



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
JULY 27, 2022  
5:00 PM  
COUNCIL CHAMBERS  
CITY HALL  
200 LINCOLN AVENUE

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## 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 public comment during *Petitions from the Floor*, *Public Comment*, *Final Action on Legislation*, or *Public Hearings* virtually, 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/84626587696>.

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: 846 2658 7696**

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



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

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Chavez

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

Councilwoman Villarreal

4. **INVOCATION AND REMEMBRANCES**

Councilor Michael Garcia

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. FY 21 Audit Update (Ricky Bejarano, Interim Assistant Finance Director, [rabejarano@santafenm.gov](mailto:rabejarano@santafenm.gov), 505-629-6988)
- b. State of the Municipal Court. (Judge Virginia Vigil, Municipal Court Judge: [vmvigil@santafenm.gov](mailto:vmvigil@santafenm.gov), 505-955-5110)
- c. Quarterly Update from the Community Health and Safety Task Force; (Councilwoman Villarreal and Councilor Rivera)

9. **ACTION ITEMS: CONSENT AGENDA**



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

**Committee Review:**

Governing Body: 07/27/2022

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Floating World Inc., for a Wholesaler Liquor License, to be Located at Floating World, 1306 Clark Road, Unit B & C, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

**Committee Review:**

Public Hearing: 07/11/2022

Governing Body: 07/27/2022

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve to Request from VARA, LLC, for a Winegrower Off-Site Location Liquor License (2<sup>nd</sup> Location) with On-Premises Consumption and Package Sales, with Patio Service, to be Located at VARA, 329 W. San Francisco Street, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

**Committee Review:**

Public Hearing: 07/11/2022

Governing Body: 07/27/2022

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Kelly/Liquor Barn for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Santa Fe, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail, Santa Fe. The Request is for a Memorial Reception, to be Held on Saturday, July 30, 2022, with Alcohol Service from 4:00 P.M. to 6:00 P.M. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

**Committee Review:**

Liquor Hearing: 07/18/2022

Governing Body: 07/27/2022



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- e. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to St. Elizabeth Shelters to Provide Navigation and Safety Net Services to Homeless Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- f. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to New Mexico Immigrant Law Center to Provide Legal Immigration and/or Navigation Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- g. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to Coming Home Connection to Provide Navigation Services, Caregiving Services, Equipment Loan Services, and Cleaning Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov, 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022



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- h. Request for Approval of a Service Agreement in the Total Amount of \$207,750, Inclusive of NMGRT, Over Three Years to Esperanza Shelter, Inc. to Provide Emergency Shelter to Individuals who are Adult Victims of Domestic Violence Via the Residential Program and to Provide Community Navigation to Nonresidential Individuals Who are Domestic Violence Survivors or Offenders in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov, 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- i. Request for Approval of a Service Agreement in the Total Amount of \$475,500, Inclusive of NMGRT, Over Three Years to Interfaith Community Shelter Group, Inc. to Provide Navigation and Safety Net Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- j. Request for Approval of a Service Agreement in the Total Amount of \$239,250, Inclusive of NMGRT, Over Three Years to The Food Depot to Provide Critical Hunger Relief Safety Net Services and to Provide Navigation Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- k. Request for Approval of a Service Agreement in the Total Amount of \$248,700, Inclusive of NMGRT, Over Three Years to Partners in Education – Fathers New Mexico to Provide Navigation Services to Parents, Immigration Families, or Individuals with Identifiable Challenges in Santa Fe. (Christa Hernandez, Youth



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and Family Services Program Manager; chernandez@santafenm.gov, 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- I. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to Las Cumbres Community Services to Provide Specialized Safety Net and Navigation Services to Adult Immigrants and Newly-Arrived Afghan Refugees in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body 07/27/2022

- m. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to La Familia Medical Center to Provide Diabetes Prevention, Chronic Disease Management, Medical, Health Education and Navigation Services to Low-Income Residents of Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- n. Request for Approval of a Service Agreement in the Total Amount of \$223,500, Inclusive of NMGRT, Over Three Years to The Life Link to Provide Low Barrier Navigation Services to Individuals Experiencing Homelessness and Untreated Mental Illness in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022



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Governing Body: 07/27/2022

- o. Request for the Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGR, Over Three Years to YouthWorks to Provide Navigation Support Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- p. Request for Approval of Amendment No. 1 to the Amended Lease Agreement between Challenge New Mexico and the City of Santa Fe for 633-635 Agua Fria Street, Santa Fe, NM, Updates Lessee's Business Name and Approves a Sublease to High Desert Housing, a New Mexico Nonprofit Corporation. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 505-629-2206)

**Committee Review:**

Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- q. Request for Approval of Amendment No. 7 to Original Contract #19-0115 with Alpha Southwest for Emergency Repair in FY 2023 for an Increase in the Total Amount of \$330,735.38. (Jonathan Montoya, Source of Supply Operations Manager: jmmontoya@santafenm.gov; 505-955-4373 and Julian Gonzales, WWM Plant Superintendent: jrgonzales@santafenm.gov; 505-955-4615)

**Committee Review:**

Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022

Governing Body: 07/27/2022

- r. Request for Approval of an Agreement with Lou Hammond in the Total Amount of \$530,000 for Public Relations Services for Tourism Santa Fe. (Randy Randall, Tourism Santa Fe Director: rrandall@santafenm.gov 505-955-6209)

**Committee Review:**



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Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- s. Request for Approval of Amendment No. 5 to Professional Service Agreement 19-0234 with Carollo Engineer, Inc. to Provide On Call Engineering Services for Capital Improvement and Priority Projects for FY 21-22 for 500,000 Plus NMGR. (Bill Schneider, Water Resources and Conservation Manager, [whschneider@santafenm.gov](mailto:whschneider@santafenm.gov), 505-955-4203)
1. Request for a Budget Adjustment Resolution (BAR) and Extension of Term for a Total Amount of \$542,188 for Amendment No. 5.

**Committee Review:**

Public Works and Utilities Committee: 06/06/2022  
Finance Committee: 06/20/2022  
Governing Body: 06/29/2022

- t. Request for Approval of Amendment No. 3 to Professional Services Agreement 19-0235 with Hazen to Provide On Call Engineering Services for Capital Improvement and Priority Projects in the Amount of \$500,000 Exclusive of NMGR. (Bill Schneider, Water Resources and Conservation Manager, [whschneider@santafenm.gov](mailto:whschneider@santafenm.gov), 505-955-4203)
1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$542,188 for Amendment No. 3.

**Committee Review:**

Public Works and Utilities Committee: 06/06/2022  
Finance Committee: 06/20/2022  
Governing Body: 07/27/2022

- u. Request for the Approval of a Professional Services Agreement with Tierra Contenta Corporation in the total amount of \$799,936.93 to Manage and Design CIP#890-A Paseo del Sol Extension Project as per Tierra Contenta Master Development Plan funded by NMDOT. (Romella Glorioso-Moss, [rsgloriosomoss@santafenm.gov](mailto:rsgloriosomoss@santafenm.gov), 505-955-6623)

**Committee Review:**

Public Works & Utilities Committee: 07/25/2022  
Governing Body: 07/27/2022



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- v. Request for Approval of a Year-End FY 2021/22 Budget Amendment Resolution (BAR) to Address Projected Budget Deficits in the Police, Fire and Emergency Management Departments. (Andy Hopkins, Budget Officer, ajhopkins@santafenm.gov, 505-955-6177)

**Committee Review:**

Public Works/Public Utilities Committee: 07/25/2022  
Governing Body: 07/27/2022

- w. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Mayor Webber)  
A Resolution Relating to a Request for Approval of Fourth Quarter Budget Amendments and Associated New Mexico Department of Finance and Administration/Local Government Division (“DFA/LGD”) Schedule for Fiscal Year 2021/2022. (Andy Hopkins, Budget Officer: ajhopkins@santafenm.gov, 505-955-6177)

**Committee Review:**

Finance Committee (Introduced): 07/18/2022  
Quality of Life Committee: 07/20/2022  
Public Works and Utilities Committee: 07/25/2022  
Governing Body: 07/27/2022

- x. 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: kmihelcic@santafenm.gov, 505-955-6327)

**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

- y. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Mayor Webber, Councilor Lindell, Councilor Cassutt and Councilor Romero-Wirth)



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A Resolution Establishing the Manner of Appointing a Charter Review Commission in 2022 and Identifying Certain Topics for the Commission's Consideration. (Erin K. McSherry, City Attorney: [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 505-955-6961)

**Committee Review:**

Governing Body (Introduced): 06/29/2022

Quality of Life Committee: 07/06/2022

Finance Committee: 07/18/2022

Governing Body: 07/27/2022

- z. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Mayor Webber)  
A Resolution Permitting Remote Meetings for Advisory Committees Whether or Not it is Difficult or Impossible for Members of the Committee to Meet in Person when the Advisory Committee Determines it is in the Best Interest of the Public to Do So. (Erin K. McSherry, City Attorney: [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 505-955-6961)

**Committee Review:**

Governing Body (Introduced): 06/29/2022

Quality of Life Committee: 07/06/2022

Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022

Governing Body: 07/27/2022

- aa. 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 Readiness Guidelines. (Geronimo Griego, Fire Marshal; [gggriego@santafenm.gov](mailto:gggriego@santafenm.gov), 505-955-3310)

**Committee Review:**

Governing Body (Introduced): 07/13/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- ab. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor M. Garcia, Councilor Rivera, Mayor Webber, Councilor Romero-Wirth, Councilor Chavez,



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Councilwoman Villarreal, Councilor Cassutt, Councilor L. Garcia and Councilor Lindell)

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](mailto:jwblair@santafenm.gov))

**Committee Review:**

Introduced: 07/13/2022

Quality of Life Committee: 07/20/2022

Public Works and Utilities Committee: 7/25/2022

Governing Body: 07/27/2022

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, NMSA 1978, Section 10-15-1, Part (H)(7), Quarterly Update of Attorney-Client Privileged Discussion of Litigation, Including, but Not Limited to, *Duran Family Trust v. City of Santa Fe*, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 505-955-6512)

13. **MATTERS FROM THE CITY CLERK**
14. **COMMUNICATIONS FROM THE GOVERNING BODY**
15. **INTRODUCTION OF LEGISLATION**
  - a. **CONSIDERATION OF RESOLUTION NO. 2022-\_\_.** (Councilor Cassutt, Councilwoman Villarreal, Councilor M. Garcia, Councilor Chavez)  
A Resolution Advancing Complete Streets as a Proven Countermeasure to Provide Safer and More Equitable Transportation Improvements in the Santa Fe Metropolitan Planning Area While Reducing the Impacts of Climate Change. (Erick Aune, Transportation Planner: [ejaune@santafenm.gov](mailto:ejaune@santafenm.gov), 505-955-6664)



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**Postponed until August 10, 2022 for the purposes of completing draft compliance with the Governing Body procedural rules, Section IV(A)(3).**

- b. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Mayor Webber, Councilor Lindell, Councilor Cassutt, Councilwoman Villarreal, Councilor Chavez, Councilor M. Garcia)

A Resolution Supporting Legislation in the United States of America and the State of New Mexico to Protect the Right to a Safe Abortion. (Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 505-955-6303 and Pat Feghali, Assistant City Attorney: pfeghali@santafenm.gov)

**Committee Review:**

Governing Body (Introduced): 07/27/2022

Women's Commission: 08/09/22

Quality of Life Committee: 8/17/22

Governing Body: 08/31/22

- c. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor Cassutt, Councilwoman Villarreal and Councilor Lindell)

A Resolution Supporting the Neighbor to Neighbor Fund Drive 2022. (Jesse Guillen, Legislation and Policy Innovation Manager: jbg Guillen@santafenm.gov, 505-955-6518)

**Committee Review:**

Governing Body (Introduced): 07/27/2022

Quality of Life Committee: 08/03/2022

Governing Body: 08/10/2022

- d. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor Rivera)

A Resolution Adopting the 2024-2028 Infrastructure Capital Improvements Plan ("ICIP"). (Regina Wheeler, Public Works Department Director: rawheeler@santafenm.gov, 505-955-6622)

**Committee Review:**

Governing Body (Introduced): 07/27/2022

Finance Committee: 08/01/2022

Public Works and Utilities Committee: 08/08/2022

Governing Body: 08/10/2022

16. **PETITIONS FROM THE FLOOR**



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## 17. PUBLIC COMMENT ON BILLS (FIRST PUBLIC COMMENT, NO ACTION)

- a. 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

- 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 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

## 18. FINAL ACTION ON LEGISLATION (PUBLIC HEARING)



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- a. **POSTPONED, DATE TO BE DETERMINED** CONSIDERATION OF BILL NO. 2022-15. ADOPTION OF ORDINANCE NO. 2022-\_\_\_\_. (Mayor Webber and Councilor Lindell)

An Ordinance Amending Section 23-5.2 SFCC 1987 to Specify that Major Commercial Events are Not Entitled to Use City Property that is Otherwise Leased by the City. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 629-2206)

**Committee Review:**

Governing Body (Introduced): 05/25/2022  
Governing Body (Public Comment): 06/08/2022  
Public Works and Utilities Committee: 06/27/2022  
Finance Committee: 07/05/22 (Postponed)  
Quality of Life Committee: 07/06/2022 (Postponed)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body (Public Hearing): TBD

- b. CONSIDERATION OF BILL NO. 2022-16. ADOPTION OF ORDINANCE NO. 2022-\_\_\_\_. (Councilor Rivera)

An Ordinance Amending Section 21-4.3 SFCC 1987 to Change the Set Out Time for Residential Refuse Collection. (Shirline Sitton, Environmental Services Division Director: sjsitton@santafenm.gov, 955-2209)

**Committee Review:**

Governing Body (Introduced): 06/08/2022  
Governing Body (Public Comment): 06/29/2022  
Quality of Life Committee: 07/06/2022  
Public Works and Utilities Committee: 07/11/2022  
Finance Committee: 07/18/2022  
Governing Body (Public Hearing): 07/27/2022

19. **PUBLIC HEARINGS**

20. **APPOINTMENTS**

- a. Bicycle and Pedestrian Advisory Committee
- Khalil Spencer – Reappointment – Term Ending 06/2024



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
JULY 27, 2022  
5:00 PM  
COUNCIL CHAMBERS  
CITY HALL  
200 LINCOLN AVENUE

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- Judith Gabriele – Reappointment – Term Ending 06/2024
- Tony Gerlicz – Reappointment – Term Ending 06/2024
- Paloma Sanchez – Appointment – Term Ending 06/2023
- Erik Aaboe – Reappointment – Term Ending 06/2024

## 21. **ADJOURN**

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

**Governing Body  
SUMMARY INDEX  
July 27, 2022**

ITEM	ACTION	PAGE
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3. Salute to the State Flag	Led by Councilor Villarreal	1
4. Invocation	Led by Councilor Michael Garcia	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Approval of Consent Agenda	Approved as amended	2-3
8. Presentations		
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b) Municipal Court Update	Presentation	3-4
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9. Consent Agenda Listing	Listed	7-21
y) Charter Review Commission	Approved as amended	13-18
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15. Introduction of Legislation		
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b) Supporting right to abortion	Introduced	30
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a) Commercial Events	Postponed	25
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19. Public Hearings	None	
20. Appointments		
a) Bicycle and Pedestrian Committee	Appointed	33
22. Adjourn	Adjourned at 8:46 pm	33-34

**Minutes of the  
Regular Meeting of the Governing Body  
Wednesday, July 27, 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 5:12 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 Chavez led the Pledge of Allegiance.

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

Councilor Villarreal led the Salute to the New Mexico Flag.

**4. INVOCATION**

Councilor Michael Garcia gave the Invocation.

Councilor Villarreal honored Benny Lovato, her cousin who is now resting with the Lord. She gave condolences to his family and relatives.

Mayor Webber remembered Ed Goober. A filmmaker, an activist and gentleman in all ways who gave a lot to our community.

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.

**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  
Ricky Bejarano, Interim Assistant Finance Director  
Virginia Vigil, Municipal Court Judge  
Chad Chittim, Municipal Court Administrator  
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**

Ms. Bustos-Mihelcic announced that items y and ab were taken off the Consent Agenda for discussion by Councilor Michael Garcia.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the consent agenda as amended with items y and ab removed for discussion.

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

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

**Against:** None.

## 8. PRESENTATIONS

- a. FY 21 Audit Update (Ricky Bejarano, Interim Assistant Finance Director, rabejarano@santafenm.gov, 505-629-6988)

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

Director Bejarano said the RFP for FY21 was issued on June 29 and proposals received and recommendations made. It should be finalized in negotiation by August 2 and then can be disclosed. He hoped the work would begin on August 8.

The RFP for FY 22 was issued June 3, with proposals due by and received on June 24. Responses went to Evaluation Committee, and they hoped work would begin on August 8.

The Finance Department submitted everything on July 15 to the DFA and State Auditor and have not received word back if the Auditor needs anything else besides the requested status of RFP for the FY 21 audit. In the working session with DFA, indicated they were pleased with our work.

Councilor Lindell thanked him for being here tonight. She asked again about their July 15 deadline.

Director Bejarano said they submitted all the information, the contract with REDW was ready, and welcomed questions and agreed to make the contractor available.

Councilor Lindell congratulated him for having submitted on the 15<sup>th</sup>. It will be two weeks on Friday and the City has heard nothing from the State Auditor. She asked if there was a timeline on that.

Director Bejarano said he only heard back about the deadline for the FY 22 audit.

- b. State of the Municipal Court. (Judge Virginia Vigil, Municipal Court Judge: vmvigil@santafenm.gov, 505-955-5110)

Ms. Bustos-Mihelcic read the caption and said Judge Vigil was available.

Judge Vigil thanked the Governing Body for the opportunity to present the required semi-annual report. The Court has had extra requirements from the pandemic from City and the Emergency Management Team, from the

New Mexico Supreme Court, and from the State Bar. She was proud of how her team implemented administrative procedures and documented them for each employee. When a new employee comes in, they have a job description and know their parameters and how to work with the public and other employees. Largely that is due to her new Court Administrator, whom she brought to the meeting, Mr. Chad Chittim.

Mr. Chittim introduced himself to the Governing Body as Staff Attorney.

Judge Vigil said he rose from the ranks and got employee of the year award. Everyone has responded to his leadership.

Because the Court must report to so many, she has relied on Mr. Chittim for that. The State Bar requires us to do planning and is Mr. Chittim's responsibility to report to the New Mexico Supreme Court. They are looking for succession planning for the Chief Court Administrator.

Since she last spoke to the Governing Body, she got funding for safety measures including A/C, roof repairs and bullet-proof glass. They are planning to do landscaping with Governing Body funding.

The Court now has an alarm system to address any crisis that may arise including four-hour gun training for staff.

Councilor Romero-Wirth thanked Judge Vigil for being here. She asked if Judge Vigil was providing court stats this time.

Judge Vigil agreed. They were in the packet.

Mayor Webber thanked her for swearing in four lateral officers for the City.

- c. Quarterly Update from the Community Health and Safety Task Force.  
(Councilwoman Villarreal and Councilor Rivera)

Ms. Bustos-Mihelcic read the caption for this item. Some of the members were present remotely.

Councilor Rivera noted they tried to present at the last meeting but was happy to have it today. He introduced the members and second quarter progress report. Co-chair Councilor Villarreal does a great job as you see it day after day. He listed all the members of the Task Force.

He announced the Staff Liaison, Julie Sanchez, was recently appointed to this Task Force and has already made a great impact. She gets things done through the City process. Also, the UNM Center for Social Policy

has been helping. In April to get things moving. It has been a long drawn-out process.

We have two meetings per month and when not meeting as a Task Force, a subgroup meets.

Councilor Villarreal gave a short update on policies and practices. The Task Force wanted to pursue several areas and requested information from Police and Fire including internal affairs. They got information in May on corrective action procedures and restorative practices on citizen complaints. They still have some questions on Homeland Security for information.

She noted the Citizen Incident Review Board was once active but not now. The Task Force is looking for any minutes from that group.

They are still looking at hiring practices, particularly at the pay equity study for Police and Fire and gender balance data for the last five years to identify trends.

Councilor Villarreal highlighted the slide entitled General Fines and Fees, which had a national expert panel to learn about reform around the country and how they transformed the issue. She mentioned several aspects of it and displayed the names of others who participated.

Santa Fe County data was shown on opioid overdoses. The Task Force had shared data from SFPD in the second half of 2021. The City has made much progress and Santa Fe is the first city in New Mexico to decriminalize small amounts of cannabis.

They banned no-knock warrants as a model for others to follow. She showed the local approach potential recommendations and listed them aloud. Data collection and transparency were critical here and partnerships. DOH "Connect" has been very helpful.

Councilor Villarreal turned to Ms. Sanchez, who had their first meeting last week and the second will be next week. They will be presenting to the QOL Committee on the national oversight of law enforcement and drug overdose panel to see what is happening around the country.

As of today, the contract with UNM is awaiting signature.

Ms. Sanchez was excited to get this in operation for the third and fourth quarters.

Councilor Cassutt asked if the presentation will be emailed to the Councilors.

Ms. Sanchez agreed.

Councilor Cassutt asked if there have been updates after the drug policy presentation in 2020.

Ms. Sanchez said they had the second half of 2021, and she would follow up on that.

Councilor Villarreal pointed out that was right before COVID. She wanted to get that from Ms. Kaltenbach and opined it would be interesting for QOL to get an update on who is going.

Councilor Lee Garcia noted the reference to other large cities, and he asked about other cities closer to Santa Fe's population.

Councilor Villarreal explained they were focused on that only for Fines and Fees to check on their reforms. Some members might direct us to cities closer to our size.

Councilor Lee Garcia asked if some of those programs have resulted from the accountability and were helping.

Councilor Villarreal wished Monica Ault could be here to share that. A lot of the reform has been more recent. Such as the DL suspension reform. People are still on payment plans and trying to get out of debt. We just want to change the rules so people will be accountable but be able to get out of debt. They are trying to do the right thing and get out of that cycle. The panel discussion was recorded.

Councilor Lindell saw an interesting reference from Ithaca NY, and she looked into it and found lots of good things in Ithaca which is of similar size to Santa Fe. She asked if the UNM contract could be shared with Councilors.

Councilor Rivera and Ms. McSherry agreed.

Councilor Rivera thanked the Governing Body for their support. He tried to get Ithaca people to come and present but couldn't get it arranged.

Councilor Lindell thought perhaps the report could be shared with Councilors too. We would all find things that are useful.

Mayor Webber said he had a conversation with the Mayor of Ithaca and Councilor Lindell is right on with their approach. He felt he was speaking with kindred spirits there. It would be beneficial and their thinking very advanced.

## 2. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of the July 13, 2022 Regular Governing Body Meeting Minutes. (Geralyn Cardenas, Assistant City Clerk: [gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov), 505-955-6519)

**Committee Review:**

Governing Body: 07/27/2022

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Floating World Inc., for a Wholesaler Liquor License, to be Located at Floating World, 1306 Clark Road, Unit B & C, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: [armares@santafenm.gov](mailto:armares@santafenm.gov), 505-955-6520)

**Committee Review:**

Public Hearing: 07/11/2022

Governing Body: 07/27/2022

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve to Request from VARA, LLC, for a Winegrower Off-Site Location Liquor License (2<sup>nd</sup> Location) with On-Premises Consumption and Package Sales, with Patio Service, to be Located at VARA, 329 W. San Francisco Street, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: [armares@santafenm.gov](mailto:armares@santafenm.gov), 955-6520)

**Committee Review:**

Public Hearing: 07/11/2022

Governing Body: 07/27/2022

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Kelly/Liquor Barn for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at the Santa Fe Children's Museum, 1050 Old Pecos Trail, Santa Fe, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail, Santa Fe. The Request is for a Memorial Reception, to be Held on Saturday, July 30, 2022, with Alcohol Service from 4:00 P.M. to 6:00 P.M. (Alexandria Mares, Marketing & Special Events Coordinator: [armares@santafenm.gov](mailto:armares@santafenm.gov), 505-955-6520)

**Committee Review:**

Liquor Hearing: 07/18/2022  
Governing Body: 07/27/2022

- e. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to St. Elizabeth Shelters to Provide Navigation and Safety Net Services to Homeless Individuals in Santa Fe. (Christa Hernandez, Youth, and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- f. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to New Mexico Immigrant Law Center to Provide Legal Immigration and/or Navigation Services to Individuals in Santa Fe. (Christa Hernandez, Youth, and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- g. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to Coming Home Connection to Provide Navigation Services, Caregiving Services, Equipment Loan Services, and Cleaning Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov, 505-955-6728)

**Committee Review:**

Public Works and Utilities Committee: 06/27/2022  
Governing Body: 06/29/2022 (Removed from Agenda)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- h. Request for Approval of a Service Agreement in the Total Amount of \$207,750, Inclusive of NMGRT, Over Three Years to Esperanza Shelter, Inc. to Provide Emergency Shelter to Individuals who are Adult Victims of Domestic Violence Via the Residential Program and to Provide Community Navigation to Nonresidential Individuals Who are Domestic Violence Survivors or Offenders in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov, 505-955-6728)  
**Committee Review:**  
 Finance Committee: 07/18/2022  
 Quality of Life Committee: 07/20/2022  
 Governing Body: 07/27/2022
- i. Request for Approval of a Service Agreement in the Total Amount of \$475,500, Inclusive of NMGRT, Over Three Years to Interfaith Community Shelter Group, Inc. to Provide Navigation and Safety Net Services to Individuals in Santa Fe. (Christa Hernandez, Youth, and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)  
**Committee Review:**  
 Finance Committee: 07/18/2022  
 Quality of Life Committee: 07/20/2022  
 Governing Body: 07/27/2022
- j. Request for Approval of a Service Agreement in the Total Amount of \$239,250, Inclusive of NMGRT, Over Three Years to The Food Depot to Provide Critical Hunger Relief Safety Net Services and to Provide Navigation Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)  
**Committee Review:**  
 Finance Committee: 07/18/2022  
 Quality of Life Committee: 07/20/2022  
 Governing Body: 07/27/2022
- k. Request for Approval of a Service Agreement in the Total Amount of \$248,700, Inclusive of NMGRT, Over Three Years to Partners in Education – Fathers New Mexico to Provide Navigation Services to Parents, Immigration Families, or Individuals with Identifiable Challenges in Santa Fe. (Christa Hernandez, Youth, and Family Services Program Manager; chernandez@santafenm.gov, 505-955-6728)  
**Committee Review:**  
 Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- I. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to Las Cumbres Community Services to Provide Specialized Safety Net and Navigation Services to Adult Immigrants and Newly Arrived Afghan Refugees in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body 07/27/2022

- m. Request for Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to La Familia Medical Center to Provide Diabetes Prevention, Chronic Disease Management, Medical, Health Education and Navigation Services to Low-Income Residents of Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- n. Request for Approval of a Service Agreement in the Total Amount of \$223,500, Inclusive of NMGRT, Over Three Years to The Life Link to Provide Low Barrier Navigation Services to Individuals Experiencing Homelessness and Untreated Mental Illness in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager; chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

- o. Request for the Approval of a Service Agreement in the Total Amount of \$286,500, Inclusive of NMGRT, Over Three Years to YouthWorks to Provide Navigation Support Services to Individuals in Santa Fe. (Christa Hernandez, Youth and Family Services Program Manager, chernandez@santafenm.gov; 505-955-6728)

**Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- p. Request for Approval of Amendment No. 1 to the Amended Lease Agreement between Challenge New Mexico and the City of Santa Fe for 633-635 Agua Fria Street, Santa Fe, NM, Updates Lessee's Business Name and Approves a Sublease to High Desert Housing, a New Mexico Nonprofit Corporation. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 505-629-2206)

**Committee Review:**

Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- q. Request for Approval of Amendment No. 7 to Original Contract #19-0115 with Alpha Southwest for Emergency Repair in FY 2023 for an Increase in the Total Amount of \$330,735.38. (Jonathan Montoya, Source of Supply Operations Manager: jmmontoya@santafenm.gov; 505-955-4373 and Ms. Sanchez Gonzales, WWM Plant Superintendent: jrgonzales@santafenm.gov; 505-955-4615)

**Committee Review:**

Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022

Governing Body: 07/27/2022

- r. Request for Approval of an Agreement with Lou Hammond in the Total Amount of \$530,000 for Public Relations Services for Tourism Santa Fe. (Randy Randall, Tourism Santa Fe Director: rrandall@santafenm.gov 505-955-6209) **Committee Review:**

Finance Committee: 07/18/2022

Quality of Life Committee: 07/20/2022

Governing Body: 07/27/2022

- s. Request for Approval of Amendment No. 5 to Professional Service Agreement 19-0234 with Carollo Engineer, Inc. to Provide On Call Engineering Services for Capital Improvement and Priority Projects for FY 21-22 for 500,000 Plus NMGRT. (Bill Schneider, Water Resources and Conservation Manager, whschneider@santafenm.gov, 505-955-4203)

1. Request for a Budget Adjustment Resolution (BAR) and Extension of Term for a Total Amount of \$542,188 for Amendment No. 5.

**Committee Review:**

Public Works and Utilities Committee: 06/06/2022

Finance Committee: 06/20/2022

Governing Body: 06/29/2022

- t. Request for Approval of Amendment No. 3 to Professional Services Agreement 19-0235 with Hazen to Provide On Call Engineering Services for Capital Improvement and Priority Projects in the Amount of \$500,000 Exclusive of NMGRT. (Bill Schneider, Water Resources and Conservation Manager, whschneider@santafenm.gov, 505-955-4203)
  1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$542,188 for Amendment No. 3.

**Committee Review:**

Public Works and Utilities Committee: 06/06/2022

Finance Committee: 06/20/2022

Governing Body: 07/27/2022

- u. Request for the Approval of a Professional Services Agreement with Tierra Contenta Corporation in the total amount of \$799,936.93 to Manage and Design CIP#890-A Paseo del Sol Extension Project as per Tierra Contenta Master Development Plan funded by NMDOT. (Romella Glorioso-Moss, rsgloriosomoss@santafenm.gov, 505-955-6623)

**Committee Review:**

Public Works & Utilities Committee: 07/25/2022

Governing Body: 07/27/2022

- v. Request for Approval of a Year-End FY 2021/22 Budget Amendment Resolution (BAR) to Address Projected Budget Deficits in the Police, Fire and Emergency Management Departments. (Andy Hopkins, Budget Officer, ajhopkins@santafenm.gov, 505-955-6177)

**Committee Review:**

Public Works/Public Utilities Committee: 07/25/2022

Governing Body: 07/27/2022

- w. CONSIDERATION OF RESOLUTION NO. 2022-33. (Mayor Webber)  
A Resolution Relating to a Request for Approval of Fourth Quarter Budget Amendments and Associated New Mexico Department of Finance and

Administration/Local Government Division (“DFA/LGD”) Schedule for Fiscal Year 2021/2022. (Andy Hopkins, Budget Officer: ajhopkins@santafenm.gov, 505-955-6177)

**Committee Review:**

Finance Committee (Introduced): 07/18/2022

Quality of Life Committee: 07/20/2022

Public Works and Utilities Committee: 07/25/2022

Governing Body: 07/27/2022

- x. CONSIDERATION OF RESOLUTION NO. 2022-34. (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: kmihelcic@santafenm.gov, 505-955-6327)

**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

Item y was pulled for discussion by Councilor Michael Garcia.

- y. CONSIDERATION OF RESOLUTION NO. 2022-35. (Mayor Webber, Councilor Lindell, Councilor Cassutt and Councilor Romero-Wirth)

A Resolution Establishing the Manner of Appointing a Charter Review Commission in 2022 and Identifying Certain Topics for the Commission’s Consideration. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6961)

**Committee Review:**

Governing Body (Introduced): 06/29/2022

Quality of Life Committee: 07/06/2022

Finance Committee: 07/18/2022

Governing Body: 07/27/2022

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

Councilor Michael Garcia thanked the Mayor Webber and Councilors for bringing this forward.

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

**Discussion on the Motion:**

Councilor Michael Garcia said the Governing Body heard loud and clear from the public with Mayor in executive role and Councilors being full time. Many don't realize we are part-time for the City as public servants.

One challenge with those two topics is the Charter Review Commission could spend their whole time just on that.

He considered an amendment to delete one of the items. When this was at QOL, he asked one sponsor the purpose of looking at whether a Councilor candidating for Mayor needed to step down. The most recent was 2018 when Mayor Webber was elected but Councilor Ives was a sitting councilor at the time and the intimation was that it would be a hindrance to the incoming Mayor. He didn't see that as a challenge and asked colleagues if Ives losing that election was a problem when he returned to the Governing Body.

Councilor Lindell, without any specifics, reminded Councilor Michael Garcia there were others where Councilors were running for Mayor and remained on Council.

Mayor Webber asked if he was looking for a context for this topic.

Councilor Michael Garcia asked where the problem was. The Charter Review Commission should be focusing on the issues that are problems. When Javier Gonzales was elected, Patti Bushee was running for Mayor while on Council. This issue doesn't promote diversity. You can't run unless you are willing to give up your seat. That is not the way our government and democracy work. We should not limit that.

The second justification was around equity since the Council is broken out into two different election cycles. Do they run for Council or for Mayor? It also doesn't allow for constituents to retain their elected representative. He spoke to more than ten folks who have sat on this body and not one was in favor of this. They should not lose their representative.

He asked if the sponsors could point him to an example where the incumbent Councilor lost their seat here or at any other level.

Councilor Chavez saw this list as either a priority or not. Whether it is listed or not, it will be in the Commission's hands to decide.

Mayor Webber asked if this list was prescriptive or if the Commission could choose what they wanted to consider.

Ms. McSherry agreed they must look at those on the list but can make the decision for their priorities.

Councilor Chavez said the Commissioners and the community will guide that discussion.

Councilor Romero-Wirth said prior to being elected here, she was a member of the Charter Review Commission and as a member, we got direction from City Council to please look at the following things and there were things presented to us that we looked at and it became apparent why we would not move forward with some of them. And the report comes back to Governing Body to decide what goes to the voters. It is worth a conversation but that doesn't mean they will adopt it. And we don't know what the voters will say on something proposed. And if we took it out tonight, the Commission could still decide they wanted to talk about it. This is the equivalent of our constitution, and any change has a lot of steps.

Councilor Lee Garcia noted if it did come up for discussion, it would affect the City Councilors on the two-year cycle. They could bring it up on their own so he would be in favor of the language. If they enacted such a law, it would be unfortunate.

Councilor Cassutt said there are four people impacted as Councilor Lee Garcia mentioned. It does put things on an unequal footing. The constituents are allowed to elect their official representatives. There are different ways to look at it and she was in favor of leaving it on the list. It is an interesting question and has come up in conversations while she is on Council. She was interested to hear what they say about it.

Councilor Villarreal said what throws her off in these topics is that it says "shall" and there are lots of topics that needed addressing for a long time. All of them are issues that rise to the top and was why she supported taking it off.

This doesn't read well as it is. There are some glaring issues we need to figure out that rise above this one.

Councilor Romero-Wirth, to be clear, said the Charter Commission will not decide what the Charter will look like. They will look at them and either not go forward with it or will. And we still have the right to change the recommendations (tweak them) before they go to the voters.

Councilor Villarreal wanted to eliminate it but had a different way to state it and she had an amendment in writing.

Mayor Webber said for him, this is a list of ideas that came from all corners of the community and broad. Item h. for term limits would first require an amendment to the New Mexico Constitution. There are debates for even term limits for Supreme Court Justices. And some are broad questions.

Item J leaves the field open to any suggested topics. We have some that are very narrow like number of councilors per district and others more a “what if” kind of conversation. He was open to letting the Commission do their work and make their assessments on changes to the Charter.

Councilor Michael Garcia said it was not as if they feel okay about it. They must make a recommendation.

Mayor Webber observed they could recommend nothing be done about it.

Councilor Michael Garcia said the time limit they have also worried him. Some of the issues could be worked on for eight months. We should not put tasks before them that takes up more time. The State Senate does not have that risk. We are making them waste their time on things that are non-issues.

Councilor Michael Garcia moved, seconded by Councilor Villarreal to amend strike the paragraph and renumber paragraphs.

**MOTION:** Councilor Michael Garcia moved, seconded by Councilor Villarreal, to amend the resolution by striking the paragraph on page three, lines 21 through 23 in their entirety and renumber the subsequent paragraphs accordingly.

**VOTE:** The motion failed 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:** Mayor Webber, Councilor Lindell, Councilor Romero-Wirth, Councilor Cassutt, and Councilor Chavez.

Councilor Villarreal proposed an amendment to that item line g to state, “whether a Councilor who has lost their election for Mayor, may remain in office to complete their Council term.”

Ms. McSherry clarified this would replace lines 21 and 22 on page 3 and she showed it on screen.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Michael Garcia, to replace lines 21 and 22 on page three with “whether a City Councilor who lost their election for Mayor could remain in office to complete their Council term.

### **Discussion on the Motion**

Mayor Webber asked her to walk through the difference on how does it make things clear.

Councilor Villarreal said the way it was written didn't make sense to her.

Councilor Cassutt recalled they had similar language and it had to do with the time between election and inauguration.

Councilor Villarreal said regardless of when inauguration takes place, they still have years remaining in their term.

Councilor Romero-Wirth agreed, but there are days between election day and January 1. With this amendment it would be unclear if they had to give up their seat or keep it until inauguration day.

Councilor Michael Garcia liked the way the language was set to allow the Commission to look at it and decide what works best. Who gets to replace the Councilor? Is it the incoming Mayor? That race could have implication on two races. We are not addressing that here. There needs to be that addition to item G. Would the incoming Mayor get to appoint a person to replace the incumbent? That is a big topic. He was surprised the Council wants to waste people's time with this.

Councilor Cassutt said it was not a waste of time.

Ms. McSherry suggested voting on this amendment and not the previous one.

Mayor Webber was trying to figure out the difference between them. He felt it was not the most important item on this list.

Councilor Chavez asked Councilor Villarreal if the missing piece was that it doesn't state “for the remainder of their term.” She suggested “after the inauguration of the Mayor.”

Ms. McSherry said she could move to amend the amendment.

**MOTION:** Councilor Chavez moved, seconded by Councilor Cassutt, to amend the amendment to say, “whether a City Councilor may remain in office for the remainder of their term after the inauguration of the Mayor.”

**Discussion on the amendment to the amendment:**

Councilor Rivera guessed they could drop out before the election.

Ms. Bustos-Mihelcic displayed the amendment to the amendment.

Councilor Lindell asked if the original amendment was gone.

Ms. McSherry said the original amendment is still on the floor.

**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 Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

**Against:** None.

**Discussion on the Amended Motion:**

Councilor Lee Garcia asked if the Commission discusses it, does the State Statute or any other rule affect this. If so, he would rather have it removed.

Ms. McSherry said it was one added step to pose to the voters. Part of the Commission’s work involved her office. The example of term limits is not constitutionally or legally valid.

Councilor Romero-Wirth thought there could be others that could come up. The Commission would have to address those, and Ms. McSherry would advise them on it. All these things can be addressed. The Commissioners are good thinkers and will cover them.

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

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

**Against:** None.

- z. CONSIDERATION OF RESOLUTION NO. 2022-36. (Mayor Webber)  
A Resolution Permitting Remote Meetings for Advisory Committees Whether or Not it is Difficult or Impossible for Members of the Committee to Meet in Person when the Advisory Committee Determines it is in the Best Interest of the Public to Do So. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6961)

**Committee Review:**

Governing Body (Introduced): 06/29/2022  
Quality of Life Committee: 07/06/2022  
Public Works and Utilities Committee: 07/11/2022  
Finance Committee: 07/18/2022  
Governing Body: 07/27/2022

- aa. CONSIDERATION OF RESOLUTION NO. 2022-37. (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 Readiness Guidelines. (Geronimo Griego, Fire Marshal; ggriego@santafenm.gov, 505-955-3310)

**Committee Review:**

Governing Body (Introduced): 07/13/2022  
Quality of Life Committee: 07/20/2022  
Governing Body: 07/27/2022

Item ab was pulled by Councilor Michael Garcia for discussion.

- ab. CONSIDERATION OF RESOLUTION NO. 2022-38. (Councilor M. Garcia, Councilor Rivera, Mayor Webber, Councilor Romero-Wirth, Councilor Chavez, Councilwoman Villarreal, Councilor Cassutt, Councilor L. Garcia, and Councilor Lindell)  
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: 07/13/2022  
Quality of Life Committee: 07/20/2022  
Public Works and Utilities Committee: 7/25/2022  
Governing Body: 07/27/2022

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

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

**Discussion on the Motion:**

Councilor Michael Garcia thanked the folks who worked on it. He gave a shout out to Don Christie and Manager Blair to get veteran banners up. The Resolution in current form is a bit limiting. We are working toward a solution. How can we work out a solution? The current resolution limits the location.

Mayor Webber thought Ms. McSherry could suggest language to fit the intent.

Ms. McSherry requested the Governing Body postpone this to the next meeting which would allow that opportunity.

Councilor Romero-Wirth withdrew her motion.

Ms. McSherry noted a motion to postpone takes priority.

Councilor Michael Garcia moved, seconded by Councilor Villarreal to postpone to next Governing Body meeting.

**MOTION: Councilor Michael Garcia moved, seconded by Councilor Villarreal, to postpone this resolution to the next regular meeting of the Governing Body.**

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

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

**Against:** None.

**AGENDA AMENDMENT:**

**MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt, to amend the agenda to hear Petitions from the Floor and item 17 and 18 next and then return to the remaining agenda as approved.**

**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.

## 16. PETITIONS FROM THE FLOOR

Linda Wilder Flatt said she represented the Neighbor-to-Neighbor program. This is the 11<sup>th</sup> year, and the Governing Body is to consider the resolution and pass it. Councilor Cassutt and Councilor Villarreal are part of it. She wanted to hand out something. This is the largest fundraiser during September, which is National Hunger Action Month. The Food Depot has done an amazing job this year not only with COVID and poverty but also the fires. And they have been in emergency mode. It all takes time and energy. She was here to thank the Governing Body for the resolution and asking that each Councilor and all in the audience and in the community please consider participating. This handout has a QR code for take you to the website where you can register or donate individually. She asked the Councilors and Staff to consider a small donation and say it is from the City in the donations.

Stefanie Beninato said on the amendment just discussed, that she wondered why an incumbent would keep their seat since other candidates would be running for that seat.

Next, she described a horrible experience with a fearful person who screamed at her for driving 30 mph on Cerrillos Road. There was also a truck in the left lane, and he used obscene language and was a danger to our community. She talked to Mr. Lopez's supervisor about it. She felt Mr. Lopez does need counseling in dealing with the public. Thank you.

There were no other petitions at 7:12 pm.

## 17. PUBLIC COMMENT ON BILLS (FIRST PUBLIC COMMENT, NO ACTION)

- a. 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

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

Mayor Webber clarified this will not be voted on at this meeting but will hear comments on it.

Karen Boller, resident of Santa Fe, said, "Welcome to my continent. She addressed indigenous people in events on the Plaza and said Native people will be able to sell their products on the Plaza on Indigenous People's Day.

Ryan Salazar spoke in support for Pride Santa Fe as a member of the LGBTQ+ community. Pride celebration was the most successful yet and drew more people than in the past. He requested City Council amend the resolution to include Pride Santa Fe as one of the 8 cultural events allowed. The ability for group participants to attend could be an even more exciting event and should always be one of the most cultural events on the Plaza.

Kevin Bowlin thanked Councilor Villarreal, Councilor Lindell Mayor Webber and all who support Pride Santa Fe. He commented that this is an unusual time in the country with marginalization of Black, minority and LGBTQ+ communities. It is essential for us to work with each other and the marginalized are often pitted against each other. Pride Santa Fe should remain on the Plaza as part of the very fabric of Santa Fe. He was thrilled with Juneteenth and Indigenous People's Day as part of it. Thanks for your time and patience.

Richard Amanta thanked Councilor Michael Garcia and Councilor Lee Garcia for reading proclamations at Juneteenth and was thankful for it being part of the full range of cultural events including Indigenous Peoples' Day and Pride Day as part of the cultural events each year.

Timothy Beach, a 100% disabled veteran, commented on the cool exhibit at the rear of the Chambers. He was a member of LGBTQ+ community.

Today is his anniversary. He said they would have married on February 14 2003 if our government had allowed it. He wants that celebrated here in Santa Fe for the LGBTQ+ and want Pride included in the cultural events.

Julie Johnson, a resident here for 40 years, was a board member of Santa Fe Human Rights Alliance. She said they have brought many people to Santa Fe in June where LGBTQ+ people feel safe. The pride events support the objective which she read. She coordinated 40 volunteers from all over the state and quoted one person's comments. Since her time expired, she handed in her written statement.

Isabel Freyter thanked the Governing Body for considering Pride Santa Fe in the resolution. She was in favor of this amendment. As a certified corporation, it strengthens us. We would love to make sure they are on the Plaza with maximum benefits.

Theresa Bolcher said her partner is an artist on the Plaza. We lost July 3 because it was a July 4<sup>th</sup> event. These other events with local artists are given a chance to show their work on the Plaza and it takes away from us. We do know Pride items were being sold. They are ten by ten tents right next to where we set up. She was under the assumption there would be tabletops like the grass area. She needed to be taking down things on the morning she was told. It still affects us. We have stood the test of time. We are locals.

Claudia Chavez, a Santa Fe Artist, thanked the Governing Body for listening to us. Thanks to Councilor Villarreal and Councilor Romero-Wirth for getting back to her. Plaza artisans are where we show our work which will have a direct impact on her and her program. She felt the articles showing that art should be juried and be local, not imported. Councilor Villarreal told us the events would be small and loading and unloading would not affect us, but we have been caught in a hailstorm because we were not allowed to load up until the others were gone. We all have insurance and proved we are paying CRS. That should be the same for others. "I am a native and inclusive."

Richard Praer was in support of the small events on the Plaza, They should be able to incorporate vendors to enhance their events. Santa Fe should continue to have vendors because it brings more business to Santa Fe. He applauded Councilor Villarreal for working to strike a balance while supporting the small business spirit of our city.

Cindy Hall, Vice Chair of Indigenous People, supported Councilor Villarreal's amendment to the ordinance. Pride, Indigenous People, and Juneteenth are all important to our City. She has heard a small number

of businesses complain but the visitors really enhance our businesses. The Plaza belongs to all 85,000 people of Santa Fe.

Karen Daylo, Santa Fe Indigenous Center, said they support having additional vendors during the special events, especially Indigenous People's Day. Not only do we support Native artists, but many have experienced job loss and have no place to sell their works. This also brings culture back to the Plaza. The Plaza was the original gathering place and she thanked Councilor Villarreal for this bill. We support it and additional vendors to sell.

Sarah P thanked Councilor Villarreal for the amendment and for her presence at the Juneteenth event. She supported the amendment and for the economics and cultural support especially from Black people on Juneteenth and for Santa Fe Pride every year. This is an amendment that can change the face of our community in many ways. She would like to see Santa Fe share the heart of our community by certain federal holidays.

Stefanie Beninato understood these cultural events already happen on the Plaza and the amendment was just the vendor addition which she did not support. It is the commercial aspect to it. She was concerned about enforcement. The City has one woman responsible for the permits for 18 events. There are rules on the Plaza that are not enforced now. Nothing is enforced and it has become an unlivable place with these people who want to be on the Plaza. She was very concerned about enforcement of the commercial aspect. She wondered about the other cultural events there.

Rick Martinez said he did sit on Downtown Roundtable Committee to deal with how our Plaza appears to people. He supported all three groups mentioned. He agreed there is little enforcement and he worried that we are losing our integrity with these extra events. He supported those three mentioned. Let's keep the Plaza like it is. We need to be fair to the right wingers too. He just didn't like to increase it more.

There were no other speakers.

- 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 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 read the caption related to shopping carts and fees for their return.

Miguel Gabaldon was concerned with placing this responsibility on the crimes of others and what goes on in the area of their businesses. Some have long rods to keep the carts from going outside the store that prevents handicapped from getting their purchases to their car. It is not helpful to customers. The accountability should be on those who take the carts.

There were no other comments.

18. **FINAL ACTION ON LEGISLATION (PUBLIC HEARING)**

- b. **CONSIDERATION OF BILL NO. 2022-15. ADOPTION OF ORDINANCE NO. 2022-15. (Mayor Webber and Councilor Lindell)**  
An Ordinance Amending Section 23-5.2 SFCC 1987 to Specify that Major Commercial Events are Not Entitled to Use City Property that is Otherwise Leased by the City. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 629-2206)

**Committee Review:**

Governing Body (Introduced): 05/25/2022  
Governing Body (Public Comment): 06/08/2022  
Public Works and Utilities Committee: 06/27/2022  
Finance Committee: 07/05/22 (Postponed)  
Quality of Life Committee: 07/06/2022 (Postponed)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body (Public Hearing): TBD

Ms. Bustos-Mihelcic read the ordinance proposed to change the set-out time for refuse collections.

Councilor Rivera spoke to the ordinance. He said Shirlene Sitton brought it to him and he was not sure about it but wanted to bring it to the Governing Body. It is something new and hopefully they took the steps necessary for any issues arising as it rolls out.

Councilor Lindell as Mayor Pro Tem asked for public comment.

There were no public comments.

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, 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.

The Governing Body returned to the regular order of business.

#### 10. **ACTION ITEMS: DISCUSSION AGENDA**

There were no Action Items in the Discussion Agenda.

#### 11. **MATTERS FROM THE CITY MANAGER**

Manager Blair had a few updates. Interviewing for permanent Finance Director and hopefully can announce week after next. He sent emails to offer active shooter training entities.

We made progress at the Railyard on security for that community. Sam Burnett was working hard on it.

Regarding Public Health there were no immediate concerns here, but Monkey Pox is a potential epidemic on the borders of the country. Only one case is in New Mexico. Monkey Pox is not a sexually transmitted disease but from skin-to-skin touching. He has reached out about vaccines.

The City is making good progress at the stakeholder meeting last week on the upgrade for vendor users at City Hall for vendors and others. He will provide detailed information, a timeline, and a variety of tools to be used. You will hear more about it

About twenty some Division Directors are meeting weekly and started in-person meetings at other locations. They intend to visit all city properties.

12. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry announced receiving a memo from the District Court indicating the City of Santa Fe won again in law in a case challenged by the Santa Fe Reporter on personnel matters. They are upholding the Supreme Court's prior opinion. Unfortunately, we still need to pay our attorney fees. It came down today. The Municipal League filed an amicus brief and the local Police Association. A huge thanks to them. It was a— good team effort.

Ms. McSherry recommended the Governing Body go into executive session on a litigation matter which she specified as shown on the agenda.

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth, pursuant to the Open Meetings Act, Section 10-15-1 (H) (7), to enter closed executive session for discussion on litigation, including but not limited to D-101-CV-2021-02418.

**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.

**EXECUTIVE SESSION**

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Quarterly Update of Attorney-Client Privileged Discussion of Litigation, Including, but Not Limited to, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

The Governing Body went into closed executive session at 7:56 p.m.

The executive session ended at 8:22 p.m.

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

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

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

**Against:** None.

### 13. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic said she had two quick updates. She sent an email today on communicating the day change for refuse collections. They added additional staff to accommodate the pick ups on those days. We are including that in the communication a reminder to residents on holiday changes. Kick off on August 6 and will ramp up going forward.

She also reviewed the City winners in the Best of Santa Fe competition. She congratulated all of our departments and will promote that this week. We do have ads around the City for best of awards received.

She announced the pool party is Saturday with free pizza and spray downs at the pool. Spray down is outside the pool and the people coming to swim are first come first served in the pool.

The final movie in the park and first ever teen night will be on August 12. Manager Blair is excited about this movie. The City partnered with the MPO on bike night.

She had hoped to present the language accessibility study final report, but it is not ready yet and she will bring it forward at a future meeting.

### 14. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Rivera asked Manager Blair to thank the Parks crew on his behalf for cleaning Country Club Road today and their great work to make it look better.

Councilor Michael Garcia noted next Tuesday is National Night Out at Villa Linda Park to promote community safety.

Councilor Villarreal thanked the organizations involved to prevent gun violence with the gun buyback event. It was a big success with 166 guns dismantled on site. And they used the weapon pieces for transforming them into garden tools at the First Presbyterian Church. It was palpable for ways to prevent gun violence. She thanked all the partners for that. She also congratulated Rev. Harry Eberts for his award recognition.

Councilor Lee Garcia echoed Councilor Rivera's comments for cleaning the medians.

Councilor Cassutt thanked the Fire Department for the spray down at SWAN Park. It was a wonderful time for the kids and the park was filled to the brim with kids. She added that next weekend will also be great.

Councilor Romero-Wirth wished his son happy birthday.

Mayor Webber agreed there were many things to celebrate – Nissan for the gun buyback event which is the first time for a private company to support such a day. And the next day was more of a celebration.

He gave kudos to former Councilor Abeyta who is now a school board member. It is good to see life after City Council.

Today we swore in four lateral police officers and gave kudos to the Police Department, the HR Department, and the Finance Department. We are seeing more people wanting to work on the Santa Fe Police Department. The gun buyback is part of that. Police were very present at that event.

He announced a new development with the Police Department with the new 988 phone number for suicide prevention. We want people to get help before taking their own life.

He noted that Spanish Market is coming, and they are getting ready for the 70<sup>th</sup> anniversary which is a big deal. He hoped everyone will participate in the festivities. It is another part of our City's history on display.

He and Councilor Lee Garcia got to talk with the Hispanic Chamber of Commerce last week on the south side and entrepreneurs making their own businesses on the south side. The stories were very inspiring. Going forward, we will see even more recognition of the economic progress there.

Saturday, July 30 10-12 at GCCC will be a rapid hiring event for the Public Utilities Department. People can apply online ahead of time. He asked everyone to please spread the word. He listed what people signing up needed to bring.

## 15. INTRODUCTION OF LEGISLATION

- a. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_.  
(Councilor Cassutt, Councilwoman Villarreal, Councilor M. Garcia, Councilor Chavez)

A Resolution Advancing Complete Streets as a Proven Countermeasure to Provide Safer and More Equitable Transportation Improvements in the Santa Fe Metropolitan Planning Area While Reducing the Impacts of

Climate Change. (Erick Aune, Transportation Planner: ejaune@santafenm.gov, 505-955-6664)

**This introduction was postponed until August 10, 2022 for the purposes of completing draft compliance with the Governing Body procedural rules, Section IV(A)(3).**

- b. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Mayor Webber, Councilor Lindell, Councilor Cassutt, Councilwoman Villarreal)  
A Resolution Supporting Legislation in the United States of America and the State of New Mexico to Protect the Right to a Safe Abortion. (Andrea Salazar, Assistant City Attorney: asalazar@santafenm.gov, 505-955-6303 and Pat Feghali, Assistant City Attorney: pfeghali@santafenm.gov)  
**Committee Review:**  
Governing Body (Introduced): 07/27/2022  
Women's Commission: 08/09/22  
Quality of Life Committee: 8/17/22  
Governing Body: 08/31/22

Ms. Bustos-Mihelcic read the resolution. Councilor Romero-Wirth is also a sponsor of this resolution.

- c. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor Cassutt, Councilwoman Villarreal, and Councilor Lindell)  
A Resolution Supporting the Neighbor-to-Neighbor Fund Drive 2022. (Jesse Guillen, Legislation, and Policy Innovation Manager: jbg Guillen@santafenm.gov, 505-955-6518)  
**Committee Review:**  
Governing Body (Introduced): 07/27/2022  
Quality of Life Committee: 08/03/2022  
Governing Body: 08/10/2022

Ms. Bustos-Mihelcic read the resolution for the fund drive.

Councilor Cassutt spoke about the hundreds, or thousands of people helped by the Food Depot here in Santa Fe and prevention of hunger and addressing the root cases. Community donations support the important work they do in this incredible organization.

- d. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor Rivera) A Resolution Adopting the 2024-2028 Infrastructure Capital Improvements Plan ("ICIP"). (Regina Wheeler, Public Works Department Director: rawheeler@santafenm.gov, 505-955-6622)

**Committee Review:**

Governing Body (Introduced): 07/27/2022

Finance Committee: 08/01/2022

Public Works and Utilities Committee: 08/08/2022

Governing Body: 08/10/2022

Ms. Bustos-Mihelcic read the resolution for the ICIP.

Councilor Rivera said the ICIP is an opportunity to change things around as we move forward and perhaps provide new areas in your district that should be included in the list.

**16. PETITIONS FROM THE FLOOR**

Petitions were heard earlier in the meeting.

**17. PUBLIC COMMENT ON BILLS (FIRST PUBLIC COMMENT, NO ACTION)**

- a. 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

This was presented earlier in the meeting.

- 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 on Their Property; Imposing a Fee for Shopping Cart Return; and Establishing an Effective Date. (Kristine Mihelcic, City Clerk: kmihelcic@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

This item was presented earlier in the meeting.

18. **FINAL ACTION ON LEGISLATION (PUBLIC HEARING)**

- a. CONSIDERATION OF BILL NO. 2022-15. ADOPTION OF ORDINANCE NO. 2022-\_\_\_\_. (Mayor Webber and Councilor Lindell)  
An Ordinance Amending Section 23-5.2 SFCC 1987 to Specify that Major Commercial Events are Not Entitled to Use City Property that is Otherwise Leased by the City. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 629-2206)

**Committee Review:**

Governing Body (Introduced): 05/25/2022  
Governing Body (Public Comment): 06/08/2022  
Public Works and Utilities Committee: 06/27/2022  
Finance Committee: 07/05/22 (Postponed)  
Quality of Life Committee: 07/06/2022 (Postponed)  
Finance Committee: 07/18/2022  
Quality of Life Committee: 07/20/2022  
Governing Body (Public Hearing): TBD

This item was postponed to a date to be determined.

- b. CONSIDERATION OF BILL NO. 2022-16. ADOPTION OF ORDINANCE NO. 2022-\_\_\_\_. (Councilor Rivera)

An Ordinance Amending Section 21-4.3 SFCC 1987 to Change the Set-Out Time for Residential Refuse Collection. (Shirlene Sitton, Environmental Services Division Director: sjsitton@santafenm.gov, 955-2209)

**Committee Review:**

Governing Body (Introduced): 06/08/2022  
Governing Body (Public Comment): 06/29/2022  
Quality of Life Committee: 07/06/2022  
Public Works and Utilities Committee: 07/11/2022

Finance Committee: 07/18/2022  
Governing Body (Public Hearing): 07/27/2022

This item was considered earlier in the meeting.

19. **PUBLIC HEARINGS**

**There were no public hearings at this meeting.**

20. **APPOINTMENTS**

- a. Bicycle and Pedestrian Advisory Committee
- Khalil Spencer – Reappointment – Term Ending 06/2024
  - Judith Gabriele – Reappointment – Term Ending 06/2024
  - Tony Gerlicz – Reappointment – Term Ending 06/2024
  - Paloma Sanchez – Appointment – Term Ending 06/2023
  - Erik Aaboe – Reappointment – Term Ending 06/2024

Ms. Bustos-Mihelcic read the appointments to the Bicycle and Pedestrian Advisory Committee.

**MOTION:** Councilor Michael Garcia moved, seconded by Councilor Cassutt, to approve the appointments to the Bicycle and Pedestrian Advisory Committee 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.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 8:46 p.m.

[signatures on following page]

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 27, 2022**

The Governing Body of the City of Santa Fe met in an executive session duly called on July 27, 2022, beginning at 8:01 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Quarterly Update of Attorney-Client Privileged Discussion of Litigation, Including, but Not Limited to, *Duran Family Trust v. City of Santa Fe*, D-101-CV-2021-02418. (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 8:19 p.m.

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Kristine Bustos Mihelcic, City Clerk