



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
JULY 13, 2022
5:00 PM
COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE

PROCEDURES FOR GOVERNING BODY MEETING

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.

Written Public Comment: Members of the public may submit written comments on legislation by clicking on the comment bubble to the right of the meeting on the public portal at <https://santafe.primegov.com/public/portal> three hours prior to the start of the meeting.

Live Public Comment: Members of the public may provide public comment in person during *Petitions from the Floor*, *Public Comment*, *Final Action on Legislation*, or *Public Hearings*.

Virtual 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://santafem-gov.zoom.us/j/85373520368>.

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 (253) 215-8782 - Webinar ID: 853 7352 0368**

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.



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1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Lindell

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

Councilor Romero-Wirth

4. **INVOCATION AND REMEMBRANCES**

Councilor Lee Garcia

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. FY21 Audit Status Update; (Ricky Bejarano, Interim Assistant Finance Director)
- b. Presentation of the Independent Citizen's Redistricting Commission's Final Action of the Redistricting Map Concepts. (Brian Sanderoff, President, Research and Polling, Inc.; Lilliemae Ortiz, Chair of the Independent Citizen's Redistricting Commission, Kristine Bustos Mihelcic, Community Engagement Director/City Clerk: kmmihelcic@santafenm.gov, 505-955-6520 and Geralyn Cardenas, Assistant City Clerk; gfcardenas@santafenm.gov, 505-955-6519)
- c. City of Santa Fe Water Supply and Demand Update January – June 2022. (Jesse Roach, Division Director, jdroach@santafenm.gov; 505-955-4309)



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- d. Midtown Moving Forward: Progress Report. Midtown Land Development Plans: Overview of Early Neighborhood Notification (ENN) meeting scheduled for July 14, Thursday, 5:30-7 pm. (Progress Report by Richard Brown, Director of Economic Development; Daniel Hernandez, Proyecto, Redevelopment Project Manager; Lee Logston, Office of Economic Development).

9. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of the June 29, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)

Committee Review:

Governing Body: 07/13/2022

- b. Request for Approval of Amendment No. 1 to Service Contract 20-0366 Increasing Compensation in the Amount of \$250,000 to a Total Amount of \$850,000 Plus NMGRT for On-Call Vegetation Management Services with Steamer, Inc., dba Proscapes Landscape Management. (Scott A. Overlie, Parks Division Project Administrator, saoverlie@santafenm.gov, 505-955-2114)

Committee Review:

Finance Committee: 07/05/2022

Public Works & Utilities Committee: 07/11/2022

Governing Body: 07/13/2022

- c. Request for Approval of Amendment No. 1 to Construction Agreement 22-0031 with A.A.C Construction, LLC (AAC) for ITB 22/15/B Richards Avenue East and Campo Conejo Master Meter Vaults CIP # 960 for an Extension of Time Only, from June 30, 2022 through June 30, 2023, Due to Supply Chain Disruptions and Ongoing Negotiations with the Santa Fe County. (Bill Huey, Engineer, bchuey@santafenm.gov, 505-955-4273)

Committee Review:

Public Works and Utilities Committee: 06/06/2022

Finance Committee: 06/20/2022

Governing Body: 07/13/2022



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- d. Request for Approval of Amendment No. 1 to Service Agreement 21-0379 to Extending Term to June 30, 2023 to Replace Ft Marcy Roof and Skylights; with First Mesa Construction, Inc. (Josh Bohlman, jbohlman@santafenm.gov, 505-955-5932)

Committee Schedule:

Finance Committee: 07/05/2022

Public Works and Utilities Committee: 07/11/2022

Governing Body: 07/13/2022

- e. Request for Approval of Sole Source Procurement for Services Contract with James, Cooke and Hobson, Inc. (JCH) for a Total Amount of \$798,602 for Netzsch and Flygt Pumps Replacement and Other Repairs. (Mike Dozier, Wastewater Management Division Director, mldozier@santafenm.gov)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$798,602.

Committee Review:

Public Works and Utilities Committee: 06/27/2022

Finance Committee: 07/05/2022

Governing Body: 07/13/2022

- f. Request for Approval of a Professional Services Agreement (PSA) with Aecom Technical Services, Inc. to Provide On-Call Engineering Services for Capital Improvements In The Total Amount of \$542,188 Inclusive of NMGRT. (John Del Mar, Engineering Supervisor, jpdelmar@santafenm.gov, 505-955-4231)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In The Total Amount of \$542,188.

Committee Review:

Public Works and Utilities Committee: 06/27/2022

Finance Committee: 07/05/2022

Governing Body: 07/13/2022

- g. Request for Approval of Three-Year Memorandum of Understanding (MOU) between the City of Santa Fe and Santa Fe County to Purchase Parking



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Permits from the City for Parking at the Santa Fe Community Convention Center Municipal Parking Garage Located at 119 S. Federal Place. (Noel Correia, Parking Division Director, 505-955-6611, npcorreia@santafenm.gov)

Committee Review:

Finance Committee: 07/05/2022

Public Works & Utilities Committee: 07/11/2022

Governing Body: 07/13/2022

- h. Request for Approval of Amendment No. 6 to the PSA with Vladimir Jones (PRACO) in the Total Amount of \$1,850,000 for Advertising Agency Services for TOURISM Santa Fe for FY23. (Randy Randall, Tourism Santa Fe Director: rrandall@santafenm.gov, 505-955-6209)

Committee Review:

Finance Committee: 06/20/2022

Quality of Life Committee: 07/06/2022

Governing Body: 07/13/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**
11. **MATTERS FROM THE CITY MANAGER**
12. **MATTERS FROM THE CITY ATTORNEY**

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including a Potential Foreclosure to Recover on a City Lien, and the Opportunity to Join Other Local Governments in Amici Briefs in Two Cases: *Merrill v. Milligan*, a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts; and *303 Creative v. Elenis*, a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)



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13. EXECUTIVE SESSION ACTION ITEMS

- a. Approval to Join Other Local Governments in an Amicus Brief in Support of the Plaintiffs in *Merrill v. Milligan*, a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov; 505-955-6512)
- b. Approval to Join Local Governments in Support of the State of Colorado in *303 Creative v. Elenis*, a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov; 505-955-6512)

14. MATTERS FROM THE CITY CLERK

15. COMMUNICATIONS FROM THE GOVERNING BODY

16. INTRODUCTION OF LEGISLATION (NO ACTION)

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Romero-Wirth and Councilor Cassutt)
A Resolution Adopting New Procedural Rules for City Council Standing Committees. (Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 07/13/2022

Quality of Life Committee: 07/20/2022

Public Works and Utilities Committee: 07/25/2022

Finance Committee: 08/1/2022

Governing Body: 08/10/2022

- b. CONSIDERATION OF BILL NO. 2022-___. (Councilor Romero-Wirth, Mayor Webber, and Councilor Chavez)
An Ordinance Repealing Section 10-11 of SFCC 1987; Creating a New Section 10-11 to Establish an Ordinance Relating to Shopping Carts; Incentivizing Retail Establishments to Ensure Their Shopping Carts Remain



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on Their Property; Imposing a Fee for Shopping Cart Return; and Establishing an Effective Date. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6327; Jesse Guillen, Legislation and Policy Innovation Manager: jbguillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 07/13/2022
Governing Body (Public Comment): 07/27/2022
Quality of Life Committee: 08/03/2022
Finance Committee: 08/15/2022
Governing Body (Public Hearing): 08/31/2022

- c. CONSIDERATION OF BILL NO. 2022-___. (Councilwoman Villarreal and Councilor Rivera)
An Ordinance Amending SFCC 1987 Section 23-5.1 to Add Definitions for “Cultural Event” and “Small Commercial Event”; and Amending SFCC 1987 Section 23-5.2 to Allow up to Eight (8) Small Commercial Permits for Cultural Events on the Plaza Including Juneteenth, Indigenous People’s Day, and Six Additional Events Selected by Lottery. (Melissa McDonald, Parks Division Director: mamcdonald@santafenm.gov, 955-6840)

Committee Review:

Governing Body (Introduced): 07/13/2022
Governing Body (Public Comment): 07/27/2022
Quality of Life Committee: 08/03/2022
Public Works and Utilities Committee: 08/08/2022
Economic Development Advisory Committee: 8/10/2022
Finance Committee: 08/15/2022
Governing Body (Public Hearing): 08/31/2022

- d. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera, Councilor Romero-Wirth, Councilwoman Villarreal, Councilor Cassutt, and Councilor Chavez)
A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions August 10, 2022, to September 10, 2022; Banning the Sale or Use of Fireworks Within the City of Santa Fe; Encouraging Residents to Prepare a Personal Wildfire Action Plan; and Encouraging Residents to Follow the Fire Department’s Fire



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Readiness Guidelines. (Geronimo Griego, Fire Marshal;
gggriego@santafenm.gov, 955-3310)

Committee Review:

Governing Body (Introduced): 07/13/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- e. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Lindell, Mayor Webber, Councilor Villarreal, Councilor L. Garcia, Councilor M. Garcia, Councilor Chavez)

A Resolution Authorizing the Sale and Consumption of Alcohol During the Annual Burning of Zozobra Community Event Produced by the Kiwanis Club of Santa Fe, Inc., a Non-Profit Organization at Fort Marcy, During the Friday of Labor Day for the Years 2022-2025, Pursuant to SFCC 1987 Subsection 23-6.2. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6327)

Committee Review:

Governing Body (Introduced): 07/13/2022

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- f. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor M. Garcia, Councilor Rivera, Mayor Webber, Councilor Romero-Wirth, Councilor Chavez, Councilwoman Villarreal, Councilor Cassutt, Councilor L. Garcia)

A Resolution Updating the Terms of Approval Included in Resolution Nos. 2020-24 and 2022-9 to Change the Permitted Location of Banners Commemorating "Hometown Heroes" From the Cerrillos Road Corridor to the Railyard, Guadalupe Street, and the Greater Downtown Area. (John Blair, City Manager: jwblair@santafenm.gov)

Committee Review:

Introduced: 07/13/22

Quality of Life Committee: 07/20/22

Public Works and Utilities Committee: 7/25/22

Governing Body: 7/27/22

17. PETITIONS FROM THE FLOOR



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18. **PUBLIC COMMENT ON BILLS (NO ACTION)**

19. **FINAL ACTION ON LEGISLATION**

- a. **CONSIDERATION OF BILL 2022-12. ADOPTION OF ORDINANCE NO. 2022-____.** (Mayor Webber, Councilor Romero-Wirth, Councilor M. 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:

Governing Body (Introduced): 04/13/2022

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

Planning Commission: 06/02/2022

Public Works and Utilities Committee: 06/06/2022

Quality of Life Committee: 06/15/2022

Governing Body (Public Hearing): 07/13/2022

- b. **CONSIDERATION OF BILL NO. 2022-13. ADOPTION OF ORDINANCE NO. 2022-____.** (Mayor Webber, Councilwoman Villarreal, Councilor Lindell, and Councilor Cassutt)

An Ordinance Amending Section 23-6.3 to Align the Designated Drinking Area Buffer Requirements with State Requirements, to Require the Use of Recyclable or Compostable Alcoholic Beverage Containers for Events on City Property, and to Permit Tasting of Mixed Beverages Containing Liquor on City Property. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6327; Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 05/25/2022

Governing Body (Public Comment): 06/08/2022



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Quality of Life Committee: 06/15/2022 (Adopted Amendment)
Public Works and Utilities Committee: 06/27/2022
Governing Body (Public Hearing): 07/13/2022

- c. CONSIDERATION OF BILL NO. 2022-14. ADOPTION OF ORDINANCE 2022-____. (Councilor Romero-Wirth, Councilor Cassutt, Councilwoman Villarreal)

An Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance (“UTO”); Amending Section 7 of Schedule A to Prohibit the Municipal Court From Notifying the Motor Vehicle Division of the State of New Mexico When a Person Fails to Pay a Penalty Assessment Within the Required Period of Time. (Kyle Hibner, City Prosecutor: kjhibner@santafenm.gov, 955-5195)

Committee Review:

Governing Body (Introduced): 05/11/2022
Governing Body (Public Comment): 05/25/2022
Quality of Life Committee: 06/01/2022
Governing Body (Public Hearing): 07/13/2022

20. **PUBLIC HEARINGS**

21. **APPOINTMENTS**

- a. Women’s Commission (Julie Sanchez; Division Director Youth and Families Services Division: jssanchez@santafenm.gov, 505-955-6678)
- Wendy Pomeroy – Appointment – Term Ending 11/2022
 - Sheila Vaughn – Appointment – Term Ending 11/2022
 - Gloria Martinez-Friestad – Appointment – Term Ending 11/2022
 - Olivia Sloan – Reappointment – Term Ending 11/2022
 - Candice Flint – Reappointment – Term Ending 11/2022
 - Araseli Varela – Reappointment – Term Ending 11/2022
- b. Planning Commission (Jason Kluck, Director, Planning and Land Use: jmkluck@santafenm.gov, 505-955-6729)
- Peter Smith – Reappointment – Term Ending 7/2024

22. **ADJOURN**



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

**Governing Body
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July 13, 2022**

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**Minutes of the
Regular Meeting of the Governing Body
Wednesday, July 13, 2022
City Hall
Santa Fe, New Mexico
Hybrid 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, July 13, 2022, at approximately 5:03 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a hybrid meeting.

2. PLEDGE OF ALLEGIANCE

Councilor Lindell led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Romero-Wirth led the Salute to the New Mexico Flag.

4. INVOCATION

Councilor Lee Garcia gave the Invocation.

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 here and in Uvalde.

5. ROLL CALL

Roll call indicated the presence of a quorum remotely and in-person, as follows:

Members Present

Mayor Alan Webber
Councilor Jamie Cassutt
Councilor Amanda Chavez
Councilor Lee Garcia
Councilor Michael Garcia
Councilor Signe Lindell

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

Members Excused

None

Other Participants Attending

Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Kyra Ochoa, Community Health, and Safety Department Director
Jesse Guillen, Legislative Liaison
Ricky Bejarano, Interim Assistant Finance Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Romero-Wirth 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 AGENDA

MOTION: Councilor Cassutt moved, seconded by Councilor Romero-Wirth, to approve the consent 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 Lindell, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

8. PRESENTATIONS

- a. FY21 Audit Status Update; (Ricky Bejarano, Interim Assistant Finance Director)

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

Mr. Bejarano presented a brief update. He met with DFA representatives on July 1 and had a good work session. The State was pleased with our progress and sent a letter that they believed we would meet the July 15 deadline. He said they will hit it on Friday. He met with REDW to confirm. Previously the City issued an RFP for FY22 and the responses are being evaluated by the committee with an award expected within a week. Also, the RFP for the audits for FY21, FY22, and FY23 was issued. CLA will not return. Those bids due by July 21 and the City will move forward with another auditor.

Councilor Michael Garcia thank him for the update and the information provided at last meeting on state appropriations. To be clear, there were 26 or 27 items to be completed.

Mr. Bejarano agreed there were 27 but 2 were agreeing that CLA, if they returned, would be in a new contract. They are both moot now and it is the other 25 items to be completed. "Legally, we are good to go."

Councilor Michael Garcia asked if we know why CLA is not returning.

Mr. Bejarano said they did not give a specific reason, but they will be doing the City of Albuquerque audit and was his speculated reason.

Councilor Michael Garcia asked for the timeline for hiring a new auditor.

Mr. Bejarano said the RFP bids are due July 21 by 5 pm. And our office is working quickly to award within 10 days from now.

Councilor Romero-Wirth said most people watching understand and while Mr. Bejarano is present, the big issue for the City was having \$4.6 million in the bank that not accounted for on our chart of accounts and is part of the work Staff is doing to fill in the missing gap or was not posted correctly. She asked if he could reiterate that so the public will know it was not missing money.

Mr. Bejarano agreed that was correct. There are various reasons it was not all posted correctly. It appeared a goal was to deposit money within the 24 hour timeline. The deposits just stacked up. When we contracted and what REDW has done was going deposit by deposit to place all in proper GL accounts.

Councilor Romero-Wirth assumed that was a process we will correct going forward. Thank you.

- b. Presentation of the Independent Citizen's Redistricting Commission's Final Action of the Redistricting Map Concepts. (Brian Sanderoff, President, Research and Polling, Inc.; Lilliemae Ortiz, Chair of the Independent Citizen's Redistricting Commission, Kristine Bustos Mihelcic, Community Engagement Director/City Clerk: kmmihelcic@santafenm.gov, 505-955-6520 and GERALYN CARDENAS, Assistant City Clerk. gfcardenas@santafenm.gov, 505-955-6519)

Ms. Bustos-Mihelcic read caption. Mr. Sanderoff was present and Lilliemae Ortiz, Chair of the Redistricting Commission.

Ms. Ortiz reported the details of the Commission's work and what they decided. The final decision followed the City Charter.

On March 11, 2022, the Governing Body chose seven people to serve – one from each district, a cartographer a statistician and one at-large chosen through lot.

An amendment to the Charter led to their appointment. Commission duties, as outlined in the Charter, are to adjust boundaries of the four City districts. She introduced the members – Berl Brechner, (At-Large) Vice-Chair, Christopher Graeser (District 1), Gary Donato (District 2). Nicolas McKenzie (District 3) who was later replaced by Jeffrey Webber (District 3), Gail Rekers (Statistician), Carmela Quintana (Cartographer), and Lilliemae Ortiz (District 4), Chair. She thanked them for volunteering their time. She also thanked the alternates.

She reviewed the eight responsibilities of the Commission that were all fulfilled. The Commission was to hold a minimum of four public meetings, all subject to the Open Meetings Act, ensure the decision was based on the five principles in the charter, and adopt a plan for the City district boundaries.

The Commission met eight times with four as public comment meetings. Polling and Research was the consultant and City Staff helped the Commission move forward. Notices for all meetings were published and posted. In addition, they created posters and placed them throughout the districts.

As Chair, Ms. Ortiz wrote a Letter to the Editor, published in the New Mexican. All information pertaining to their work was on the City website,

and they asked for feedback from the public who also participated with the Commission in reaching the final decision.

One meeting was also virtual on Zoom from City Hall, three other city locations were used for in-person meetings.

In their work, five separate concepts were created, and the Commissioners spent countless hours contemplating the concepts before asking for a sixth concept by the consultant.

Mr. Sanderoff assured the Commission that the final concept met all laws and the Charter pertaining to redistricting.

On behalf of the seven Commissioners, at the June 30 meeting, the Commission chose "A-3 Modified" as the redistricting decision. She urged an ordinance to adopt the results as the new District boundaries.

Mr. Sanderoff said Research & Polling was glad to help again. His firm first helped in 1990, then 2000, and 2010 and when the City redistricted in 2015.

He shared a Power Point in which he presented and commented on the principles used and described the changes in boundaries in the scenario that was ultimately adopted. He also provided the relative deviation for each district and explained the plan adopted builds upon the changes in 2015. The plan anticipates more population on the south end of Santa Fe. It creates two strong Hispanic districts where high concentrations are now and gives them opportunity to elect representatives to represent them.

Councilor Cassutt asked if the Councilors could have copies.

Mr. Sanderoff said they were on the website.

Councilor Cassutt asked for the square mileage of each district

Mr. Sanderoff said they would provide it. He said Michael Sharp was the staff member who headed redistricting. Brittany Poss, who was doing it, had a serious surgery two weeks ago. He added that the compactness measures are also on the website.

Councilor Cassutt observed that District 4 looked smaller than the rest. The Governing Body is always looking at where housing needs to be located and the Planning Commission also needs to be mindful of that. She asked how many parks were within each district. She thanked him and appreciated their work.

Councilor Lee Garcia said he was at the Southside Library meeting along with enough people to give input. The Commission took the public

comments into consideration and discussed them. It was good to see that happening on the south side. He thanked the Commission for all the hours they spent on this work.

Councilor Rivera also thanked Mr. Sanderoff and his team and the Commission members for all their work. "It is a great process and you helped demonstrate that. Can you, Mr. Sanderoff, explain why districts are not divided equally by voter turnout?"

Mr. Sanderoff said yes. In the 1960's, the Supreme Court of the US made key decisions based on the concept of one person, one vote. That everyone should be counted including undocumented immigrants who all deserved representation. So, it is a federal law. Looking at the Voting Rights Act, we must keep ethnic groups in mind, and for that, only consider adults.

Councilor Rivera asked about the area around Siler Road that was mentioned in their work.

Mr. Sanderoff clarified it was a precinct issue where part of the precinct was in the City and part was not. The Plan did not split any precincts that were entirely within the city limits.

Mr. Sharp explained that only part of precinct 136 was in the City, and he colored it red. It was only a little sliver north of Rufina Road.

Councilor Michael Garcia saw on his map of the City that there were no precincts numbered above 100. He asked where those additional precincts came from.

Mr. Sanderoff explained that map showed the old precincts, and the plan was worked out with the map showing all the new precincts. There are many more precincts based on the state population maximums.

Councilor Michael Garcia asked when that was done.

Mr. Sanderoff said it was done about the end of 2021. He explained that the only ones split were those partially outside the City.

Councilor Michael Garcia asked about projecting future growth.

Mr. Sanderoff said these maps were based on the 2020 census population data. The Commission also looked at some of the maps showing where new housing is being built and took that into consideration for future growth.

Councilor Villarreal thanked the team and Chairwoman Ortiz for all the work done. She tracked their work at the beginning but got too busy later. The

Commission had a good balance. And Mr. Sanderoff is a legend in her mind. She agreed with Councilor Cassutt we should look at who would be in our district for constituents and where growth is happening, even if not in our own district. Not all districts are created equal. She thanked him for clarifying why it is not based on those registered to vote.

Councilor Villarreal hoped the final map would show it a little better. She pointed out that there was a potential phase of annexation on the north side (into District 1), that could potentially make the Governing Body look at redistricting or perhaps not.

Mr. Sanderoff agreed there was one contemplated, but we will leave it up to the lawyers whether redistricting is needed or not. The City Charter does allow for it between decades.

Ms. Bustos-Mihelcic noted the City Attorney's Office did look at it with Ms. Poss, and they determined it would not require redistricting. It would be within the allowable deviation.

Councilor Villarreal was glad it did not displace incumbents. It is exciting to look at where we should distribute resources.

Councilor Cassutt asked when the change would take place.

Mr. Sanderoff said it would be changed at voting time in November. The changes are not very different, but Councilors will transition to understand who the constituents are within the new boundaries. He agreed there was no clearcut answer to that.

Ms. Bustos-Mihelcic said the City anticipates the change in May. And we are working on interactive maps right now where people could enter their address and find out if their district changed. She also will send the information to Secretary of State.

Councilor Villarreal felt we need to be prepared before May.

Ms. McSherry clarified the people who elected you are from the original district.

Mayor Webber thanked all of them. The explanations were clear for the moment. We are following all the dictates you laid out and should be proud of that.

Mr. Sanderoff pointed out that Santa Fe is the only jurisdiction that has this system. Others have Commissions that only recommend to the City Council. Here, it is a very independent process.

- c. City of Santa Fe Water Supply and Demand Update January – June 2022. (Jesse Roach, Division Director, jdroach@santafenm.gov; 505-955-4309)

Director Roach presented the report and shared various charts to show water supply and demand updates. He used a Power Point with charts to show changes over the past several years and projections for the future. He pointed out that when we got rain, demand dropped by 3 million gallons per day.

He also mentioned the discolored water event. He explained the possible reasons that they are now investigating. Most in early July were on the east side of town and complaints are diminishing.

He reported on the three large CIP projects The first one they are hoping to start construction next calendar year. The second was at the Nichols Reservoir to start construction next year. The third was the Return Flow Project and will be letting contract soon. Two permitting projects started last November and will ramp up in early 2023 and State Water Rights Level is already started and ramp up in next few weeks.

Mayor Webber reminded people watching that these regular updates were prompted by the drought. The reports help us see how we are doing. He suggested it would be good to recheck where we stand on resources and utilization and asked Director Roach to highlight that for the Governing Body.

Director Roach estimated 4000 ac/ft of renewable water per year is used and the City could do that year after year without using up resources. With 12,000 ac/ft per year available, Santa Fe uses about 9,000 ac/ft per year. With all the incredible work done since 1975 constituents have done a great job in water conservation.

Mayor Webber asked when he would return with a new report.

Director Roach said he would report as often as the Governing Body wants but without specific requests, he targets every three months.

Councilor Michael Garcia recalled, on the discoloration issue, Director Roach gave a list of possible reasons last Monday at the PWUA meeting. One possible method was cameras down the drain. He asked if the Department was doing that in the water lines. Some causes could be remedied at low cost and others astronomical. People don't want brown water to drink. He saw pictures of brown water in tubs and people don't want to bathe in that.

Director Roach said they have sampled at all storage tanks and 80 different locations for baseline sampling. With this event, they provided samples where it occurs, and they believe it was elevated Manganese at certain locations. The City saw that about 15 years ago. It is natural manganese and can precipitate out. They will continue to work on it. The system is now delivering clear water. It is not fun when they turn on taps and don't get clear water.

Councilor Michael Garcia asked if they are using cameras in water lines.

Director Roach explained they could only do that in 16" diameter pipes and above. They have seen a buildup of minerals like manganese and iron. That is part of the system. And they can deliver clear water with existing pipework.

Councilor Michael Garcia asked how they can eliminate failure of pipes.

Director Roach clarified that this was not from main breaks. We had an event that caused rapid movement of water and it was drilled into by a contractor. By flushing it, the problem was resolved.

Councilor Michael Garcia said he was focusing on main breaks because the City will be getting an influx of federal funds for infrastructure. We can project out 15 years to see what needs replacing and should start investing in that now.

Director Roach said they have a long-term replacement plan now.

Councilor Rivera understood they can use a camera in the sewer lines because it is low pressure. He asked if that was the case.

Director Roach agreed. The larger pipes can use cameras and they also use other methods of leak detection that helps inform what might need replacing.

Councilor Lee Garcia asked about the 8% unaccountable water loss. How does that measure up with other similar cities? And how are you working on that?

Director Roach said 8% is actually quite good. You could see up to 15%. It could be water from a main break or from flushing. Anything that does not go through a meter is unaccounted loss. Sometimes it is a need for better meters and as we refine our data, we can see whether it is happening and can reduce it more.

- d. Midtown Moving Forward: Progress Report. Midtown Land Development Plans: Overview of Early Neighborhood Notification (ENN) meeting scheduled for July 14, Thursday, 5:30-7 pm. (Progress Report by Richard Brown, Director of Economic Development; Daniel Hernandez, Proyecto, Redevelopment Project Manager; Lee Logston, Office of Economic Development).

Ms. Bustos-Mihelcic read the caption. Director Brown, Mr. Logston and Mr. Hernandez were present.

Director Brown reviewed the 9-step plan of action and said they were now in the summer section. In the timeline, the ENN is tomorrow. It is not about encampments in or around Midtown and not about development areas or blighted areas.

Mr. Hernandez shared a Power Point.

Mayor Webber asked if this presentation was sent to Councilors.

Mr. Hernandez said it will be sent right away. Changes happened earlier today. He said they exceeded the minimum notification for the ENN. They contacted all neighborhood associations, and it is on the website. This a very abbreviated presentation. The ENN starts at 5:30 tomorrow.

He briefly reviewed the history (which had been presented during the previous presentation). They now have two interconnected Plans: Land Development Plan and Community Development Plan. This presentation was on the Land Development Plan which they will request approval on in October.

The ENN is to present highlights of the Land Use Application and to receive feedback if this is on the right track. The plan is to end the ENN at 7:00.

The Land Use Plan has two elements: the Master Plan and the Zoning; the framework and allowable uses on the property. Current Zoning provides the context.

Mr. Logston presented the current zoning at Midtown. He said the Shellabarger Tennis Facility is C-2 as is the part on St. Michael's and some of which is zoned Shopping Center Commercial. Future Land Use for Midtown is Institutional or Public which is appropriate for a college campus but not what is needed for development. To change the zoning, a General Plan Amendment is needed.

All surrounding uses are commercial. He explained the light blue areas on the map were all to become C-2 PUD. It includes architecture and street

standards. The part in red was in negotiation with the State to potentially trade some properties and that was now coming to fruition.

Mr. Hernandez added that the GPA was needed because it was not just for educational use for the future. The parcels will all be city owned. The Master Plan is flexible and not highly prescriptive. With public ownership, we can define the future use and be flexible enough to allow small, medium and large developers to play a part. Some will happen through RFPs in August. Residential development and open space projects 1,100 units and around 225 of them affordable. Open Space will be about 6.4 acres, Plazas at 1.22 acres; parks & green space at 5.18 acres. The MP is based on USGBC Energy & Environmental Design for Cities and Neighborhoods. Density patterns are the same as the LINC Overlay.

Councilor Michael Garcia commented, regarding what was provided, green space identifies Franklin Miles Park as part of green space, but it is already developed and should not be included in this plan. He asked if the process being used was the same as at the Railyard that the City owns the property rights.

Mr. Hernandez said it is a fee-development plan. Those will be ready soon. The City can sell the land, but long-term lease is also a possibility.

Councilor Michael Garcia preferred city-owned land. He noted 20% affordable housing is planned and thought the City would like to see a higher percentage. He urged at least 40% without the fee in lieu of provision. Because it is city land, are we at liberty to not provide for in lieu of. What we need is housing but for a situation like this, housing is a priority and would not get affordable housing with an in lieu of fee.

Ms. McSherry agreed they could look at that. The rule is a Governing Body rule.

Councilor Michael Garcia urged the Governing Body to make that change. Just furthering gentrification is not good. We need to be a leader and allow the full spectrum of housing. In addition, Mr. Hernandez said there is a Master Plan, but there is not a Master Plan. We rezone according to that. We could always go back and modify a Master Plan.

He said people asked him why they were rezoning without an approved Master Plan. "Master Plans today allow for flexibility. And we can resolve the land uses but not at levels that are so prescriptive. You can allow for what will be built."

Councilor Michael Garcia commented on the ENN that he could imagine the frustration at the required cut off at 7:00.

Mr. Hernandez said they wanted to be respectful of people's time if they didn't get a chance to speak, they would be able to submit questions and comments.

Mr. Logston said they were holding it early in the planning cycle so another ENN could take place if the public wanted it. Part of the time constraint is from the Zoom policy in the Land Use Department.

Councilor Michael Garcia didn't think the Zoom policy had such limitations. We need to ensure all can voice their opinions.

Director Kluck said he understood and did not disagree with him.

Councilor Michael Garcia also asked for a presentation copy ahead of time.

Councilor Villarreal agreed. It is always helpful to have it ahead of time. She did not quite understand the slide on housing and asked how they arrived at those numbers.

Mr. Hernandez said it was from the capacity to create a building size we want and not just one building. That was one principle for getting density. It was also the sweet spot and competitive for real estate loans. This meets the minimum standard and more can be done in future decisions. The Governing Body can decide that, and it will affect property values downward.

Councilor Villarreal understood but she saw land value differently – other than financial value.

Mr. Hernandez said Cities usually range about 10-12% so 20% AH is pushing high, but the Governing Body can decide that.

Councilor Villarreal opined that right now, land value is not a good model to use.

Councilor Villarreal explained to Mr. Hernandez that typically, the Councilors do not go to the ENN when it is an item that will come to us for a vote. She asked Ms. McSherry to comment.

Ms. McSherry replied that since the City is the applicant, Councilor may go but may not have a conversation with each other. We did not announce it as a Governing Body meeting, so she advised against attending. She also noted that if a quorum was not present, that was not a problem.

Ms. Bustos-Mihelcic, to clarify, said the City is the applicant. And we are acting as an applicant, and this would go to the Planning Commission in the process. She and Mr. Hernandez are the applicant representatives and will follow the ENN process of Land Use. We have struggled with it.

Ms. McSherry added that proposals often change after an ENN meeting.

Councilor Villarreal also observed that the last presentation will be on Zoom and recorded and be on the website.

Mr. Hernandez agreed.

Mayor Webber reiterated Ms. McSherry's comments. This is a draft being introduced for consideration and the purpose of an ENN is to get more feedback to determine where the project needs adjusting.

Councilor Romero-Wirth asked how he calculated 20% AH as being on the high end. Part of that calculation comes from the cost to the developer to build it. "How do you get to 20%?"

Mr. Hernandez pointed out that 15% is required. A study was done to get the calculation.

Councilor Romero-Wirth understood it did take into account the costs of development.

Mr. Hernandez agreed, especially being inclusionary and they cannot do it if costs exceeded the allowable sales price.

Councilor Romero-Wirth asked if the Governing Body could look at how we maintain AH at Midtown. "Are we looking at that as part of this plan?"

Mr. Hernandez agreed. The City has control so if they want affordable units into perpetuity, that can be done in the RFP. Those are controls the City can maintain. Typically, tax credits require 60 years.

Councilor Romero-Wirth recalled Zia Station was only ten years. That was interesting.

Mr. Hernandez said this was not privately owned so the Governing Body is in control of the standards and whether it is feasible to set other standards.

Councilor Romero-Wirth was confused. She knew what the Governing Body wanted and asked if that was what they would do. The Governing Body doesn't approve the RFP so there is a little disconnect there.

Mr. Hernandez said that was a great question. To show what is financially feasible, if it cannot be financed, what then?

Councilor Romero-Wirth understood that.

Mr. Hernandez said affordable in perpetuity is easier. Investors want to see 30 years in the private market. He knew how to finance AH, but he was not the only one. In a hot market, you can push a little bit more. And we could convene developers to ask what the response was.

Mayor Webber reminded everyone that the zone changes and proposed draft Master Plan were what was before the Governing Body and neither of those were the basis for financing. Those desires of policy would not be expressed in either of those documents. The whole campus or parts of it could be purchased by someone. He asked if the Governing Body could then specify how much AH would be in the plan.

Mr. Hernandez agreed.

Councilor Cassutt pointed out that we frequently talk about AH without a definition. She asked what the definition was here.

Mr. Hernandez said it was paying less than 30% of their household costs for housing.

Councilor Cassutt noted they frequently have tiers for AH and sometimes refer to the most needy as deep AH. at the time of issuing the RFP, the Governing Body could consider deep AH or workforce AH or something else. But what contributes to displacement of many in or community? Have you seen that model in other places?

Mr. Hernandez agreed, and the RFP can specify levels of affordability the 30% of household income is used nationwide. But 30% of whose income is the question. So affordable to whom can be addressed. The development has a fixed price. There are very few levers when calculating affordability. The Housing Authority has a limited number of housing vouchers. We can target 30% of median regional income and anyone below that would require a voucher.

Councilor Cassutt understood. Our land use process taking much time often gets cited as part of the increased costs. It would be helpful that we are already doing the groundwork and should reduce some of those costs.

Mr. Hernandez agreed it is huge.

Councilor Cassutt asked at what point the Governing Body gets to pull these levers and decide to really push a specific rate or structure. It looks like we still need to determine that.

Mr. Hernandez agreed and added how we can get that input before issuing an RFP.

Councilor Cassutt said in a typical land use process, we receive emails on an upcoming development, and Councilors refer them to the City Attorney. But we have not done that with Midtown. She asked Ms. McSherry if the Council needs to do that referring here.

Ms. McSherry said we need to run through some scenarios. We do want feedback to Staff while the plan is evolving. She will work through that with Ms. Piccarello, liaison with the Planning Commission. They are not the applicant, so they are in an ex parte circumstance. But the Commission has had a hand in what the development looks like. It will be different language but still encouraging public comments as part of the record. For the RFP, we already know what the future use is going to be but not for where residential is and the density and we need some of that before the RFP goes out.

Councilor Romero-Wirth said the Governing Body needs a whole presentation on AH when it is time to know where AH is contemplated, how it will be financed, and whether there is or is not a fee in lieu of provision.

Mayor Webber agreed. If the changes are adopted, the Governing Body can weigh in on the entire site to put into the record what process and desires indicate. And the public has already engaged on some qualities of the development. A work session would be a good way to do that.

Ms. McSherry said the feedback loop will lead to more specificity. They will build upon themselves.

Mayor Webber added that, as Councilor Michael Garcia pointed out, this may be the first of several ENNs.

Mayor Webber invited an agenda amendment for Petitions from the Floor, since it was 7:39 p.m.

AGENDA AMENDMENT

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to amend the agenda to move the Executive Session to the end of

the agenda, hear Petitions from the Floor next and then return to the agenda as published.

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

At 7:41 pm, Mayor Webber gave two minutes each to petitioners.

The first petitioner said, “I should have more time. I should not have any time because I am to the public. And my taxes pay you guys, okay? First of all, I ...

Mayor Webber said, “Sir, it would be good if you would give us your name for the record.”

The petitioner said, “It’s my constitutional right, sir. Okay? You don’t have to give your name. You should know that, especially you, lawyer. First of all, I have been notified that over at Casa de Bel... I want to know first of all, who is running that district at the address is 3357 Cerrillos Road. Okay? I want to know whose district that is. Okay? First of all, if there is so much narcotics going on at that apartment complex, people are calling narcotics cops and they are not doing a dang ... dime about it – nothing. Okay? And I want to know whose district that is. Okay? There are elderlies that live there. They’ve called me to let me know. Because some of them are scared. I’m not scared. But they are scared to come to you – the Mayor and the Councilors. I mean the people here. Okay? You know what the Narcotics tell us? They tell us, ‘Oh, we will send someone over there.’ They don’t send someone over, Dude. Okay? And you guys need to do something about this; about the Police Department... seriously. And I am a very concerned American, a very concerned person that cares about people’s rights. And they are violating... the police are violating people’s rights. Okay? They are not showing up when they are being called. There are people getting killed there. Okay? So you guys are just concerned about the money. But what about people’s souls? What about people that are scared, you know? That is just what we need to worry about too. Thank you, and I need to know whose district that is. That is my right to know.

Stefanie Beninato thanked Recreation Department for sending her the new hours for lap swimming at Perez with early swimming Monday and Tuesday when the

Bicentennial is closed. She also wished GCCC and Bicentennial would be open a little later on Saturdays.

When we talk about housing at Midtown, she was happy to hear there was notification on the ENN meeting and suggested that middle class housing was needed. They are suffering in their price range. She hoped the City Council would look at that because of the inflation in the housing market nobody could afford to buy anything. She pointed out "it is really horrible construction." She pointed out that that none of that type of housing would be allowed at Midtown.

Miguel Gabaldon thanked the Governing Body for their time. He thanked the councilwoman on homeless concerns and encampments in the City and going out first to the neighborhoods. It is good for the public to be aware of these things. He also thanked Councilor Michael Garcia, Councilor Lee Garcia and Mayor Webber for sponsoring the veterans' banners to move forward and get banners back up for those who serve our country. He hoped they would find the service from Public Works to install the banners. It would be a great sign for the City to recognize their service. Thank you.

There were no other petitions from the floor and the petitions portion of the meeting was closed at 7:49 pm.

9. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of the June 29, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov, 505-955-6519)
Committee Review:
Governing Body: 07/13/2022
- b. Request for Approval of Amendment No. 1 to Service Contract 20-0366 Increasing Compensation in the Amount of \$250,000 to a Total Amount of \$850,000 Plus NMGRT for On-Call Vegetation Management Services with Steamer, Inc., dba Proscapes Landscape Management. (Scott A. Overlie, Parks Division Project Administrator, saoverlie@santafenm.gov, 505-955-2114)
Committee Review:
Finance Committee: 07/05/2022
Public Works & Utilities Committee: 07/11/2022
Governing Body: 07/13/2022
- c. Request for Approval of Amendment No. 1 to Construction Agreement 22-0031 with A.A.C Construction, LLC (AAC) for ITB 22/15/B Richards Avenue

East and Campo Conejo Master Meter Vaults CIP # 960 for an Extension of Time Only, from June 30, 2022 through June 30, 2023, Due to Supply Chain Disruptions and Ongoing Negotiations with the Santa Fe County. (Bill Huey, Engineer, bchuey@santafenm.gov, 505-955-4273)

Committee Review:

Public Works and Utilities Committee: 06/06/2022

Finance Committee: 06/20/2022

Governing Body: 07/13/2022

- d. Request for Approval of Amendment No. 1 to Service Agreement 21-0379 to Extending Term to June 30, 2023 to Replace Ft Marcy Roof and Skylights; with First Mesa Construction, Inc. (Josh Bohlman, jbohlman@santafenm.gov, 505-955-5932)

Committee Schedule:

Finance Committee: 07/05/2022

Public Works and Utilities Committee: 07/11/2022

Governing Body: 07/13/2022

- e. Request for Approval of Sole Source Procurement for Services Contract with James, Cooke and Hobson, Inc. (JCH) for a Total Amount of \$798,602 for Netzsch and Flygt Pumps Replacement and Other Repairs. (Mike Dozier, Wastewater Management Division Director, mldozier@santafenm.gov)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$798,602.

Committee Review:

Public Works and Utilities Committee: 06/27/2022

Finance Committee: 07/05/2022

Governing Body: 07/13/2022

- f. Request for Approval of a Professional Services Agreement (PSA) with Aecom Technical Services, Inc. to Provide On-Call Engineering Services for Capital Improvements In The Total Amount of \$542,188 Inclusive of NMGRT. (John Del Mar, Engineering Supervisor, jpdelmar@santafenm.gov, 505-955-4231)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In The Total Amount of \$542,188.

Committee Review:

Public Works and Utilities Committee: 06/27/2022

Finance Committee: 07/05/2022

Governing Body: 07/13/2022

- g. Request for Approval of Three-Year Memorandum of Understanding (MOU) between the City of Santa Fe and Santa Fe County to Purchase Parking Permits from the City for Parking at the Santa Fe Community Convention Center Municipal Parking Garage Located at 119 S. Federal Place. (Noel Correia, Parking Division Director, 505-955-6611, npcorreia@santafenm.gov)

Committee Review:

Finance Committee: 07/05/2022

Public Works & Utilities Committee: 07/11/2022

Governing Body: 07/13/2022

- h. Request for Approval of Amendment No. 6 to the PSA with Vladimir Jones (PRACO) in the Total Amount of \$1,850,000 for Advertising Agency Services for TOURISM Santa Fe for FY23. (Randy Randall, Tourism Santa Fe Director: rrandall@santafenm.gov, 505-955-6209)

Committee Review:

Finance Committee: 06/20/2022

Quality of Life Committee: 07/06/2022

Governing Body: 07/13/2022

10. ACTION ITEMS: DISCUSSION AGENDA

There were no items on the Discussion Agenda.

11. MATTERS FROM CITY MANAGER.

Manager Blair said he is getting ready to schedule interviews for the Finance Director position over the next three weeks, and he hoped soon to have a permanent person there. The Deputy City Manager is working with HR to prioritize the positions we need to get filled soon. He had a productive meeting last week with the Public Works Division Director, Regina Wheeler. On Friday, he posted the Parking Division Director, and the ADA Coordinator positions. He expected to have the new Streets Division Director position posed by the end of the week.

Since we last met, we had downtown public restrooms opened with a ribbon cutting event. They are a great resource not just for tourists but for anyone shopping or working downtown. He encouraged Councilor to check them out. They did a great job with the design.

Regarding the Veteran Banners, he had a great meeting with veterans. Councilor Michael Garcia, Councilor Rivera and Mayor Webber were with him at the table. They came up with a long-range solution for future years. Councilor Michael

Garcia was able to get a resolution into this meeting's packet for putting the banners up in the Railyard area, up Guadalupe Street and the greater downtown area for this summer. That will keep the matter moving forward. We asked Mr. Don Christie to help with banners and brackets for testing on the poles and what we would need to look at for on existing light poles. He hoped for a vote at the second July meeting.

He gave a shout out to the City Clerk and Fire Chief for a successful July 4 event. Our fire crews were out all night, and he was grateful for their service. He felt without the City event at Santa Fe Place, there would have been a much greater number of calls.

He wished a belated Happy Birthday to Councilor Villarreal.

12. MATTERS FROM CITY ATTORNEY

Ms. McSherry reported getting over 20 applications for the Policy Analyst Position and setting up interviews of at least six candidates for next week.

She recognized Tenzin Latoe from IT as our partner recorder during the pandemic. It was sweet to see his manager who also came to our Staff Meeting and his colleagues all recognized him for his quality work.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including a Potential Foreclosure to Recover on a City Lien, and the Opportunity to Join Other Local Governments in Amici Briefs in Two Cases: , a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts; and , a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov, 505-955-6512)

The Executive Session was moved to the end of the agenda.

a. EXECUTIVE SESSION ACTION ITEMS

- a. Approval to Join Other Local Governments in an Amicus Brief in Support of the Plaintiffs in , a Voting Rights Act Case Pending

Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

- b. Approval to Join Local Governments in Support of the State of Colorado in , a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

These items were moved to the end of the agenda after the Executive Session.

b. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic thanked the Redistricting Commission members for their work and her staff members, Geralyn, Xavier, and Leonard Padilla from GIS who helped, and Marcos Martinez from the Attorney's Office was also essential. They provided assistance over the last three months to the Commission.

She thanked those who attended the ribbon-cutting ceremony at Bicentennial Pool. The picnic was rescheduled for July 30 and spray downs on July 23rd and 30th.

c. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Cassutt said the individual teaching by the Staff at the Bicentennial Pool has been incredibly good. She added that the remodeled Bicentennial Pool is lovely.

Councilor Villarreal thanked Mr. Latoe for his help. He is always remarkable with his troubleshooting skills She was gratified to hear of the many good applicants for the Policy Analyst position. She asked to be informed how Councilors will be involved in that process.

She hoped the City could "co-advertise" the peacemaking ceremony showing how guns could be made into gardening tools, and how the City can communicate the Presbyterian Peace Fellowship and the National Peace Award to the Reverend Harry Eberts at the First Presbyterian Church. She welcomed her colleagues to be there to present the proclamation. It will be primarily to show how parts of guns have been dismantled to prevent gun violence and gone on for a long time. And still relevant.

She thanked those who wished her birthday greetings. She said her birthday was her 21st birthday.

Councilor Michael Garcia recognized the young artist from Dragonfly Studios at Villa Linda Mall and access to the trail there. They made it an attractive piece of art.

Councilor Rivera thanked the Fire Department, the Police Department, the City Clerk's office, Ray Sandoval and many others for their help at the July 4th Show. He also thanked staff who signed up the children for the toddlers' pool at the Bicentennial Pool and let the public know about it. He congratulated the Little League team and softball teams representing our City.

Councilor Chavez also gave a shout out to the Little League. We had runner up to state champion in the softball tournament. We definitely had Santa Fe represented well. The City Clerk's Office worked well for the large numbers using the parks. That partnership was important. Thanks to all involved in July 4th event. Her family was there and she heard lots of positive feedback from it.

Mayor Webber noted that Councilor Lindell had to excuse herself.

He cautioned everyone about COVIC safety with the new B 25 variant which is very contagious.

He applauded the effort to thwart gun violence and the event on July 24 at First Presbyterian Church to honor two individuals. On July 23rd at the Nissan Dealership on St. Michaels is an opportunity to turn in guns in a gun buyback program. As of today, we have for first time in seven years a person as ATF head, Mr. Gottleback.

He congratulated Shine Pet Foods for their article in a national mag for growing their business here. It is a great resource to those of us who want healthy food from Sandra's business.

Finally, he was pleased to say that Santa Fe is the first city in America to have a retired Federal Judge, Bruce Black, as a City Lifeguard. The City is hiring lifeguards and the opportunity is not age limited. He urged people to sign up and thanks for Judge Black to help us out.

d. **INTRODUCTION OF LEGISLATION (NO ACTION)**

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Romero-Wirth and Councilor Cassutt)

A Resolution Adopting New Procedural Rules for City Council Standing Committees. (Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 07/13/2022

Quality of Life Committee: 07/20/2022

Public Works and Utilities Committee: 07/25/2022

Finance Committee: 08/1/2022

Governing Body: 08/10/2022

Ms. Bustos-Mihelcic introduced this legislation.

Councilor Romero-Wirth said this was a continuation of the new procedural rules.

b. CONSIDERATION OF BILL NO. 2022-__. (Councilor Romero-Wirth, Mayor Webber, Councilor Chavez)

An Ordinance Repealing Section 10-11 of SFCC 1987; Creating a New Section 10-11 to Establish an Ordinance Relating to Shopping Carts; Incentivizing Retail Establishments to Ensure Their Shopping Carts Remain on Their Property; Imposing a Fee for Shopping Cart Return; and Establishing an Effective Date. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6327; Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 07/13/2022

Governing Body (Public Comment): 07/27/2022

Quality of Life Committee: 08/03/2022

Finance Committee: 08/15/2022

Governing Body (Public Hearing): 08/31/2022

Ms. Bustos-Mihelcic introduced the legislation.

Councilor Romero-Wirth reported that in the last 10 months, a contractor retrieved over 3,000 shopping carts. We are trying to incentivize retailers to keep carts on their property. It is not intended to be punitive. Under the bill, they could buy new carts or pay the City to retrieve them. The fee is set high to urge retailers to keep their carts on their property. It has started a conversation and she is getting phone calls and emails. It is a serious problem in the city.

Councilor Chavez said she cosponsored this because she got so many complaints, and others felt the retailers promote easy access by leaving carts outside. We need to create a better system. This is a good start. Many systems nationally are being tried.

- c. CONSIDERATION OF BILL NO. 2022-___. (Councilwoman Villarreal, Councilor Rivera)
An Ordinance Amending SFCC 1987 Section 23-5.1 to Add Definitions for “Cultural Event” and “Small Commercial Event”; and Amending SFCC 1987 Section 23-5.2 to Allow up to Eight (8) Small Commercial Permits for Cultural Events on the Plaza Including Juneteenth, Indigenous People’s Day, and Six Additional Events Selected by Lottery. (Melissa McDonald, Parks Division Director: mamcdonald@santafenm.gov, 955-6840)

Committee Review:

Governing Body (Introduced): 07/13/2022
Governing Body (Public Comment): 07/27/2022
Quality of Life Committee: 08/03/2022
Public Works and Utilities Committee: 08/08/2022
Finance Committee: 08/15/2022
Governing Body (Public Hearing): 08/24/2022

Ms. Bustos-Mihelcic introduced this legislation.

Councilor Villarreal said it is a substitute ordinance due to changes in input. They desire to incorporate vendors with the literal event. Our ordinance doesn’t allow for that and this allows up to eight cultural events at the Plaza for one day and two specific holidays: Juneteenth and Indigenous Peoples’ Day, with a lottery for the rest. Permittees must be well organized. It also provides small and cultural events definitions. There are limitations and the City streets will not be shut down. Each event follows the same approval process as with large events and must have permits and business licenses and pay sales tax to the State. There is plenty of opportunity to weigh in for a viable option.

Councilor Rivera thanked Councilor Villarreal for her work on it to come up with something fair and doable.

Councilor Cassutt hoped to bring it to the Economic Development Advisory Committee, so she proposed to hear it at EDAC on August at their meeting.

MOTION: Councilor Cassutt moved, seconded by Councilor Villarreal, to suspend the rule to be heard at EDAC out of order and amend the calendar for their August 10, 2022 meeting.

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: None. Councilor Lindell was not present for the vote.

- d. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Rivera, Councilor Romero-Wirth, Councilwoman Villarreal, Councilor Cassutt, Councilor Chavez)

A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions August 10, 2022, to September 10, 2022; Banning the Sale or Use of Fireworks Within the City of Santa Fe; Encouraging Residents to Prepare a Personal Wildfire Action Plan; and Encouraging Residents to Follow the Fire Department's Fire Readiness Guidelines. (Geronimo Griego, Fire Marsha; ggriego@santafenm.gov, 955-3310)

Committee Review:

Introduced: 7/13/22

Quality of Life Committee: 7/20/22

Governing Body: 7/27/22

Ms. Bustos-Mihelcic read the introduction of legislation.

Councilor Rivera said this is the same resolution we continue to do as State requires. He discussed this with Geronimo Griego who assured him we are still in extreme drought, so we continue to bring the resolution.

- e. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor Lindell, Mayor Webber, Councilor L. Garcia, Councilor M. Garcia, Councilor Chavez)

A Resolution Authorizing the Sale and Consumption of Alcohol During the Annual Burning of Zozobra Community Event Produced by the Kiwanis Club of Santa Fe, Inc., a Non-Profit Organization at Fort Marcy, During the Friday of Labor Day for the Years 2022-2025, Pursuant to SFCC 1987 Subsection 23-6.2. (Kristine Mihelcic, City Clerk:

kmmihelcic@santafenm.gov, 955-6327)

Committee Review:

Introduced: 07/13/22

Quality of Life Committee: 07/20/22

Finance Committee: 08/01/22

Governing Body: 08/10/22

Ms. Bustos-Mihelcic read the resolution.

Mayor Webber said Councilor Lindell had suggested it does not need Finance Committee review which would allow an earlier Governing Body hearing.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to take the referral to Finance Committee off the calendar for this resolution.

Discussion on the Motion:

Councilor Michael Garcia pointed out that a couple of weeks ago, another resolution without fiscal impact did go to Finance as a precedent. He asked for that to be on the record.

Councilor Rivera suggested we could hear it earlier, but the event is in September. He thought it should be heard by all committees.

Mayor Webber understood. It will take a contract to work through and could be done earlier.

Councilor Rivera asked if there has there been any discussion with Police or Fire about this since it would be in the Zozobra Park.

Ms. McSherry said the prior authorization on alcohol only went to the QOL Committee. Councilor Lindell had a concern on that.

Councilor Romero-Wirth pointed out that the folks who run Zozobra probably would like this to be in place sooner. It might help Kiwanis keep the event affordable for the community. There is a need for sooner than later. It was debatable if it was budget related and needed to be heard at Finance. But this has no finance impact, so it is distinctively different.

Councilor Cassutt offered that the Governing Body could also suspend the rules and have it heard at Finance on July 18 before QOL.

Ms. Bustos-Mihelcic said a beer garden affects Fire and Police that day and Security has to be posted.

Councilor Rivera pointed out that it will be at Fort Marcy within a fenced off area.

Ms. McSherry cautioned not to discuss the content of the resolution.

Councilor Romero-Wirth withdrew her motion and Councilor Chavez withdrew her second.

MOTION: Councilor Cassutt moved, seconded by Councilor Romero-Wirth, to suspend the rule to have this heard at Finance at their July 18, 2022 meeting and then out of order and amend the

calendar for their July 18 meeting, at Quality of Life Committee on July 20, and the Governing Body on July 27.

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: None. Councilor Lindell was not present for the vote.

- f. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor M. Garcia, Councilor Rivera, Mayor Webber, Councilor Romero-Wirth, Councilor Chavez, Councilwoman Villarreal)

A Resolution Updating the Terms of Approval Included in Resolution Nos. 2020-24 and 2022-9 to Change the Permitted Location of Banners Commemorating “Hometown Heroes” From the Cerrillos Road Corridor to the Railyard, Guadalupe Street, and the Greater Downtown Area. (John Blair, City Manager: jwblair@santafenm.gov)

Committee Review:

Introduced: 07/13/22

Quality of Life Committee: 07/20/22

Public Works and Utilities Committee: 7/25/22

Governing Body: 7/27/22

Ms. Bustos-Mihelcic read the introduction of the resolution to change the location of the banners.

Councilor Michael Garcia clarified, as Manager Blair mentioned earlier, this is to get banners up as quickly as possible where poles can support the banners to honor veterans in our community.

Councilor Rivera said it lets the public know we are trying to keep it going and if original location can be used, this will be invalid. He thanked all who signed on.

Councilor Romero-Wirth thanked everyone who met to find a solution.

17. PETITIONS FROM THE FLOOR

Petitions from the Floor were heard earlier in the meeting.

18. PUBLIC COMMENT ON BILLS (NO ACTION)

There were no bills on the agenda for public comment.

19. **FINAL ACTION ON LEGISLATION**

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to amend the agenda to hear Item 19-c first.

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: None. Councilor Lindell was not present for the vote.

c. **CONSIDERATION OF BILL NO. 2022-14. ADOPTION OF ORDINANCE 2022-10.** (Councilor Romero-Wirth, Councilor Cassutt, Councilwoman Villarreal)

An Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance (“UTO”); Amending Section 7 of Schedule A to Prohibit the Municipal Court From Notifying the Motor Vehicle Division of the State of New Mexico When a Person Fails to Pay a Penalty Assessment Within the Required Period of Time. (Kyle Hibner, City Prosecutor: kjhibner@santafenm.gov, 955-5195)

Committee Review:

Governing Body (Introduced): 05/11/2022

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

Quality of Life Committee: 06/01/2022

Governing Body (Public Hearing): 07/13/2022

Ms. Bustos-Mihelcic read the caption for this Ordinance on not notifying MVD on penalties for late payments.

Councilor Romero-Wirth said this would eliminate suspension of a driver’s license from failure to pay fines on time. She called out Monica Ault who has helped with this Bill and part of a larger effort to encourage the State to make a similar change. We would no longer suspend them. This continues the practice started during the pandemic.

Councilor Cassutt said the concept is that fines and penalties should not be so punitive. If people are unable to pay the fine, suspending might keep them from working to pay the ticket. We want people to remain productive members of the community. And in terms of collecting a fee, if you take

away their job, they are less able to pay the fee. Places where this has been done has helped with a benefit.

Councilor Villarreal noted that people don't realize as we have researched it that we are behind in ways to be more equitable and less burdensome for families. She thanked the Fines and Fees Justice Center and said this is a national movement. She supports it because taking away a license of working mother or father condemns them have to no way to support their family. That makes no sense. It is counterproductive Other efforts will help make it more equitable.

Kyle Hibner added that this bill changes what the municipal court is able to do. Notices will not be sent to MVD. MVD is the entity that suspends licenses.

Public Comment:

Monica Ault was sworn and thanked the Governing Body for having her and her group. Decriminalize Poverty was their shirt slogan. She thanked the sponsors for bringing the legislation and working collaboratively for our community. This is so important for families and should not be used for failure to pay a penalty. Suspension of licenses takes away trips to work, childcare, groceries, etc and driving on a suspended license brings more penalties. Several other States have done this. She shared reasons why it should not be suspended.

Mayor Webber invited her to submit her written testimony to the record which was cut off at two minutes.

Ms. Bustos-Mihelcic swore in everyone else as a group.

Amber Ferrell, Deputy Director for Fines and Penalties Justice Center read her statement.

Mona Serna, NM Advisory Board on Fines and Fees read her statement.

Ginger Sharp, member of the Advisory Board read a statement on behalf of another member.

Sebai Addie spoke in support of the ordinance and thanked all the others who showed up here before reading his statement.

Alan Wagner, retired attorney in Albuquerque, read his statement.

Gail, spoke as a member of the Advisory Board and read her statement.

There were no other public speakers.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to approve the Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance (“UTO”); Amending Section 7 of Schedule A to Prohibit the Municipal Court From Notifying the Motor Vehicle Division of the State of New Mexico When a Person Fails to Pay a Penalty Assessment Within the Required Period of Time.

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: None. Councilor Lindell was not present for the vote.

- a. CONSIDERATION OF BILL 2022-12. ADOPTION OF ORDINANCE NO. 2022-11. (Mayor Webber, Councilor Romero-Wirth, Councilor M. 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:

Governing Body (Introduced): 04/13/2022

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

Planning Commission: 06/02/2022

Public Works and Utilities Committee: 06/06/2022

Quality of Life Committee: 06/15/2022

Governing Body (Public Hearing): 07/13/2022

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

Councilor Romero-Wirth explained this bill is in response to constituent complaints about neighborhoods and specifically addresses junk vehicles, how we define them and under what conditions they are allowed and how to store or screen them. 183 unsightly complaints from 4/1/21 to 4/21/21.

Mayor Webber noted this ordinance was triggered by complaints across the whole City. We talked with the Enforcement Team about what they encountered in the field and then tailored the ordinance to fix those specific problems without going after people with a collectible vehicle but those vehicles that were left to rot.

Public Comments

Stefanie Beninato, PO Box 1601, was sworn. She noted the redline changes were hard to find in the ten documents. She could not determine what had changed and would like to have that provided to her.

There were no other comments, and the Public portion of this item was closed at 9:10 p.m.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Michael Garcia, to approve the 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.

Discussion on the Motion:

Councilor Cassutt had a new amendment on page 7, line 22. In the discussion about parking in setback, she pointed out that in older parts of the City, it might be in her driveway but not three feet from the property line. And they should not be penalized for that. So, the amendment would strike “driveway or drive aisle and still not blocking a public ROW.” She also had a change at Land Use Department, to strike “street line” as that is not defined and not clearly delineated in Land Use. Street lines can vary. And strike “easement” and say “right-of-way” which is more clearly defined in Code.

Amendment to the Motion:

MOTION: Councilor Cassutt moved, seconded by Councilor Villarreal, to amend the motion as stated by Councilor Cassutt.

Ms. McSherry noted this amendment was in writing and in the packet, so a written version is available.

Ms. Feghali said the amendment is also in the red-line version.

VOTE: **The amendment 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: None. Councilor Lindell was not present for the vote.

Discussion on the Amended Motion:

Councilor Romero-Wirth pointed out that the other amendments are already in the main bill. Councilor Cassutt's amendment was not already considered at the Committees.

Councilor Michael Garcia reported the amendment was adopted by the QOL Committee. He asked if the City could do an awareness campaign on it, so that the public is well aware that after 30 days, this ordinance will be enforced. The more awareness, the better.

VOTE: **The amended 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: None. Councilor Lindell was not present for the vote.

b. CONSIDERATION OF BILL NO. 2022-13. ADOPTION OF ORDINANCE NO. 2022-12. (Mayor Webber, Councilwoman Villarreal, Councilor Lindell, and Councilor Cassutt)

An Ordinance Amending Section 23-6.3 to Align the Designated Drinking Area Buffer Requirements with State Requirements, to Require the Use of Recyclable or Compostable Alcoholic Beverage Containers for Events on City Property, and to Permit Tasting of Mixed Beverages Containing Liquor on City Property. (Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6327; Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Governing Body (Introduced): 05/25/2022

Governing Body (Public Comment): 06/08/2022

Quality of Life Committee: 06/15/2022 (Adopted Amendment)

Public Works and Utilities Committee: 06/27/2022

Governing Body (Public Hearing): 07/13/2022

Ms. Bustos-Mihelcic read the ordinance caption.

Councilor Villarreal said the caption says it all. It makes the requirements consistent with State requirements and requires recyclable containers and mixed beverages with a portion of liquor was not in it before.

Councilor Cassutt had nothing else to add.

Public Comment:

There were no public comments.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to approve the Ordinance Amending Section 23-6.3 to Align the Designated Drinking Area Buffer Requirements with State Requirements, to Require the Use of Recyclable or Compostable Alcoholic Beverage Containers for Events on City Property, and to Permit Tasting of Mixed Beverages Containing Liquor on City Property.

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: None. Councilor Lindell was not present for the vote.

20. **PUBLIC HEARINGS**

There were no public hearings scheduled at this meeting.

21. **APPOINTMENTS**

- a. Women's Commission (Julie Sanchez; Division Director Youth and Families Services Division: jssanchez@santafenm.gov, 505-955-6678)
 - Wendy Pomeroy – Appointment – Term Ending 11/2022
 - Sheila Vaughn – Appointment – Term Ending 11/2022
 - Gloria Martinez-Friestad – Appointment – Term Ending 11/2022
 - Olivia Sloan – Reappointment – Term Ending 11/2022
 - Candice Flint – Reappointment – Term Ending 11/2022
 - Araseli Varela – Reappointment – Term Ending 11/2022

Ms. Bustos-Mihelcic read the caption for appointments to the Women's Commission.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Chavez, to approve the appointments to the Women's Commission.

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: None. Councilor Lindell was not present for the vote.

- b. Planning Commission (Jason Kluck, Director, Planning and Land Use: jmkluck@santafenm.gov, 505-955-6729)
- Peter Smith – Reappointment – Term Ending 7/2024

Ms. Bustos-Mihelcic read the appointment for Planning Commission.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the appointment to the Planning Commission.

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: None. Councilor Lindell was not present for the vote.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including a Potential Foreclosure to Recover on a City Lien, and the Opportunity to Join Other Local Governments in Amici Briefs in Two Cases:, a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts; and , a First Amendment, Free Speech Case, Pending

Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation.
(Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

Ms. McSherry recommended going into executive session pursuant to the Open Meetings Act, specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant under the Attorney/Client exception for discussion on the matters listed on the agenda.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to enter executive session pursuant to the Open Meetings Act Section 10-15-1 Subpart H-7 to discuss potential or threatened litigation.

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: None. Councilor Lindell was not present for the vote.

The Governing Body entered closed executive session at 9:25 p.m. and ended the executive session at 10:24 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to reconvene in open session and state for the record that the matters discussed in the 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 Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None. Councilor Lindell was not present for the vote.

13. EXECUTIVE SESSION ACTION ITEMS

- a. Approval to Join Other Local Governments in an Amicus Brief in Support of the Plaintiffs in, a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2

Standards Regarding Considering Race in Drawing Electoral Districts.
(Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

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

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt to approve the action recommended by the City Attorney.

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: None. Councilor Lindell was not present for the vote.

- b. Approval to Join Local Governments in Support of the State of Colorado in , a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation.
(Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve this matter as recommended by the City Attorney.

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: None. Councilor Lindell was not present for the vote.

22. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 10:27 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
July 13, 2022**

The Governing Body of the City of Santa Fe met in an executive session duly called on July 13, 2022, beginning at 9:32 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including a Potential Foreclosure to Recover on a City Lien, and the Opportunity to Join Other Local Governments in Amici Briefs in Two Cases: *Merrill v. Milligan*, a Voting Rights Act Case Pending Before the U.S. Supreme Court, Encouraging the Court to Retain its Existing Section 2 Standards Regarding Considering Race in Drawing Electoral Districts; and *303 Creative v. Elenis*, a First Amendment, Free Speech Case, Pending Before the U.S. Supreme Court, Supporting Upholding State of Colorado's Anti-Discrimination Laws for Places of Public Accommodation. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

PRESENT

Mayor Webber
Councilor Cassutt
Councilor Chavez
Councilor L. Garcia
Councilor Lindell
Councilor Romero-Wirth
Councilwoman Villarreal
Councilor M. Garcia
Councilor Rivera

STAFF PRESENT

John Blair, City Manager
Erin McSherry, City Attorney
Kristine Bustos Mihelcic, City Clerk

There being no further business to discuss, the executive session adjourned at 10:22 p.m.



Kristine Bustos Mihelcic, City Clerk