



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 23, 2022
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 Comment*, *Final Action on Legislation*, *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*, *Public Comment*, *Final Action on Legislation*, 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/81934722489?pwd=V3ZpR0VGckYrRjM2ZDJSR3NHS3ZwQT09>. **Passcode: 378043**

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 3472 2489 - Passcode: 378043**
Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

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

Councilor M. Garcia

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

Councilor Rivera

4. **INVOCATION AND REMEMBRANCES**

Councilor Cassutt

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

- a. FY21 Audit Status Update. (John Blair, City Manager: jwblair@santafenm.gov, 505-603-1267 and Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 505-955-6171)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of Regular Governing Body Meeting Minutes for February 9, 2022. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)

Committee Review:



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Governing Body: 02/23/2022

- b. Request for Approval of the Amended and Restated Lease Agreement between the City of Santa Fe and the Boys & Girls Club, Inc. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 505-955-6344)

Committee Review:

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Finance Committee: 02/14/2022

Quality of Life: 02/16/2022

Governing Body: 02/23/2022

- c. Request for Approval of the Allocation of the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Homewise Los Canales Housing Development Affordability Project in the Amount of \$700,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346) **Committee**

Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- d. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Santa Fe Civic Housing Authority's Paseo Del Sol Apartments Project in the Amount of \$500,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346) **Committee**

Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- e. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Community Solutions Santa Fe Suites Project in the Amount of \$910,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346) **Committee Review:**

Finance Committee: 02/14/2022



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Quality of Life Committee: 02/16/2022
Governing Body: 02/23/2022

- f. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Youth Works Housing First Rental Voucher Program in the Amount of \$90,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346) **Committee Review:**
Finance Committee: 02/14/2022
Quality of Life Committee: 02/16/2022
Governing Body: 02/23/2022

- g. Request for Approval of CES Contract No. 2020-31B-C105-ALL, Medium and Heavy Duty Trucks, Truck Bodies, Accessories, Parts, and Service in the Amount of \$707,950 for the Purchase of a Heavy Rescue Apparatus Truck from 411 Equipment, LLC. (Brian Moya, Fire Chief: bjmoya@santafenm.gov, 505-955-3111 and Daniel Garcia, Fire Fleet Manager: dagarcia@santafenm.gov, 505-231-8561)

Committee Review:

Finance Committee: 02/14/2022
Public Works Committee: 02/21/2022
Governing Body: 02/23/2022

- h. Request for Approval of a Budget Amendment Resolution (BAR) in the Amount of \$750,000 from the New Mexico Department of Finance and Administration for Severance Tax Bond Appropriation to the Electric Vehicles Project No. 20-E2735, to Fund the Purchase of Electric Vehicles and Charging Stations. (Neal Denton, Sustainability Officer: nhdenton@santafenm.gov, 505-955-2229)

Committee Review:

Public Works and Utilities Committee: 02/07/2022
Finance Committee: 02/14/2022
Governing Body: 02/23/2022

- i. Request for Approval of Purchase for a Komptech X63 Windrow Turner for the Wastewater Management Compost Section through the Source Well



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Cooperative Procurement in the Total Amount of \$631,942. (Julian Gonzales, WWMD Plant Operator: jrgonzales@santafenm.gov, 505-470-0291)

1. Request for Approval of a BAR (Budget Adjustment Resolution) in the Amount of \$631,942 for the Windrow Turner.

Committee Review:

Public Works and Utilities Committee: 02/07/2022

Finance Committee: 02/14/2022

Governing Body: 02/23/2022

- j. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$160,478 from FY22 Public Works Admin Engineering Service Budget to Capital Improvement Projects Henry Lynch Reconstruction and Bishops Lodge Road Reconstruction. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov , 505-955-6623)

Committee Review:

Finance Committee: 02/14/2022

Public Works & Utilities Committee: 02/21/2022

Governing Body: 02/23/2022

- k. Request for Approval of a State of New Mexico Children, Youth and Families Department (CYFD) Amendment No. 2 to CYFD Professional Services Agreement No. 21-690-3200-20846 (City Contract No. 21-20846) to the Scope of Work to Reflect an Update in Language and Increase in Compensation of \$64,749, for a New Contract Total of \$410,073 and the Addition of a Community Restorative Justice Program for Juvenile Justice Alternative to Detention Programs in the City of Santa Fe: (CYFD Alternatives to Detention Grant). (Julie Sanchez, jjsanchez@santafenm.gov, 505-955-6678)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- l. Approval of Findings of Fact and Conclusions of Law in Case #2021-4375, in which the Governing Body Approved a General Plan Amendment for 2868 Rufina Street to Change the Future Land Use Classification from Industrial to



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Community Commercial for Approximately 2.39 Acres of Land. (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 02/23/2022

- m. Approval of Findings of Fact and Conclusions of Law in Case #2021-4376, in which the Governing Body Approved a Rezoning for 2868 Rufina Street from I-1 (Light Industrial) to C-2 (Commercial) for Approximately 2.39 Acres of Land. (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 02/23/2022

- n. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, and Councilor Chavez)
A Resolution Adopting Next Steps for the Reuse and Redevelopment of the Midtown Property Including Applying for Land Use Rezoning, General Plan Amendment, and a Master Plan; Adopting a Community Development Plan; Issuing Certain Requests for Proposals; Conducting Certain Studies and Assessments; and Seeking the Acquisition of Land Located Within or Adjacent to the Midtown Site. (Rich Brown, Community and Economic Development Director: rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Introduced: 01/26/2022

Quality of Life Committee: 02/02/2022

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Finance Committee: 02/14/2022

Governing Body: 02/23/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. Request for Approval of an Agreement with the State of New Mexico, Department of Information Technology, for Subscription Services to the Statewide Trunked Radio System (DTRS) at the Cost of Twenty Dollars (\$20) Per Radio, for an Estimated Annual Cost of up to \$150,000. (Manuel



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Gonzales, ITT Director: mmgonzales@santafenm.gov; 505-231-1749 and Joseph Abeyta, jmabeyta@santafenm.gov, 505-955-5518)

Committee Review:

Governing Body: 02/23/2022

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (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: ekmcsherry@santafenm.gov, 505-955-6512)

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. Approval of the City of Santa Fe's Participation in the New Mexico Master Settlement Agreement and Settlement Term Sheet as a "Participating Subdivision" to Settle the City's Legal Disputes with Janssen and Noramco, Inc., as Raised in *City of Santa Fe v. Purdue Pharma, et al.* DNM No. 1:19-CV-01105. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

14. **MATTERS FROM THE CITY CLERK**

a. **UPCOMING PUBLIC HEARINGS:**

CONSIDERATION OF BILL NO. 2022-___. (Mayor Webber)

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. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)

Committee Review:

Introduced: 12/08/21

Public Works and Utilities Committee: 01/10/2022 (Postponed)

Finance Committee: 01/31/22 (Item Pulled from Agenda)

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Governing Body (Public Comment): 02/09/2022

Finance Committee: 02/14/2022



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Governing Body (Public Hearing and Final Approval): 03/09/2022

Publication Date: February 17, 2022

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

16. **INTRODUCTION OF LEGISLATION**

- a. Introduction of a Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions From March 10, 2022, to April 10, 2022; Restricting the Sale or Use of Fireworks Within the City of Santa Fe; and Prohibiting Other Fire Hazard Activities. (Councilor Rivera) (Geronimo Griego, Fire Marshal: gggriego@santafenm.gov, 955-3317)

Committee Review:

Quality of Life Committee: 03/02/2022

Governing Body: 03/09/2022

- b. Introduction of an Ordinance Amending Table 14-6.1-1 of the Land Development Code, the Table of Permitted Uses, to Permit Small and Large Preschool and Daycare Facilities in all Zoning Districts Except Industrial Districts. (Councilor Cassutt) (Daniel Alvarado, Planner Senior: djalvarado@santafenm.gov, 955-6670; Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body Public Comment: 03/09/22

Planning Commission: 03/17/22

Economic Development Advisory Committee: 04/13/22

Quality of Life Committee: 04/20/22

Public Works and Utilities Committee: 04/25/22

Governing Body Public Hearing: 05/11/22

17. **PETITIONS FROM THE FLOOR (7:00 P.M.)**

18. **FINAL ACTION ON LEGISLATION**

19. **PUBLIC HEARINGS**



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- a. Fiscal Year 2023 City Budget Public Input (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171)

20. APPOINTMENTS

21. ADJOURN

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

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

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

**Governing Body
SUMMARY INDEX
February 23, 2022**

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2. Pledge of Allegiance	Led by Councilor Rivera	1
3. Salute to the State Flag	Led by Councilor Villarreal	1
4. Invocation	Led by Councilor Cassutt	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Approval of Consent Calendar	Approved as amended	3
8. Presentations		
a) FY 21 Audit Status Update	Presented	3
9. Consent Agenda Listing		
b) Boys & Girls Club Lease	Approved as amended	4-6, 9-11
d) Paseo Del Sol Contract	Approved as presented	6-7
h) Electric Vehicles BAR	Approved as presented	8-9
n) Midtown Next Steps Resolution	Approved as amended	11-15
10. Discussion Agenda		
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11. Matters from the City Manager	Reported	16
12. Matters from the City Attorney	Reported	16-17
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a) Janssen & Noramco Settlement	Approved as presented	18-19
14. Matters from the City Clerk	Reported	19-20
a) Upcoming Public Hearings	Listed	20
15. Communications From the Governing Body Communicated		21-22
16. Introduction of Legislation		
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b) Preschool/Daycare Zoning Uses	Introduced	23
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19. Public Hearings		
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20. Appointments	None	29
21. Adjourn	Adjourned at 8:52 pm	29

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, February 23, 2022
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, February 23, 2022, at approximately 5:03 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 Michael Garcia.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Cassutt. She read a poem from a famous Black Poet, Maya Angelou, entitled "Human Family."

Councilor Rivera remembered Isabel Montoya who once graced the Fiesta Council for more than 38 years. She was known for the intricate and elaborate clothing and costumes she created over those years for Don Diego DeVargas and his staff. "May she rest in peace and wished well for her family.

Councilor Villarreal remembered the passing of her cousin, Bobby Miera, who loved making jokes and talking politics. He had been helpful when she first ran for office. She sent prayers and love to his family.

The Governing Body observed a moment of silence for those struggling with COVID those in need of recovery, and 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 Jamie Cassutt
Councilor Amanda Chavez
Councilor Lee Garcia
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Alexandra Ladd, Affordable Housing Director
Rich Brown, Economic Development Director
Manuel Gonzales, ITT Director
Jesse Guillen, Legislative Liaison
Bernadette Salazar, Human Resources Director
Mary McCoy, Finance Director
Terry Lease, Asset Development Manager
Andy Hopkins, Finance Department
Romella Glorioso-Moss, Senior Project Administrator
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

7. APPROVAL OF CONSENT CALENDAR

Councilor Chavez pulled item d from the Consent Calendar.

Councilor M Garcia pulled items b and n from the Consent Calendar.

Councilor Villarreal also pulled item n from the Consent Calendar.

Councilor Romero-Wirth pulled item h from the Consent Calendar.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the Consent Calendar as amended with items b, d, h, and n removed for discussion.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

8. PRESENTATIONS

- a. FY21 Audit Status Update. (John Blair, City Manager: jwblair@santafenm.gov, 505-603-1267 and Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 505-955-6171)

Director McCoy said her department made significant progress in last few weeks. Interfunds are 100% complete; Capital Assets are 99% complete. Assets are 62% complete and expected to be 100% by next week. They have made significant progress on cash accounts 100700 and 100900. Inflows and outflows deferred are 50% complete; Liabilities are 47% complete. SEFA is 60% complete and anticipated to be fully complete by mid-March.

The FY 21 Audit Timeline was reviewed and that was confirmed with CLA (the auditor).

Mayor Webber congratulated Director McCoy on the 100% items.

9. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of Regular Governing Body Meeting Minutes for February 9, 2022. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)

Committee Review:

Governing Body 02/23/2022

Item b was pulled by Councilor M Garcia for discussion.

- b. Request for Approval of the Amended and Restated Lease Agreement between the City of Santa Fe and the Boys & Girls Club, Inc. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 505-955-6344)

Committee Review:

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Finance Committee: 02/14/2022

Quality of Life: 02/16/2022

Governing Body: 02/23/2022

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve the lease agreement as presented.

Discussion on the Motion:

Councilor M Garcia had questions on the lease. He recalled his own experience starting when he was six years old and thanked Boys & Girls Club for all they have done for Santa Fe. It has a big impact on his life. He referred to page 3 of the lease at item C-1 – provision of services to offset monetary rent, and on line 3 where it referenced Section 4-a. But 4-a talked about base rent, which was not on services offsets of monetary rent. He asked Manager Lease to help locate where it was in the agreement.

Manager Lease apologized and looked for it.

Councilor Rivera clarified that the lease was for part of the property and the Teen Center part of the property should not be included in the lease. He explained that, among those services were transport to and from schools; assistance in the summer program where parents cannot stay home with kids. Between the Boys & Girls Club and the City, we provide those services for the kids.

Manager Lease apologized for that. He was at the referenced section and asked Councilor M Garcia what he was speaking about.

Councilor M Garcia restated the reference, which did not relate to services that offset the monetary rent. In contracts, the specifics should be laid out in black and white. The reference was incorrect. No services were listed in 4-a and that might be a typo. He knew there were many services provided, as Councilor Rivera mentioned. But those are not listed in the reference in the agreement.

Manager Lease said those services were listed in 6, 7, and 8. The services provided were not specific. The services provided are presented in the annual value statement where they would be explained in detail.

Council M Garcia said he saw no value service statement in Section 4-a. We need to make the corrections to the lease now.

Manager Lease said some were included in Section C and B 16. But they were not listed specifically. That would be in 5-A – intended use.

Councilor Rivera observed that the services provided by the Boys and Girls Club change from year to year. He saw that Sarah Gettler was present and knew the answer. Perhaps she can help answer that question.

Mayor Webber thought Councilor M Garcia was looking for an enumeration of the services to be provided and asked him what would answer his question.

Councilor M Garcia deferred to Ms. McSherry. He suggested the Governing Body just needs the lease to clearly identify what services were going to be eligible for offsetting costs.

Ms. McSherry requested this item be tabled until she talked with Manager Lease privately about the correction.

MOTION: Councilor M Garcia moved, seconded by Councilor Villarreal, to table consideration of the Boys & Girls Club Lease Agreement.

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

For: Mayor Webber, Councilor Cassutt, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, and Councilor Villarreal.

Against: Councilor Chavez, Councilor Rivera, and Councilor Romero-Wirth

Councilor Romero-Wirth explained she just wanted to make another comment on it before tabling so that it could be considered in her conversation with Manager Lease.

- c. Request for Approval of the Allocation of the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Homewise Los Canales Housing Development Affordability Project in the Amount of \$700,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

Item d was pulled by Councilor Chavez for discussion.

- d. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Santa Fe Civic Housing Authority's Paseo Del Sol Apartments Project in the Amount of \$500,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

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

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

Discussion on the Motion:

Councilor Chavez said she was excited to see items on Affordable Housing. She asked Director Ladd on this one because it is a big deal. To keep tenants housed is exciting.

Director Ladd agreed this is an exciting project. There were many that came on line 25-30 years ago. They were all designed so that the subsidy was maintained as affordable, and renters certified for a certain period of time. But at end of the affordability period (usually 20-25 years), the owner had the option to continue the subsidy period or convert it to market rate. Over the years, some of them were converted to market rate and meant the occupants were not able to continue paying rent. So, a nonprofit purchased the property to continue the subsidy for Low Income folks. The prime motivation for purchase by Housing Authority was from the difficulty finding

AH properties. Many municipalities take this approach. Santa Fe doesn't have that capability, but the Housing Authority does. As a result, the units are offset on costs and physically preserves the subsidy with the condition that it would be rented to families at 50% of the federal poverty guidelines or below.

Councilor Chavez said those units were special to her. Many families of her students live in them. Having that housing security helps us as educators. And we need to emphasize how important that is to our families. She knew the impact this has, and it should be highlighted more. She thanked Director Ladd.

Mayor Webber pointed out this was one of four such items on consent on this agenda.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

- e. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Community Solutions Santa Fe Suites Project in the Amount of \$910,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- f. Request for Approval of the Allocation for the 2022 Affordable Housing Trust Fund (AHTF) and the Attached Contracts Awarded in Response to RFA 22/01/R for Youth Works Housing First Rental Voucher Program in the Amount of \$90,000. (Alexandra Ladd, Director, Office of Affordable Housing: agladd@santafenm.gov, 505-955-6346)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- g. Request for Approval of CES Contract No. 2020-31B-C105-ALL, Medium and Heavy-Duty Trucks, Truck Bodies, Accessories, Parts, and Service in the Amount of \$707,950 for the Purchase of a Heavy Rescue Apparatus Truck from 411 Equipment, LLC. (Brian Moya, Fire Chief: bjmoya@santafenm.gov, 505-955-3111 and Daniel Garcia, Fire Fleet Manager: dagarcia@santafenm.gov, 505-231-8561)
Committee Review:
Finance Committee: 02/14/2022
Public Works Committee: 02/21/2022
Governing Body: 02/23/2022

Item h was pulled by Councilor Romero-Wirth for discussion.

- h. Request for Approval of a Budget Amendment Resolution (BAR) in the Amount of \$750,000 from the New Mexico Department of Finance and Administration for Severance Tax Bond Appropriation to the Electric Vehicles Project No. 20-E2735, to Fund the Purchase of Electric Vehicles and Charging Stations. (Neal Denton, Sustainability Officer: nhdenton@santafenm.gov, 505-955-2229)
Committee Review:
Public Works and Utilities Committee: 02/07/2022
Finance Committee: 02/14/2022
Governing Body: 02/23/2022

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the BAR for the Electric Vehicles Project as presented.

Discussion on the Motion:

Councilor Romero-Wirth was excited for this project. It will help us meet sustainability goals. She wanted to give Mr. Denton the opportunity to speak to it.

Mr. Neal Denton, City Sustainability Officer, agreed it is a big deal. In 2017, Governing Body approved to transition to all-electric vehicles for non-emergency use. That goal was reiterated in 2018 in the City's 25-year plan. Santa Fe requested from the Legislature \$500,000 and the Legislature allocated \$750,000 to purchase 17 electric vehicles and also received a grant from the State Environment Department to install four double-port charging stations. We expect to purchase to be delivered by the end of the fiscal year. Most of them will be Nissan Leaf vehicles. We have 87 vehicles total to replace.

Councilor Romero-Wirth asked if this was the first tranche to meet our goal.

Officer Denton said it was not the first. The City has four electric vehicles and three hybrids already. But this is a significant increase. Some will be parking enforcement vehicles, so they are high profile. The news release is ready for release tomorrow.

Councilor Romero-Wirth commented that the Nisan Leaf automobiles are fine vehicles and will help build the network. This will also help relieve range anxiety.

Officer Denton agreed. The Railyard garage charging stations present a unique opportunity since the other garages are not open at night.

Councilor Romero-Wirth was familiar with ChargePoint and Nissan Leaf and was very excited and thankful to the Legislature for helping to make it possible.

Councilor Rivera thanked Officer Denton for the update. On page 9 of his packet, he saw the statewide price agreement, Item 5, expired October 22, 2021.

Officer Denton agreed and added that the price agreement was extended.

Councilor Rivera asked if that was true for all four vendors. They all expired in October 2021.

Officer Denton said they were extended to October 6, 2022. The Melloy price agreement was for Melloy in Los Lunas.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

Return to Item 9-b

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to remove Item 9-b. from the table for consideration.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

Ms. McSherry reported proposed deleting “4 a” and inserting “5 a” which would make the lease document correct.

MOTION: Councilor M Garcia moved, seconded by Councilor Romero-Wirth, to amend the lease agreement as stated by Ms. McSherry, by deleting in that section “4 a above” and inserting “5 a below”.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the agreement as amended.

Further Discussion on the Motion:

Councilor M Garcia asked how we verify the services provided to ensure the value is put on them and how do we work that out to not over estimate or under estimate. The services they provide are critical.

Manager Lease said the reporting is per standards. The Boys & Girls Club Director might want to address it.

Ms. Sarah Gettler said the Boys & Girls Club will report with the annual value statement and submit it annually. The Club uses the CYFD values for the programs. That included \$250 per child monthly for the after-school program. Data is submitted to the auditor and after audited, it is submitted to the City.

Councilor M Garcia thanked her and the other Boys & Girls Club staff for the services provided.

Councilor Villarreal had a question for Legal. She asked if, when we reinstate a lease agreement, if we make sure that their rent agreement is up to date before reinstating.

Ms. McSherry deferred to Manager Lease on this specific question.

Manager Lease said, typically, we will get a fair market appraisal. It was previously appraised in 2015.

Councilor Villarreal said she wasn't referring to an appraisal, but to update the rental agreement.

Manager Lease said we do not have a program that flags those as not up to date. He has been researching that and had a third demonstration today. The software we choose will provide the flag for us.

Councilor Villarreal thought it would be prudent to have that in place.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

Councilor Rivera explained his vote. He thanked several City people and Boys & Girls Club people who worked on this for over a year. It was not easy. A lot of people put a lot of effort into it.

i. Request for Approval of Purchase for a Komptech X63 Windrow Turner for the Wastewater Management Compost Section through the Source Well Cooperative Procurement in the Total Amount of \$631,942. (Julian Gonzales, WWMD Plant Operator: jrgonzales@santafenm.gov, 505-470-0291)

1. Request for Approval of a BAR (Budget Adjustment Resolution) in the Amount of \$631,942 for the Windrow Turner.

Committee Review:

Public Works and Utilities Committee: 02/07/2022

Finance Committee: 02/14/2022

Governing Body: 02/23/2022

j. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$160,478 from FY22 Public Works Admin Engineering Service Budget to Capital Improvement Projects Henry Lynch Reconstruction and Bishops Lodge Road Reconstruction. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov , 505-955-6623)

Committee Review:

Finance Committee: 02/14/2022

Public Works & Utilities Committee: 02/21/2022

Governing Body: 02/23/2022

- k. Request for Approval of a State of New Mexico Children, Youth and Families Department (CYFD) Amendment No. 2 to CYFD Professional Services Agreement No. 21-690-3200-20846 (City Contract No. 21-20846) to the Scope of Work to Reflect an Update in Language and Increase in Compensation of \$64,749, for a New Contract Total of \$410,073 and the Addition of a Community Restorative Justice Program for Juvenile Justice Alternative to Detention Programs in the City of Santa Fe: (CYFD Alternatives to Detention Grant). (Julie Sanchez, jjsanchez@santafenm.gov, 505-955-6678)

Committee Review:

Finance Committee: 02/14/2022

Quality of Life Committee: 02/16/2022

Governing Body: 02/23/2022

- l. Approval of Findings of Fact and Conclusions of Law in Case #2021-4375, in which the Governing Body Approved a General Plan Amendment for 2868 Rufina Street to Change the Future Land Use Classification from Industrial to Community Commercial for Approximately 2.39 Acres of Land. (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 02/23/2022

- m. Approval of Findings of Fact and Conclusions of Law in Case #2021-4376, in which the Governing Body Approved a Rezoning for 2868 Rufina Street from I-1 (Light Industrial) to C-2 (Commercial) for Approximately 2.39 Acres of Land. (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 02/23/2022

Item n was pulled for discussion by Councilor M Garcia and Councilor Villarreal.

- n. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, and Councilor Chavez)

A Resolution Adopting Next Steps for the Reuse and Redevelopment of the Midtown Property Including Applying for Land Use Rezoning, General Plan Amendment, and a Master Plan; Adopting a Community Development Plan; Issuing Certain Requests for Proposals; Conducting Certain Studies and Assessments; and Seeking the Acquisition of Land Located Within or Adjacent to the Midtown Site. (Rich Brown, Community and Economic Development Director: rdbrown@santafenm.gov, 505-955-6625)

Committee Review:

Introduced: 01/26/2022

Quality of Life Committee: 02/02/2022

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Finance Committee: 02/14/2022

Governing Body: 02/23/2022

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the Resolution on Midtown development as presented.

Discussion on the Motion:

Councilor Villarreal supported this resolution and the amendments submitted by the public feedback that added three whereas paragraphs on page 2, line 17: “Whereas, the existing Affordable Housing market in Santa Fe does not meet the demand, Whereas the priority of the City is to expand and develop affordable housing opportunities for the residents of Santa Fe, and Whereas, through the community engagement process, community groups and members have identified that a priority use of the properties to provide affordable housing options.

Amendment to the Motion:

MOTION: Councilor M Garcia moved, seconded by Councilor Villarreal, to amend the Resolution on Midtown development by adding three whereas paragraphs on page 2, line 17, as stated by Councilor Villarreal.

Discussion on the Amendment:

Councilor Romero-Wirth wondered if it shouldn't say that one of the priorities of the property was affordable housing. She noted we have lots of priorities on this big property and we are doing many things with it. She didn't want that to be misunderstood.

Councilor M Garcia thought it was fine as is. Throughout all the community engagement sessions, affordable housing was priority #1. And to add it as one of many, would dilute that. The intention here is to clearly make affordable housing options the #1 priority for community members.

Councilor Villarreal asked where she wanted that inserted

Councilor Romero-Wirth wanted it added to the third whereas statement. This property is an excellent location for housing generally and also for affordable housing. We have lots of priorities for this property. We could argue we have quite a few priorities.

Councilor Villarreal was okay with that change.

Councilor Lindell wanted to know the definition of affordable housing as used in this amendment.

Mayor Webber noted we've had this conversation in the past.

Councilor Villarreal didn't think it needed a definition. It is as generally has been used by the Governing Body.

Mayor Webber thought it was whether narrowly as HUD defines it or more general for lots of folks.

Councilor Lindell said okay.

Councilor Romero-Wirth typed out her amendment to the amendment and sent it by email. The verbiage was shared on the screen by Ms. McSherry for the Governing Body to see what was proposed.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to amend the amendment to insert "one priority" in the third whereas statement.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: Councilor Lindell

10. ACTION ITEMS: DISCUSSION AGENDA

- a. Request for Approval of an Agreement with the State of New Mexico, Department of Information Technology, for Subscription Services to the Statewide Trunked Radio System (DTRS) at the Cost of Twenty Dollars (\$20) Per Radio, for an Estimated Annual Cost of up to \$150,000. (Manuel Gonzales, ITT Director: mmgonzales@santafenm.gov; 505-231-1749 and Joseph Abeyta, jmabeyta@santafenm.gov, 505-955-5518)

Committee Review:

Governing Body: 02/23/2022

Ms. Bustos-Mihelcic explained that the packet material was not uploaded timely.

Manager Blair was okay with postponing to the next meeting.

Manuel Gonzales apologized, and said it was his fault.

MOTION: **Councilor Cassutt moved, seconded by Councilor Lindell, to postpone the agreement with NM DOIT for the Statewide Trunked Radio System to the next regular meeting of the Governing Body.**

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

11. MATTERS FROM THE CITY MANAGER

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

Manager Blair thanked the Governing Body for the birthday wishes.

He sent an email to members of the Governing Body last night on the Police Chief search. He anticipated announcing finalists soon and the feedback received from the community survey, which was still open. He asked the Councilors to urge their constituents to participate in the survey. Hopefully, a decision can be made by mid-March.

He reported the City is stepping aggressively into COVID changes in our operations. He was investigating which ordinances would need to be unbound and determining how to meet again in-person again and how to communicate to the community. We had a positive meeting this afternoon on public policy and lots of work will be done next week.

He informed the Governing Body that Ms. Bustos-Mihelcic will be putting his report together on a monthly basis. The next one would be sent on March 1.

He is now interviewing candidates for the Deputy City Manager position. Those were his biggest tasks right now.

12. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry announce a new birth in the Guillen family. Eliana Guillen was born yesterday on 2-22-2022 and due to be released to their home tomorrow.

She will be saying goodbye on Friday to Mike Prince, who is going to CYFD General Counsel's office. She thanked him for his service to the City for the last three and a half years.

Her Office is working with Affordable Housing on the eviction prevention issue and getting help from the First Judicial District Court and others to get funding from the Help New Mexico and local Funds. She said the location for help will either be at GCCC or Midtown with parking available. She was very excited about this work that was coming together very quickly.

Ms. McSherry recommended the Governing Body go into executive session to discuss opioid settlement agreement.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically, the *City of Santa Fe v. Purdue Pharma, et al*, DNM No. 1:19-CV-01105. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

Ms. Bustos-Mihelcic read the caption for the Executive Session and instructed the Governing Body on procedures to go to the virtual meeting room.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to enter an executive session, pursuant to the New Mexico Open Meetings Act, Section 10-15-1, Park (H) (7), to discuss threatened or pending litigation in which the Governing Body is or may become a participant.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

The Governing Body went into executive session at 6:26 p.m.

The executive session ended at 7:15 p.m. and returned to open session by motion at 7:24 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, pursuant to OMA Section 10-15-1 (J), that the Governing Body reconvene in open session, stating for the record that the matters discussed in closed session were limited to those specified in the motion for closure.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

Amendment to the Agenda.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to amend the agenda and go to 17. Petitions from the Floor now and then return to the next agenda item.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

17. Petitions from the Floor.

Stefanie Beninato commented that she thought lifeguard classes would be offered in the next couple of months, so hopefully there would be enough lifeguards for all City pools. She had a question about what is called “Part Four” for outdoor dining, which apparently is going to be an issue when the emergency provisions fall away. And there is going to be permanent outdoor dining. She was thinking about the anti-donation clause because she thought the City was supposed to charge money for that and was not because of the pandemic. She wondered how it would play out after the pandemic. She wondered if the City has thought about the pedestrians and many locals who are not going to be sitting out and more and more restaurants.

The other comment was that she had a neighbor who was doing a short-term rental and she found out it was not registered. She called the City to find out who the contact was and was told the notice was just an invitation in the ordinance. It is actually mandatory and now she is forced to ask for records, rather than just being given the information about who the contact person is. “My gosh, it is the owner. So I’m doing IPRA now. They are supposed to be available 24/7 so why do I have to wait three days – fifteen days to find out, if I have to in the middle of the night to contact them?” She thought training must be much better and enforcement of the ordinance a whole lot better.

Ms. Bustos-Mihelcic announced there were no other petitioners. At 7:30 p.m., the Governing Body returned to the regular order of business.

13. EXECUTIVE SESSION ACTION ITEMS

- a. Approval of the City of Santa Fe’s Participation in the New Mexico Master Settlement Agreement and Settlement Term Sheet as a “Participating

Subdivision” to Settle the City’s Legal Disputes with Janssen and Noramco, Inc., as Raised in DNM No. 1:19-CV-01105. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

Ms. McSherry shared her screen with the recommended language for this matter. The motion would be to approve, as described on the agenda on the additional language.

“Approval, contingent on the City of Santa Fe receiving its distribution directly from State of New Mexico and in an amount that is at least the relevant Defendants’ Default Subdivision Fund Allocation Percentage.”

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve the City of Santa Fe’s participation in the New Mexico Master Settlement Agreement and Settlement Terms sheet as a participating subdivision to settle the City’s legal disputes with Janssen and Noramco, Inc., as raised in City of Santa Fe v. Purdue Pharma in the case as numbered on the agenda, contingent on the City of Santa Fe receiving its distribution directly from the State of New Mexico and in an amount that is at least the relevant Defendants’ Default Subdivision fund allocation percentage.

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

For: Mayor Webber, Councilor Cassutt, Councilor Chavez, Councilor L. Garcia, Councilor M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None

14. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic gave kudos to her staff, GERALYN Cardenas, our Assistant City Clerk, Xavier and Alexandra, from her office who have been “rock solid” when closing out the 2021 year and archiving, which had not been done in several years. She couldn’t be prouder of them over the last five weeks. The City Clerk’s Office has been dedicating all spare time to preparing the last seven years’ ordinance and resolutions. People coming by have seen boxes and more boxes of them.

She announced onboarding of a new member of her team who will take on the multi-media manager role, Ashley Espinosa.

She thanked Andrea Salazar and Alexandra Ladd, who have been the driving force for the eviction tenant hotline. It is close to finalization and timing could not have been better.

On the Constituent Services side, she is implementing a pilot program for the rapid response team and hopefully, by the next meeting, she will have an updates on the CRMs that come to her office.

On behalf of Manager Blair, she mentioned COVID-19 event on March 7, for a celebration on the Plaza and a Moment of Silence and extending it city-wide by asking organizations in the City to ring bells and the Fire Department will be turning on sirens from their stations and inviting the Governing Body and all residents to celebrate at the Plaza at 11:45 a.m.

She announced the public hearing on March 9 for Vexus Fiber franchise ordinance using public rights-of-way for a communications network for the City.

a. **UPCOMING PUBLIC HEARINGS:**

CONSIDERATION OF BILL NO. 2022-___. (Mayor Webber)

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. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)

Committee Review:

Introduced: 12/08/21

Public Works and Utilities Committee: 01/10/2022 (Postponed)

Finance Committee: 01/31/22 (Item Pulled from Agenda)

Public Works and Utilities Committee: 02/07/2022

Economic Development Advisory Committee: 02/09/2022

Governing Body (Public Comment): 02/09/2022

Finance Committee: 02/14/2022

Governing Body (Public Hearing and Final Approval): 03/09/2022

Publication Date: February 17, 2022

Ms. Bustos-Mihelcic presented this matter to the Governing Body

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Chavez had no communications.

Councilor Villarreal wished her padrino, Joaquin, “Feliz Cumpleaños” who is fourteen today. And also, to Manager Blair who his celebrating his 21st birthday again. Congratulations to SFHS Girls Basketball Team for their semi-final decisive (24-18) win. And she wished the SFHS Boys Basketball Team good luck in the game they were playing right now.

Councilor M Garcia encouraged everyone to participate in the Ragle Park cleanup on March 6 at 1:30. “Wear gloves and show up.”

Councilor Cassutt wished Manager Blair a happy birthday. She congratulated Jesse Guillen for birth of his baby girl yesterday. She congratulated Rep. Linda Serrato who gave birth to a baby boy early this morning. She was grateful for the reopening of LaFarge Library, whose staff did an incredible job of reorganizing and cleaning up. She also thanked those organizing the anti-eviction forum.

Councilor L Garcia gave a shout out to all essential workers – the Police Department, City Streets and Solid Waste staff for their hard work. Happy Birthday to Manager Blair and congratulations to new parents out there.

Councilor Rivera wished Happy Birthday to Manager Blair. He wished well to Jesse and his wife on their new baby.

He thanked Arlo Brodsky who just decided to move on from the Golf Course, and his work at the golf course. He wished him well as he departs. He recognized Raul Martinez who works at Wastewater, who recently was awarded the Carolyn Sanchez Achievement Award by the New Mexico Water and Wastewater Association. It was a big achievement for him. Unfortunately for us, he is about to retire in the next few days. He also congratulated Patricia Willsacker from Wastewater, who was awarded Outstanding Operator of the Year. He is very proud of both of them representing the City and their accomplishments.

Councilor Rivera introduced the resolution proclaiming severe extreme drought conditions existing in the City of Santa Fe and imposing fire restrictions from March 10, 2022 to April 10, 2022, restricting the sale and use of fireworks within the City of Santa Fe and prohibiting other fire hazard activities. We are still well into the drought conditions, even with the moisture received.

Councilor Lindell congratulated Natalie and Jesse Guillen on their new baby. She said she had served on the Sala of Santa Fe Board and noted that Al is leaving after many years. It is a great loss for us. She was glad Manager Blair was born.

She also gave a huge continued thank you to guys dealing with the snow this year. Their work has been unbelievably great for our roads and sidewalks.

Councilor Romero-Wirth wished a Happy Birthday to Manager Blair and congratulations to Jesse and his wife on their new baby. She asked to sign on to Councilor Rivera's resolution and to be added to that resolution each time it is introduced.

Mayor Webber gave congratulations to new babies and those who delivered the babies. He noted Santa Fe has two state wrestling champs, Elijah and Oman, who both scored big in the championships. He was proud of them.

He read into the record: The State Legislative Session wrapped up since the last Governing Body meeting. Santa Fe got \$1.17 million for median beautification and safety improvements, \$1.1 million for Midtown infrastructure, \$380,000 for SWAN Park Phase Two, \$100,000 for Harrison Road sidewalk and lighting improvements, \$150,000 for Pacheco Street improvements, \$300,000 for Tierra Contenta trails and \$300,000 for Gov. Miles Road bicycle and pedestrian improvements. So \$3.4 million in support to Santa Fe from our delegation, Legislature, and Governor.

He gave a big shout out to Melissa McDonald for her implementation of a major corridor litter pickup project to get rid of litter and trash on our major roadways and medians. It was outstanding work.

Regarding COVID, he commented that while the mask mandate is gone, COVID is not gone. Please be careful. We are still not at a point to celebrate the end of COVID and should not drop our guards.

16. **INTRODUCTION OF LEGISLATION**

- a. Introduction of a Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions From March 10, 2022, to April 10, 2022; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities.

(Councilor Rivera) (Geronimo Griego, Fire Marshal:
gggriego@santafenm.gov, 955-3317)

Committee Review:

Quality of Life Committee: 03/02/2022

Governing Body: 03/09/2022

Councilor Rivera introduced his resolution on drought in full. He commented on the conditions and winds today which could turn it into something big.

Due to State requirements, the restrictions must be done on a monthly basis. So, Councilors might see it every couple of meetings until the Fire Department determines we have right conditions to lift it. He will keep sponsoring that resolution when needed.

He thanked Councilor Romero-Wirth for signing on to it. Councilor Villarreal also asked to cosponsor.

Councilor Cassutt said she also wanted to cosponsor Councilor Rivera's resolution.

- b. Introduction of an Ordinance Amending Table 14-6.1-1 of the Land Development Code, the Table of Permitted Uses, to Permit Small and Large Preschool and Daycare Facilities in all Zoning Districts Except Industrial Districts. (Councilor Cassutt) (Daniel Alvarado, Planner Senior: djalvarado@santafenm.gov, 955-6670; Jesse Guillen, Legislative Liaison: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body Public Comment: 03/09/22

Planning Commission: 03/17/22

Economic Development Advisory Committee: 04/13/22

Quality of Life Committee: 04/20/22

Public Works and Utilities Committee: 04/25/22

Governing Body Public Hearing: 05/11/22

Ms. Bustos-Mihelcic invited Councilor Cassutt to introduce it.

Councilor Cassutt read the introduction on this ordinance for day care uses to be allowed in all but Industrial zones. She noted that people have a hard time finding childcare they can afford. It is a discussion at federal and state levels on how we can expand for early childhood education and expanding the number of places available. Most centers are permitted six or fewer children, and if they want to have more, they must apply for a special permit. Reducing the barriers is what this ordinance is about. It has not changed parking requirements and state requirements for licensing, none to fire code, etc. We suggested removing childcare uses from Industrial zones. We don't have many. This is helping to balance different needs and safety of our kids. It will go to Governing Body on March 9, 2022 and be presented for final approval on the May 11 Governing Body meeting.

She thanked Councilor Villarreal for signing on earlier today.

17. PETITIONS FROM THE FLOOR (7:00 P.M.)

Petitions were heard earlier in the meeting.

18. **FINAL ACTION ON LEGISLATION**

There was no final action on legislation for this meeting.

19. **PUBLIC HEARINGS**

- a. Fiscal Year 2023 City Budget Public Input (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 505-955-6171)

Ms. Bustos-Mihelcic read the caption for the Budget Public Input.

Director McCoy presented the budget overview and noted thirty people in the waiting room to make comments.

She first reviewed the org chart for the fiscal year and pointed out that some departments were combined that had like-responsibilities. She highlighted the City's credit rating at AA+ and AA. She shared the City's net position increased by \$13,584,195. The City has had unmodified opinions for the last three fiscal years. She shared a pie chart on uses of the budget in FY 22 and commented on the break-out of departments in the budget. Taxes and Fees & Services are the largest sources of revenue for the City.

She explained that we are here to hear from the public and City employees on budgeting of tax dollars in the upcoming budget year and other concerns, suggestions on how to make government more streamlined and how to make the biggest impact after the pandemic.

She listed the budget hearing schedule with an April 27 final vote on the budget.

Public Comment:

Mayor Webber said this presentation is on the City website where money comes from and goes to.

The AFSCME Local 3999 representative spoke first. Mr. Louis DeMella works at public library. He wished a happy birthday to Manager Blair. His comment was on the \$5 million of ARPA Funds the City will receive over three years. He noted some municipalities have used it to give retention bonuses and increases in compensation to city workers. Last notable raise Santa Fe City workers got was the \$15/hour minimum wage which was helpful but, in this City, where rents average over \$1,300 per month for a one-bedroom apartment, it is not the kind of dent most people need. We

have highly skilled members who are also being recruited in the private sector at an average of a 10% bonus to get them out of the City and into the private sector. all union works. WE want to keep them in the City and working for the public. To do that, the union requests the City give a 10% bonus to all unionized workers. He knew Director McCoy was concerned about using temporary funds for something that would last beyond ARPA funds but he believed the Governing Body could figure out the pay rate over the next two years. The market has spoken and a minimum 10% is needed to retain our skilled workers. It is difficult to recruit people because they cannot afford to live here to work here.

15053 was Johnna, a city employee, who said, “notwithstanding the \$2,000 retention incentive that was appreciated by City employees, but the fact remains that union City employees who are not in a Division or Director position, are not valued by City Management. This is evidenced by repeated and continual failure to bargain in good faith during union contract negotiations, failure to keep the terms of the expired contract in place, e.g. the failure to provide longevity pay, because there was no new contract. Due to the City’s repeatedly putting off negotiations, failure to acknowledge and rectify errors and considerable shortcomings created by compensation classification review, salary significant neglect, and market value.” She encouraged the Governing Body to put the money where the City’s collective City Management’s mouth is. “Newsletters stating the City employees are valued are meaningless when the actions refute the genuineness of that sentiment. Please use a portion of American Rescue Plan money toward a fair and well-deserved wage increase for union employees providing essential services for Santa Fe citizens. She the public you care about and an interest in keeping hard working union employees working for them and that they are happy to do so.”

Aaron Ortiz, Santa Fe Little League volunteer and City employee, said 715 kids have signed up so far and 800 were anticipated to register. “We organize the league and provide equipment and uniforms from small business contributions. We need places to play. Currently, we use Alto Park, and this year will use Borrego Park. But would like to see the fields renovated and free from gopher holes, and locked dugouts. This league is important to our City, our families, and our kids. This is a priority. We’ve been here since 1958. Last year was a big year for us. We took it to the big field in Seattle last year. He said he lives close to the City and spends all his time in the City. We need to keep our kids safe.

Christina Perea, on behalf of Santa Fe Little League, said her two daughters played softball little league last year and she was in support of any funding to renovate City parks for Little League play. This helps shape leaders for our City and creates a healthy lifestyle. It is amazing that we have close to 800 kids participating. Thank you.

Gustavo Gonzales said he lived on the southside and a member of EarthCare. He shared information about the organization. He said navigation services are needed to invest in people and helping residents connect with Santa Fe Connect to obtain State funds for the services they need. With the moratorium ending, we need help with keeping families in their homes.

Jasmine Rodriguez Lopez spoke next, and it was hard to hear her statement. She said she was a member of EarthCare and the Youth Internship Program in partnership with the City and County. The Leadership Program helps organize community engagement around public transportation. They are now working on the Airport Road Main Street Project and other community outreach and engagement, including the Midtown Community Engagement Project. She wanted to make sure we hear future voices here. She asked the Governing Body to please consider investment in youth internships like the City did last summer. The program creates strong community.

Jesus Rodriguez said he has been a city employee for 9 years and is working at La Farge Library. He said the City employees could use the American Rescue Plan money for increased wages. At \$15 per hour, it is still tough to get by, especially with high cost of living now.

Jonathan Juarez Alonzo said he worked at EarthCare. He was a leader in the YUCCA program, a youth-led arm of the organization, focused on climate change and environment justice. He asked the Governing Body to invest in climate resistance, prioritize environment and breaking down barriers to health access in the budget. Please invest in grassroots networks and community hubs, which can rapidly communicate and deploy resources in times of crisis and offer models for sustainability. It is critical to invest in public transit, shading bus stops, and making it more usable and to increase the City capacity for things like community solar. And partner with the City on the new SEED efficiency block grant legislation just passed this last week. We see these things as an opportunity to address climate and economic justice simultaneously while facing these crises.

Elena Gonzales said she lives on the south side and is a member-leader in EarthCare, a leader in the Southside Development Council and actively engaged in the work around the Southside Teen Center. She was excited that the project is moving forward but need more investment in Community Spaces for recreation and community building in the Southside neighborhoods. The Teen Center is a great opportunity for outreach on how to develop the center and its outside space, such as an amphitheater and soccer field. We have a powerful vision for the Teen Center as a place for growth and intergenerational building. We'd like to see budget allocation in

support of our youth-led vision and would like budget for similar spaces north of Airport Road where the annexed areas still suffer with under development of City services. The City can do this by creating block grant funds, participatory budgeting, and investment in civic leadership internships.

Mattie Jimenez said she is on several local Facebook parenting groups who came up with several needs for consideration. There is a need for public bathrooms in public parks. Some are locked. Some don't exist, and the porta potties always desperately need cleaning and maintenance. Secondly, there is a need for a "launch pad" for young families. "Everyone drives to Rio Rancho or Los Alamos." This could be a for-profit organization that could bring revenue back into the City of Santa Fe.

Miriam Luevano gave her comments in Spanish.

Monique Maes works as a contract administrator for the City for almost 22 years. She asked the Governing Body to please use American Rescue Plan money for 10% wage increases for ASFSCME City employees. She said many employers across the State are greatly increasing their wages to entice workers like herself to go work for them. A ten-percent increase would be a great incentive to keep City employees as public servants. Union employees have demonstrated great efforts in keeping this City and the services we offer possible, including water, wastewater, waste pickup and transportation. Expenses have increased and will continue. Placing value in the City's union employees will have a significant positive impact and help greatly for the future of the community. Help the public by paying the people who make public service possible – the unionized workers of the City of Santa Fe.

Javier Vigil said Happy Birthday to Manager Blair. He said he is a business owner, a philanthropist, and also with the Santa Fe Little League. There are lots of parks need funding. What Santa Fe Little League brings is an organized community. "Our youth is our heart, and we must invest in youth with recreation, coming out of the pandemic." As a grant writer, he was ready to help any way he could so youth don't end up on the streets. "Thanks for all you do. I hope we can all work together as a team to make Santa Fe great."

Maxine Sandoval is a 20+ year employee. She said this has been most stressful with pandemic. Departments have become essential, and we've sat at the table trying to bargain in good faith and actually be the best city in the country. Morale is at its lowest. Happy Birthday to Manager Blair. If the union members get the support needed, we could make it the best, the friendliest, the savviest for people who want to visit. We are fighting for longevity needs and don't know why we have to keep fighting for it. If not

for us, the City would not be where we are right now. We have brought ethics and integrity to our work. She knew what it is to not have money. Please spread this money among union workers. With that we will have happy employees. It is time to invest in the employees. Thank you.

Andrew Carbajal said he was part of the Santa Fe Little League, for 9-10 years as a coach. He said their park has gopher holes and his son and others have injured themselves with the gopher holes. We need to invest in our youth. Santa Fe brought the District Title home for the first time. It is now time to update the fields and try to get more baseball here. He asked the Governing Body to fix those gopher holes and prevent more injury. He added that the City could have tournaments here with that improvement. And it would bring more revenue to Santa Fe.

Danny Carter said he was a City employee. He enjoyed working for the City but the cost of living and inflation has had a big impact on our salary and makes a decrease when considering inflation. Please keep that in mind.

Tana Morrow said she was born in Santa Fe and began raising her family here. Many of her family and friends are being forced out of the City. She would like to see support for Tierra Contenta infrastructure and permanent funding for the Affordable Housing Trust Fund.

Sonya Martinez said she was speaking as a mother and community member in support of balls fields updated. They need a lot of work and our youth need the positive reinforcement to keep them busy and out of trouble. Please consider that in the budget.

Therese Martinez said Happy Birthday to Manager Blair. She has been a City employee for 14 years and, for the last several years, the City has been in negotiation with the union while inflation has increased. The retention bonuses are very short term. A minimum 10% increase is needed for all union employees who have stayed through the pandemic and intend to stay at their jobs.

Tania Lucero said she has been a city employee for 13 years in the Senior Division. Due to the pandemic, we have continually worked and took on other job descriptions and also considered essential workers. She worked not from home but in the field. Please consider using the American Rescue Plan money for our wage increase. It would be appreciated by all. "I have enjoyed working for the City and morale is down and we need something to help us stay in our jobs and our positions."

Jerika Banal said she has been a City employee for 5 years as a customer service rep. Inflation has meant our costs have increased greatly during the past year. Employers across the State are greatly increasing wages to

entice workers like her to go work for them in the private sector. Putting the American Rescue Plan money toward a 10% wage increase for ASFSCME City workers will keep our workers in the City providing essential services to Santa Fe now and in the future.

Bianca Sopoci said she works with EarthCare and wanted to speak more about language access. She was not sure everyone understood Miriam. Spanish speakers certainly help the City. How to access interpretation services is not explained on the website to make government services accessible to all. The City needs to invest in those services this year.

There were no other public comments and the comment session ended at 8:51 p.m.

19. **APPOINTMENTS**

There were no appointments.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 8:52 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
EXECUTIVE SESSION
February 23, 2022**

The Governing Body of the City of Santa Fe met in an executive session duly called on February 23, 2022 beginning at 6:31 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (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: ekmcsherry@santafenm.gov, 505-955-6512)

PRESENT

Mayor Webber (Attended Virtually)
Councilor Cassutt (Attended Virtually)
Councilor L. Garcia (Attended Virtually)
Councilor M. Garcia (Attended Virtually)
Councilor Lindell (Attended Virtually)
Councilor Rivera (Attended Virtually)
Councilor Romero-Wirth (Attended Virtually)
Councilwoman Villarreal (Attended Virtually)

STAFF PRESENT

John Blair, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney (Attended Virtually)
Kristine M. Mihelcic, City Clerk (Attended Virtually)
John Raggio (Attended Virtually)
Pia Salazar (Attended Virtually)

There being no further business to discuss, the executive session adjourned at 7:14 p.m.



Kristine M. Mihelcic, City Clerk