



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 25, 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/89251112316>.

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: 892 5111 2316**

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 Romero-Wirth

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

Councilor Lee Garcia

4. **INVOCATION AND REMEMBRANCES**

Councilor Chavez

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. Audit Update for FY21. (Emily Oster, Finance Director: ekoster@santafenm.gov, 505-629-3411)

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the December 14, 2022 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 01/25/2023

- b. Request for Approval of the December 21, 2022 Special Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 01/25/2023

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Starry Nights Beverage, LLC, for a Transfer of Ownership and Location of Inter-Local Dispenser Liquor License No. 28082, from Pink Adobe, 406 Old Santa Fe Trail, to Inn of the Five Graces, 406 Old Santa Fe Trail & 150-160 E. De Vargas Street, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

Committee Review:

Liquor Hearing: 01/09/2023

Governing Body: 01/25/2022

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Starry Nights Beverage, LLC, for a Transfer of Location Only of Inter-Local Dispenser Liquor License No. 28081, from Inn of the Five Graces, 150-160 E. De Vargas Street, to Inn of the Five

Graces #2, 330 Old Santa Fe Trail & 129-141 E. De Vargas Street, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

Committee Review:

Liquor Hearing: 01/09/2023

Governing Body: 01/25/2023

- e. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Taurus Adelfi, LLC, for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2574 with On-Premises Consumption Only and Patio Service, to Remain Located at The Bull Ring, 150 Washington Avenue, Suite 108, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

Committee Review:

Liquor Hearing: 01/09/2023

Governing Body: 01/25/2023

- f. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Yin Yang Chinese Cuisine LLC, for a Restaurant A (Beer & Wine) Liquor License, to be Located at Yin Yang Chinese Restaurant, 418 Cerrillos Road, #A, Santa Fe. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

Committee Review:

Liquor Hearing: 01/09/2023

Governing Body: 01/25/2023

- g. Request for Approval to Purchase a Vactor Ace Easement Machine for the Wastewater Collections Division with Pete's Equipment Repair in the Total Amount of \$111,506.25. (Benjamin Sandoval, Wastewater Collections Manger: basandoval@santafenm.gov, 505-955-4632)

- 1. Request for Approval of a Budget Adjustment Resolution from the WWMD Cash Balance in the Amount of \$111,506.25.

Committee Review:

Public Works and Utilities Committee: 01/09/2023

Finance Committee: 01/17/2023

Governing Body: 01/25/2023

- h. Request for Approval of Contract with MISCOWater/TW Associates to Purchase and Install Two Polymer Dosing Systems in the Total Amount of \$71,113.75. (P.Fred Heerbrandt, P.E., Engineer Supervisor: pfheerbrandt@santafenm.gov)

- 1. Request for Approval of a Budget Adjustment Resolution from the Wastewater Management Division Cash Balance In the Amount of \$71,113.75.

Committee Review:

Public Works and Utilities Committee: 01/09/2023

Finance Committee: 01/17/2023

Governing Body: 01/25/2023

- i. Request for Approval of Telecommunications Agreement with Century Link/Lumen Amendment No. 1 to SPA #20-361-0021-04390 to Add the City of Santa Fe to the SPA for Network Security, Bandwidth and Content Filtering in the Total Amount of \$430,884.00 for Thirty Six Months. (Manuel Gonzales, ITT Department Director, mmgonzales@santafenm.gov, 505-955-5576)

Committee Review:

Finance Committee 01/17/2023

Quality of Life Committee 01/18/2023

Governing Body 01/25/2023

- j. Request for Approval of Amendment No. 1 to American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract No.22-0477 in the Total Amount of \$900,000 for Early Childcare Job Development Services with the Santa Fe Community College Early Childhood Education Center of Excellence (SFCC-ECCOE). (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678).

Committee Review:

Finance Committee: 1/17/2023

Quality of Life Committee: 1/18/2023

Governing Body: 1/25/2023

- k. Request for Approval of Memorandum of Agreement No. 2022-0233-CSD/MM with Santa Fe County to Receive \$100,000 in County American Rescue Plan Act (ARPA) Funding for Prevention and Intervention Programs to Address Youth and Community Violence Through a Collaborative Violence Prevention Unit. (Julie Sanchez, Youth and Family Services Director: jjsanchz@santafenm.gov, 505-955-6678 and Sophie Andar, Youth and Family Services Program Manager: sxandar@santafenm.gov, 505-955-6236)

Committee Review:

Finance Committee: 01/17/2023

Quality of Life Committee: 01/18/2023

Governing Body: 01/25/2023

- l. Request for the Approval of State of New Mexico Aging and Long Term Services Department Grant Agreement in the Total Amount of \$268,841.12 for the Foster Grandparent, Senior Companion, and Retired Senior Companion Volunteer Programs, Term Ending June 30, 2023 (Anya Alarid, Senior Services Program Manager: aalarid@santafenm.gov, 505-955-4744).

Committee Review:

Finance Committee: 1/17/2023

Quality of Life: 1/18/2023

Governing Body: 1/25/2023

- m. 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

- n. CONSIDERATION OF RESOLUTION NO. 2023-___. (Mayor Webber, Councilor Chavez, Councilor Romero-Wirth, Councilor Cassutt and Councilor Lindell)

A Resolution Relating to Firearms; Recognizing that Certain City Properties are Used for School-Related Activities, Which Makes the Carrying of a Deadly Weapon on Such Properties a Fourth-Degree Felony Pursuant to NMSA 1978, Section 30-7-2.1; and Directing the City Manager to Work with Staff to Post Notice on Such Facilities. (Kyra Ochoa, Community Health and Safety Department Director: krochoa@santafenm.gov)

Committee Review:

Governing Body (Introduced): 11/30/2022

Quality of Life Committee (Postponed): 12/7/2022

Quality of Life Committee: 01/04/2023

Public Works and Utilities Committee: 01/09/2023

Finance Committee: 01/17/2023

Governing Body: 01/25/2023

- 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: lrlogston@santafenm.gov, 505-995-6914)

Committee Review:

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

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

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 (Postponed): 01/11/2023

Governing Body: 01/25/2023

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. CONSIDERATION OF RESOLUTION NO. 2022-___. (Councilor M. Garcia, Councilwoman Villarreal and Mayor Webber)
A Resolution Adopting a Strategy for Donating or Selling, at Below-Market Value, a Property Identified as “Las Estrellas Tract 6A” to a Developer Certified as a “Qualifying Grantee” Under the New Mexico Affordable Housing Act to Develop Santa Fe Homes Program Homes, Low-Priced Dwelling Units, or Units Price-Restricted Through Another Affordable Housing Subsidy; and Approving an Announcement to Sell the Remaining Seven Las Estrellas Lots with a Local Preference. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov)

Committee Review:

Governing Body (Introduced): 11/30/2022
Community Development Commission: 12/07/2022
Economic Development Advisory Committee: 12/14/2022
Quality of Life Committee: 01/04/2023
Public Works and Utilities Committee: 01/09/2023
Finance Committee: 01/17/2023
Governing Body: 01/25/2023

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 Pending and Threatened Litigation. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

13. **MATTERS FROM THE CITY CLERK**

14. **COMMUNICATIONS FROM THE GOVERNING BODY**

15. **INTRODUCTION OF LEGISLATION**

- a. CONSIDERATION OF BILL NO. 2023-9 (Mayor Webber, Councilor

Lindell, Councilor Cassutt and Councilor Romero-Wirth)
A Bill Approving a Lease Agreement Between the City Of Santa Fe and Specifica, LLC, for the Lease of City-Owned Building and Improvements Located At 500 Market Street Within the Railyard Within the City And County of Santa Fe, New Mexico to Expand Its Biotechnological Company. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 505-955-6303)

Committee Review:

Governing Body (Introduced): 01/25/2023
Governing Body (Public Comment): 02/08/2023
Finance Committee: 02/13/2023
Quality of Life: 02/15/2023
Public Works and Utilities: 02/20/2023
Governing Body (Public Hearing): 03/08/2023

16. **PETITIONS FROM THE FLOOR**

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

- a. 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, 505-955-6501)

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

- b. 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
Finance Committee: 02/13/2023
Governing Body (Public Hearing): 02/22/2023

- c. CONSIDERATION OF BILL NO. 2023-5 (Councilor Romero-Wirth and 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:

Governing Body (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 (Public Hearing): 03/22/2023

- d. 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 (Public Hearing): 03/22/2023

- e. CONSIDERATION OF BILL NO. 2023-8. (Mayor Webber)
An Ordinance Amending Section 14-6.2(I) 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: pfeghali@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

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

- a. CONSIDERATION OF BILL NO. 2022-23. ADOPTION OF ORDINANCE NO. 2023-____. (Councilor Lindell, Mayor Webber and 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) (Postponed): 01/11/2023
Governing Body (Public Hearing): 01/25/2023

19. **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. CONSIDERATION OF RESOLUTION NO. 2023-_____.
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 FROM THE JANUARY 11, 2023 REGULAR GOVERNING BODY MEETING**

- c. CONSIDERATION OF BILL NO. 2023-3. ADOPTION OF ORDINANCE NO. 2023-_____.
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 FROM THE JANUARY 11, 2023 REGULAR GOVERNING BODY MEETING**

- d. CONSIDERATION OF RESOLUTION NO.2023_____.
Case #2021-4648. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 19.54 Acres, Located at 3600 South Meadows Road and within the River and

Trails Archeological Review Overlay District and the Suburban Archeological Review Overview District, from Park to Low-Density Residential (Residential: Three to Seven Dwelling Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **POSTPONED FROM THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING.**

- e. CONSIDERATION OF BILL NO. 2023-1. ADOPTION OF ORDINANCE NO. 2023-_____.
Case #2021-4649. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Bill 2023-1 to Rezone Approximately 19.54 Acres, Located at 3600 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from R-1 (Residential: One Dwelling Unit Per Acre) to R-6 (Residential: Six Dwelling Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **POSTPONED FROM THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING.**

- f. CONSIDERATION OF RESOLUTION NO. 2023-_____.
Case #2021-4650. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 2.66 Acres, Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from Park to High-Density Residential (Residential: 12 to 29 Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **POSTPONED FROM THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING.**

- g. CONSIDERATION OF BILL NO. 2023-2. ADOPTION OF ORDINANCE 2023-_____.
Case #2021-4651. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Bill 2023-2 to Rezone Approximately 2.66 Acres Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from R-1 (Residential: One Dwelling Unit Per Acre) to R-21 (Residential: 21 Dwelling Units Per Acre).

(Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587) **POSTPONED FROM THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING.**

- h. CONSIDERATION OF RESOLUTION 2023-____.
Case #2022-5618. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Resolution 2023-____ to Adopt a Master Plan for a Residential Project on Approximately 22.2-Acres Located at 3600 and 3740 South Meadows Road to Include a Subdivision, Development Plan, and Construction of a Neighborhood Park for Dedication to the City. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **POSTPONED FROM THE JANUARY 25, 2023 REGULAR GOVERNING BODY MEETING.**

20. **APPOINTMENTS**

- a. Economic Development Advisory Committee
- Kristin Pulatie – Appointment – Term Ending 06/2024
 - Mary Ondine Frauenglass – Appointment – Term Ending 06/2024

21. **ADJOURN**

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