being used and could have been used. We will work on a win-win solution. It is good for our events that brings value to Santa Fe. He believed restaurants can work with these events if they are willing to work with Tourism.

Councilor Vigil Coppler was concerned that those vendors who enjoyed a booth on the Plaza might not have that space with this ordinance. She asked if adding another space was all Tourism can do.

Director Randall acknowledged that two entities cannot use the same space. But few would be dislocated. We want all events to operate at full capacity. They all bring traffic to our City.

Councilor Vigil Coppler asked if the fire trucks get through there with this arrangement.

Director Randall said they can. It is a 24' lane. The Fire Marshal and officers met with him. There is no health or safety concern.

Councilor Vigil Coppler asked what the fair market value was set on how much they will pay the City.

Director Randall said that has not been determined yet. Some said they were willing to pay the same rent rate as on their store space.

Councilor Vigil Coppler didn't think that was the fair market value but what is negotiated.

She said the other big complaint received was that the public lost patio seating when this was allowed. Those patio tables are chained up at GCCC. So what are we doing for our regular public to have enough tables to sit on? Don't those patio tables fit?

Director Randall was unaware of that and agreed with her about it. He agreed to investigate further.

Councilor Garcia thought a broader discussion needs to happen on this. He reviewed Section 23-5.2 that provides allowed uses. For businesses taking over space normally used by vendors at the events, they would need to recede that space to the event according to that ordinance during those eight annual events. We need to look at ways to minimize how that affects businesses with events space. Extending outdoor dining has been successful and he felt a middle ground should be considered. He pointed out that we need to work together on it while recognizing these events bring people from all the world. We need to honor these traditions.

He wanted to amend the ordinance to have businesses pull back during those events and asked the City Attorney how that could be done.

Mr. Martinez looked at the Bill and noted on page 2 under Section C, the Governing Body may approve by resolution, the service of alcohol at all other locations on City property except at the Plaza.

Councilor Garcia asked how we can allow for the use of the space when commitments prior to the event were made.

Mr. Martinez explained that courts use various principles when one ordinance conflicts with another. He was hesitant to go further but assumed the ordinance already gave the preference.

Councilor Garcia was interested in continuing to honor our commitment to historic adherence to these events.

Mr. Martinez said pre-existing ordinance compliance would be one way to address the conflict and that could be drafted into the ordinance.

Councilor Garcia opined that the Governing Body needs to address and resolve the conflict before passing this ordinance. Since this will be in perpetuity, it needs to be done correctly.

**MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to postpone Bill No. 2021-14 to the August 11, 2021 Governing Body meeting for resolution to the conflict between this ordinance and Section 23-5.2.**

**Discussion on the Motion:**

Councilor Vigil Coppler asked if that would be sufficient time to review the conflict.

Mr. Martinez thought it would be sufficient.

Councilor Vigil Coppler supported the delay because we need a win-win. We don't want these events to leave the city. We need to tread lightly and work very hard for a compromise everyone can agree to. We need to keep them in this City.

Councilor Villarreal thought this was a both/and situation and the delay would help make it work. Some restaurants made it through COVID only because they had those outdoor eating areas. And if businesses are spending considerable money on this option to keep their businesses afloat and wondered what that means for them to pull it back the concrete barriers and the cost during the events.

Mayor Webber agreed. There are legitimate concerns on all sides of this ordinance. It is a reason Santa Fe gets recognized as one of the 100 coolest places on earth. That capital cost also makes the Plaza a more attractive place all the time. It is worth talking through the matter to the satisfaction of all parties. Director Randall has been working on that issue.

Councilor Cassutt suggested it also needs approval from New Mexico Regulation & Licensing Division. We have licenses valid through October 31 and then asked if we would have to reapply for a new license.

Ms. Bustos-Mihelcic agreed. The temporary license goes through the end of October. She has been in conversation with the State Regulation and Licensing Agency but did not know if Director Randall had been in contact with the Alcohol and Beverage Control (ABC) Division regarding the investment made.

Director Randall agreed the temporary expansion does end at the end of October. But the restaurants would have to have a lease with the City and would have to get a change in the license for a continuous approval. This is contiguous space and would be a permanent change of their footprint.

Director Randall reported the ABC Director indicated they are very interested in continuing this outdoor service which is also being done in Albuquerque and Las Cruces.

Councilor Cassutt understood that. She asked about whether they are expanding into parking spaces.

Director Randall pointed out that the use of the parking space is easier for restaurants to utilize. He spoke briefly about the requirements for parking, the prohibition of using handicapped parking space and thought the parklets would be less problematic.

Councilor Vigil Coppler asked if they would open that area of Lincoln to cars.

Director Randall thought so but it was not his decision.

**VOTE:**        **The motion was approved on the following 7-2 Roll Call vote:**

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

**Against:**      Councilor Abeyta and Councilor Lindell.

#### 14.    **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 12:07 a.m.

Approved by:



\_\_\_\_\_  
Mayor Alan Webber

ATTESTED TO:

Kristine Mihelcic

Kristine Mihelcic (Aug 27, 2021 12:06 MDT)

Kristine M. Mihelcic, City Clerk

Respectfully submitted by:



\_\_\_\_\_  
Carl G. Boaz, Council Stenographer



**GOVERNING BODY MEETING OF  
July 28, 2021  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

**EXHIBIT ONE**  
GB August 2, 2021

<b>Mayor Alan Webber</b>		
<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>
	<b>AN ORDINANCE REPEALING SECTION 20-6 RELATING TO MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION.</b>	Quality of Life Committee – 8/4/21 Governing Body (request to publish) – 8/11/21 Finance Committee – 8/16/21 Public Safety Committee – 9/17/21 Governing Body (public hearing) – 9/8/21

<b>Councilor Roman “Tiger” Abeyta</b>		
<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>

<b>Councilor Jamie Cassutt</b>		
<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>
<b>Lindell</b>	<b>A RESOLUTION APPROVING THE DESIGN AND INSTALLATION PLAN FOR BANNERS SUPPORTING THE FOOD DEPOT’S TENTH ANNUAL “NEIGHBOR TO NEIGHBOR FUND DRIVE”.</b>	Quality of Life Committee – 8/4/21 Public Works and Utilities Committee – 8/9/21 Governing Body – 8/11/21
	<b>A RESOLUTION FINDING THE BUILDING AND PREMISES LOCATED AT 3003 CALLE CABALLERO TO BE RUINED, DAMAGED, AND DILAPIDATED AND A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, AND SAFETY; ORDERING THE OWNER OF RECORD OF 3003 CALLE CABALLERO TO REMOVE THE BUILDNG, RUBBISH, AND DEBRIS FROM THE MUNICIPALITY; PROVIDING THAT IF THE OWNER OF RECORD OF 3003 CALLE CABALLERO DOES NOT REMOVE THE BUILDING RUBBISH, AND DEBRIS, THE CITY OF SANTA FE SHALL REMOVE THE BUILDING, RUBBISH AND DEBRIS AND HAVE A LIEN ON THE PROPERTY.</b>	Finance Committee – 8/2/21 Public Works and Utilities Committee – 8/9/21 Governing Body – 8/11/21

**Councilor Michael J. Garcia**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>
<b>Romero-Wirth</b>	<b>AN ORDINANCE AMENDING SECTION 9-3.6 SFCC 1987 TO ALLOW ELECTRONIC SIGNATURE FOR SEED MONEY CONTRIBUTIONS ON THE REQUIRED FORMS; AMENDING SECTION 9-3.7 OF SFCC 1987 TO ALLOW ELECTRONIC SIGNATURES FOR QUALIFYING CONTRIBUTIONS ON THE REQUIRED FORMS; AND AMENDING SECTION 9-3.12 OF SFCC 1987 TO ALLOW ELECTRONIC SIGNATURES FOR QUALIFIED SMALL CONTRIBUTIONS.</b>	Finance Committee – 8/2/21 Quality of Life Committee - 8/4/21 Governing Body (request to publish) – 8/11/21 Governing Body (public hearing) – 9/8/21

**Councilor Signe I. Lindell**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>

**Councilor Chris Rivera**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>
	<b>A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS EXIST IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS BETWEEN AUGUST 11, 2021 AND SEPTEMBER 9, 2021; RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES.</b>	Quality of Life Committee – 8/4/21 Governing Body – 8/11/21

**Councilor Carol Romero-Wirth**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>

**Councilor JoAnne Vigil Coppler**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>

**Councilor Renee Villarreal**

<b>Co-Sponsors</b>	<b>Title*</b>	<b>Tentative Committee Schedule*</b>

\* 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, [jbguillen@santafenm.gov](mailto:jbguillen@santafenm.gov) or Jeff Norris, 505-955-6692, [jtnorris@santafenm.gov](mailto:jtnorris@santafenm.gov).