



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 14, 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/86892122005>.

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: 868 4255 8958**

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>.

1. **CALL TO ORDER**
  
2. **PLEDGE OF ALLEGIANCE**  
  
Councilwoman Villarreal
  
3. **SALUTE TO THE NEW MEXICO FLAG**  
  
Councilor Michael Garcia
  
4. **INVOCATION AND REMEMBRANCES**  
  
Councilor Rivera
  
5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. Presentation of the check from the ForeKids Annual Golf Event. (Jonathan Weiss, Recreation Complex Manager – MRC: [jww Weiss@santafenm.gov](mailto:jww Weiss@santafenm.gov))
- b. FY21 Audit Update (Emily Oster, Finance Director: [ekoster@santafenm.gov](mailto:ekoster@santafenm.gov) and Ricky Bejarano, Accounting Officer: [rabejarano@santafenm.gov](mailto:rabejarano@santafenm.gov); 505-629-6988)
- c. City of Santa Fe ITT Department Update on Cybersecurity. (Manuel Gonzales, ITT Director: [mmgonzales@santafenm.gov](mailto:mmgonzales@santafenm.gov); 505-231-1749 and Joseph Abeyta: [jmabeyta@santafenm.gov](mailto:jmabeyta@santafenm.gov), 505-955-5518)

**Presenter:**

Joe Abeyta

- d. Review of the Governing Body Rules of Decorum. (John Blair, City Manager: [jwblair@santafenm.gov](mailto:jwblair@santafenm.gov) and Erin K. McSherry, City Attorney: [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov); 505-955-6512)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the August 31, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: [gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov); 505-955-6519)

**Committee Review:**

Governing Body: 09/14/2022

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Plaza Burritos, LLC, for a Restaurant B (Beer,

Wine & Spirits) Liquor License with On Premises Consumption Only and Patio Service, to be Located at Burrito Company, 111 Washington Avenue, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

**Committee Review:**

Liquor Hearing: 09/06/2022

Governing Body: 09/14/2022

- c. Request for Approval of Professional Services Agreement for the Purchase of Permanent Public Art in the Amount of \$50,000 for the Display of Artwork on City Property Located at 6600 B. Valentine Way with State of New Mexico, Department of Cultural Affairs, New Mexico Arts Division. (Robert Lambert, Assistant Director: rdlambert@santafenm.gov, 505-955-6707)

**Committee Review:**

Quality of Life Committee: 08/17/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- d. Request for Approval of New Mexico State Purchase Contract for the Purchase of Public Art in the Amount of \$37,000 for Display of Artwork on City Property located at the Santa Fe Municipal Airport State of New Mexico, Department of Cultural Affairs, New Mexico Arts Division. (Robert Lambert, Assistant Director: rdlambert@santafenm.gov, 505-955-6707)

**Committee Review:**

Quality of Life Committee: 08/17/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- e. Request for Approval of New Mexico State Purchase Contract for the Purchase of Public Art in the Amount of \$45,000 for Display of Artwork on City Property Located at the Santa Fe Municipal Airport with the State of New Mexico, Department of Cultural Affairs, New Mexico Arts Division. (Robert Lambert, Assistant Director: rdlambert@santafenm.gov, 505-955-6707)

**Committee Review:**

Quality of Life Committee: 08/17/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- f. Request for Approval of a New Mexico Environment Department Grant Agreement #SAP21-F2382 In the Amount of \$300,000 for Vereda de Valencia Wastewater System Improvements. (David Chapman, Grant Administrator, dachampan@santafenm.gov, 505-955-6824; Stan Holland, WWMD Engineer, tsholland@santafenm.gov, 505-955-4637)

1. Request for Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$300,000.

**Committee Review:**

Public Works and Utilities Committee: 08/29/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- g. Request for Approval of Contract Amendment No. 1 with Jaynes Corporation Extending the Contract Term for the Southside Teen Center by Six (6)-Months With No Corresponding Increase in Cost. (Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-795-2491; Therese Martinez, Project Administrator, tmartinez@santafenm.gov, 505-955-5937)

**Committee Review:**

Public Works and Utilities Committee: 08/29/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- h. Request for Approval of Services Agreement with Modernization/TK Elevator Corporation for Elevator Rehabilitation of the Public and Staff Elevators at the Main Branch of the Santa Fe Public Library in the Total Amount of \$243,864.15. (Therese Martinez, Project Administrator, tmartinez@santafenm.gov, 505-955-5937)

**Committee Review:**

Public Works and Utilities Committee: 08/29/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- i. Request for Approval of a General Services Contract with CES/National Roofing Company to Repair the Facility Roofs at the Wastewater Management Division DAF Building and the Warehouse Office Building at the Paseo Real Water Reclamation Facility (PRWRF), in the Total Amount of \$295,860 Plus NMGRT. (P.Fred Heerbrandt, Wastewater Engineer Supervisor, pfheerbrandt@santafenm.gov)
  1. Request for Approval of a Budget Amendment Resolution (BAR) from the Wastewater Management Division Enterprise Fund Cash Balance in the Amount of \$320,823.

**Committee Review:**

Public Works and Utilities Committee: 08/29/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- j. Request for Approval of a Professional Services Agreement with Paradise Power Company (dba PPC Solar) for the Purchase and Installation of Electric Vehicle Supply Equipment and Related Services for a Total of \$228,732.17. (Neal Denton, Sustainability Officer, nhdenton@santafenm.gov, 505-955-2229)

**Committee Review:**

Public Works and Utilities Committee: 08/29/2022

Finance Committee: 09/06/2022

Governing Body: 09/14/2022

- k. Request for Approval of FY2023 Budget Adjustment Resolution (BAR) in the Amount of \$1,897,084 for the Community Development Block Grant (CDBG) Budget, in Order for the City's Internal Budget to Match what is Available in the City's Federal Line of Credit. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov; Cody Minnich, Housing Grant Manager, Office of Affordable Housing, cjminnich@santafenm.gov)

**Committee Review:**

Finance Committee: 09/06/2022

Quality of Life Committee: 09/07/2022  
Governing Body: 09/14/2022

- i. Request for the Approval of Agreement with North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA) in the Total Amount of \$33,937 to Fund the Senior Employment Program (SEP), Term Ending June 30, 2023; North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging (AAA). (Gino Rinaldi, earinaldi@santafenm.gov, 505-955-4710).

**Committee Review:**

Finance Committee: 09/06/2022  
Quality of Life Committee: 09/07/2022  
Governing Body: 09/14/2022

- m. Request for Approval of Amendment No. 1 to Item #21-0112 between the City of Santa Fe and New Mexico Department of Transportation for the Safe Routes to School Program Grant (Control #S100670) to Extend the Termination Date to March 30, 2024. (Melissa McDonald, Parks & Open Spaces Division Director, mamcdonald@santafenm.gov, 505-303-9502)

**Committee Review:**

Public Works & Utilities Committee: 09/12/2022  
Governing Body: 09/14/2022

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. Approval of a Memorandum of Agreement with the Consulate of Mexico in Albuquerque Regarding a Permit to Celebrate El Grito in the Santa Fe Plaza on September 16, 2022 and the Subsequent Septembers of 2023, 2024, and 2025. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 955-6512)

**Committee Review:**

Governing Body: 09/14/2022

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

- a. 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 United States Supreme Court Case, *United States v. Texas*, Case No. 22-58, and First Judicial District Court Cases, *Union Protectiva vs. City of Santa Fe and Mayor Alan Webber* and *Enterprise Bank & Trust v. City and Santa Fe County*. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. Approval to Join the County of Los Angeles and other Local Governments in Support of the Federal Government in the United States Supreme Court Case, *United States v. Texas*, Case No. 22-58, in defense of the September 30, 2021 Civil Immigration Enforcement Priorities Guidance Issued by the Biden Administration, Prioritizing the Removal of Noncitizens Who Are a Threat to National Security, Who Have Recently Arrived at the Border, and Who Have Committed Certain Crimes. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov; 505-955-6512)

14. **MATTERS FROM THE CITY CLERK**

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

16. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION NO. 2022-\_\_.** (Councilor Rivera, Councilor Lee Garcia)  
A Resolution Requesting a Term Extension for a Local Government Road Fund Cooperative Agreement from the New Mexico Department of Transportation, Identified as Control Number L500306, for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

**Committee Review:**

Introduced: 09/14/22

Public Works and Utilities Committee: 09/26/22

Finance Committee: 10/03/22

Governing Body: 10/12/22

- b. CONSIDERATION OF RESOLUTION NO. 2022-\_\_\_. (Councilor Rivera, Councilor Lee Garcia)

A Resolution Requesting a Term Extension to a Local Government Road Fund Cooperative Agreement from the New Mexico Department of Transportation Identified as Control Number L500444 for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

Item A) Request for approval of Amendment Number1 to a Local Government Road Fund Cooperative Agreement (Munis Contract #3202844) with the New Mexico Department of Transportation for the planning, design, and construction of CIP 853C-Agua Fria and South Meadows Rd. Intersection Improvements Project. The amendment is for an extension of the agreement term December 31,2023 with no additional funding; New Mexico Department of Transportation (Romella Glorioso-Moss, Senior Project Administrator: rsglorioso-moss@santafenm.gov, 955-6623)

**Committee Review:**

Introduced: 09/14/22

Public Works and Utilities Committee: 09/26/22

Finance Committee: 10/03/22

Governing Body: 10/12/22

- c. CONSIDERATION OF BILL NO. 2022-\_\_\_. (Councilor Lindell, Mayor Webber, Councilor Chavez)

An Ordinance Amending Section 12-10-1.10 of the Uniform Traffic Ordinance Governing Mufflers and Emission Control Devices; and Amending Schedule A of the Uniform Traffic Ordinance to Increase Penalties for Muffler Noise Violations. (Matthew Champlin, Deputy Chief of Police: mrchamplin@santafenm.gov, 955-5201)

**Committee Review:**

Introduced: 09/14/22

Governing Body (Public Comment): 09/28/22  
Quality of Life Committee: 10/05/22  
Public Works and Utilities Committee: 10/11/22  
Finance Committee: 10/17/22  
Governing Body (Public Hearing): 10/26/22

17. **PETITIONS FROM THE FLOOR**

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

- a. **CONSIDERATION OF BILL NO. 2022-\_\_\_. (Councilor M. Garcia)**  
An Ordinance Relating to Electric Bicycles; Amending Section 12-1-6 of the Uniform Traffic Ordinance (“UTO”) to Include Electric Bicycles in the Definition of Bicycle; Amending Section 12-1-40 of the UTO to Delineate Electric Bicycles From Motor Vehicles; Amending Section 12-1-88 of the UTO to Specify That an Electric Bicycle is Not a Vehicle; Amending Section 12-8-1 of the UTO to Prohibit Anyone Under the Age of Sixteen From Riding a Class 3 Electric Bicycle; Amending Section 12-8-10 of the UTO to Regulate and Establish a Speed Limit for Electric and Manually-Propelled Bicycles on City Sidewalks; Amending Section 12-8-15 of the UTO to Remove the Prohibition for Bicycles to Ride on a Street Adjacent to a Sidewalk or Path When Bicycles are Required to Use the Sidewalk or Street; Creating a New Section 12-8-18 of the UTO to Make it an Offense to Enhance the Speed Capabilities of an Electric Bicycle; Amending Section 12-8-23 of the UTO to Raise the Maximum Fine for Violation of Certain Provisions from Twenty-Five Dollars to One Hundred Dollars; and Amending SFCC 1987 Section 23-5.1 to Amend the Definition of Bicycle to Include Electric Bicycles, and to Regulate the Use of Electric Bicycles on City Roads. (Romella Glorioso-Moss; Project Administrator: rsglorioso-moss@santafenm.gov, 505-955-6623; Kevin Nault, Assistant City Attorney: klnault@santafenm.gov)

**Committee Review:**

Governing Body (Introduced): 08/31/2022  
Governing Body (Public Comment): 09/14/2022  
Bicycle and Pedestrian Advisory Committee: 10/13/2022  
Quality of Life Committee: 10/19/2022  
Public Works and Utilities Committee: 10/24/2022  
Finance Committee: 10/31/2022

Governing Body (Public Hearing): 11/09/2022

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

- a. CONSIDERATION OF BILL NO. 2022-17. (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) Commercial Permits for Cultural Events on the Plaza Including Juneteenth, Pride, Indigenous Peoples’ Day, and Five Additional Events Selected by Lottery. (Melissa McDonald, Parks Division Director: mamcdonald@santafenm.gov, 955-6840) **POSTPONED FROM THE AUGUST 31, 2022 GOVERNING BODY MEETING**

**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): 08/31/22 (Postponed)

Governing Body (Public Hearing): 09/14/2022

20. **PUBLIC HEARINGS**

- a. Request for Approval of the 2021-22 Consolidated Annual Performance Evaluation Report (CAPER) for Submittal to the United States Department of Housing and Urban Development (HUD) as a Condition of the City’s Community Development Block Grant (CDBG). (Cody Minnich, Office of Affordable Housing, Housing Grant Manager: cjminnich@santafenm.gov, 505-316-6574).

**Committee Review:**

Finance Committee: 9/06/2022

Quality of Life Committee: 9/07/2022

Governing Body Public Hearing : 9/14/2022

- b. **Appeal # 2022-5536-APPL of Case # 2022-5189-HDRB.** Appeal by

Heidi & John Mullican of the Historic Districts Review Board's Denial of a Proposal to Reconstruct a Yard Wall on a Property at 330 Don Cubero Pl. in the Don Gaspar Area Historic District. (Frank Ruybalid, Assistant City Attorney: feruybalid@santafenm.gov; 505-955-6967)

**Committee Review:**

Governing Body: 09/14/2022

21. **APPOINTMENTS**

a. Human Services Committee

- Patricia Boies – Appointment – Term Ending 03/2024

22. **ADJOURN**

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