



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 11, 2023 5:00 PM
COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE

PROCEDURES FOR GOVERNING BODY MEETING

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Written Public Comment: Members of the public may submit written comments on legislation by clicking on the comment bubble to the right of the meeting on the public portal at <https://santafe.primegov.com/public/portal> until 1 p.m. the day 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/85091039191>.

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: 850 9103 9191**

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**

Councilor Rivera

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

Councilor Cassutt

4. **INVOCATION AND REMEMBRANCES**

Mayor Webber

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. Presentation from Shannon Jones, Public Utilities Status Update
- b. Audit Update for FY21. (Emily Oster, Finance Director: ekoster@santafenm.gov, 505-629-3411)
- c. Community Health and Safety Task Force Quarterly Update Presentation. (Councilwoman Villarreal and Councilor Rivera)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the November 2, 2022 Governing Body Study Session Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body (Postponed): 12/14/2022

Governing Body: 01/11/2023

- b. Request for Approval of the November 30, 2022 Special Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519).

Committee Review:

Governing Body: 01/11/2023

- c. Request for Approval to Purchase a Ferrera Rescue Pumper for the City of Santa Fe Fire Department from 411 Equipment LLC in the Total Amount of \$687,800. (Brian Moya, Fire Chief: bjmoya@santafenm.gov, 505-955-3111)

Committee Review:

Public Works and Utilities Committee 12/12/2022

Finance Committee 01/3/2023

Governing Body 01/11/2023

- d. Request for Approval of a Memorandum of Agreement with No Funding Attached Between the City of Santa Fe, Santa Fe County, and United Way of North Central New Mexico Regarding a Shared Wellness Fund for CONNECT, a Joint City and County Partnership, to Address Social Determinants of Health. (Christa Hernandez, Youth and Family Service Program Manager: chernandez@santafenm.gov, 505-955-6728)

Committee Review:

Quality of Life Committee: 01/04/2023

Governing Body: 01/11/2023

- e. Request for Approval of a Budget Adjustment Resolution (BAR) in the Amount of \$215,488 from the Water Enterprise Fund Cash Balance, for Approved Operating Budget Contracts and Projects Purchase Order Amounts Carried Forward from FY2022 (Jesse Roach, Water Division Director: jdroach@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 11/07/2022

Finance Committee: 01/03/2023

Governing Body: 01/11/2023

- f. Request for Approval of a General Services Contract with the Kiwanis Club of Santa Fe to Plan, Coordinate and Execute Celebrations for New Year's Eve and Dia de los Muertos for Four Years in the Total Amount of \$300,000 Including NMGRT. (Randy Randall, Executive Director of TOURISM Santa Fe: rrandall@santafenm.gov, 505-955-6209)

Committee Review

Public Works and Utilities Committee: 12/12/2022

Finance Committee: 01/03/2023

Governing Body: 01/11/2023

- g. Request for Approval of an American Rescue Plan Act (ARPA) Recovery Funds Sub-Recipient Contract with Santa Fe Public Schools in the Total Amount of \$797,600 for Jobs Training and Work-Based Learning Under the 2.10 Assistance to Unemployed or Underemployed Workers Statutory Category; to Respond to the COVID-19 Public Health

Emergency or its Negative Economic Impacts (Rich Brown, Community & Economic Development Director: rdbrown@santafenm.gov, 505-955-6626)

Committee Review:

Finance Committee: 11/28/2022

Quality of Life Committee: 12/7/2022

Public Works Committee: 12/12/2022

Economic Development Advisory Committee: 12/14/2022

Governing Body: 01/11/2023

- h. Request for Approval of Recovery Funds Subrecipient Project Participation Agreement in the Total Amount of \$2,000,000 of American Rescue Plan Act (ARPA) Funds to Underwrite the Acquisition of the Lamplighter Inn – This Agreement Falls Under the First Statutory Category, to Respond to the COVID-19 Public Health Emergency or its Negative Economic Impacts; Bella Luz Apartments 2022 LLP. (Cody Minnich, Housing Grant Manager: cjminnich@santafenm.gov, 505-955-6574)

Committee Review:

Finance Committee: 01/03/2023

Quality of Life: 01/04/2023

Governing Body: 01/11/2023

- i. Request for the Approval of State of New Mexico Aging and Long Term Services Department Capital Appropriation Project Grant Agreement A20E5289 in the Total Amount of \$358,865 for the Plan and Design of a Senior Center, Term Ending June 30, 2024. (Anya Alarid, Senior Services Program Manager, aalarid@santafenm.gov, 505-955-4744)

Committee Review:

Finance Committee: 01/03/2023

Quality of Life Committee: 01/04/2023

Governing Body: 01/11/2023

- j. Request for Approval of Amendment No. 6 to Original On-Call Contract No. 19-0234 with Carollo Engineers for an Increase of \$440,260 Excluding NMGRT. (Fred Heerbrandt, Engineer

Supervisor: pfheerbrandt@santafenm.gov)

1. Request for Approval of a Budget Adjustment Resolution (BAR) from the WWMD Cash Balance in the Amount of \$505,738.84 for On-Call Contract, Reimbursement to Water and Past Due Invoices.

Committee Review:

Public Works and Utilities Committee: 12/12/2022

Finance Committee: 01/03/2023

Governing Body: 01/11/2023

- k. Request for Approval of Purchase of a Digester Sludge Transfer Progressive Cavity Pump #2 with VFD Controller and Installation Services with Miscowater Intermountain/TW Associates in the Total Amount of \$74,595 Term Ending June 30, 2023. (Fred Heerbrandt, Engineer Supervisor: pfheerbrandt@santafenm.gov)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In the Amount of \$74,595.

Committee Review:

Public Works and Utilities Committee: 12/12/2022

Finance Committee: 01/03/2023

Governing Body: 01/11/2023

- l. Request for Approval to Purchase Seven (7) Pinch Valves and Five (5) Rotork Valve Actuators Including Installation Services with Miscowater Intermountain/TW Associates In the Total Amount of \$142,512 Excluding NMGRT, Term Ending June 30, 2023. (Fred Heerbrandt, Engineer Supervisor: pfheerbrandt@santafenm.gov)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In the Amount of \$142,512.

Committee Review:

Public Works and Utilities Committee: 12/12/2022

Finance Committee: 01/03/2023

Governing Body: 01/11/2023

- m. Request for Approval of Midyear Budget Amendment Resolutions (BAR's) Utilizing FY22 (Prior Year) Gross Receipts and Lodgers' Tax Revenue, Above Budgeted Estimates, to Fund a Package of Priorities that Include the Southside Teen Center, Police Department Administration, Tourism Santa Fe, Public Safety Radio System and Regional Emergency Communication Center Recording System Totaling \$983,873. (Emily K. Oster, Finance Director, ekoster@santafenm.gov)

Committee Review:

Finance Committee: 01/03/2023

Quality of Life: 01/04/2023

Governing Body: 01/11/2023

- n. CONSIDERATION OF RESOLUTION NO. 2023-___. (Mayor Webber)
A Resolution Rescinding Resolution No. 2022-2 Relating to the Open Meetings Act; and Adopting Annual Notice Requirements for 2023. (Kristine Bustos Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 505-955-6521)

Committee Review:

Special Governing Body (Introduced): 12/21/2022

Finance Committee: 1/3/2023

Governing Body: 01/11/2023

- o. CONSIDERATION OF RESOLUTION NO. 2022-___. (Mayor Webber, Councilor Cassutt, Councilor Chavez)
A Resolution Adopting the Midtown Community Development Plan for the Midtown Redevelopment Project. (Lee Logston, Midtown Asset Development Manager: llogston@santafenm.gov, 505-995-6914)

Committee Review:

Governing Body (Introduced): 11/09/2022 (Postponed)

Governing Body (Introduced): 11/30/2022 (Postponed)

Governing Body (Introduced): 12/14/2022

Finance Committee: 01/03/2023

Community Development Commission: 01/04/2023

Quality of Life Committee: 01/04/2023

Public Works and Utilities Committee: 01/09/2023

Economic Development Advisory Committee: 01/11/2023

Governing Body: 01/11/2023

10. **ACTION ITEMS: DISCUSSION AGENDA**

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of Property Acquisition, Specifically Property Located at 1085 Richards Avenue. (Erin K. McSherry, City Attorney: ekmcsberry@santafenm.gov)

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval of the Second Amendment to the Purchase Agreement for Approximately 23.08 Acres Located at 1085 Richards Avenue, Item #22-0500, Amending the Consideration for the Purchase to \$2.1 Million and Closing Costs. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)

14. **MATTERS FROM THE CITY CLERK**

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

16. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION NO. 2023-__.** (Councilwoman Villarreal and Councilor Lindell)
A Resolution Authorizing the Sale and Consumption of Alcohol During SITE Santa Fe's Annual Benefit and Concert on City Property for the Years 2023-2027, Pursuant to Subsection 23-6.2(C) SFCC 1987.

(Kristine Mihelcic, City Clerk: kmmihelcic@santafenm.gov, 955-6521)

Committee Review:

Governing Body (Introduced): 01/11/2023

Quality of Life Committee: 01/18/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- b. CONSIDERATION OF RESOLUTION NO. 2023-___. (Councilor Lindell and Councilor Romero-Wirth)

A Resolution Accepting Donations from the Santa Fe Pickleball Club and the Mammel Foundation for the Design and Construction of Pickleball Courts at Fort Marcy Park and Directing the Use of Capital Improvement Funds to Construct Six Additional Pickleball Courts. (Melissa McDonald, Parks and Open Space Division Director: mamcdonald@santafenm.gov, 955-6840)

Committee Review:

Governing Body (Introduced): 01/11/2023

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- c. CONSIDERATION OF BILL NO. 2023-4. (Councilor Cassutt and Councilwoman Villarreal)

An Ordinance Amending SFCC 1987 to Use Gender-Neutral Language. (Pat Feghali, Assistant City Attorney: pfeghali@santafenm.gov, 955-6501)

Committee Review:

Governing Body (Introduced): 01/11/2023

Governing Body (Public Comment): 01/25/2023

Quality of Life Committee: 02/01/2023

Governing Body: 02/22/2023

- d. CONSIDERATION OF BILL NO. 2023-6. (Mayor Webber)
An Ordinance Amending Section 2-8.2(A), "Creation of Department" by Removing Language that Prescribes a "Recreation Division" as a Division of the Community Health and Safety Department and "Family and Youth Services" as a Component of the Community Services Department; and by Removing the Term "Safety" from the Name of the

“Office of Emergency Management and Safety”. (Kyra Ochoa, Community Health and Safety Department Director: krochoa@santafenm.gov)

Committee Review:

Governing Body (Introduced): 01/11/2023

Governing Body (Public Comment): 01/25/2023

Quality of Life Committee: 02/01/2023

Public Works and Utilities Committee: 02/06/2023

Governing Body (Public Hearing): 02/22/2023

- e. CONSIDERATION OF RESOLUTION NO. 2023-___. (Councilor Cassutt)
A Resolution Approving the Updated Santa Fe Trails Agency Safety Plan and Directing its Submission to the Federal Transit Administration. (David Chapman, Technical and Grant Writer: dachapman@santafenm.gov, 505-955-6824)

Committee Review:

Governing Body (Introduced): 01/11/2023

Public Works and Utilities Committee: 01/23/2023

Governing Body: 01/25/2023

- f. CONSIDERATION OF BILL NO. 2023-7. (Mayor Webber)
An Ordinance Relating to Fire Safety; Creating a New Section 12-7 SFCC 1987 to Allow the City Manager, in Consultation with the Fire Chief, Emergency Manager, and the Director of the Community Health and Safety Department, to Close Certain Public Spaces if Fire Conditions Require Such Closure to Protect Life or Property, and to Preserve Public Peace and Safety. (Brian Moya, Fire Chief: bjmoya@santafenm.gov)

Committee Review:

Governing Body (Introduced): 01/11/2023

Governing Body (Public Comment): 01/25/2023

Public Safety Committee: 02/21/2023

Quality of Life Committee: 03/01/2023

Public Works and Utilities Committee: 03/06/2023

Finance Committee: 03/13/2023

Governing Body: 03/22/2023

- g. CONSIDERATION OF BILL NO. 2023-8. (Mayor Webber)

An Ordinance Amending Section 14-6.2(l) to Permit Cannabis Retailers Wholly Owned by a Tribe Within Four Hundred (400) Feet of Another Retailer if the Other Retailer Initiates its Application for a Cannabis Retail License After the Retailer Wholly Owned by a Tribe. (Pat Feghali, Assistant City Attorney: pfeighali@santafenm.gov, 955-6501)

Committee Review:

Governing Body (Introduced): 01/11/2023

Governing Body (Public Comment): 01/25/2023

Planning Commission: 02/02/2023

Public Works and Utilities Committee: 02/06/2023

Governing Body (Public Hearing): 02/22/2023

- h. CONSIDERATION OF BILL NO. 2023-5 (Councilor Romero-Wirth, Councilor Cassutt)

An Ordinance Amending Sections 2-1.9, 2-4.6, and 19-4. SFCC 1987, to Authorize Governing Body Members to Employ Staff When Funds are Budgeted for that Purpose and Aligning those Sections with the City of Santa Fe Charter. (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 505-955-6591)

Committee Review:

Introduced: 01/11/2023

Governing Body (Public Comment): 01/25/2023

Quality of Life Committee: 03/01/2023

Public Works and Utilities Committee: 03/06/2023

Finance Committee: 03/13/2023

Governing Body: 03/22/2023

17. **PETITIONS FROM THE FLOOR**

18. **PUBLIC HEARING CONTINUED FROM DECEMBER 14, 2022 REGULAR GOVERNING BODY MEETING (Motion was made at the December 14, 2022 Regular Governing Body Meeting to dictate the location on the agenda to immediately follow Petitions from the Floor)**

- a. CONSIDERATION OF BILL NO. 2022-22. ADOPTION OF ORDINANCE NO. 2022-_____.

Case #2022-5063. 2200 Old Pecos Trail Rezoning. Case #2022-5063. Montoya Land Use Consulting, Inc., Agent for Pierre Amestoy,

Applicant, Requests Approval of a Bill to Rezone Approximately 9.59 Acres, Located at 2200 Old Pecos Trail, within the South Central Highway Corridor Overlay District and the Suburban Archaeological Review Overlay District, from R-1 (Residential - One Dwelling Per Acre) to R-3 (Residential-Three Dwellings Per Acre). (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587)

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

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

- a. CONSIDERATION OF BILL NO. 2022-23. (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, 505-955-5201)

Committee Review:

Governing Body (Introduced): 09/14/2022

Governing Body (Public Comment): 09/28/2022

Quality of Life Committee (Postponed): 10/05/2022

Quality of Life Committee (Forwarded with No Recommendation): 10/19/2022

Public Works and Utilities Committee (Postponed): 10/24/2022

Public Works and Utilities Committee (Forwarded with No Recommendation): 11/07/2022

Finance Committee: 11/28/2022

Governing Body (Public Hearing): 01/11/2023

21. **PUBLIC HEARINGS**

- a. **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).

- b. **Case #2021-5505.** NM Land Solutions LLC, Agent, for Dry Creek Partnership, Applicant, requests approval of a Resolution to amend the General Plan Future Land Use Map to change the Future Land Use Classification for approximately 2.2 acres of land located at 6350 Airport Road, from Office to Community Commercial. (Heather Lamboy, Assistant Land Use Director: hllamboy@santafenm.gov, 505-955-6598) **POSTPONED TO THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING**
- c. **Case #2021-5506.** NM Land Solutions LLC, Agent, for Dry Creek Partnership, Applicant, requests approval of a Bill to rezone approximately 2.2 acres of land located at 6350 Airport Road, from C-1 (Office and Related Commercial District) to C-2 (General Commercial District). (Heather Lamboy, Assistant Land Use Director: hllamboy@santafenm.gov; 505-955-6598) **POSTPONED TO THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING**

22. **APPOINTMENTS**

a. Audit Committee

- Stephanie Woodruff – Appointment – Term Ending 1/2025

23. **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.