



AGENDA

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

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency and the Mayor's Proclamation of Emergency, the Governing Body meeting will be conducted virtually.

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

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

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

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

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

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

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/81955919489?pwd=UkN3ODI0TFVETki2bG1HWUI4M0UvZz09>. **Passcode: 641595**

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



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Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 819 5591 9489 - Passcode: 641595**
Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

AFTERNOON SESSION - 5:00 P.M.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Vigil Coppler

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

Councilwoman Villarreal

4. **INVOCATION**

Councilor Garcia

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Regular Governing Body Meeting – November 10, 2021

9. **PRESENTATIONS**

- a. Public Safety Radio System Presentation (Manuel Gonzales, Interim ITT Director, mmgonzales@santafenm.gov; 505-231-1749)



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10. CONSENT CALENDAR

- a. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from 22 Skidoo Corporation, Inc. for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2508, to be Located at Cowgirl BBQ, 319 South Guadalupe, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021

Governing Body: 12/08/2021

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Pineda, LLC for a Restaurant B (Beer, Wine & Spirits) Liquor License with Patio Service, to be Located at La Plancha de Eldorado, 3470 Zafarano Drive, Suite C, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021

Governing Body: 12/08/2021

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Lone Spur Cafe Santa Fe, LLC for a Restaurant Beer and Wine Liquor License with On-Premises Consumption Only, to be Located at Lone Spur Cafe, 50 East San Francisco Street, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021

Governing Body: 12/08/2021

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Plaza Restaurant, LLC for a Restaurant B (Beer, Wine, & Spirits) Liquor License with On-Premises Consumption Only. Liquor License #3801 is Currently at this Location, However the Reason for this Application is the Ownership has Changed. This License will Remain



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at Plaza Restaurant Downtown, 54 Lincoln Avenue, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021

Governing Body: 12/08/2021

- e. Request for Approval of Amendment No. 2 for the Renewal of the City of Santa Fe Microsoft Office 365 System through Reseller Insight Public Sector for the Term of Three Years with Annual Payments of \$849,432.20 in the Total Amount of \$2,548,296.60. (Manuel Gonzales, Interim ITT Director: mmgonzales@santafenm.gov, 1-505-231-1749)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- f. Request for Approval of a Four-Year Equipment Lease Agreement in the Total Amount of \$367,186.56 Inclusive of New Mexico GRT with PNC Equipment Finance, LLC. for Golf Carts at Marty Sanchez Links de Santa Fe Golf Course. (Melissa McDonald, Acting Parks Division Director: mamcdonald@santafenm.gov, 505-955-6840)

Committee Review:

Public Works and Utilities Committee: 11/08/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

- g. Request for Approval of Amendment No. 1 to the Santa Fe Recovery Center AHTF Contract to Change the Scope of Work, Expanding the Use of AHTF Funds to Cover Tenant-Based Rental Assistance at Locations Additional to the "Bridge Homes"; Compensation Does Not Change. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868) **Committee Review:**

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021



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- h. Request for Approval of Amendment No. 1 to the Santa Fe Recovery Center AHTF Contract to Change the Scope of Work, Expanding the Use of AHTF Funds to Cover Tenant-Based Rental Assistance at Locations Additional to the “Bridge Homes”; Compensation Does Not Change. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868) **Committee Review:**
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021
- i. Request for Approval of Budget Amendment Resolution (BAR) in the Amount of \$100,000 from the New Mexico Department of Finance and Administration for Severance Tax Bond Appropriation to the Kitchen Angels, Project # 20-E2738, to Fund a Meals Program Serving Homebound and Special Needs Individuals in Santa Fe in Santa Fe County. (David A. Chapman, Grant Administrator: dachapman@santafenm.gov, 505-660-2619)
Committee Review:
Public Works and Utilities Committee: 11/08/2021
Finance Committee Committee: 11/29/2021
Governing Body: 12/08/2021
- j. Request for Approval of an Agreement between the City of Santa Fe and the Santa Fe Community Foundation, Establishing a Giving Circle Fund and CHART Fund to Receive Funds and Contributions from Private and Charitable Community Foundations Designated for Culture, History, Art, Reconciliation and Truth (CHART) to Support Related Projects/Initiatives Held at the Santa Fe Community Foundation. (Pauline Kamiyama, Arts and Culture Department Director: pkkamiyama@santafenm.gov, 505-955-6653)
Committee Review:
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021
- k. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Rivera and Councilor Villarreal)
A Resolution Updating the Terms of Resolution No. 2021-17 to Extend the Community Health and Safety Task Force’s Term Through the End of



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Calendar Year 2022. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 955-6603)

Committee Review:

Introduced: 10/27/2021
Finance Committee: 11/01/2021
Quality of Life Committee: 11/03/2021
Governing Body: 11/10/2021
Finance Committee: 11/29/2021
Quality of Life: 12/01/2021
Governing Body: 12/08/2021

- I. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Lindell, Councilor Cassutt, Councilor Garcia, Councilor Vigil Coppler, Councilor Romero-Wirth, Councilor Villarreal, and Councilor Rivera)
A Resolution Supporting Efforts by State and Local Educators to Alleviate the Staffing Crisis in Public Education Throughout the State. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 11/27/2021
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- m. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Lindell, Councilwoman Villarreal, and Councilor Garcia)
A Resolution Designating Certain Property for Public Use Pursuant to the Requirements for Cañada Rincon Multi-Use Trail Project. (Romella Glorioso-Moss, Projects Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Committee Review:

Introduced: 10/27/2021
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021



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- n. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Vigil Coppler)
A Resolution Establishing Certain Criteria for Selection of a Purchaser of the Las Estrellas Property, Including a Local Preference and Other Minimum Criteria. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov and Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303)

Committee Review:

Introduced: 09/09/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Economic Development Advisory Committee: 12/08/2021

Governing Body: 12/08/2021

- o. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Lindell, Councilwoman Villarreal, and Councilor Garcia)
A Resolution Allocating An Additional 4.7 Acre Feet of Available Water From the City's Existing Water Supply to Siler Yard, Located at 1218 Siler Road. (Alexandra Ladd, Office of Affordable Housing Director: agladd@santafenm.gov, 955-6346)

Committee Review:

Community Development Commission: 11/17/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- p. Request to Award Invitation to Bid # '21/46/B for the Publicly Owned Treatment Works (POTW) On-Call Repair, Replacement, Extension and Rehabilitation of Sewer Collection System Price Agreement, CIP #962 to Sub Surface Contracting, Inc., Allied 360 Construction, LLC. and TLC Plumbing, Inc. for a Total Amount Up to \$200,000 Inclusive of NMGRT. (Stan Holland, Wastewater Division Engineer, tsholland@santafenm.gov, 505-955-4637)

Committee Review:

Public Works and Utilities Committee: 11/08/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021



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- q. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$310,328 for the American Rescue Plan Sub-Award, Term Ending June 30, 2022; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA). (Gino Rinaldi, Senior Services Division Director: earinaldi@santafenm.gov, 505-955-4710)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- r. Request for Approval of a Budget Adjustment Resolution (BAR) in the Human Resources Department in the Amount of \$2,700,000 to Fund a Retention and Hiring Incentives. (Jarel LaPan Hill, City Manager: jlhill@santafenm.gov, 505-955-6534; Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171 and Bernadette Salazar, HR Director: bjsalazar@santafenm.gov, 505-955-6591)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- s. Request for Approval of a Budget Adjustment Resolution (BAR) in the Economic Development Department in the Amount of \$66,938 Including Salaries and Benefits to Fund an Existing Unfunded Broadband Project Manager Position. (Richard Brown, Community Development Director: rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- t. Request for Approval of a Budget Adjustment Resolution (BAR) in the Community Services Department in the Amount of \$205,000 Including Salaries and Benefits to Create and Fund 4.5 New FTE's, One Navigator, Three Park Rangers and a Half-Time Custodian, and Operating Costs for a City Operated Mobile Hygiene Unit. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603)



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Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- u. Request for Approval of a Budget Adjustment Resolution (BAR) in the Community Services Department, Seniors Division in the Amount of \$602,413. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- v. Request for Approval of a Budget Adjustment Resolution (BAR) in the Finance Department in the Amount of \$190,680 Including Salaries and Benefits to Fund Existing Unfunded Positions Include Treasury Officer, AP Accounting Financial Analyst, Contracts Project Specialist, and Cashier Project Specialist. (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- w. Request for Approval of a Budget Adjustment Resolution (BAR) in the City Attorney's Office in the Amount of \$149,883 Including Salaries and Benefits to Fund and Create One New FTE – IRPA Manager and Transfer Two Positions from the Community Engagement/City Clerk Department to the City Attorney's Office. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6961)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
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- x. Request for Approval of a Budget Adjustment Resolution (BAR) in the City Manager's Office of the General Government Department in the Amount of \$72,330 Including Salaries and Benefits to Fund an Existing Unfunded Chief of Staff Position. (Jarel LaPan Hill, City Manager: jlapanhill@santafenm.gov, 505-955-6534)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- y. Request for Approval of a Budget Adjustment Resolution (BAR) in the Municipal Court Division of the General Government Department in the Amount of \$84,411 Including Salaries and Benefits to Fund Three Existing Unfunded Municipal Court Clerk Positions. (Jacqueline Baca, Deputy Court Finance Administrator: jybaca@santafenm.gov, 505-955-5054)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- z. Request for Approval of a Budget Adjustment Resolution (BAR) in the Human Resources Department in the Amount of \$54,362 to Fund and Create One New FTE – HR Recruitment Specialist. (Bernadette Salazar, HR Director: bjsalazar@santafenm.gov, 505-955-6591)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- aa. Request for Approval of a Budget Adjustment Resolution (BAR) in the Parking Division of the Public Works Department in the Amount of \$74,123 to Fund Existing Unfunded Administrative Manager and Account Technician Positions. (Noel Correia, Parking Division Director: npcorreia@santafenm.gov, 505-955-6611)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021



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- ab. Request for Approval of a Budget Adjustment Resolution (BAR) in the Streets Division of the Public Works Department in the Amount of \$120,433 to Fund Salary Increases for Streets Maintenance and Operation Positions to Assist in Recruitment and Retention. (Thomas Martinez, Director of Operations and Maintenance: tamartinez@santafenm.gov, 505-955-2006)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- ac. Request for Approval of Procurement of One Ambulance Using Houston-Galveston Area Council (HGAC) Cooperative Agreement in the Total Amount of \$153,555 for the Fire Department; Southwest Ambulance Sales. (Brian Moya, Assistant Fire Chief: bjmoya@santafenm.gov, 505-3111 and Sten Johnson, Health & Safety Officer: sajohnson@santafenm.gov; 505-467-9799)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- ad. Request for Approval of a Budget Adjustment Resolution (BAR) in the Transit Division of the Public Works Department in the Amount of \$96,187 to Fund Salary Increases for Transit Driver I, II, III & Dispatch Supervisors to Assist in Recruitment and Retention. (Thomas Martinez, Director of Operations and Maintenance: tamartinez@santafenm.gov, 505-955-2006)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- ae. Request for Approval of Amendment No. 2 to Service Contract 20-0263 with FacilityBUILD, to Increase Compensation in the Amount of \$115,776.39 Including NMGRT for Design/Build Services for the Design and Construction of a New Restroom Facility that will be Located at the Water Street Parking Lot. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-955-5933)



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1. Request for the Approval of a BAR in the Amount of \$350,000 to Transfer Capital Impact Fees into WIP Construction for the Water Street Restroom Project, as Approved at the CIAC on 11/17/2020 Item 6B.
2. Request for the Approval of a BAR in the Amount of \$125,770 to Transfer ½% GRT Revenues into WIP Construction for the Water Street Restroom Project.

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- af. Request for the Approval of Amendment No. 2 to Service Contract 20-0680 for On-Call, Economic Analysis and Urban Planning Services from Strategic Economics; Increasing Compensation in the Total Amount of \$250,000 to a New Total of \$1,000,960 Including NMGR and Extending the Term of the Agreement to December 31, 2023. (Rich Brown, Director, Community & Economic Development: rdbrown@santafenm.gov; 505-955-6625 and Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov; 505-955-6303)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Economic Development Advisory Committee: 12/08/2021

Governing Body: 12/08/2021

- ag. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by a Majority of the Members of the Governing Body to Grant Appeal #2021-4161, Deny the Planning Commission's Decision in Case #2021-3804, and Approve a Development Plan Amendment for Owners Villa Sendero, LLC & CSM Properties, Ltd., Amending Phase II of Their Development Plan for a Development Located at 5132 Beckner Road. (Erin K. McSherry, City Attorney; ekmchsherry@santafenm.gov, 955-6512)

Committee Review:

Governing Body: 11/10/2021



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- ah. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by a Majority of Members of the Governing Body to Deny Appeal # 2021-4078-APPL and Affirm the Historic District Review Board's Decision in Case # 2021-3828-HDRB to Deny Retroactive Approval of a Non-Conforming Portal on a Residence at 701 E. Alameda St., Unit 3. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

Committee Review:

Governing Body: 11/10/2021

- ai. Request for Approval of City of Santa Fe Schedule for 2022 Governing Body and Council Committee Meetings. (Kristine Bustos Mihelcic, Community Engagement Director and City Clerk: kmmihelcic@santafenm.gov, 955-6521)

11.

DISCUSSION/ACTION ITEMS

- a. Request for Approval of a Budget Adjustment Resolution (BAR) in the Planning and Land Use Department in the Amount of \$231,623 to Fund Salary Increases for Construction Inspectors and Construction Inspector Supervisors, to Fund an Existing Unfunded Assistant Land Use Director, to Fund an Existing Unfunded Senior Planner, and to Fund and Create One New FTE - Engineer Position. (Richard Brown, Community Development Director, rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- b. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Rivera and Councilor Abeyta)
A Resolution Requesting a Time Extension for a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500306 for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Thomas Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)



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1. Request for Approval of Amendment No. 2 to a Municipal Arterial Program Cooperative Agreement (Munis Contract #3202845) with the New Mexico Department of Transportation for the Planning, Design, and Construction of CIP 835C – Agua Fria and South Meadows Road Intersection Improvements Project. Amendment is for Extension of Agreement Term Only to December 31, 2022 and No Additional Funding.

Committee Review:

Introduced: 11/10/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

- c. CONSIDERATION OF RESOLUTION NO. 2021-___. (Mayor Webber, Councilwoman Renee Villarreal, and Councilor Lindell)
A Resolution Permitting Banners to be Located Along San Francisco Street, Old Santa Fe Trail and Cathedral Place to Commemorate the 100th Anniversary of the Historic La Fonda on the Plaza. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review

Introduced: 11/10/2021

Governing Body: 12/08/2021

- d. Request for Approval of a BAR in the Total Amount of \$175,000 to Transfer the Revenues of the Sale of the Santa Fe Clay Building into Railyard Operations to Address Deferred Maintenance Needs. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-955-5933)

Committee Review:

Governing Body: 12/08/2021

- e. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Abeyta, Councilor Romero-Wirth, and Councilor Cassutt)
A Resolution Adopting a New Version of the Governing Body Procedural Rules. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518; Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6961)

Committee Review:



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Governing Body Study Session: 11/17/2021
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- f. CONSIDERATION OF RESOLUTION NO. 2021-___. (Mayor Webber)
A Resolution Extending the Duration of the Mayor's Emergency Proclamation Issued on December 6, 2021 by Forty-Seven Days, Expiring at Noon on January 24, 2022, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 955-6961)

Committee Review:

Governing Body: 12/08/21

12. **MIDTOWN OVERVIEW**

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

13. **MATTERS FROM THE CITY MANAGER**

14. **MATTERS FROM THE CITY ATTORNEY**

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically City of Santa Fe v. Purdue Pharma, et al., DNM No. 1:19-CV-01105. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 955-6512)

15. **MATTERS FROM THE CITY CLERK**

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

- a. Introduction of Legislation for December 8, 2021.

EVENING SESSION - 7:00 P.M.



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17. **ROLL CALL**

18. **PETITIONS FROM THE FLOOR**

19. **APPOINTMENTS**

- a. Bicycle and Pedestrian Advisory Committee (Romella Glorioso-Moss, Projects Administrator: rsglorioso-moss@santafenm.gov, 955-6623)
 - Erick Aaobe – Appointment (Filling Vacant Term) – Term Ending 6/2022

20. **PUBLIC HEARINGS**

- a. **Case #2021-4219.** Monte Sereno Master Plan Amendment. Al Lilly, Agent, for 21 Club Holdings LLC, Owner, Requests Master Plan Amendment to Include Infrastructure and Design Elements for the Hotel Use. The Property is Approximately 34.96 Acres and Zoned PRRC (Planned Residential Resort Community), Located West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive, and is within the Monte Sereno Development. (Dan Esquibel, Senior Planner: daesquibel@santafenm.gov, 955-6587)
 1. **CONSIDERATION OF RESOLUTION 2021-_____.**

A Resolution Amending a Master Plan for a Tract of Land More Particularly Described in Exhibit A and Know as a Portion of Tract M, Remaining as a Result of “Replat of the Compound Phase 2 at Monte Sereno Phase 3,” Recorded as Instrument #1953714 in Book 878 Pages 9-12 and Subdivision Plat “The Compound Phase 3 at Monte Sereno Amendment #3” Recorded as Instrument #1953723 in Book 878 Pages 13-16, Lying within Section 36, T18N, R9E N.M.P.M., Comprising an Area of Approximately 34.96 Acres, Located West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive, and is within the Monte Sereno Development, within the City of Santa Fe, State of New Mexico. (Case No. 21-4219. Monte Sereno Master Plan Amendment).
 2. Request for Approval of Written Findings of Fact and Conclusions of Law Regarding Case #2021-4219 in the Matter of the Property Located



AGENDA

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

West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive
and is within the Monte Sereno Development.

21. **ADJOURN**

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

**Governing Body
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December 8, 2021**

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**Minutes of the
Regular Meeting of the Governing Body
Wednesday, December 8, 2021
Virtual Meeting**

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, December 8, 2021, at approximately 5:02 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Vigil Coppler.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Garcia. Quote from Pericles – What you leave behind is not what is engraved in stone but rolled into the hearts of others

Councilor Villarreal recognized the life of her great aunt, who had lived in Santa Fe and passed away in Albuquerque, and remembered how much she provided to her family

Mayor Webber noted the spike in COVID and those who are battling against COVID variants for everyone to recover and return to good health.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

5. ROLL CALL

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

Members Present

Mayor Alan Webber

Councilor Roman “Tiger” Abeyta

Councilor Jamie Cassutt
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Regina Wheeler, Public Works Department Director
Rich Brown, Community & Economic Development Department Director
Patricia Feghali, Assistant City Attorney
Andrea Salazar, Assistant City Attorney
Thomas Graham, ADA Coordinator
Pauline Kamiyama, Arts and Culture Department Director
Mary McCoy, Finance Director
Bernadette Salazar, HR Director
Jesse Guillen, Legislative Liaison
Sam Burnett, Facilities Division Director
Jason Kluck, Acting Land Use Director
Dan Esquibel, Senior Planner
Noah Berke, Case Manager Supervisor
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Mayor Webber announced Daniel Hernandez is ill and not able to be here for the Midtown Briefing and took it off the agenda.

Councilor Romero-Wirth said the procedural rules are on this agenda, but she will be moving to refer it to the Public Works and Utilities Committee for their meeting on December 13, 2021.

Councilor Villarreal announced that Item 10 (h) is a duplicate. Mayor Webber agreed we should consider only 10 (g).

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the agenda as amended.

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

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

Against: None

7. APPROVAL OF CONSENT CALENDAR

Councilor Vigil Coppler asked for discussion on items 10 (r) and (x).

Councilor Garcia asked for discussion on items 10 (j) and (ai).

Councilor Lindell asked for discussion on item 10 (n).

Councilor Romero-Wirth asked for a correction on 10 (m) and said she was not a cosponsor of this item.

Councilor Romero-Wirth asked for discussion on item 10 (k).

MOTION: Councilor Garcia moved, seconded by Councilor Villarreal, to approve the Consent Calendar as amended with items a, j, k, n, x and ai removed for discussion.

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

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

Against: None.

8. APPROVAL OF MINUTES

a) Regular Governing Body Meeting – November 10, 2021

Ms. Bustos-Mihelcic requested a change to the minutes where, on page 32, item k where the resolution number, 69 was placed by the stenographer and should be removed since it was not approved.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the Minutes of the Regular Governing Body meeting on November 10, 2021, as corrected.

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

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

Against: None.

9. PRESENTATIONS

- a. Public Safety Radio System Presentation (Manuel Gonzales, Interim ITT Director, mmgonales@santafenm.gov; 505-231-1749)

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

Director Gonzales noted the presence of the others who were involved in this matter.

He described the problems experienced with the new Motorola P25 radio system immediately after it went live on February 13, 2021 throughout the City. When dealing with Motorola about the problem, Motorola identified the problem as a user issue and further, the system location and vehicles being out of signal range. He also mentioned that in June 2018, the City had decided to move the radio tower to the Las Montoyas site

The IT Department replaced every antenna, replaced 65 outdated XTL radios with new APX radios, and contracted with Motorola to move the system back to the Buckman tower.

Later, they started having outages. Motorola found an illegal intruder from out of state jumping on the City's tower. Now we have dead zones in Agua Fria, West Alameda, Airport Road, and Siringo Road. Motorola blames the City for those problems also. ITT filed an illegal carrier grievance with FCC to eliminate the intruder from the City's tower.

Since then, ITT purchased, enabled, and issued new cell phones for every Police Department Officer and Police vehicle.

The current tower project is on hold due to issues with permitting (per Motorola). The State provided 120 radios for the Police Department to use.

Director Gonzales explained some of the risks involved in reliance on our tower as: it does not resolve the outage issues; it does not provide redundancy in the radio system. There is no backup if the tower goes down.

That would require erecting a second tower. And it does not resolve all coverage issues. A total of \$273,000 for site move has been allocated.

The maintenance fee beginning February 2022 is undetermined. On-Call tech support would be \$100,000 per year per tower. The projected cost for the second tower is around \$600,000 with a NM DPS agreement and without use of the DPS tower, the cost would be at minimum \$1million.

He said they decided to join the State Public Safety Communication Radio System to solve these problems. There would be a 6–8-month transition period. With it, the State would manage all Motorola interactions.

He noted that to complete the transition would also require Santa Fe County RECC support and approval for this move. There would be additional cost for the dispatch permits.

He identified \$200,000 to re-program all radios and \$30-50,000 for reconfiguration costs. Service would cost \$20 per month for every radio used during the month.

Director Gonzales described all benefits of migration to the state system. He also explained that there would not be any changes required for the RECC dispatch services and the City would continue its support of the RECC at \$575,000 per year for the City's share of operations.

He stood for questions

Councilor Villarreal thanked Director Gonzales for this presentation. She asked if Director Gonzales wanted to continue working with Motorola.

Director Gonzales said the State has Motorola, so it is more beneficial to have the State work with Motorola.

Councilor Villarreal asked if Motorola has a monopoly on this.

Director Gonzales acknowledged there were other providers, but he felt the State is satisfied with Motorola.

Councilor Villarreal asked, regarding funding, if any of these expenses could be covered by legislative appropriations.

Director Gonzales said he has not looked at that.

Councilor Villarreal requested someone to get back to her on that.

Director Gonzales agreed and added that there is still a lot of information to get on costs.

Councilor Villarreal saw that the first change was expensive, and now we are going back to the previous layout.

Director Gonzales emphasized that our priority is safety of the people, and he felt this option was best for safety.

Councilor Villarreal pointed out that we thought the change was going to be better and found it wasn't. She understood and just wanted to see if we could find other ways to fund it.

Councilor Rivera said it came up at the Public Safety Committee. He asked if we had problems with dead zones prior to the upgrades.

Director Gonzales did not know because he was not here during that time.

Councilor Rivera asked Fire Chief Babcock about problems experienced beforehand.

Chief Babcock said the problems now are the same dead zones. But the new system has out-of-range problems during storms. He recommended staying at the Buckman location and not going to Las Montoyas. The system we got was designed for the Buckman location.

Director Gonzales didn't know how that came about but noted that Buckman was privately-owned, and Las Montoyas was City-owned. Las Montoyas is 2 miles north of Buckman and at a higher elevation.

Councilor Rivera said Director Gonzales had talked about using the tower on the Bataan Building and another and the City had difficulty using those.

Director Gonzales explained they were state-owned towers. We were not able to obtain them for the City. With the state system, we also have the DPS location for a tower.

Councilor Rivera asked about the cons for moving to the DPS system.

Director Gonzales said he had not identified any at this time.

Chief Babcock said the City Fire Department is able to communicate with the state system. The Bataan Building is run by the State which runs on 700 Mhz and our City radios can go from 800 to 700 mhz.

Councilor Rivera asked for comments from Chief Joye.

Chief Joye said he came late to the game but in speaking with Lt. Webb and with Director Gonzales, this transition will be beneficial for the Police Department. It is significantly better than our current system.

Councilor Rivera asked Director Gonzales if we City will have a long-term contract with the State in which they could raise the rates as they wish.

Director Gonzales clarified that any agreement will come to Governing Body for approval as we go through it.

Mayor Webber asked if Director Gonzales knew who else is moving to state system and for what reasons.

Director Gonzales deferred to Vince Bradley at NM DOIT for that.

Mr. Bradley said several entities are coming over because of interoperability of the system throughout New Mexico. Torrance County, Bernalillo County and Albuquerque Metro. Sandoval County, Los Lunas, and Belen, as well and a pilot program in Las Cruces City and Doña Ana County. Eddy County will be coming on soon. We are in discussion with many other communities as well.

Mayor Webber thanked him and asked what he thought were the benefits and if he had identified risks. He also asked if there will be a users' group.

Mr. Bradley said very are planning to create a users' group throughout NM. We cherish our partnerships with municipalities and federal partners. Once a month or quarterly we will meet, depending on the participants who will have a say in dealing with problems and possible funding. We are looking for \$23 million to build out the state up to FY26. With 86% coverage. The topography is hard and not likely to reach 100% but with partners to come on at start of the system.

Mayor Webber thanked Mr. Bradley for being present.

There were no other questions at 5:53.

10. CONSENT CALENDAR

- a. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from 22 Skidoo Corporation, Inc. for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2508, to be Located at Cowgirl BBQ, 319 South Guadalupe, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021
Governing Body: 12/08/2021

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Pineda, LLC for a Restaurant B (Beer, Wine & Spirits) Liquor License with Patio Service, to be Located at La Plancha de Eldorado, 3470 Zafarano Drive, Suite C, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021
Governing Body: 12/08/2021

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Lone Spur Cafe Santa Fe, LLC for a Restaurant Beer and Wine Liquor License with On-Premises Consumption Only, to be Located at Lone Spur Cafe, 50 East San Francisco Street, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021
Governing Body: 12/08/2021

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Plaza Restaurant, LLC for a Restaurant B (Beer, Wine, & Spirits) Liquor License with On-Premises Consumption Only. Liquor License #3801 is Currently at this Location, However the Reason for this Application is the Ownership has Changed. This License will Remain at Plaza Restaurant Downtown, 54 Lincoln Avenue, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 11/22/2021
Governing Body: 12/08/2021

- e. Request for Approval of Amendment No. 2 for the Renewal of the City of Santa Fe Microsoft Office 365 System through Reseller Insight Public Sector for the Term of Three Years with Annual Payments of \$849,432.20 in the Total Amount of \$2,548,296.60. (Manuel Gonzales, Interim ITT Director: mmgonzales@santafenm.gov, 1-505-231-1749)

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- f. Request for Approval of a Four-Year Equipment Lease Agreement in the Total Amount of \$367,186.56 Inclusive of New Mexico GRT with PNC Equipment Finance, LLC. for Golf Carts at Marty Sanchez Links de Santa Fe Golf Course. (Melissa McDonald, Acting Parks Division Director: mamcdonald@santafenm.gov, 505-955-6840)

Committee Review:

Public Works and Utilities Committee: 11/08/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

- g. Request for Approval of Amendment No. 1 to the Santa Fe Recovery Center AHTF Contract to Change the Scope of Work, Expanding the Use of AHTF Funds to Cover Tenant-Based Rental Assistance at Locations Additional to the "Bridge Homes"; Compensation Does Not Change. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- h. Request for Approval of Amendment No. 1 to the Santa Fe Recovery Center AHTF Contract to Change the Scope of Work, Expanding the Use of AHTF Funds to Cover Tenant-Based Rental Assistance at Locations Additional to the "Bridge Homes"; Compensation Does Not Change. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

This item is a duplicate of the preceding item and was removed from this agenda.

- i. Request for Approval of Budget Amendment Resolution (BAR) in the Amount of \$100,000 from the New Mexico Department of Finance and Administration for Severance Tax Bond Appropriation to the Kitchen Angels, Project # 20-E2738, to Fund a Meals Program Serving Homebound and Special Needs Individuals in Santa Fe in Santa Fe County. (David A. Chapman, Grant Administrator: dachapman@santafenm.gov, 505-660-2619)

Committee Review:

Public Works and Utilities Committee: 11/08/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

- j. Request for Approval of an Agreement between the City of Santa Fe and the Santa Fe Community Foundation, Establishing a Giving Circle Fund and CHART Fund to Receive Funds and Contributions from Private and Charitable Community Foundations Designated for Culture, History, Art, Reconciliation and Truth (CHART) to Support Related Projects/Initiatives Held at the Santa Fe Community Foundation. (Pauline Kamiyama, Arts and Culture Department Director: pkkamiyama@santafenm.gov, 505-955-6653)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

Councilor Garcia pulled 10 (j) for discussion.

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

Councilor Garcia noted the proposed Giving Circle Fund at the Santa Fe Community Foundation, and asked Director Kamiyama if she was able to approve the extending of resources.

Director Kamiyama said there are two advisors for the Fund. She was one as head of Arts and Culture, and Ms. Bustos-Mihelcic was the other. She said the matter could come to the Governing Body, if needed.

MOTION: Councilor Garcia moved, seconded by Councilor Romero-Wirth, to approve the agreement with the Santa Fe Community Foundation as presented.

Discussion on the Motion:

Councilor Garcia thought the Governing Body is guiding the CHART process and should be the final decider and appreciate our approval for funding. He didn't know if he needed to amend his motion.

Ms. McSherry explained that Councilor Garcia was seeking to amend the contract which is now a delegated authority.

Councilor Romero-Wirth asked if it would be okay to have the Governing Body approve funding recommendations by those two principals identified in the contract.

MOTION: Councilor Garcia moved, seconded by Councilor Romero-Wirth, to amend the requested contract on various pages where it named Pauline Kamiyama or Kristine Bustos-Mihelcic as approvers to be shown as recommenders to the Governing Body.

Ms. McSherry said the Foundation would have to agree with the amendment if this motion passes. The Governing Body could approve the contract consistent with that concept wherever it appears in the contract.

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

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

Against: None

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

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

Against: None

Councilor Garcia thanked Director Kamiyama for taking the lead on this.

DISCUSSED
k. CONSIDERATION OF RESOLUTION NO. 2021-69. (Councilor Rivera and Councilor Villarreal)

A Resolution Updating the Terms of Resolution No. 2021-17 to Extend the Community Health and Safety Task Force's Term Through the End of Calendar Year 2022. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 955-6603)

Committee Review:

Introduced: 10/27/2021

Finance Committee: 11/01/2021

Quality of Life Committee: 11/03/2021

Governing Body: 11/10/2021

Finance Committee: 11/29/2021

Quality of Life: 12/01/2021

Governing Body: 12/08/2021

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

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

Discussion on the Motion:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to amend the motion by striking “periodic and” on page three and insert “in lieu of, quarterly,” and on page 4, line 5, and 6 to strike “the open meeting for.”

Councilor Romero-Wirth said she had two amendments.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the agenda as amended.

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

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

Against: None

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to further amend the main motion to insert on page 4, line 17 after the period, “focus groups may be held without following the Open Meetings Act. The purpose is to enable selected task force members to engage with members of the community in a space that feels safe and will selected task force members and community members can be transparent and open about their experiences, expertise, and observations.”

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

VOTE: The motion as amended 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. CONSIDERATION OF RESOLUTION NO. 2021-70. (Councilor Lindell, Councilor Cassutt, Councilor Garcia, Councilor Vigil Coppler, Councilor Romero-Wirth, Councilor Villarreal, and Councilor Rivera)
A Resolution Supporting Efforts by State and Local Educators to Alleviate the Staffing Crisis in Public Education Throughout the State. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 11/27/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- m. CONSIDERATION OF RESOLUTION NO. 2021-71. (Councilor Lindell, Councilwoman Villarreal, Councilor Romero-Wirth, and Councilor Garcia)
A Resolution Designating Certain Property for Public Use Pursuant to the Requirements for Cañada Rincon Multi-Use Trail Project. (Romella Glorioso-Moss, Projects Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Committee Review:

Introduced: 10/27/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- n. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Vigil Coppler)
A Resolution Establishing Certain Criteria for Selection of a Purchaser of the Las Estrellas Property, Including a Local Preference and Other Minimum Criteria. (Terry Lease, Asset Development Manager:

tjlease@santafenm.gov and Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303)

Committee Review:

Introduced: 09/09/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Economic Development Advisory Committee: 12/08/2021

Governing Body: 12/08/2021

Councilor Lindell pulled this item for discussion.

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

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, to deny this resolution.

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 Lindell said we talked it over in the Finance Committee. No one has objection conceptually to this, but it needs clarification on numerous levels. She knew some kind of formula I was being worked on. Implementing this doesn't really work. It needs more details. This makes an obligation to local builders and local workforce. She could not support it the way it is presented now.

Councilor Vigil Coppler reiterated as she did in the Quality of Life committee with Sean Moody, on how to involve the City in the process in this project where it could remain under City purview. And local builders would continue to participate. It was frowned upon, and she could understand City Attorney's Office. She pointed out that it will take years and years to get it accomplished like that. With construction loans, you have to make money as a developer, to pursue it to the next level. And she knew the City didn't want to stay involved. At the Committee, we pared it down to give local builders a preference. It allows them to compete for purchase of this property and getting local preference points to help them along the way. Local builders talked about going together to make it work. They wanted to keep the money local. It has a multiplier effect when we use local builders.

Money stays in Santa Fe. that is what they wanted. It is a good faith effort in our community.

But there is no guarantee to keep money here. It just gives our builders a chance to compete. So, she was against the motion. We don't have rich builders here in Santa Fe and this is a wonderful gesture to them.

Councilor Garcia asked, if it is denied, when the property was scheduled to be up for sale, so the Governing Body could go back to include local preference in this.

Ms. Salazar said that with Las Estrellas, it was posted in April to move forward with local preference. It can be listed for sale if there are no other resolutions. A new resolution would need to go through the drafting phase.

Councilor Garcia observed there is definitely an appetite to include local preference. It is prudent to have some type of local preference. He would start tomorrow on a new resolution and understand it would not be put up for sale by Friday. He was disappointed in a sense if we go back to the drawing board.

Councilor Garcia saw a need to send a message that we fully trust those who apply.

Councilor Cassutt related that at QOL we discussed if other cities had local preference and she wondered if anyone found such a preference in another city and how they addressed the challenge we are facing now.

Councilor Vigil Coppler said the cities who have done a local preference did it not to tie it down but to give local builders a chance to purchase and develop.

Councilor Cassutt asked if this needs, locally, a group coming together to meet the big financial commitment with a \$50 million investment. Is that correct?

Ms. Salazar clarified that \$50 million was to build out. It is somewhat a range, and it could be more.

Mr. Terry Lease and all those combinations would need to be worked out with research. We would have to draft a document on who was a resident in the details of the document.

Ms. Salazar printed out that in the resolution now, we have local preference defined. It is someone who holds a county or city business license and pays taxes here. We used the procurement code to help answer it.

Councilor Cassutt understood the City would want those details prior to selling. There is real potential here, but we are just not there yet. This is blazing a trail on new ground, and we need to think more about for the details before moving forward.

Councilor Romero-Wirth was a little concerned. The idea has been kicked around for a while. It worried her that we would hold up the sale of this property longer. She didn't want the city to be the master developer. We have other things to work on. We are struggling with what is a local business. Are they really local or just a front with national resources?

She asked at the QOL Committee, when we give local preference, if it is usually to stimulate response from local builders, banks, and lenders. Even if a local builder is found, it might demand reaching beyond local to access that kind of money. She supported the intention but needed to be sure we are stimulating local business.

Councilor Vigil Coppler reiterated this doesn't guarantee local builders will even apply or if they do, that they would get the deal. Not all the developers here are local. When we went through it, we agreed we cannot micromanage the RFP system. Our staff determine the criteria.

This is merely an opportunity to allow local builders to compete. Some are well funded and able to lend money. But any one builder cannot compete. Some national builders have built homes in Santa Fe. It just gives them a chance. It is not rocket science. It is like a veteran's job preference. This is in the same spirit. She agreed we should not micro-manage.

Mayor Webber shared Councilor Cassutt's concern on the definition of "local." At the moment it is a local business license and a tax payment tax of some form to the City. He described how an out of state company could qualify as local. But getting it too narrow would risk a legal challenge.

Ms. Salazar understood that in the past, we have had procurement where the selection process made sure it would be a local company. We cannot do that.

Councilor Vigil Coppler said this is not new to any RFP process we use, but we cannot control it. The builders are interested in keeping the business here. But if they cannot compete, at least they tried. It is time we support our local businesses – our local builders.

VOTE: The motion to deny the resolution passed by majority (5-4) 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: Councilor Garcia, Councilor Rivera, Councilor Vigil Coppler, and Councilor Villarreal.

- o. CONSIDERATION OF RESOLUTION NO. 2021-72. (Councilor Lindell, Councilor Villarreal, and Councilor Garcia)
A Resolution Allocating An Additional 4.7 Acre Feet of Available Water From the City's Existing Water Supply to Siler Yard, Located at 1218 Siler Road. (Alexandra Ladd, Office of Affordable Housing Director: agladd@santafenm.gov, 955-6346)

Committee Review:

Community Development Commission: 11/17/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- p. Request to Award Invitation to Bid # '21/46/B for the Publicly Owned Treatment Works (POTW) On-Call Repair, Replacement, Extension and Rehabilitation of Sewer Collection System Price Agreement, CIP #962 to Sub Surface Contracting, Inc., Allied 360 Construction, LLC. and TLC Plumbing, Inc. for a Total Amount Up to \$200,000 Inclusive of NMGRT. (Stan Holland, Wastewater Division Engineer, tsholland@santafenm.gov, 505-955-4637)

Committee Review:

Public Works and Utilities Committee: 11/08/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

- q. Request for Approval of North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) State Funding in the Total Amount of \$310,328 for the American Rescue Plan Sub-Award, Term Ending June 30, 2022; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA). (Gino Rinaldi, Senior Services Division Director: earinaldi@santafenm.gov, 505-955-4710)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

DISCUSSED

- r. Request for Approval of a Budget Adjustment Resolution (BAR) in the Human Resources Department in the Amount of \$2,700,000 to Fund a Retention and Hiring Incentives. (Jarel LaPan Hill, City Manager: jlhill@santafenm.gov, 505-955-6534; Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171 and Bernadette Salazar, HR Director: bjsalazar@santafenm.gov, 505-955-6591)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

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

MOTION: Councilor Cassutt moved, seconded by Councilor Romero-Wirth, to approve the BAR for hiring incentives as presented.

Discussion on the Motion:

Councilor Vigil Coppler asked to help her understand how this would work. We have several BARs. She asked if they all get implemented in the same way.

Director Salazar said she drafted compensation language and we developed an agreement to retain for a certain length of time. We have a timeline for implementing it.

Councilor Vigil Coppler asked if there was any differentiation among types of employees and if some types would not get it.

Director Salazar agreed. It would not go to temp employees and not elected officials. Everyone else would be eligible.

Councilor Vigil Coppler asked about term employees.

Director Salazar said the City has none at present.

Councilor Vigil Coppler past when it will begin.

Director Salazar said it would start on or before December 23.

Councilor Vigil Coppler asked if it applies to exempt employees. Director Salazar agreed.

Councilor Vigil Coppler asked if probationary employees were eligible.

Director Salazar said yes.

Councilor Vigil Coppler noted that exempt employees can be removed at any time. Is there a bonus for them at departure?

Ms. McSherry said the contract would make it clear whether it applies or not. A sentence could also be added.

Councilor Vigil Coppler asked if there is a cap for limiting top employees.

Director Salazar said under this recommendation there is no limit.

Councilor Vigil Coppler understood there was also nothing about trouble in hiring or retention.

Director Salazar agreed. It is the same across the board. We are looking at positions where it is difficult to recruit or retain.

Councilor Vigil Coppler asked if everyone is getting the same amount.

Director Salazar said yes.

Councilor Vigil Coppler asked if this is the same guideline you are bringing to the union.

Director Salazar agreed and gave examples.

Councilor Vigil Coppler asked what it is called.

Director Salazar said it is called a retention incentive.

Mayor Webber explained that this is a different labor market from any that we have seen from small mom/pop shops to large companies. They are looking for employees and trying to avoid losing any. We will have a hiring event seeking to get more employees because we have the money to do it and the need. The why is important. We are fortunate the strength of our recovery allows resources to do this.

Councilor Garcia asked Director Salazar if she is beginning to think about more sustainable means like training and other incentive programs. Everyone will want to get them. We need to support their growth so employees can grow and get promoted.

Director Salazar said she has worked hard to expand these opportunities – tuition assistance, e.g., the opportunity to go back to school to earn a

final outcome of national certification. She has worked with SFCC for external training of various kinds and will continue to build on them. She will be meeting with Highlands University on certification and degree opportunities.

Councilor Garcia wondered if we could look at other incentives - some kind of reimbursement for employees to be able to move here. He thanked her for her hard work.

Councilor Vigil Coppler thanked Director Salazar for the tuition reimbursement. It started when she was in Director Salazar's position.

Ongoing management training, mandatory classes for new managers help retain staff. But people who love their job leave it because of poor management. She gave Director Salazar credit for what she is doing. Keep managerial and supervisory training in-person.

Mayor Webber agreed this is not a panacea. The online university is another benefit the HR Department created.

Director Salazar added that during the pandemic, it is very effective.

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

- s. Request for Approval of a Budget Adjustment Resolution (BAR) in the Economic Development Department in the Amount of \$66,938 Including Salaries and Benefits to Fund an Existing Unfunded Broadband Project Manager Position. (Richard Brown, Community Development Director: rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- t. Request for Approval of a Budget Adjustment Resolution (BAR) in the Community Services Department in the Amount of \$205,000 Including Salaries and Benefits to Create and Fund 4.5 New FTE's, One Navigator,

Three Park Rangers and a Half-Time Custodian, and Operating Costs for a City Operated Mobile Hygiene Unit. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- u. Request for Approval of a Budget Adjustment Resolution (BAR) in the Community Services Department, Seniors Division in the Amount of \$602,413. (Kyra Ochoa, Community Health and Safety Director: krochoa@santafenm.gov, 505-955-6603)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- v. Request for Approval of a Budget Adjustment Resolution (BAR) in the Finance Department in the Amount of \$190,680 Including Salaries and Benefits to Fund Existing Unfunded Positions Include Treasury Officer, AP Accounting Financial Analyst, Contracts Project Specialist, and Cashier Project Specialist. (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- w. Request for Approval of a Budget Adjustment Resolution (BAR) in the City Attorney's Office in the Amount of \$149,883 Including Salaries and Benefits to Fund and Create One New FTE – IRPA Manager and Transfer Two Positions from the Community Engagement/City Clerk Department to the City Attorney's Office. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6961)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

DISCUSSED

- x. Request for Approval of a Budget Adjustment Resolution (BAR) in the City Manager's Office of the General Government Department in the Amount of

\$72,330 Including Salaries and Benefits to Fund an Existing Unfunded Chief of Staff Position. (Jarel LaPan Hill, City Manager: jlapanhill@santafenm.gov, 505-955-6534)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the BAR for Chief of Staff Position as presented.

Discussion on the Motion:

Councilor Vigil Coppler observed the backup material to justify this doesn't have much to do with what would be different. We don't have Karen executive assistant or City Manager as we had before. What is the annual salary proposed for this position?

Manager LaPan Hill said it is \$110,000 plus benefits. This position has a couple of lives. It was approved in the 2019 budget going from Mayor's Office to the City Manager Office. In 2020 she was getting ready to interview a candidate when the pandemic hit. The job description has not changed. Communication with councilors needs expansion. The position needs funding so the new City Manager can hire an assistant.

Councilor Vigil Coppler observed we now have fewer employees reporting to the City Manager. She asked if the communication takes the place of Mayor's communication.

Manager LaPan Hill said no. It is in addition to the Mayor's communication and takes people managed (span of control) down from 17 to 10.

Councilor Vigil Coppler noted we have department directors who are well paid and if doing their jobs well, only three of them report to the City Manager.

Manager LaPan Hill said there are ten department directors reporting to the City Manager.

Councilor Vigil Coppler thought it was top heavy. What about the executive assistant?

Manager LaPan Hill clarified that is under Community Development. The form has taken a lot of different shapes. The organization is constantly shifting but this position serves as additional support for the City Manager of all departments.

Councilor Vigil Coppler asked how she intends to fill the position,

Manager LaPan Hill said she did not intend to fill it. The new Pepsi Manager will fill it.

Mayor Webber said they will follow current procedures – advertise it and see if we can attract someone with the skill set. You make a point – There is a perception the city is top heavy but in his experience over four years and at the previous City manager’s exit interview, there is enormous need for communication and collaboration as more burdens are put on the City Manager. A Deputy City Mayor is in our charter and the deputy position that used to exist is needed. This would make city government operate more effectively. We are trying to come up with the best way to support. Where can Councilors go when needs for support exist?

The larger issue is that we are a more complex city government than in the past and expectations and needs continue to grow, and we need to meet those needs.

Councilor Vigil Coppler asked to clarify that this position is not synonymous with Asst City Manager.

Mayor Webber explained that it is called Chief of Staff and was previously filled by our current City Manager. Whatever you title it, the job description and recruiting it is a deputy or assistant City Manager. He added that he didn’t want to get tangled in nomenclature.

Councilor Vigil Coppler understood but this is a big deal.

Mayor Webber brought the job description should guide what it is.

Councilor Vigil Coppler said this is a complete change in the plan we discussed for many hours. What we are doing here is not a Chief of Staff but to refill the Deputy City Manager and makes it more top heavy. She could not vote for this. She didn’t think the justification discusses the need for this position at all. It just discusses money. It is a major organizational shift. She was getting a lot of comments from people who don’t understand why it is necessary. And she could not believe this position was necessary either. She did not see any justification for it here. She thought it was a wrong move and didn’t support it. It just raises a lot of concerns.

Councilor Cassutt said it is a Deputy City Manager and we need to call it what it is. What would it take to change the title?

Director Salazar said it would require a personnel process or request to add a position.

Councilor Cassutt asked if that could be done here tonight.

Director Salazar said she could receive that direction from the Governing Body.

Councilor Cassutt was trying to understand this position. It might be helpful if Manager LaPan Hill could provide more clarification on how the City Manager and the Deputy City Manager would interact.

Manager LaPan Hill suggested there were any number of ways to do it. When there are lots of fires and crises, that is where she spent most of her time. She works on the annual budget, legislative priorities, and all internal services. She is the signatory for all personnel actions. In 2020 it was over 1,200. Part of it is capacity building and ways to structure city government and still manage day-to-day activities.

Councilor Cassutt asked who is in charge of strategic planning? How does that break down?

Ms. McSherry said for the Deputy city Manager, the job description would need to be brought to the Governing Body for approval.

Mayor Webber asked where that appears in the ordinance.

Ms. McSherry said it was in Chapter 2, under 2.14 - Deputy City Manager and Duties and Powers are in 2-4.6 part k.

Councilor Garcia thought we should deny this now. It is not what will be in front of us in a couple of months. He was disappointed that the job description we requested last week is the same as before the reorganization. The reorganization should have shifted it somewhat and the impacts should have been reflected in the job description. Our best course of action is to deny it and allow the new City Manager the choice on appointing one or not. We should not hamstring the person coming into the position. They might see something different for managing the City Manager office. Why are we using the same job description that is two years old?

Manager LaPan Hill said there is no City Manager office. It is a party of one. And there are changes now. The duties are very similar.

Councilor Garcia said, “You are not speaking to how the reorganization impacted your office. Those things need to be reflected. Why even go that route and just allow the new City Manager to appoint one if they want? That is not effective management. We need to revisit it once there is a new City Manager.”

Mayor Webber clarified what we have in front of us is an existing position that was called Chief of Staff because that was what it was called when it was under the Mayor.

The City Manager job would support the Chief of Staff job which has grown exponentially. We can't pretend we are a little town. We are not top heavy but trying to get the right configuration to meet the changes of the future. The title was an intent to have a staff and not in any way to mask the intent. What is in front of us is just to fund that position. We can rename it or reclassify it but the work to be done doesn't change and the amount of work doesn't diminish. We now have the resources to add back the filling and it reflects the demands of the City. Adding the role back and authority of City Manager to fill it is very reasonable. It is good government and beneficial to the people of Santa Fe. It a commonsense response to the increasing demands. It is a recognition of city government in Santa Fe coming of age.

Councilor Villarreal observed we have crucial staffing gaps and talked about them during budget talks. So, we are moving forward with some of them. In committee, she asked why we chose these specific ones. There are others we are lacking like libraries, Parks and Rec that didn't make it here, although approved in committee. Water and utilities – these are all crucial positions that need to be filled. Most of us, having other jobs, don't have the administrative support we need for implementing policies. The City Manager supported us when she first was elected. We definitely need a Deputy City Manager and to look at internal and external aspects of the job. She would like for us to think about it more. The job description needs reworking. This is not an emergency right now. She was more concerned with what is happening on the middle hourly wage job gaps we have.

We get left out of the mix here. She was just perplexed that even changing the name would help. It just needs more time. This position needs more reworking. She also requested the next BAR we receive that the memos actually reflect what the Governing Body is voting on. She didn't want any more cut and paste items. The memo needs more work.

Mayor Webber said she makes a good point. We will have a rolling succession of BARs going forward. We are in a very enviable position on our economy with a really robust recovery and other funds coming our way.

And you are right about a couple that did not make it on this agenda. They will be brought forward and considered significant on addressing the staffing needs. There is a fast-hiring event on Saturday where a person could walk out with a hiring invitation. We will be able to rebuild our capacity across the board.

Councilor Romero-Wirth and that there are many questions about timing. What is the downside of waiting to approve this position later? She was hearing we would let the new City Manager hire for the position. What we are doing is moving the position to the City Manager's office.

Mayor Webber disagreed. It was there before. We are simply moving the funds for the position. It was unfunded and unfiled. This just provides the funds for the position. There is no downside for postponing.

Councilor Romero-Wirth asked how long it will take to change the title.

Manager LaPan Hill replied that was a complicated question. It is a fundamental question with the position ready for the new City Manager hiring to fill it. There are similar positions and now part of the conversation is for the Governing Body to decide.

Councilor Romero-Wirth thought we do need more managerial capacity. Seems like it may be prudent.

Councilor Rivera agreed with Councilor Romero-Wirth. If we can wait a little while, it might help. He asked Director Salazar if there is a job description for Deputy City Manager.

Director Salazar agreed. It was created in 2018.

Councilor Rivera was in favor of waiting for the new City Manager. For what they want for support. It would be fair to them to allow them to make the choice.

Mayor Webber observed the sentiment seems to be to set this aside. We lose nothing by waiting and can have a conversation on it. He had no problem with it. To set it aside and bring it back later would allow the new Manager to participate in it.

Councilor Cassutt agreed and that is a key component. She asked if, as a subsidiary motion, she could move to postpone this until after a new City Manager was chosen.

Ms. McSherry said the Governing Body could do new funding.

Councilor Cassutt asked if that allows enough time.

Ms. McSherry agreed.

MOTION: Councilor Cassutt moved, seconded by Councilor Vigil Coppler, to postpone this BAR until a new City Manager is hired.

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

- y. Request for Approval of a Budget Adjustment Resolution (BAR) in the Municipal Court Division of the General Government Department in the Amount of \$84,411 Including Salaries and Benefits to Fund Three Existing Unfunded Municipal Court Clerk Positions. (Jacqueline Baca, Deputy Court Finance Administrator: jybaca@santafenm.gov, 505-955-5054)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- z. Request for Approval of a Budget Adjustment Resolution (BAR) in the Human Resources Department in the Amount of \$54,362 to Fund and Create One New FTE – Director Salazar Recruitment Specialist. (Bernadette Salazar, Director Salazar Director: bjsalazar@santafenm.gov, 505-955-6591)

Request for Approval of a Budget Adjustment Resolution (BAR) in the Parking Division of the Public Works Department in the Amount of \$74,123 to Fund Existing Unfunded Administrative Manager and Account Technician Positions. (Noel Correia, Parking Division Director: npcorreia@santafenm.gov, 505-955-6611)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- ab. Request for Approval of a Budget Adjustment Resolution (BAR) in the Streets Division of the Public Works Department in the Amount of \$120,433

to Fund Salary Increases for Streets Maintenance and Operation Positions to Assist in Recruitment and Retention. (Thomas Martinez, Director of Operations and Maintenance: tamartinez@santafenm.gov, 505-955-2006)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- ac. Request for Approval of Procurement of One Ambulance Using Houston Galveston Area Council (HGAC) Cooperative Agreement in the Total Amount of \$153,555 for the Fire Department; Southwest Ambulance Sales. (Brian Moya, Assistant Fire Chief: bjmoya@santafenm.gov, 505-3111 and Sten Johnson, Health & Safety Officer: sajohnson@santafenm.gov; 505-467-9799)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- ad. Request for Approval of a Budget Adjustment Resolution (BAR) in the Transit Division of the Public Works Department in the Amount of \$96,187 to Fund Salary Increases for Transit Driver I, II, III & Dispatch Supervisors to Assist in Recruitment and Retention. (Thomas Martinez, Director of Operations and Maintenance: tamartinez@santafenm.gov, 505-955-2006)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

- ae. Request for Approval of Amendment No. 2 to Service Contract 20-0263 with FacilityBUILD, to Increase Compensation in the Amount of \$115,776.39 Including NMGRT for Design/Build Services for the Design and Construction of a New Restroom Facility that will be Located at the Water Street Parking Lot. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-955-5933)

1. Request for the Approval of a BAR in the Amount of \$350,000 to Transfer Capital Impact Fees into WIP Construction for the Water Street Restroom Project, as Approved at the CIAC on 11/17/2020 Item 6B.
2. Request for the Approval of a BAR in the Amount of \$125,770 to Transfer ½% GRT Revenues into WIP Construction for the Water Street Restroom Project.

Committee Review:

Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Governing Body: 12/08/2021

- af. Request for the Approval of Amendment No. 2 to Service Contract 20-0680 for On-Call, Economic Analysis and Urban Planning Services from Strategic Economics; Increasing Compensation in the Total Amount of \$250,000 to a New Total of \$1,000,960 Including NMGRT and Extending the Term of the Agreement to December 31, 2023. (Rich Brown, Director, Community & Economic Development: rdbrown@santafenm.gov; 505-955-6625 and Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov; 505-955-6303) **Committee Review:**
Finance Committee: 11/29/2021
Quality of Life Committee: 12/01/2021
Economic Development Advisory Committee: 12/08/2021
Governing Body: 12/08/2021
- ag. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by a Majority of the Members of the Governing Body to Grant Appeal #2021-4161, Deny the Planning Commission's Decision in Case #2021-3804, and Approve a Development Plan Amendment for Owners Villa Sendero, LLC & CSM Properties, Ltd., Amending Phase II of Their Development Plan for a Development Located at 5132 Beckner Road. (Erin K. McSherry, City Attorney; ekmchsherry@santafenm.gov, 955-6512) **Committee Review:**
Governing Body: 11/10/2021
- ah. Request for Approval of Written Findings of Fact and Conclusions of Law Reflecting the Decision by a Majority of Members of the Governing Body to Deny Appeal # 2021-4078-APPL and Affirm the Historic District Review Board's Decision in Case # 2021-3828-HDRB to Deny Retroactive Approval of a Non-Conforming Portal on a Residence at 701 E. Alameda St., Unit 3. (Erin K. McSherry, City Attorney; ekmchsherry@santafenm.gov, 955-6512) **Committee Review:**
Governing Body: 11/10/2021
- ai. Request for Approval of City of Santa Fe Schedule for 2022 Governing Body and Council Committee Meetings. (Kristine Bustos Mihelcic, Community Engagement Director and City Clerk: kmmihelcic@santafenm.gov, 955-6521)

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

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to approve the 2022 schedule.

Discussion on the Motion:

Councilor Garcia said a correction was needed for correct spelling for the BTAC schedule.

Councilor Villarreal asked Ms. Bustos-Mihelcic asked why the CDC was not scheduled on the calendar.

Ms. Bustos-Mihelcic said she put on what was submitted by the committee.

Councilor Villarreal commented that CDC has never been on this calendar. She asked if CDC could be listed on the official calendar too.

Ms. Bustos-Mihelcic agreed. If the schedule was provided to her office, she would include CDC and correct the BTAC listing also.

Councilor Villarreal agreed to submit their approved dates.

VOTE: The motion was approved as corrected 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

AGENDA AMENDMENT

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to amend the agenda, suspending the afternoon sessions to hear petitions in the evening session now and return to the afternoon session after petitions are heard.

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

18. PETITIONS FROM THE FLOOR

Stefanie Beninato said she was opposed to any deputies in administration and felt the city administration was top heavy. Constituent Services are not serving us. She knew that Sam Burnett told us a ramp was too high [steep?]. She noted that none of the showers are ADA accessible in the City. It used to be with a pass, one could swim anywhere in City pools. Now, a masters' swim team show up at 5 pm and no lanes are open for the public.

Michael Baya was in favor of funding the LUD position as soon as possible in order to stabilize the department for an incoming Director. He also spoke to the SFPS staffing crisis. The Coalition always supports affordable housing. He thanked the Governing Body for all their work.

Joe Schepps requested help in replacing a security gate at 200 Valle del just north of Major Field He said every night the motorcycles meet there. When they moved in, he respectfully asked them to lower their noise at 1 am. And he got threats on his life. He explained they always disperse minutes after he calls the police. If he knew who had removed the gate, he would try to get it replaced. Besides the gate, they removed all "no parking after 6 pm" signs. He said it was a simple straightforward request for fast track of replacement of gates and signage. He had to come to his office for this call because of the loud noise at his home. He didn't understand why the police cannot do something. Thank you.

Miguel Gabaldon thanked Councilor Abeyta and Councilor Vigil Coppler for their service on the Council and expressed his thanks for Councilor Vigil Coppler's efforts to provide the best service possible to District 4. Have a happy holiday season and see you in 2022.

There were no other petitions at 8:22.

The Governing Body went back to item 11.

11. DISCUSSION/ACTION ITEMS

- a. Request for Approval of a Budget Adjustment Resolution (BAR) in the Planning and Land Use Department in the Amount of \$231,623 to Fund Salary Increases for Construction Inspectors and Construction Inspector Supervisors, to Fund an Existing Unfunded Assistant Land Use Director, to Fund an Existing Unfunded Senior Planner, and to Fund and Create One

New FTE - Engineer Position. (Richard Brown, Community Development Director, rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

Ms. Bustos-Mihelcic read the caption for this item. Director Brown and Director Kluck were present.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the BAR for the Planning and Land Use Department personnel costs as presented.

Discussion on the Motion:

Director Brown provided a comment on this first. He said they were very interested in trying to beef up our capacity for filling these positions in this BAR. The City is full of construction and development now and they all run through the Planning Land Use Department. So, we need staff to handle the increase.

Director Kluck said all the arguments for this position were presented in the Deputy position discussion. We have unrelenting complexity and growth. And the operational challenges are the same. He appreciated the validity of Councilor Abeyta's position on allowing the new LUD Director to choose the person for this position but to approve the funding now. We have no time to wait. It is of vital importance to meet ever growing demands and things like the growth management plan and the strategic plan, to have regular operations without failures, to process the applications we receive each week and have more time to engage with customers. The operations are orderly. It is what he did under Eli Isaacson. It is an opportunity to look at the big picture, to have more bandwidth and better represent the Department to the public, to developers, and to the community.

One important point to reference is that these positions will support our Code mandate as laid out in the Code to regulate and make sure all conditions of the Code are met in a timely fashion. We are reaching this critical mass level. He hoped the capacity issue doesn't become a morale issue. He just asked for the Governing Body's support. Thanks for allowing me to speak.

Councilor Cassutt was much in favor of filling the Director position. His motion approves funding for the Assistant LUD Director. Is that correct?

Mayor Webber thought so.

Ms. McSherry said it does.

Councilor Cassutt noted Director Kluck has done a wonderful job and the City needs to fill this position as soon as possible. A lot of work needs to be done yesterday.

Councilor Villarreal commented that during the Finance Committee meeting we didn't have enough information on the background. That would have been helpful. The main concern was to hire the LUD Director. That is the position that has been delayed. She thought the position will be posted it in mid-December. She had a better understanding now. She advocated for a long time for more personnel in this department. And there are other gaps the City needs to fill now. It is important to move forward with the full package.

Councilor Abeyta thanked Director Kluck and Director Brown for the interpretation at Finance and more at Quality of Life. He agreed with Councilor Villarreal that all positions should be filled at this time. He has received lots of emails from the public who want LUD to be fully staffed.

Mayor Webber asked Director Brown if it will be posted soon.

Director Brown said yes. The paperwork is done, and we will post it on December 13 for one month.

Mayor Webber agreed that Director Kluck has done a wonderful work in this position. With the pandemic, electronic permitting, the Land Use Department Interim Director deserves credit for his work and his leadership,

Director Kluck appreciated Mayor Webber's comment.

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

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

Against: None

b. CONSIDERATION OF RESOLUTION NO. 2021-73. (Councilor Rivera and Councilor Abeyta)

A Resolution Requesting a Time Extension for a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500306 for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Thomas Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)

1. Request for Approval of Amendment No. 2 to a Municipal Arterial Program Cooperative Agreement (Munis Contract #3202845) with the New Mexico Department of Transportation for the Planning, Design, and Construction of CIP 835C – Agua Fria and South Meadows Road Intersection Improvements Project. Amendment is for Extension of Agreement Term Only to December 31, 2022, and No Additional Funding.

Committee Review:

Introduced: 11/10/2021

Finance Committee: 11/29/2021

Governing Body: 12/08/2021

Ms. Bustos-Mihelcic read the caption for this item. Tom Graham was present for this item.

Mayor Webber said this can be one motion for b and b-1.

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to approve the resolution and the contract agreement amendment No. 2 as presented.

Discussion on the Motion:

Mr. Graham said this caption did not include the contract considered during committee discussion, so he added that the contract was there for everyone to see. This extends the term of the agreement.

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. CONSIDERATION OF RESOLUTION NO. 2021-74. (Mayor Webber)
A Resolution Permitting Banners to be Located Along San Francisco Street, Old Santa Fe Trail and Cathedral Place to Commemorate the

100th Anniversary of the Historic La Fonda on the Plaza. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review

Introduced: 11/10/2021

Governing Body: 12/08/2021

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

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to approve this resolution as presented.

Discussion on the Motion:

Mr. Guillen said this resolution would permit banners around La Fonda on the Plaza and the resolution has the history of La Fonda. They would be displayed from January 1, 2022 to January 4, 2023. A map was attached in the packet and the design was approved by HDRB and City Administration. And all of it meets the sign code.

He noted that Ms. Jenny Kimball from La Fonda was present to answer questions about it.

Councilor Garcia said that in the history, his wedding reception at La Fonda should be included. It is great and he was happy to support it.

Jenny Kimball wanted to invite everyone on January 22, to the centennial celebration at La Fonda.

Councilor Villarreal wanted to cosponsor the resolution.

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

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

Against: None

d. Request for Approval of a BAR in the Total Amount of \$175,000 to Transfer the Revenues of the Sale of the Santa Fe Clay Building into Railyard Operations to Address Deferred Maintenance Needs. (Sam Burnett, Facilities Division Director: jsburnett@santafenm.gov, 505-955-5933)

Committee Review:

Governing Body: 12/08/2021

Ms. Bustos-Mihelcic read the caption for this item. Sam Burnett was present.

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

Discussion on the Motion:

Director Burnett explained there are a number of deferred maintenance needs at the Railyard and Park. The funds from the sale of the Santa Fe Clay Building were to go back into Railyard operations and this is a good opportunity to address those needs there. That is this item in a nutshell.

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

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

Against: None

- e. CONSIDERATION OF NO. 2021-___. (Councilor Abeyta, Councilor Romero-Wirth, Councilor Cassutt, and Councilor Villarreal)
A Resolution Adopting a New Version of the Governing Body Procedural Rules. (Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518; Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6961)

Committee Review:

Introduced: 11/10/2021

Governing Body Study Session: 11/17/2021

Finance Committee: 11/29/2021

Quality of Life Committee: 12/01/2021

Governing Body: 12/08/2021

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to refer this Resolution to the Public Works & Utilities Committee for their meeting on December 13, 2021, and to the first Governing Body meeting in January 2022.

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

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

Against: None

- f. CONSIDERATION OF RESOLUTION NO. 2021-75. (Mayor Webber)
A Resolution Extending the Duration of the Mayor's Emergency Proclamation Issued on December 6, 2021 by Forty-Seven Days, Expiring at Noon on January 24, 2022, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6961)

Committee Review:

Governing Body: 12/08/21

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

Ms. McSherry stood for questions.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the Resolution as presented.

Discussion on the Motion:

Councilor Lindell made a point again of great concern for camping in the arroyos. She gets letter, emails, and photos that are unbelievable. We are racking up hundreds of thousands of dollars in cleanup costs. Our numbers are horrifying right now, and she could not in good conscience does not vote for it. No one knows what the other side of this will be. The numbers are pushing onto 30% and it is horrifying. And number of cases in the City have been horrifying. It is really disappointing to see it week after week in this city.

Mayor Webber agreed. We have a pandemic spiking and our own city employees' stats are disappointing. Please follow the guidance in this proclamation. It should be concerning to all of us. We continue to have our hands full.

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

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

Against: None

12. **MIDTOWN OVERVIEW**

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

This item was taken from the agenda under Approval of the Agenda because of Daniel Hernandez' illness.

13. **MATTERS FROM THE CITY MANAGER**

Manager LaPan Hill announced the City's hiring event on Saturday from 9 a.m. to 2 p.m. at the Genoveva Chavez Community Center with fun things planned.

We are seeing more cases in Santa Fe than last year at the peak. Get your booster and keep working our way through this pandemic. Happy holidays to everyone.

14. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry was excited to report that Marcos Martinez has been admitted to the U S Supreme Court as Litigator and is filing a motion now.

She also reported wins in the courts.

Ms. McSherry expressed her support for the Deputy position. She hoped to circulate the job description right away. Happy holidays and best wishes to Councilor Abeyta and Councilor Vigil Coppler at the completion of their terms.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically City of Santa Fe v. Purdue Pharma, et al., DNM No. 1:19-CV-01105. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 955-6512)

Ms. McSherry recommended the Governing Body go into executive session to discuss the City's case against Purdue Pharma.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to go into executive session pursuant to the Open Meetings Act, Section 10-15-1 (H)(7) to discuss matters pertaining to

threatened or pending litigation in which the City is or may become a participant.

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

Mayor Webber announced to the public that the Governing Body will go into executive session and return for the rest of the agenda afterward.

The Governing Body went into Executive Session at 8:58 p.m.

The Governing Body ended the Executive Session at 9:27 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, pursuant to the Open Meetings Act, Section 10-15-1 (J), that the Governing Body reconvene in open session and state for the record that the matters discussed in the closed session were limited to were those specified in the motion to close.

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

15. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic announced that the Governing Body has not met since Veterans Day and wanted to thank all who helped on that day. The City crew did a fabulous job on the Plaza lighting.

Thanks to all Governing Body members who came as we lit up the Plaza this year. The Plaza looks gorgeous. She also thanked the City Staff members who organized it.

She sent out an update regarding the many calls to the City about the helicopter flying low over Santa Fe. It is PNM doing wildfire mitigation plans and those will continue for a while.

The City will conduct the inauguration ceremony for the new members of the Governing Body at the Santa Fe Convention Center on December 30, 2021, and will get the information out shortly.

She is also working on redistricting information which will be going out next week.

Once some adjustments are made, she will send the schedule for pledge, salute, invocation assignments at 2022 Governing Body meetings.

She gave her appreciation to those departing, for their service.

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

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

a. Introduction of Legislation for December 8, 2021.

Councilor Vigil Coppler gave thanks for participating in this last four years or two years with her fellow Councilors. She enjoyed her time on City Council. She thought they will see her again in public life. She gave great thanks to AFSCME for standing up for themselves and going the extra mile. Thanks to the Fire Department for their endeavors. They risk their lives even when not at a fire. They are always there to help us. She also thanked the Police Department with deep gratitude for all they have done for the City. And she thanked the other Councilors, especially those who have expressed their opinions without fear to deliberate fully.

“Remember we are a local government and not the state legislature. We represent all political parties because our constituents represent all of them. I honor all of you for respecting our employees. They are the backbone, and we provide the guidance. I wish you well in political career and your Council life. I will be watching what you are doing. I wish Councilor Abeyta big success. Happy holidays. Good cheers.”

Councilor Abeyta said this has been an amazing journey, especially the friendship with you all. Thank you for being a lifelong friend. And in my district, I've made many friends. The calls I got after the election were very helpful. Thanks to Councilor Vigil Coppler for running for Mayor. You did something about it. You stepped up. And Mayor, I appreciate your guidance and words of wisdom for more than four years. I also thank my family who supported me all the

way. Going after our loved ones is not right. I appreciate all eight of you. The last four years were a blast.

Councilor Villarreal thanked her colleagues, especially Councilor Vigil Coppler and Councilor Abeyta. It has been a pleasure working with both of you. I appreciate you being prepared for the meetings and asking great questions.

She thanked Councilor Vigil Coppler for having perspective on practices and procedures. And to Councilor Abeyta whom she has known for a long time, it was a pleasure to serve on Finance together and appreciated his leadership and giving all members the opportunity to express our opinions. Good luck to both of you. I hope to see you in person and not on Zoom forever. Blessings to your families and friends. Merry Christmas and Happy Holidays. I hope you all get some down time.

She asked for the date of the legislative breakfast.

Councilor Garcia thanked his colleagues, Councilor Vigil Coppler and Councilor Abeyta for their dedicated services. He appreciated the collegiality. He told Councilor Abeyta to lace up his sneakers at the gym. "I'm going to find you." Happy holidays. Merry Christmas. Please be safe over the holidays. So, we can continue to celebrate in years to come. And I look forward to working with six of you in 2022.

Councilor Cassutt thanked Councilor Abeyta and Councilor Vigil Coppler for their service. I have learned from both of you with your perspectives. You will both be missed. Take some time to relax. I hope you do take time for relaxation and get back up. Happy Holidays to everybody and be careful this season to stay vigilant. Stay out of groups as much as possible. Connect with family and friends.

She said Councilor Romero-Wirth reminded her that there should not be many meetings in mid-December. She looked forward to working with you next year.

Councilor Lindell said this is the season of naughty or nice. Have some self-reflection. You've still got time to gain ground back. Thanks to each of my colleagues and to Councilor Vigil Coppler and Councilor Abeyta for caring about this City. Hopefully, we stand up for each other because we care about the City. I wish a peaceful and Merry Christmas to all of you. We do need to acknowledge the awful COVID numbers and Aid and Comfort has canceled their event. Be careful. You are all valuable. Remind yourself why you were vaccinated.

Councilor Lindell introduced a joint resolution recognizing the existence of open items related to annexation and establishing negotiating teams to develop nonbinding proposals to resolve those items and cosponsored by Councilor Cassutt.

Councilor Rivera introduced an ordinance amending Exhibit B of Section 21-7 to increase residential and commercial rates for services provided by the Environmental Services Division. He also introduced a resolution supporting the application and response to the request for proposals issued by the North Central New Mexico Economic Development District, Non0Metro New Mexico Area Agency on Aging for continuation of services for the senior citizens of the City of Santa Fe. He wished everyone a Happy New Year and Christmas. He thanked city crews for all the lighting. Mark Aragon has done it for 29 years and a great job year after year.

He congratulated Chief Paul Babcock for doing a great job for he didn't know how long. And Chief Padilla for all of his efforts as Police Chief. He knew Paul Moya was the incoming Fire Chief and Paul Joye as new Police Chief. Thanks to Councilor Vigil Coppler for allowing me to work with you. I'll always remember the banners along Cerrillos Road and for your legwork on it. It continues to be great.

And Councilor Abeyta, my colleague. You once were my boss. You are a great boss and great person to work with. I appreciate your work with youth and as a councilor for these four years. I will miss you and I will call on you if I need advice on things.

Councilor Romero-Wirth introduced an ordinance amending Section 2-1.13 SFCC 1987 to establish that the Mayor Pro Tempore shall serve on one City Council Standing Committee, which shall be the Finance Committee.

She wished everyone a happy holiday and echoed the scary COVID thing. Get vaccinated wear a mask. She and Councilor Vigil Coppler came into the Governing Body together and were part of getting our feet under us. It was hard to believe it has been four years. She knew Councilor Vigil Coppler will continue to do good things. She looked forward to interacting with her in the future.

Mayor Webber introduced an ordinance granting NTS Communications, LLC DBA Vexus Fiber, a non-exclusive franchise to operate a telecommunications network within the City of Santa Fe; the right to use City public rights-of-way to provide telecommunications services within the City; and fixing the terms and conditions thereof. He also introduced a resolution rescinding Resolution No. 2020-1 relating to the Open Meetings Act; and adopting annual notice requirements for 2021.

Mayor Webber introduced an ordinance relating to the City of Santa Fe's Office of Economic Development Plan Ordinance, Section 11-11 SFCC 1987, approving and adopting a local economic development project participation agreement between the City of Santa Fe and Beck & Bulow, LLC for design, development, and construction of tenant improvements, and lease payments, and expansion of a corporate research center, a local economic development project.

He also introduced an ordinance relating to the City of Santa Fe's Office of Economic Development Plan Ordinance, Section 11-11 SFCC 1987, approving and adopting a local economic development project participation agreement between the City of Santa Fe and Earth Care Teardrop Trailers, LLC for design, development, and construction of tenant improvements, and lease payments, and expansion of a manufacturing center and silicon vacuum system, a local economic development project.

He echoed his colleagues in thanks for the tireless work of Staff to make our City beautiful and light up. Thanks for being on the alert for COVID. We've worked hard to stop the spread. Our City Staff members are being struck by it. Practice safety and look after each other. The holiday this year is unlike any in the past. We must be tough and resilient.

It is bittersweet to have Councilors leave and new ones come in. He was glad Councilor Vigil Coppler, and he could go out and have coffee as colleagues and not political rivals, and realize we are going to be here for the future. "I have the utmost respect for you." This is a tough assignment, and you take it on because you love the City. It is a tribute to you to have done your best to advance the City.

He told Councilor Abeyta he was a team player to get things done. You are a coach and a leader and an acolyte of Bill Parcels. I'll see you maybe on the basketball court or when you cut the ribbon on the Teen Center. Thanks for your service and most especially your friendship.

EVENING SESSION - 10:04 P.M.

17. ROLL CALL

Members Present

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

18. PETITIONS FROM THE FLOOR

The petitions were presented during the afternoon session.

19. **APPOINTMENTS**

- a. Bicycle and Pedestrian Advisory Committee (Romella Glorioso-Moss, Projects Administrator: rsglorioso-moss@santafenm.gov, 955-6623)
- Erick Aaobe – Appointment (Filling Vacant Term) – Term Ending 6/2022

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

MOTION: Councilor Garcia moved, seconded by Councilor Cassutt, to approve the appointment to Bicycle and Pedestrian Advisory Committee as presented.

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

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

Against: None

20. **PUBLIC HEARINGS**

- a. **Case #2021-4219.** Monte Sereno Master Plan Amendment. Al Lilly, Agent, for 21 Club Holdings LLC, Owner, Requests Master Plan Amendment to Include Infrastructure and Design Elements for the Hotel Use. The Property is Approximately 34.96 Acres and Zoned PRRC (Planned Residential Resort Community), Located West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive, and is within the Monte Sereno Development. (Dan Esquibel, Senior Planner: daesquibel@santafenm.gov, 955-6587)

1. **CONSIDERATION OF RESOLUTION 2021-76.**

A Resolution Amending a Master Plan for a Tract of Land More Particularly Described in Exhibit A and Know as a Portion of Tract M, Remaining as a Result of “Replat of the Compound Phase 2 at Monte Sereno Phase 3,” Recorded as Instrument #1953714 in Book 878 Pages 9-12 and Subdivision Plat “The Compound Phase 3 at Monte Sereno Amendment #3” Recorded as Instrument #1953723 in Book 878 Pages 13-16, Lying within Section 36, T18N, R9E N.M.P.M., Comprising an Area of Approximately 34.96 Acres, Located West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive, and is within the Monte Sereno Development, within the City of Santa Fe,

State of New Mexico. (Case No. 21-4219. Monte Sereno Master Plan Amendment).

2. Request for Approval of Written Findings of Fact and Conclusions of Law Regarding Case #2021-4219 in the Matter of the Property Located West of Highway 285, North of Tano Road at 4000 Monte Sereno Drive and is within the Monte Sereno Development.

Ms. Bustos-Mihelcic read the caption for the Public Hearing for A and A-1 and A-2.

Mayor Webber clarified the procedure for the public hearing.

Ms. McSherry explained the role of the Governing Body in quasi-judicial hearings.

Disclosures:

There were no disclosures.

Staff Presentation

Mr. Dan Esquibel first wished Councilor Abeyta, Councilor Vigil Coppler and Manager LaPan Hill the best. "You will be missed."

He introduced this project to the Governing Body with a shared screen.

Staff recommends approval as recommended by the Planning Commission and if approved, the Governing Body should approve the resolution as it appears in Exhibit A, amending the Master Plan, and either approve the Findings of Fact and Conclusions of Law as presented in Exhibit B, or choose to amend them. If the Governing Body chooses to deny the project, it would direct Staff to write FF/CL reflecting the Governing Body's decision.

He pointed out that there were sample motions in the packet which he read aloud. He stated that the Planning and Land Use Department has determined that the proposed development, along with the attached exhibits, comply with the approval criteria for the Master Plan amendments for amending design elements.

The applicant has complied with other aspects of Code. Two ENN meetings were held in September 2021. The proposed Master Plan amendment has an annexation agreement.

The Applicant has agreed with all conditions for approval, and he recommended approval of Exhibit A.

Applicant Presentation:

Mr. Al Lilly, 552 Old Santa Fe Trail, representing the Applicant, 21 Holdings LLC, was sworn in. He introduced his team members and shared his screen to present the proposal.

Amrit Aristimuno was one introduced.

Mr. Amrit Aristimuno, at the same address, was sworn. He provided a brief history for the Monte Sereno development, located at the very north end of City with County land on both sides. The Santa Fe Opera was to the north and the highway was on the east side.

He said the developers moved away from the previously approved 3-story hotel and opted for a boutique style lodging facility. COVID drove a smaller design, allowing more privacy and room. They felt the change will be successful.

Mr. Lilly showed the site view of 60 casitas with 2 guest units each for 120 total units. It had a clubhouse and a fitness center. It was described as like Four Seasons in Tesuque with a private road pattern and two loop roads that serve it. Phase one is on the western half and phase two is the eastern half. The design guidelines follow the design guidelines for the original Monte Sereno community.

The preliminary architectural design was created by Amrit Aristimuno. He showed elevations of the clubhouse. Resort casitas were shown next. They were designed to fit on the slopes of the site and in keeping with all of the development. On the Master Plan, he pointed out the trails, shown in green. The open space requirements had already been met.

The Landscape Plan was done by Claudia Horn to preserve the high desert environment. It included shade trees and native piñon and pine near the buildings with native shrubs and grasses consistent with the design guidelines.

They felt these were the right plans for this property and a win-win. He listed some of the advantages.

Water use reduced 40%. It would have less visual impact. The parking lots were smaller, all for less impact on the night sky and a positive impact on

economic development with a significant portion on property taxes and GRT.

The developer has been a strong supporter of Santa Fe Opera and will provide lodging for patrons of the Opera. He thanked the team members and felt the new design is superior and requested approval of the Master Plan.

Public Comment

Michael Jimenez, Santa Fe was sworn. He stated he was a member of the Monte Sereno Board with a prepared statement. He has been a resident for 12 years and was the only homeowner on the Board. The Monte Sereno Board manages the HOA and club and uses volunteers for safety and security and appropriate stewardship of the land, architectural controls, and guidelines. They have maintained high standards for the community and resort. They have undertaken four projects which he listed.

He said the products are of high quality and have increasing market value. This project will reflect that same level of quality. Thanks.

There were no other speakers from the public.

Questions and Discussion by the Governing Body

Councilor Lindell referred to Exhibit C in the packet, on pages 11-12.

She asked the Applicant to tell us more about the trail system and to show where the proposed trail system is and where the existing trail system is.

Mr. Lilly showed it on the screen. He said the existing trail system goes down to the arroyo and heads south. We will put loops of trails in the site that connect with the existing trail. The arroyo trail has green space to the west and into the valley and we anticipate having connections at the end of the roads.

Councilor Lindell asked if the trail is only open to residents of Monte Sereno.

Mr. Lilly clarified they are meant to be private trails for the community. Those on the resort tract were not part of the plan for the public.

Councilor Lindell asked why they would not have the resort trails connect with the existing trails.

Mr. Lilly said they were originally to be connected but the residents discouraged that. We can discuss it further and that is where we are today.

Councilor Lindell thought it seemed pretty open-ended.

Mr. Lilly explained that some of the existing trails are very close to individual homes. So, we considered restricting it in certain areas. He added that there is a trail committee.

Councilor Lindell encouraged allowing that to happen. She didn't think they will be inexpensive. That is just her opinion on it.

Secondly, on page 11 regarding water use, she asked why the water use would be 40% less in the new design.

Mr. Lilly explained the original plan was a 250-room hotel with restaurant and conference facilities and had a water budget for the original plan and now the design was for 120 rooms and limited amenities.

Councilor Lindell asked why it would not be a 50% reduction.

Mr. Lilly pointed out they still have the same landscaping to take care of.

Councilor Villarreal concurred with Councilor Lindell on the trail connections. She thought it would be beneficial for residents to access the resort trails too.

Mr. Esquibel said it was evident during the ENN process that the neighbor residents did not want them connected. This is not a city trail system but is private. The city was not interested in maintaining the trails, so the homeowners took it over and asked the hotel system trails not to be connected.

Councilor Villarreal said she read that and asked Mr. Esquibel if it makes sense.

Mr. Esquibel said they did talk about it at the meetings and addressed their concerns. At present, the trail system is private. The trails could be dedicated at the request of the city, but the city did not request it.

Councilor Villarreal asked Mr. Esquibel if there was a condition that casitas units would not be allowed to be sold.

Mr. Esquibel said there were two options in the agreement. We had a long discussion on it. They have an option to remove the hotel designation and develop it with home ownership. It does look like a residential development.

They can be owned by an individual but not as a personal residence. It is under one management. They are commercial and will be treated as such and not as dwelling units. He was okay with that design, and they convinced us it would truly be a commercial hotel and not for leasing – only for transient lodging.

Councilor Villarreal said it looked like time shares.

Mr. Esquibel said he had asked that question and the developer said no.

Mr. Lilly said Mr. Beauregard can shed light on that.

Mr. Beauregard was sworn in by Ms. Bustos-Mihelcic.

Mr. Don Beauregard identified himself as Director of Development for the development. He stated that the question of ownership did come up and we worked hard to develop a concept that the units will be only for resort transient use.

He said every part will be subject to city restrictions that include a requirement that every owner would have a rental management agreement with restrictions so they would not be used as residential use beyond 30 days in any calendar quarter. The one exception was that during opera season, owners could use them for 60 consecutive days.

He considered it to be a clear distinction between a resort and a residential property.

Councilor Villarreal asked how they are not a time share.

Mr. Beauregard said it would be a fee simple ownership and the owner could develop a number of them and some could be developed by groups other than 21 Club LLC.

Councilor Villarreal asked if they could call them vacation rentals.

Mr. Beauregard agreed they could have a family rent a two-bedroom space or one could be separated. They were designed to accommodate for identifiable trends in resort business now. People want kitchens and outdoor spaces and no elevators. All of that went into this concept for market appeal and demand.

Councilor Villarreal asked if lodgers' tax would be applicable.

Mr. Beauregard thought they would be influenced by that.

There were no other questions.

Mayor Webber asked if Mr. Lilly wanted to give a closing statement.

Mr. Lilly said he had nothing to add. We have demonstrated the advantages over the entitlement in place and he hoped the Governing Body would support it.

Mayor Webber closed the public hearing and opened the floor for a motion.

Governing Body Action

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Vigil Coppler, to approve in Case 2021-4219, the Master Plan amendment with conditions of approval recommended by the Planning Commission and City Staff as listed in Exhibit O and to adopt the Resolution for the Master Plan with design guidelines for the Monte Sereno Master Plan amendment, subject to conditions of approval recommended by the Planning Commission and City Staff listed in Exhibit A, and to approve the Findings of Fact and Conclusions of Law for Case 2021-4219 Master Plan Amendment for design guidelines for Monte Sereno Master Plan Amendment listed in Exhibit D.

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

Mayor Webber thanked the Applicant and Staff for their work on this case.

Mr. Lilly thanked the Governing Body for their approval.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:04 p.m.

Approved by:

Mayor Alan Webber

ATTESTED TO:

Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



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

**EXHIBIT ONE
Council on Dec 8 2021**

Mayor Alan Webber

Co-Sponsors	Title*	Tentative Committee Schedule*
	AN ORDINANCE GRANTING NTS COMMUNICATIONS, LLC DBA VEXUS FIBER A NON-EXCLUSIVE FRANCHISE TO OPERATE A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF SANTA FE; THE RIGHT TO USE CITY PUBLIC RIGHTS-OF-WAY TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY; AND FIXING THE TERMS AND CONDITIONS THEREOF.	Finance Committee – 1/3/22 Public Works and Utilities Committee – 1/10/22 Governing Body (request to publish) – 1/12/22 Economic Development Advisory Committee – 2/9/22 Governing Body (public hearing) 2/9/22
	A RESOLUTION RESCINDING RESOLUTION NO. 2020-1 RELATING TO THE OPEN MEETINGS ACT; AND ADOPTING ANNUAL NOTICE REQUIREMENTS FOR 2021.	Finance Committee – 1/3/22 Quality of Life Committee – 1/5/22 Public Works and Utilities Committee – 1/10/22 Governing Body – 1/12/22
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE’S OFFICE OF ECONOMIC DEVELOPMENT PLAN ORDINANCE, SECTION 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND BECK & BULOW, LLC FOR DESIGN, DEVELOPMENT, AND CONSTRUCTION OF TENANT IMPROVEMENTS, AND LEASE PAYMENTS, AND EXPANSION OF A CORPORATE RESEARCH CENTER, A LOCAL ECONOMIC DEVELOPMENT PROJECT.	Economic Development Advisory Committee – 1/12/22 Governing Body (request to publish) – 1/12/22 Finance Committee – 1/17/22 Quality of Life Committee – 1/19/22 Governing Body (public hearing) – 2/9/22
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE’S OFFICE OF ECONOMIC DEVELOPMENT PLAN ORDINANCE, SECTION 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND EARTH CARE TEARDROP TRAILERS, LLC FOR DESIGN, DEVELOPMENT, AND CONSTRUCTION OF TENANT IMPROVEMENTS, AND LEASE PAYMENTS, AND EXPANSION OF A MANUFACTURING CENTER AND SILICON VACUUM SYSTEM, A LOCAL ECONOMIC DEVELOPMENT PROJECT.	Economic Development Advisory Committee – 1/12/22 Governing Body (request to publish) – 1/12/22 Finance Committee – 1/17/22 Quality of Life Committee – 1/19/22 Governing Body (public hearing) – 2/9/22

Councilor Roman “Tiger” Abeyta

Co-Sponsors	Title*	Tentative Committee Schedule*

Councilor Jamie Cassutt		
Co-Sponsors	Title*	Tentative Committee Schedule*
Councilor Michael J. Garcia		
Co-Sponsors	Title*	Tentative Committee Schedule*
Councilor Signe I. Lindell		
Co-Sponsors	Title*	Tentative Committee Schedule*
Cassutt	A JOINT RESOLUTION RECOGNIZING THE EXISTENCE OF OPEN ITEMS RELATED TO ANNEXATION AND ESTABLISHING NEGOTIATING TEAMS TO DEVELOP NON-BINDING PROPOSALS TO RESOLVE THOSE ITEMS.	Governing Body 1/12/22
Councilor Chris Rivera		
Co-Sponsors	Title*	Tentative Committee Schedule*
	AN ORDINANCE AMENDING EXHIBIT B OF SECTION 21-7 TO INCREASE RESIDENTIAL AND COMERCIAL RATES FOR SERVICES PROVIDED BY THE ENVIRONMENTAL SERVICES DIVISION.	Public Works and Utilities Committee – 1/10/22 Governing Body (request to publish) – 1/12/22 Finance Committee – 1/17/22 Governing Body (public hearing) – 2/9/22
	A RESOLUTION SUPPORTING THE APPLICATION AND RESPONSE TO THE REQUEST FOR PROPOSALS ISSUED BY THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT, NON-METRO NEW MEXICO AREA AGENCY ON AGING FOR CONTINUATION OF SERVICES FOR THE SENIOR CITIZENS OF THE CITY OF SANTA FE.	Finance Committee – 1/3/22 Quality of Life Committee – 1/5/22 Governing Body – 1/12/22
Councilor Carol Romero-Wirth		
Co-Sponsors	Title*	Tentative Committee Schedule*
Cassutt	AN ORDINANCE AMENDING SECTION 2-1.13 SFCC 1987 TO ESTABLISH THAT THE MAYOR PRO TEMPORE SHALL SERVE ON ONE CITY COUNCIL STANDING COMMITTEE, WHICH SHALL BE THE FINANCE COMMITTEE.	Finance Committee – 1/3/22 Quality of Life Committee – 1/5/22 Public Works and Utilities Committee – 1/10/22 Governing Body (request to publish) – 1/12/22 Governing Body (public hearing) – 2/9/22
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title*	Tentative Committee Schedule*