



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 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/83140868890>.



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

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 831 4086 8890**

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 Romero-Wirth

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

Councilor L. Garcia

4. **INVOCATION AND REMEMBRANCES**

Councilor Chavez

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. 6 Month Update on the Mayors For Guaranteed Income - Santa Fe Learn, Earn and Achieve (SF LEAP) Project. (Kyra Ochoa, Community Health and Safety Department Director: krochoa@santafenm.gov, 505-955-6603; Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678, Mollie Parsons, Cerise Consulting and Yoselin Cordova, UPenn CGIR Fellow)



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- b. City of Santa Fe Water 2021 Summary and 2022 Outlook. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)

Committee Review:

Public Works and Utilities Committee: 04/25/2022

Governing Body: 04/27/2022

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of Regular Governing Body Meeting Minutes for April 13, 2022. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 04/27/2022

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Dos Amigos Sport Mexican Restaurant Inc. for a Restaurant B (Beer, Wine & Spirits) Liquor License with Patio Service, to be Located at Dos Amigos Sport Mexican Restaurant, 2428 Cerrillos Road, Santa Fe. (Geraldyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 04/11/2022

Governing Body: 04/27/2022

- c. Request for Approval of a Memorandum of Understanding (MOU) between the City of Santa Fe and New Mexico Main Street Urban Neighborhood Commercial Corridor Initiative for Airport Road. (Elizabeth Camacho, Economic Development and Communications Administrator: excamacho@santafenm.gov, 505-955-6042)

Committee Review:

Quality of Life Committee: 04/06/2022

Public Works/Utilities Committee: 04/11/2022

Economic Development Advisory Committee: 04/13/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022



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- d. Request for the Approval of Memorandum of Understanding (MOU) between the City of Santa Fe and New Mexico Main Street Urban Neighborhood Commercial Corridor Initiative for the Siler Rufina Nexus Area (Elizabeth Camacho, Economic Development and Communications Administrator: excamacho@santafenm.gov, 505-955-6042)

Committee Review:

Quality of Life Committee: 4/6/2022

Public Works/Utilities Committee: 4/11/2022

Economic Development Advisory Committee: 4/13/2022

Finance Committee: 4/18/2022

Governing Body: 4/27/2022

- e. Request for Approval of Amendment No. 1 to the On-Call Professional Services Agreement 19-0750, Increasing Compensation in the Amount of \$500,000 to the Total Amount of \$1,000,000 Exclusive of NMGRT for On-Call Professional Engineering Design Services for Numerous Projects Funded by State Legislature, NMDOT, FHWA and City Impact Fees; Miller Engineering DBA Souder Miller & Associate. (Romella Glorioso-Moss, Sr. Project Administrator, rsglorioso-moss@santafenm.gov, 505-955-6623)

Committee Review:

Finance Committee: 04/18/2022

Public Works & Utilities Committee: 04/25/2022

Governing Body: 04/27/2022

- f. Request for Approval of a Professional Services Agreement with Alert Towing LLC. for Light and Heavy Towing Services for a Four (4) Year Term in the Total Amount of \$560,000. (Lawrence Garica, ESD Maintenance Manager: imgarcia@santafenm.gov, 505-955-2241)

Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022

- g. Request for Approval of an Interim Wheeling Rate Agreement Between the City of Santa Fe and Santa Fe County. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)



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Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/24/2022

- h. Request for Approval of Four (4) Professional Service Agreement with Broadway Motor Inc, L Garcia Enterprises LLC, Redburn Tire Co, and Southern Tire Mart for New Tires, Retread Tires, or Services for a Four (4) Year Term in the Total Amount of \$880,000. (Lawrence Garcia, ESD Maintenance Manager, lmgarcia@santafenm.gov, 505-955-2241)

Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022

- i. CONSIDERATION OF RESOLUTION 2022-____. (Councilor Rivera, Councilor Villarreal, Councilor Cassutt, Councilor M. Garcia)
A Resolution Authorizing the Sale and Consumption of Alcohol at Santa Fe Adult Soccer League's Annual Party on the Pitch Tournament to be Held at the MRC on June 4-5, 2022. The Request is Pursuant to Section 23-6.2 SFCC 1987 which Requires Adoption of a Resolution for Events on Public Property Not Specifically Stated in Paragraph A of that Section. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 505-955-6846)

Committee Review:

Introduced: 04/13/2022

Quality of Life: 04/20/2022

Governing Body: 04/27/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. Request for Approval of an FY22 Budget Adjustment Resolution (BAR) in the Amount of \$15,049,631 for the American Rescue Plan Act (ARPA) Grant. (Mary McCoy, Finance Department Director; Rich Brown, Community Development Department Director; Kyra Ochoa, Community Health and Safety Department Director; Regina Wheeler, Public Works Department Director).



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Committee Review:

Finance Budget Hearing: 04/26/2022

Governing Body: 04/27/2022

- b. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber)
A Resolution Extending the Duration of the Mayor's Emergency Proclamation Issued on April 25, 2022 by Forty Days, Expiring at Noon on June 6, 2022, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 955-6961)

Committee Review:

Governing Body: 04/27/22

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

13. **MATTERS FROM THE CITY CLERK**

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

15. **INTRODUCTION OF LEGISLATION**

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber)
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2021/2022. (Andy Hopkins, Budget Officer: ajhopkins@santafenm.gov, 955-6177)

Committee Review:

Introduced: 04/27/22

Finance Committee: 05/02/22

Quality of Life Committee: 05/04/22

Public Works and Utilities Committee: 05/09/22

Governing Body: 05/11/22

- b. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor Romero-Wirth)
A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions From May 11, 2022, to



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June 10, 2022; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Nathan Miller, Wildland Superintendent: nfmiller@santafenm.gov)

Committee Review:

Introduced: 04/27/22

Quality of Life Committee: 05/04/22

Governing Body: 05/11/22

- c. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor L. Garcia)

A Resolution Requesting Approval of Amendment No. 1 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation, Identified as Control Number L500429, Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Tom Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)

Committee Review:

Introduced: 04/27/22

Public Works and Utilities Committee: 05/09/22

Finance Committee: 05/16/22

Governing Body: 05/25/22

- d. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor L. Garcia)

A Resolution Approving Amendment No. 2 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500383 Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Tom Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)

Committee Review:

Introduced: 04/27/22

Public Works and Utilities Committee: 05/09/22

Finance Committee: 05/16/22

Governing Body: 05/25/22



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- e. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera, Councilor Chavez, Councilor M. Garcia, Councilor Lindell, Councilor Cassutt, and Councilor Romero-Wirth)

A Resolution Allocating Three and a Quarter Acre Feet of Available Water From the City's Existing Water Supply to the Southside Teen Center. (Therese Martinez, Project Administrator: tmartinez@santafenm.gov, 955-5937; John Dillon, Project Administrator: jcdillon@santafenm.gov, 955-5936)

Committee Review:

Introduced: 04/27/22

Quality of Life Committee: 05/04/22

Public Works and Utilities Committee: 05/09/22

Finance Committee: 05/16/22

Governing Body: 05/25/22

16. **PETITIONS FROM THE FLOOR**

17. **PUBLIC COMMENT ON BILLS**

- a. CONSIDERATION OF BILL NO. 2022- ____. (Councilor Romero-Wirth, Councilor Cassutt, Councilor Chavez)

An Ordinance Relating to the City Of Santa Fe Uniform Traffic Ordinance ("UTO"); Creating a New Section 5 of Schedule B of the UTO to Create the Low-Income Financial Equity ("Life") Parking Program. (Noel Correia, Parking Division Director: npcorreia@santafenm.gov, 505-955-6611)

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/2022

Quality of Life: 05/04/2022

Public Works and Utilities: 05/09/2022

Finance: 05/16/2022

Governing Body (Public Hearing): 05/25/2022

- b. CONSIDERATION OF BILL 2022- ____. (Councilor Romero-Wirth, Councilor Cassutt, Councilor Chavez, and Councilwoman Villarreal)

An Ordinance Amending Section 20-4.1 To Remove Reference To Remote Participation In Governing Body Or City Council Standing Committee



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Meetings; And Creating A New Section 1-9 SFCC 1987 To Allow Governing Body Members To Attend Governing Body And City Council Standing Committee Meetings Remotely. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 505-955-6961)

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/2022

Quality of Life: 5/4/2022

Public Works and Utilities: 05/9/2022

Governing Body (Public Hearing): 05/25/2022

- c. CONSIDERATION OF BILL 2022- _____. (Mayor Webber, Councilor Romero-Wirth, Councilor Garcia, Councilor Lindell, Councilor Chavez)
An Ordinance Amending Section 10-5.2 SFCC 1987 To Add An Enforcement Reference; Amending Section 10-5.3 To Add And Amend Definitions; Repealing Section 10-5.4 Regarding Notice; Amending Section 10-5.6 To Clarify To What Types Of Vehicles The Junk Vehicle Ordinance Applies; Amending Section 10-5.8 To Update The Effective Date Of The Ordinance And Allow A Two-Year Assessment; And Amending Subsection 14-6.3(B) To Specify Vehicle Parking And Storage Requirements. (Patricia Feghali, Assistant City Attorney: pfeghali@santafenm.gov, 505-955-6501).

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/22

Planning Commission: 05/19/22

Public Works and Utilities Committee: 05/23/22

Quality of Life Committee: 06/01/22

Governing Body (Public Hearing): 06/08/22

18. **FINAL ACTION ON LEGISLATION (Final Public Hearing)**

- a. CONSIDERATION OF BILL NO. 2022-6. ADOPTION OF ORDINANCE NO. 2022-_____. (Mayor Webber)
An Ordinance Relating to the City of Santa Fe's Office of Economic Development Plan Ordinance, SFCC 1987, Section 11-11; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Earth Traveler Teardrop Trailers, LLC for



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Design, Development, and Construction of Tenant Improvements, Lease Payments, and Expansion of a Manufacturing Center and Silicone Vacuum System, a Local Economic Development Project. (Rich Brown, Community and Economic Development Department Director: rdbrown@santafenm.gov, 955-6625; Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303; Casey Dalbor, Business Growth Manager, cjdalbor@santafenm.gov, 955-6912)

Committee Review:

Re-Introduced: 03/30/2022

Economic Development Committee: 04/13/2022

Governing Body (Public Comment): 04/13/2022

Finance Committee: 04/18/22

Quality of Life Committee: 04/20/2022

Public Works and Utilities: 04/25/2022

Governing Body: 04/27/2022

19. **PUBLIC HEARINGS**

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Romero-Wirth and Councilor Lindell)
A Resolution Adopting the City of Santa Fe's Fiscal Year 2022/2023 Operating Budget and Organizational Chart. (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 955-6171)

Committee Review

Introduced: 04/25/22 (Public Works and Utilities Committee)

Governing Body: 04/27/22

20. **APPOINTMENTS**

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
SUMMARY INDEX
April 27, 2022**

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| 5. Roll Call | Quorum Present | 2 |
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| 7. Approval of Consent Agenda | Approved as presented | 3 |
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| 8. Presentations | | |
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| 17. Public Comments on Bills | | |
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| c) Junk Vehicle Amendment | Comments made | 21-22 |
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| 18. Final Action of Legislation | | |
| a) Earth Traveler Agreement | Comments made | 22-23 |
| 19. Public Hearings | | |
| a) FY 2022/2023 City Operating Budget | Approved | 23-32 |
| 20. Appointments | None | 32 |
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| 21. Adjourn | Adjourned at 10:01 pm | 33 |

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, April 27, 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, April 13, 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 Romero-Wirth.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Chavez on the importance of empathy.

Councilor Lindell remembered Marian Silver who was called to greater reward this week. She was here for her whole life and her family owned a store on the Plaza. She was a Santa Fe Treasure. She was great fun, and the City will miss her, and she will miss her at the Santa Fe Opera.

Councilor Cassutt remembered her step grandfather who died a few weeks ago while she was out sick. He was a very kind soft-spoken man, always there to help. He became her grandfather while she was in her twenties. After Oliver was born, he gave Oliver much love. She extended her condolences to her mother and her grandfather.

Councilor Michael Garcia urged everyone to keep all of those who were impacted by the fires in their prayers – those who lost homes or property and those who cannot return home, and prayers for protection of the wildland firefighters.

Councilor Romero-Wirth also sent condolences to Marian Silver's family. She was a remarkable woman and she wished Marian's family the very best.

Mayor Webber noted there was much heartfelt compassion and empathy among everyone for the Silver family and those who are being impacted by the wildfires.

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
Kyra Ochoa, Community Health, and Safety Department Director
Julie Sanchez, Youth & Family Services Division Director
Bernadette Salazar, Human Resources Director
Mary McCoy, Finance Director
Jesse Roach, Water Division Director
Nathan Miller, Santa Fe Fire Department
Alexandra Ladd, Affordable Housing Department Director
Rich Brown, Community & Economic Development Department Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Chavez, 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 AGENDA

Ms. Bustos-Mihelcic said item c was pulled by Councilor Rivera and Councilor Lee Garcia pulled item h from the Consent Agenda.

MOTION: Councilor Michael Garcia moved, seconded by Councilor Villarreal, to approve the Consent Agenda as amended with items c and h pulled for further 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

8. PRESENTATIONS

- a. 6 Month Update on the Mayors For Guaranteed Income - Santa Fe Learn, Earn and Achieve (SF LEAP) Project. (Kyra Ochoa, Community Health, and Safety Department Director: krochoa@santafenm.gov, 505-955-6603; Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678, Mollie Parsons, Cerise Consulting and Yoselin Cordova, UPenn CGIR Fellow)

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

Director Ochoa said Santa Fe joined this program, thanks to Mayor Webber's participation in the U.S. Conference of Mayors. The City applied for and were awarded \$500,000 early last year and has operated for six months now.

Ms. Mollie Parsons presented the update and shared her screen. She noted Santa Fe is one of 30 cities participating in the Guaranteed Income project. She described what Guaranteed Income is, a national movement led by mayors to advocate for a guaranteed income with a direct, recurring cash

payments to lift our communities. The local program, a one-year pilot, is called Santa Fe LEAP (Learn, Earn, and Achieve Project) and currently assists 100 student parents at SFCC. Students get \$400 each month for one year, designed in cooperation with SFCC's Early Opportunity for children.

She shared the program demographics, including number of children in each family and racial/ethnic percentages of participating families.

Ms. Erin Coltrera talked about the concept and covered the study design survey tool.

Ms. Yoselin Cordova talked about her role as research fellow on the project. Her role was contact support person.

Director Sanchez briefly reviewed the timeline for Santa Fe LEAP. For the next steps, they will consider the feasibility of extension and expansion. The Final Report from the UPenn Team will be presented in late 2023.

Councilor Villarreal thanked the project team for the update. She noted there were lots of moving parts and it is an important project. She applauded the first recipients and hoped the survey data would not get too personal.

Councilor Cassutt thanked the presenters and asked who came up with the acronym.

Director Sanchez said it was a cooperative effort.

Councilor Cassutt asked if the aid was given at beginning of the month.

Director Sanchez agreed.

Councilor Cassutt asked if the aid could be advanced earlier for someone who needed it earlier.

Director Sanchez said yes when it is worked out in the application. She added that she had not heard of any struggles from recipients.

Mayor Webber was very proud of the project which speaks to the interruption of poverty.

- b. City of Santa Fe Water 2021 Summary and 2022 Outlook. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)

Committee Review:

Public Works and Utilities Committee: 04/25/2022
Governing Body: 04/27/2022

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

Director Jesse Roach provided the 2021 update on things happening with Santa Fe Water. He just finished the Annual Report, and his executive summary was in the packet. The full report was available on the website.

He noted the treatment plant was shut down in June and part of July to prove we have enough water to serve everyone during the peak season. The water wells were the savings account, and we don't know how much was in savings. Two local reservoirs and up to three more on the Chama System ended with less storage than at the beginning of the year. But he believed during 2021, the City had added more back into the wells as the savings account for Santa Fe water.

He explained the charts for the 2022 Outlook & Plans were done with the County.

For financial status, as of 6/30/2020, the cash balance was \$55.4 million with a debt of \$42.5 million. He listed four capital projects on the near horizon totaling about \$90 million.

Director Roach announced two webinars would be aired tomorrow for the public.

Councilor Cassutt thanked him for the video, which was really helpful.

Director Roach said the video was basically a 20-slide production and a great reminder of all that has been done for conservation of water in Santa Fe over the years.

9. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of Regular Governing Body Meeting Minutes for April 13, 2022. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)
Committee Review:
Governing Body: 04/27/2022
- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Dos Amigos Sport Mexican Restaurant Inc. for a Restaurant B (Beer, Wine & Spirits) Liquor License with Patio Service, to

be Located at Dos Amigos Sport Mexican Restaurant, 2428 Cerrillos Road, Santa Fe. (Geralyn Cardenas, Assistant City Clerk, gfcardenas@santafenm.gov, 955-6519)

Committee Review:

Liquor Hearing: 04/11/2022

Governing Body: 04/27/2022

- c. Request for Approval of a Memorandum of Understanding (MOU) between the City of Santa Fe and New Mexico Main Street Urban Neighborhood Commercial Corridor Initiative for Airport Road. (Elizabeth Camacho, Economic Development and Communications Administrator: excamacho@santafenm.gov, 505-955-6042)

Committee Review:

Quality of Life Committee: 04/06/2022

Public Works/Utilities Committee: 04/11/2022

Economic Development Advisory Committee: 04/13/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022

Item c was pulled from the Consent Agenda by Councilor Rivera.

Ms. Bustos-Mihelcic read the caption.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to approve the MOU as requested.

Discussion on the Motion:

Director Rich Brown was present for questions.

Councilor Rivera had hoped Ms. Camacho was available too.

Councilor Rivera asked what this would mean for the Airport Road corridor area and how long the process would be.

Director Brown said thought the project would encompass the entire length of Airport Road from its end up to Rufina. City Staff will be working closely with the local group who wrote the grant application. The City would partner with them after the Main Street Program plan was in place.

Councilor Rivera clarified he wanted to know how long the program would last.

Director Brown suggested it would probably be three months to finish the action plan.

Councilor Rivera asked who the partners were.

Director Brown said Miguel Acosta put the grant application together. And Liz Camacho was working on it.

Ms. Camacho joined the meeting at this point and clarified the purpose was to create more of an art district there perhaps. There were basic concerns regarding lighting and security for the Airport Road area. We will get input on directions to take. Southside just got underway. Transportation buckets are already started. Each has a different direction, but they will contribute to the development of the District.

Councilor Lee Garcia added that there were many representatives of various facets of government. Earthcare was involved and City leaders are also involved. It is development overall of the area. It has a great chance to thrive.

Councilor Rivera agreed there were many partners involved, including the State. He asked how many more meetings were scheduled for community input.

Ms. Camacho said they were not meeting to get more information at the present time. The next meeting will be the first stakeholder meeting and will explore how to do the future meetings.

Director Brown said the State Main Street Team was driving the first process.

Councilor Rivera wanted to make sure the public understood this, and it was still open for more discussion. He thanked Miguel Acosta for his role in it. He thanked Ms. Camacho and Director Brown also.

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

- d. Request for the Approval of Memorandum of Understanding (MOU) between the City of Santa Fe and New Mexico Main Street Urban Neighborhood Commercial Corridor Initiative for the Siler Rufina Nexus

Area (Elizabeth Camacho, Economic Development and Communications Administrator: excamacho@santafenm.gov, 505-955-6042)

Committee Review:

Quality of Life Committee: 4/6/2022

Public Works/Utilities Committee: 4/11/2022

Economic Development Advisory Committee: 4/13/2022

Finance Committee: 4/18/2022

Governing Body: 4/27/2022

- e. Request for Approval of Amendment No. 1 to the On-Call Professional Services Agreement 19-0750, Increasing Compensation in the Amount of \$500,000 to the Total Amount of \$1,000,000 Exclusive of NMGRT for On-Call Professional Engineering Design Services for Numerous Projects Funded by State Legislature, NMDOT, FHWA and City Impact Fees; Miller Engineering DBA Souder Miller & Associate. (Romella Glorioso-Moss, Sr. Project Administrator, rsglorioso-moss@santafenm.gov, 505-955-6623)

Committee Review:

Finance Committee: 04/18/2022

Public Works & Utilities Committee: 04/25/2022

Governing Body: 04/27/2022

- f. Request for Approval of a Professional Services Agreement with Alert Towing LLC. for Light and Heavy Towing Services for a Four (4) Year Term in the Total Amount of \$560,000. (Lawrence Garcia, ESD Maintenance Manager: imgarcia@santafenm.gov, 505-955-2241)

Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022

- g. Request for Approval of an Interim Wheeling Rate Agreement Between the City of Santa Fe and Santa Fe County. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)

Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/24/2022

- h. Request for Approval of Four (4) Professional Service Agreement with Broadway Motor Inc, L Garcia Enterprises LLC, Redburn Tire Co, and Southern Tire Mart for New Tires, Retread Tires, or Services for a Four

(4) Year Term in the Total Amount of \$880,000. (Lawrence Garcia, ESD Maintenance Manager, lmgarcia@santafenm.gov, 505-955-2241)

Committee Review:

Public Works and Utilities Committee: 04/11/2022

Finance Committee: 04/18/2022

Governing Body: 04/27/2022

Item h was pulled from the Consent Agenda by Councilor Lee Garcia.

Ms. Bustos-Mihelcic read the caption.

Councilor Lee Garcia had a conflict of interest in this case and recused himself from its consideration. He left the virtual room.

MOTION: Councilor Rivera moved, seconded by Councilor Chavez, to approve the contract with tire dealers including L Garcia Enterprises as presented.

Discussion on the Motion:

Councilor Lindell was not comfortable with this. She talked with Councilor Lee Garcia about it. She reported that she gave up her real estate license when she joined the Council. This is a contract that has been in place for some time, but she was not comfortable having contracts with a Councilor's company.

Manager Garcia explained the contract began with Councilor Lee Garcia's father for four years and two years prior to that. There are not a lot of options, and it was competitively bid.

Councilor Rivera opined that we are fortunate to have some Councilors who don't have to work but other colleagues have to maintain a living. Councilor Chavez was with the schools and recuses herself when we do business with the schools and Councilor Michael Garcia recuses when it involves the State.

Councilor Chavez echoed what Councilor Rivera said. We need to make it in a way that people are encouraged to serve and the economy itself. This contract serves the community, and the contract was already there beforehand. We need to encourage all residents to consider serving on City Council.

Councilor Michael Garcia echoed his colleagues. What brings comfort was that the contracts were in place years before Councilor Lee Garcia became a Councilor. There were no objections when the Governing Body dealt with the Boys & Girls Club and Santa Fe is a smaller community. No

laws were broken. When everyone is operating ethically and respectfully, we should encourage them to keep doing business with the City.

Councilor Rivera asked Manager Garcia about tires for larger trucks.

Manager Garcia explained that nobody in Santa Fe sells those tires and there is no state agreement for purchasing retreaded tires. That was why this matter included two Albuquerque vendors.

Councilor Rivera asked about installing tires.

Manager Garcia said there were some choices, but those in Albuquerque charge for the time and mileage to come to Santa Fe so it is not feasible to buy from Albuquerque. The market for tires was difficult right now. Garcia Tire was invaluable to have under contract.

Mayor Webber understood there are different agreements in this contract named as participants. He asked how the \$880,000 broken out among the four firms mentioned in the agreement.

Manager Garcia said two of the firms were at about \$200,000 each and two other companies at \$240,000 each. The City uses about \$236,000 per year right now. They may have to revisit it for amendments. We also had to buy some tires from a firm not under contract.

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 Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: Councilor Lindell.

Councilor Lee Garcia was returned to the meeting after the vote was taken.

- i. **CONSIDERATION OF RESOLUTION 2022-20.** (Councilor Rivera, Councilor Villarreal, Councilor Cassutt, Councilor M. Garcia)
A Resolution Authorizing the Sale and Consumption of Alcohol at Santa Fe Adult Soccer League's Annual Party on the Pitch Tournament to be Held at the MRC on June 4-5, 2022. The Request is Pursuant to Section 23-6.2 SFCC 1987 which Requires Adoption of a Resolution for Events on Public Property Not Specifically Stated in Paragraph A of that Section. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 505-955-6846)

Committee Review:

Introduced: 04/13/2022

Quality of Life: 04/20/2022
Governing Body: 04/27/2022

10. ACTION ITEMS: DISCUSSION AGENDA

- a. Request for Approval of an FY22 Budget Adjustment Resolution (BAR) in the Amount of \$15,049,631 for the American Rescue Plan Act (ARPA) Grant. (Mary McCoy, Finance Department Director; Rich Brown, Community Development Department Director; Kyra Ochoa, Community Health, and Safety Department Director; Regina Wheeler, Public Works Department Director).

Committee Review:

Finance Budget Hearing: 04/26/2022 Governing
Body: 04/27/2022

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

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

Discussion on the Motion:

Director McCoy recapped the allocations. She said it was proposed at this meeting to allow procurements to begin and achieve verification of the projects. \$15 million was allocated for ARPA. Almost half of the total was for community health and safety in various programs - housing support and the City plans 30% for economic health for small businesses, job training, and nonprofits. About 7.6% was for Children and Youth support services. A little more than 11% was for infrastructure projects, including expansion of public WiFi and trails improvements. About 10% was authorized for administration but chose under 6.6%. Those categories were from direct response in the community engagement earlier in the year.

Councilor Michael Garcia thanked all who were involved in the community engagement process for allocations. He asked if the \$1 million for shelter plans included money to improve homeless camps.

Director Ochoa said the \$1 million was for sanctioning encampments, if possible. It included evaluating potential sites and part was for cleanup and nonprofit partnership.

Councilor Michael Garcia asked if the AH was support for purchase of the Lamplighter Motel. He recalled there was a public hearing last time with

Santa Fe Suites but not with this one. He asked if there will be a public hearing for this or for any other allocations.

Director Ochoa said those funds will go into the AH Department.

Director Ladd asked if his was a process question or just how Lamplighter was purchased.

Councilor Michael Garcia said it was a process question. He has received feedback with questions about a hearing on the matter. Tonight, the Governing Body is approving it without a hearing.

Director Ladd believed the CARES Act has a very short timeline. She did not believe there was a public hearing on any project. It was really not the City purchasing but just closing the funding gap.

Councilor Michael Garcia thanked her for the clarification. These are great projects. He was excited about college-age work force to expand their knowledge and skill set to enter the work force.

Mayor Webber noted the fingerprints of just about every Councilor was on this piece. He mentioned a few.

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

- b. CONSIDERATION OF RESOLUTION NO. 2022-21. (Mayor Webber)
A Resolution Extending the Duration of the Mayor's Emergency Proclamation Issued on April 25, 2022 by Forty Days, Expiring at Noon on June 6, 2022, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6961)

Committee Review:

Governing Body: 04/27/22

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

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

Discussion on the Motion:

Ms. McSherry highlighted changes to the new resolution. It was getting shorter now. It has vaccination for new employees, City Manager working on an encampment strategy, and extension of the water shutoff moratorium. She mentioned the few changes. The County moratorium expires on June 1, 2022.

Councilor Rivera asked why we are continuing this restriction when everyone else in the state has opened up pretty much.

Manager Blair said the City is trying to do what was best for its residents. Infections are going back up now over the past two weeks. We are juggling returning to in-person while more people are getting infected. He is being deliberate with it.

Mayor Webber pointed out that Santa Fe has seen other cities take off masks and then put them back on. The City is on a track to bring Council meetings in the same room with the public having a hybrid option. Most employees never stopped coming to work. COVID was not over but just changing.

Councilor Rivera agreed COVID was not over. It was being treated better with new oral medication. Hospital intakes were driving it in the past.

Director Ochoa reported hospital numbers are down significantly, but the overall rate for Santa Fe County was still higher than we want to be. It was a mixed bag.

Councilor Rivera related that the hospital (Christus) released its last COVID patient and closed the unit. He asked if they reopened it.

Director Ochoa said they did not.

Councilor Rivera recalled that midway through last year, the State lined up on restrictions. He asked Ms. McSherry what changed.

Ms. McSherry said the legislative process considers that limitation. The State order was still in place to report all infections.

Councilor Rivera added that masks are optional at school but not at City Hall. He received why questions from constituents.

Mayor Webber said the housing moratorium was part of the aftereffects. Dr. Fauci said we are moving from pandemic to endemic. We should know more soon. We are moving toward in-person. But we still have young children who are not eligible for vaccination.

Councilor Rivera said he had been asked if the next PWC meeting could be in-person. He asked if the opening of in-person after May 10th was still valid.

Ms. Bustos-Mihelcic said the City is still working with that date and PWC is on May 9th and May 10th is the next Governing Body meeting.

Ms. McSherry clarified the order allows us but does not require in-person. The resolution would extend it to June 6.

Councilor Villarreal reiterated that since we allow encampments, It is urgent to have a plan for it. We need to address encampments for the summer with heightened fire danger. More people will be on our trails. So we need a plan how to handle it.

Director Ochoa agreed; this is our #1 priority for Community Health and Safety. We are working actively with our partners to identify a nonprofit partner or more than one. It is urgent and she knew the public was frustrated with the situation. She asked the Governing Body to please have patience with Staff for having a plan in the next month or so.

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

AGENDA AMENDED:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to amend the agenda to hear Petitions from the Floor next and then return to the agenda where we left it.

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

PETITIONS FROM THE FLOOR

Stefanie Beninato said the Assistant City Attorney who attended the HDRB told the Board that conflict of interest only meant when there was with a monetary gain. She said the Ordinance clearly said it was also when there were relationships. The HDRB is a quasi-judicial body because of what they do and that means conflict of interest is the appearance of bias. All of those things must be taken into consideration. But Chair Rios had said she was told that “it was perfectly fine to have this shoddy randomness type of discussion which obviously wasn’t neutral. If we are going to have confidence in the Boards, the people need to be well trained because there was discussion last night whether two out of four was really a majority when obviously it was half but not a majority.” Some training in this for the Boards and Committees and some consistency in the way they act and appear to be neutral, and have people step out of meetings when they obviously have parties with an applicant. That should take place. Thank you.

There were no other petitions from the floor and the Governing Body returned to the regular order at 7:03 p.m.

11. MATTERS FROM THE CITY MANAGER

Manager Blair thanked all department directors for gathering the datapoints for the budget. The Staff did it with patience, and integrity. He announced the hiring of the new Deputy City Manager, Leila, Archuleta Maestas, who starts work tomorrow. He shared her background with the Governing Body.

Regarding the audit, he said he has been leaning hard to make sure it is done well. He emphasized that he and the Mayor recognize the gravity of the situation and that he was using every tool he had to ensure the City is on track to get the audit done with a clean result and that future audits would be completed on time and done correctly.

Manager Blair announced he received notice on Monday afternoon from CLA that they intended to withdraw from the audit engagement with the City. That was our first notice. He had a number of meetings with the Mayor and City Attorney and Finance Staff to see what they knew. He focused on immediate repercussions and long-term effects. We are still awaiting official word from the State Auditor. We heard some of his view of the situation from the newspaper article. Last night, an email was sent from the State Auditor’s office directing the City to begin procurement of another auditor. Mayor Webber, City Attorney, and he met with CLA leaders right before this meeting to understand what led them to withdraw and what we could have done better. And he would start to put those recommendations into practice.

The RFP to hire a new auditor is ready to publish and provide the required notice to the public about the RFP. He expected it to run on Friday or Saturday or both. The RFP will be posted for twenty days. We are working already to find a good solution.

The Governing Body voted earlier in the meeting on ARPA he anticipated lots of discussion on the FY23 budget.

We are required to have a budget. And the fact that the audit is not done right should not affect the budget. Our deadline is June 1 to turn in our budget on time. We are on track to do that.

He added that the budget is, by and large, a planning document and an expression of financial resources available but doesn't lock us in to a set revenue. So if the audit is not done should not preclude us from having a budget.

He anticipated getting directions from the State Auditor and will work as quickly as possible to provide confidence to the community on our management.

12. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry reported the opioid allotment has been consolidate with the multi-district litigation in the federal court and been remanded back to the State of New Mexico. That is good news. She is awaiting answers from the defendant.

She announced new attorney Katheryn Garcia Gallegos who came from the State Department of Public Safety. She has gotten off to a running start beginning last Monday. She also has a new paralegal, Roberta Howley as Municipal Court Paralegal. She was happy to have them on board.

13. MATTERS FROM THE CITY CLERK

Ms. Bustos-Mihelcic said they would have the first Zoom Community Meeting on May 10th and working on traveling to various places in the City for meetings, including the Chavez Community Center, Southside Library, Downtown Library, and others. She noted she is working on language accessibility and invited feedback from Councilors. As Councilor Rivera mentioned, she will send out an email with additional information regarding in-person meetings on measured being taken for Council such as what things look like in chambers.

She added that the City is still running a 30% promotion at Fort Marcy.

14. COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Villarreal gave a shout out to Environmental Service, especially the Santa Fe Beautiful team, who were out picking up trash and doing community service. Thanks to City Staff for springing into action to get the right people there.

She hoped Staff could give an update by email when the Charter Commission will be reactivated and how people can apply.

Councilor Cassutt echoed the thanks for people at the Great American Clean UP. It was incredible how many showed up. She and Councilor Chavez worked at Las Acequias and saw lots of bags of trash to be picked up.

She wished Happy Birthday to Lee Garcia whose birthday was over the weekend.

Councilor Lee Garcia said his birthday was enjoyable to get out there and give back to the community. We got a lot done. He partnered with the Southwest Family Advocates and the Boys and Girls Club, cleaning up the streets in District 3. He thanked them for their commitment to our beautiful city.

Councilor Michael Garcia gave a shout out to staff and residents and Santa Fe Beautiful to coordinate the efforts to make our City beautiful. He gave a special thanks to Brandon Ulibarri at the Parks Department and his team. Friday winds brought major tree damage. One split almost down the middle. The crews came out right away to clean that up.

He noted that May is Bike Month and lots of events are going on with bike shows, etc. If you don't have a bike, you can rent one. Please wear a helmet.

Councilor Lindell shared her enthusiasm for the Finance Committee, the Committee has been active for a few weeks and a big-time commitment on the Budget Meetings. She gave a shout out to Councilor Romero-Wirth, in her first outing running that Committee and keeping us headed in the right direction. She appreciated her time management at the meetings. She noted it was just an overflowing amount of staff work to get the budget done and to the Governing Body. Thank you to Directors and people in Finance. The budget book this year was very understandable and well put together and made the process efficient and meaningful.

Councilor Chavez echoed what Councilor Lindell said. She popped into the budget hearing and what she heard was amazing and appreciated the professionalism and long hours. Understanding the perspective and the work that went into it.

She also acknowledged the staff for their work. As a school principal, she had to put together a budget, much smaller, and had to present the budget to the leaders. It takes some time to know how to do that. She acknowledged their courage in going through that process. It is hard. So thank you.

She also thanked the Santa Fe Beautiful Staff. She enjoyed picking up trash with others. It was amazing to see how many residents were willing to come out and participate.

She also went to the volleyball open day and acknowledged the expansion of the league. They are expanding to other youth sports too, and that is so important.

Councilor Romero-Wirth mentioned the tree planting on the Plaza as part of Tree Smart Santa Fe. She mentioned staff members who were coming today on Arbor Day to plant more trees in Santa Fe at 1:30 on the Plaza.

Councilor Rivera also thanked all who participated in the clean up on Saturday. He mentioned a van full of kids who picked up a truck load of trash (B& G Club).

Mayor Webber set the record straight on the accident on Saturday. Councilor Villarreal demonstrated her first aid skills as a first responder.

He said the 20th anniversary of the Santa Fe Japanese internment camp was incredibly moving. It tore at his heart to know how unfairly people were targeted and have their lives uprooted, their possessions taken away and impounded. They reminded us of that history not in a bad way but how discrimination can crop up at any time. The consulate was present in the audience for that event.

RECESS

At 7:31 PM, the Governing Body recessed. They reconvened at 7:48 pm with all present.

15. INTRODUCTION OF LEGISLATION

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber)
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2021/2022. (Andy Hopkins, Budget Officer: ajhopkins@santafenm.gov, 955-6177)

Committee Review:

Introduced: 04/27/22

Finance Committee: 05/02/22

Quality of Life Committee: 05/04/22

Public Works and Utilities Committee: 05/09/22

Governing Body: 05/11/22

Ms. Bustos-Mihelcic introduced the legislation.

- b. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor Romero-Wirth)

A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions From May 11, 2022, to June 10, 2022; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Nathan Miller, Wildland Superintendent: nfmiller@santafenm.gov)

Committee Review:

Introduced: 04/27/22

Quality of Life Committee: 05/04/22

Governing Body: 05/11/22

Ms. Bustos-Mihelcic introduced the legislation.

Councilor Rivera thought everyone around could see the importance of this resolution.

Councilor Romero-Wirth thanked Councilor Rivera for doing this each month. We need this and it is more critical than ever.

- c. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor L. Garcia)

A Resolution Requesting Approval of Amendment No. 1 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation, Identified as Control Number L500429, Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Tom Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)

Committee Review:

Introduced: 04/27/22

Public Works and Utilities Committee: 05/09/22

Finance Committee: 05/16/22

Governing Body: 05/25/22

Ms. Bustos-Mihelcic introduced the legislation.

Councilor Rivera said there were issues with easements, and this just further extends the time to use the DOT funding.

Councilor Lee Garcia added that this is a very important intersection, and we need to get it right.

- d. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera and Councilor L. Garcia)
A Resolution Approving Amendment No. 2 to a Municipal Arterial Program Cooperative Grant From the New Mexico Department of Transportation Identified as Control Number L500383 Granting a Time Extension for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Tom Graham, ADA Coordinator: tmgraham@santafenm.gov, 955-6654)
Committee Review:
Introduced: 04/27/22
Public Works and Utilities Committee: 05/09/22
Finance Committee: 05/16/22
Governing Body: 05/25/22

Ms. Bustos-Mihelcic introduced the legislation.

Councilor Rivera said this is the same comment as for the previous resolution.

- e. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera, Councilor Chavez, Councilor M. Garcia, Councilor Lindell, Councilor Cassutt, and Councilor Romero-Wirth)
A Resolution Allocating Three and a Quarter Acre Feet of Available Water From the City's Existing Water Supply to the Southside Teen Center. (Therese Martinez, Project Administrator: tmartinez@santafenm.gov, 955-5937; John Dillon, Project Administrator: jcdillon@santafenm.gov, 955-5936)
Committee Review:
Introduced: 04/27/22
Quality of Life Committee: 05/04/22
Public Works and Utilities Committee: 05/09/22
Finance Committee: 05/16/22
Governing Body: 05/25/22

Ms. Bustos-Mihelcic introduced the legislation.

Councilor Rivera explained the Teen Center is under construction and the City needs water rights for it. Alan Hook sent out an email today. He looked forward to its completion.

16. **PETITIONS FROM THE FLOOR**

Petitions were heard earlier in the meeting.

17. **PUBLIC COMMENT ON BILLS**

- a. CONSIDERATION OF BILL NO. 2022- _____. (Councilor Romero-Wirth, Councilor Cassutt, Councilor Chavez)
An Ordinance Relating to the City Of Santa Fe Uniform Traffic Ordinance (“UTO”); Creating a New Section 5 of Schedule B of the UTO to Create the Low-Income Financial Equity (“Life”) Parking Program. (Noel Correia, Parking Division Director: npcorreia@santafenm.gov, 505-955-6611)

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/2022

Quality of Life: 05/04/2022

Public Works and Utilities: 05/09/2022

Finance: 05/16/2022

Governing Body (Public Hearing): 05/25/2022

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

There were no public comments on this Bill.

- b. CONSIDERATION OF BILL 2022-_____. (Councilor Romero-Wirth, Councilor Cassutt, Councilor Chavez, and Councilwoman Villarreal)
An Ordinance Amending Section 20-4.1 To Remove Reference To Remote Participation In Governing Body Or City Council Standing Committee Meetings; And Creating A New Section 1-9 SFCC 1987 To Allow Governing Body Members To Attend Governing Body And City Council Standing Committee Meetings Remotely. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 505-955-6961)

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/2022

Quality of Life: 5/4/2022

Public Works and Utilities: 05/9/2022

Governing Body (Public Hearing): 05/25/2022

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

There were no public comments on this Bill.

- c. CONSIDERATION OF BILL 2022- _____. (Mayor Webber, Councilor Romero-Wirth, Councilor Garcia, Councilor Lindell, Councilor Chavez) An Ordinance Amending Section 10-5.2 SFCC 1987 To Add An Enforcement Reference; Amending Section 10-5.3 To Add And Amend Definitions; Repealing Section 10-5.4 Regarding Notice; Amending Section 10-5.6 To Clarify To What Types Of Vehicles The Junk Vehicle Ordinance Applies; Amending Section 10-5.8 To Update The Effective Date Of The Ordinance And Allow A Two-Year Assessment; And Amending Subsection 14-6.3(B) To Specify Vehicle Parking And Storage Requirements. (Patricia Feghali, Assistant City Attorney: pfeghali@santafenm.gov, 505-955-6501).

Committee Review:

Introduced: 04/13/2022

Governing Body (Public Comment): 04/27/22

Planning Commission: 05/19/22

Public Works and Utilities Committee: 05/23/22

Quality of Life Committee: 06/01/22

Governing Body (Public Hearing): 06/08/22

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

Miguel Gabaldon was curious about this ordinance and hoped it would address more than just junk cars but also cars parked longer than ten days. It was a problem in his neighborhood. Residents were worried the owners were scoping out the neighborhood for illegal behaviors.

Stefanie Beninato echoed Mr. Gabaldon's comments. She has noticed vehicles for some time that were parked for months at a time in small shopping center parking lots in which people were actually living. It was also true at the Rail Park. She understood why neighbors would be concerned about crime there. There is one parked in her neighborhood. It is not really a junk car, but nothing ever seems to be enforced with them.

There were no other public comments.

18. FINAL ACTION ON LEGISLATION (Final Public Hearing)

- a. CONSIDERATION OF BILL NO. 2022-6. ADOPTION OF ORDINANCE NO. 2022-06. (Mayor Webber)
An Ordinance Relating to the City of Santa Fe's Office of Economic Development Plan Ordinance, SFCC 1987, Section 11-11; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Earth Traveler Teardrop Trailers, LLC for Design, Development, and Construction of Tenant Improvements, Lease Payments, and Expansion of a Manufacturing Center and Silicone Vacuum System, a Local Economic Development Project. (Rich Brown,

Community and Economic Development Department Director: rdbrown@santafenm.gov, 955-6625; Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 955-6303; Casey Dalbor, Business Growth Manager, cjdalbor@santafenm.gov, 955-6912)

Committee Review:

Re-Introduced: 03/30/2022

Economic Development Committee: 04/13/2022

Governing Body (Public Comment): 04/13/2022

Finance Committee: 04/18/22

Quality of Life Committee: 04/20/2022

Public Works and Utilities: 04/25/2022

Governing Body: 04/27/2022

Ms. Bustos-Mihelcic read the caption.

Director Brown said this is an Economic Development grant to Earth Traveler Teardrop Trailers. They are part of a cluster of businesses, and they work under the manufacturing side of the program.

Public Comments:

Max Gruner, sitting in for Peter Mitchell from the State Economic Development Department, said one of the Governor's priorities is outdoor recreation. This is a Recreation Manufacturing Project. He explained that the State must go through a fiscal agent (local government), so it is here now. The couple who founded the company are the nicest people you could imagine so on many levels; it is a fantastic project.

There were no other public comments.

There were no questions from the Governing Body.

Action of the Governing Body

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the Ordinance 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

19. PUBLIC HEARINGS

- a. CONSIDERATION OF RESOLUTION NO. 2022-22. (Mayor Webber, Councilor Lindell and Councilor Romero-Wirth)
A Resolution Adopting the City of Santa Fe's Fiscal Year 2022/2023 Operating Budget and Organizational Chart. (Mary McCoy, Finance Director: mtmccoy@santafenm.gov, 955-6171)
Committee Review
Introduced: 04/25/22 (Public Works and Utilities Committee)
Governing Body: 04/27/22

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

Councilor Romero-Wirth acknowledged this enormous undertaking that reaches from one side to the other and up and down. She thanked all Directors and Staff who worked on what their department needed. She agreed with Councilor Chavez on how intimidating it can be to present a proposed budget. It is not easy to defend what the department feels it needs. She thanked Director McCoy and her team for working night and day for months to understand the push and pull of the budget and accomplish the enormous work. Thank you for everyone who acknowledged the Finance Committee which has also worked very hard on it. Seven days – 21 hours of hearings with robust discussion and many votes on parts of the budget and asked many questions and asked people to justify what was being proposed. Thanks to other Councilors who also attended hearings. At yesterday's final meeting the Budget was approved by the Finance Committee unanimously.

About the budget itself, our revenue has recovered to pre-pandemic levels. Dr White, UNM, laid out the factors we need to incorporate into the budget. And will continue to make adjustments throughout the year. Among the highlights is our endeavor to make strategic investments to build back City government, its workforce, and essential services, including funding for public safety and first responders.

FY23 includes funding a spectrum in housing and for Land Use Department. And to strengthen our economic recovery and planning. And to do the most good for the people who need it the most. And funding to revitalize our art and culture community. Another exciting piece is around sustainability goals. The Clean Energy Fund will help residents reduce their energy costs while lowering the community's carbon footprint. The Affordable Housing Trust Fund continues our commitment. And the budget is adding new things.

The \$15 million BAR with ARPA funds will complement those priorities.

Lots of good work and planning has gone into the budget for this coming year. Thanks for the opportunity to talk about it and thank those who made it happen.

Director McCoy shared her screen to visualize the budget. She said the staff are online.

She acknowledged the kudos for City Staff through the organization. It takes a unified effort. And tomorrow she will start work on the next budget.

She shared her screen and said the budget is \$382.8 million for the new fiscal year. Salaries and benefits comprise 65% of the General Fund budget. She shared ten items of budget highlights with the Governing Body. She reviewed the budget hearing dates that started last February 23 and stood for questions.

Public Comments:

Ms. Elena Golis described her group and thanked the Governing Body for the guaranteed income program and ARPA funds to cope with COVID downturns. She wished for more community engagement. She mentioned the BLM movement two years ago and calls for addressing youth services and community investment to be developed.

She said they will continue to call for deeper investments and asked members to think about who benefits from the allocation.

Miguel Gabaldon said he attempted to sit in on the budget hearings and commended staff for their time and commitment. He heard increased budgets for public safety, personnel, and resources and said he supported that. He also supported youth services funding. Please continue to move forward on enforcement of city ordinances.

He was concerned about added funding for CHART but couldn't find it in the budget. Hopefully, that will be used appropriately.

Stefanie Beninato was happy to see more money for cultural matters and increased hours at the library. People rely on the library for internet connections. The libraries were at one time open 7 days each week and going back to at least six days per week would be appreciated. She also wanted the pools to be open seven days per week. She hoped the Land Use Department would actually enforce the Code, especially for public safety. Traffic and pedestrian safety are important. We keep getting more staff but less enforcement of ordinances. Funding for monuments she supported. But the public processes for the monument designing

didn't start until January. She did not see how anyone could have affordable housing in Santa Fe. She hoped more money was going for AH.

There were no other public comments, and the public portion of this matter was closed.

Governing Body Action

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the FY 23 Budget as proposed.

Discussion on the Motion:

Councilor Lee Garcia thanked the Council and the Finance Committee for all their work on this budget. It was very well presented. He asked if this is the proper time for amendments.

He requested a change on page 72 in the budget book, which was page 2, line 4 of the budget. He proposed to insert a new paragraph to say, "Be it further resolved that union and non-union City employees be eligible for the First Responder down payment assistance program." He shared some history on it. It was a pilot program from HR to assist first responders with housing their down payment to help them live in the City. The City should extend the program to all City employees to see how it would work, such as public school teachers.

Ms. McSherry said this is the time for making amendments to the budget. However, anything that is policy-related and not just a change in budget should be done in different legislation. That policy was not notified for the agenda. This does not approve every detail in the budget but approves the overall budget. She did not think this amendment was properly noticed for consideration at this meeting.

Mayor Webber said the vehicle is not appropriate for his amendment if he understood it properly.

Ms. McSherry clarified that the budget does not require the down payment program in the approval motion. Nothing requires the budget to be used in that way and we did not identify that in the notice to the public. So, there was no notice that the Governing Body would vote on that issue.

Councilor Lee Garcia asked to have \$750,000 allocated for down payment assistance for City employees as a pilot program for FY 23. He was asking it to be expanded for all city employees.

Mayor Webber understood but this may not be the right time to bring it up.

Ms. McSherry had two more clarifications. Tonight, you are not adopting the language in the budget book. The amendment could be considered at a separate meeting.

Councilor Michael Garcia said this update from Ms. McSherry brought great concern for him. Just a few minutes ago, Councilor Romero-Wirth was allowed to say what the budget would achieve, and he asked why that was that allowed. And a press release was allowed that said what we are approving here. He was hearing the Governing Body is approving numbers and not information. The logic given meant after the meeting, there should be no back patting that we just approved the budget to do x, y, and z, because we are just approving numbers. Now is the time to amend what those numbers mean and how we interpret them to benefit certain initiatives and not others. If we send out the press release saying we are going to give people an 8% raise, and continuing a \$1,500 hiring incentive, and we are going to approve \$750,000 for mortgage assistance for First Responders. Then we, as the Governing Body, have the authority to change that language. That was the intention that he and Councilor Lee Garcia wanted to put forward. Why was that issue allowed to be debated at the budget hearings but not now? And why didn't the City Attorney jump in to say that conversation was not allowed there either?

Ms. McSherry replied there is a distinction between the budget proposed by the Mayor vs. legislation. She said she did speak about ways the budget could be used and if Councilors had interest in policy programs, it could be done by resolution.

Councilor Michael Garcia thanked her for that. He didn't sit on the Finance Committee, so he didn't have authority to introduce any amendments at Finance. This was the place to do with that. He didn't agree with her interpretation. He seconded Councilor Lee Garcia's motion that he read into the record.

Councilor Romero-Wirth asked for a point of order.

Councilor Romero-Wirth said what we have in front of us and what is noticed is the resolution and she directed the Governing Body's attention to it. The problem is we are not passing the budget book but

the resolution that reflects the budget book. By ordinance, it is required to do certain things, but the resolution does not speak to the programmatic things Councilor Lee Garcia and Councilor Michael Garcia were interested in.

Ms. McSherry said there was a difference between a budget proposed by Mayor Webber, and the Mayor is required to propose it, describing priorities for the next year's funding that are described in the budget book, and the legislation that is before the Governing Body here. Last week she was not talking about amendments to a resolution but was offering the same things to the Finance Committee as was tonight. At Finance, she did discuss ways that would be appropriate to limit the program and that was not an amendment to the budget.

Councilor Romero-Wirth understood that and that a motion to deal with the down payment and how it would work could be addressed in an amendment. This is not about the details of a particular program. We could move money around in different line items, but we are not adopting the programmatic part – just the money to do programmatic stuff.

Mayor Webber agreed. The Governing Body could adopt the budget tonight and later deal with changing the program and stipulate who would be eligible and if in a contract, which would meet the wishes of the Governing Body and the specifics of the program be debated. He was in favor of the program. But if tonight is not the appropriate time, we could consider it either with a contract or a program design resolution. He would be delighted to have that discussion. But the budget does not specify for whom the program would be delivered. That is for another time.

Ms. McSherry wanted to alert the Governing Body to the notice requirements.

Councilor Lee Garcia still reiterated that the Governing Body is voting on a budget where the intent is to appropriate funds to many different departments and the pilot program was included. All he was asking for was to think about including all City employees in the down payment pilot program. It doesn't move funds from one department to another one. It is specifically and only for First Responders now and he was asking for a larger spectrum. The pilot program is in the budget. He sent the information off to Jesse Guillen and would like to hear from other Councilors.

Councilor Michael Garcia believed this sets very dangerous precedents because what the City Attorney is saying is that the amendment doesn't

relate to the resolution so no amendments could take place during the meeting for not having been noticed. This amendment clearly addresses the FY 23 Budget and what the money is allocated for. We spoke at the beginning about the impacts of this budget and sent out press releases already. So any change in the budget must have a resolution noticed. We can move it, second it, discuss it. The City Attorney doesn't dictate what motions can be made and that guidance is incorrect. It is a dangerous precedent.

Ms. McSherry didn't want others to tell her what they interpreted of her work. She read the section that dealt with the budget from the Code.

Councilor Michael Garcia then asked why the Governing Body was talking about programs. That is all the discussion should be about. But we have been talking about programs in the new budget.

Ms. McSherry said the Charter says the Mayor proposes a budget and he can talk about programs.

Councilor Chavez added that once the budget is approved, the situation can change and what she heard Ms. McSherry say was that if we want to work with staff to reconsider it, we can propose a change.

Ms. McSherry agreed that was accurate.

Councilor Cassutt recalled there was a lot of discussion on who was eligible, the criteria to be used, etc. When the contract comes to the Governing Body, we could really construct the program. She asked if she was recalling that accurately.

Ms. McSherry said it would depend on how the contract is prepared and the process to be used. A resolution is the appropriate vehicle for stating the details.

Councilor Cassutt posited that there was an idea, but the resolution would help make it specific. The Committee had another discussion about a neighborhood plan vs. a downtown plan. The conversation there was in one lump sum. She asked if she recalled that correctly.

Mayor Webber agreed. It was true in several suggestions made about conceptual desires. The program specifics were not agreed on at that time but at a later time. The budget starts as a plan. We have done significant BARs along the way. The budget can change over time. So this is not a dangerous precedent but business as usual.

Councilor Cassutt felt the most important piece here was that the budget was a plan and the working pieces come back to the Governing Body. The contract should come back to the Governing Body for being broken out. This is not our last look at it. Our discussion was not just about who qualifies. There will be much more discussion.

Councilor Romero-Wirth said amendments don't need to be noticed. What has to be noticed is the matter we are voting on. The resolution is the document, and it can be amended. We can absolutely have a discussion on the down payment assistance program and staff are standing by to help with that. We could discuss how the Finance Committee decided it should be a pilot program. We can have the conversation but the thing in front of us is the resolution which has no program stuff in it.

Councilor Villarreal recalled the Governing Body has made amendments to amounts being proposed. It has been a practice in the past. The Governing Body has made adjustments. The budget resolution is pretty much the same language each year. What was frustrating, was that there was less chance now that even the Finance Committee can make a difference than in the past. She argued that point in Finance for including all employees. And she would like to see more than \$750,000 budgeted. We should have put more money in that pot. She will look at reviewing it midyear. There are essential workers in every department and vacancies among them in every department.

Ms. McSherry had no problem with changing numbers from one place to another.

Councilor Rivera pointed out that if enough Councilors felt the same way as Councilor Lee Garcia, the budget could be voted down. That would be a dangerous place to be. The Governing Body needs to be able to make those changes at this time. He asked if it was illegal to hear the amendment now and discuss it.

Ms. McSherry said it was not illegal to discuss an amendment.

Councilor Rivera gave some scenarios for what could happen. He hoped the money would be used within six months and would need to add more money into it. He was not opposed to debating the amendment tonight.

Mayor Webber commented that we are hearing the debate on it. And the description of the discussion at Finance was spot on. There was general agreement on having a pilot and getting more employees living

within the City and if there were no takers, we could expand the eligibility. And if it is a big success, we could expand the funding for it.

Councilor Romero-Wirth said no amendment was needed to have a discussion. The City Attorney said we could move money around. By law, we must have a balanced budget so it can be moved from one line item to another and dictate through resolution or ordinance that it shall be open to all City employees.

Councilor Michael Garcia understood the motion was not to break out into programs. His concern was that the silver lining of the amendment was not being allowed. He felt the City Attorney should have been more polite about it. He was in favor of the program and had discussed it with Mike Loftin, with colleagues and with constituents. The pilot will allow us to get data. But if we have not allocated the resources, six months down the line, we won't know. We are the donators here and can determine who the recipients should be. The process has kind of derailed the program here. He thanked the Mayor for the constructive dialog this evening.

Mayor Webber said this is a very innovative process and an opportunity to fund an urgent need.

Councilor Cassutt said she was the one who made the motion. And she later went back and realized the information was not provided in a public setting.

Councilor Villarreal wanted to thank the staff members who submitted their parts of the budget and for the overtime of work behind the scenes. And she thanked Councilor Romero-Wirth for being a strong task master with the Finance Committee. She mentioned budget cuts required when she came on Finance. She noted not all requests for information were addressed. The process for budget making needs scrutiny to be more efficient.

There is less opportunity to make changes to the budget this year than in the past. We don't have that ability now. We were courteous when asking questions of staff. That is our job with this public money. It was all respectful. Those were her concerns. She also mentioned this is the highest amount for contract labor she has ever seen. There were also many great things in the budget she was happy to see. But the process needs to be more transparent.

Councilor Michael Garcia asked Manager Blair regarding CHART, if the resources here for CHART were part of the original appropriation or new funding.

Manager Blair deferred to Director McCoy.

Director McCoy explained the current contract will carry over into FY 23 at approximately \$25,000 and that will support the continuation of the process for the Community Health and Safety Task Force.

Councilor Michael Garcia surmised the \$100,000 was not necessarily an extension of the current contract.

Director McCoy agreed. Any extension would first come before the Governing Body.

Mayor Webber felt there was a lot of community engagement within the contract and this \$100,000 amount was a pool the Governing Body could use to implement any recommendations or revise the process so that no more effort would go on.

Councilor Michael Garcia said his concern arose because the two testimony givers did not have confidence in the process. The Contractor is to bring recommendations and the Governing Body will consider them. He asked that any such subsequent contract come before the Governing Body.

Mayor Webber said that motion was not germane, and Councilor Michael Garcia had said he intended to bring it back. That was the ruling of the Chair.

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

20. **APPOINTMENTS**

There were no appointments.

21. **ADJOURN**

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 10:01 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer