



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 22, 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/83634891492>.

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: 836 3489 1492**

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 Cassutt

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

Councilor Lindell

4. **INVOCATION AND REMEMBRANCES**

Councilor Romero-Wirth

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 January 11, 2023 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body (Postponed): 02/08/2023

Governing Body: 02/22/2023

- b. Request for Approval of the January 21, 2023 Special Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)

Committee Review:

Governing Body: 02/22/2023

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from DFG Restaurant Company, LLC, for a Transfer of Ownership of Inter-Local Dispenser Liquor License No. 2517. This License will Remain Located at Dr. Field Good's at Santa Fe Bar and Grill, 187 Paseo de Peralta. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 02/07/2023

Governing Body: 02/22/2023

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Leaf & Hive LLC, 1208 Mercantile Road, A, Santa Fe, New Mexico 87507, for the Following: (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

1. Pursuant to §60-6B-10 NMSA 1978, Consideration of a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Leaf & Hive, 1208 Mercantile Road, A, which is within 300 Feet of Playschool of the Arts, Located at 3204 Mercantile Court, A-B.
2. If the Waiver of the 300 Foot Location Restriction is Granted, Consideration of a Request for a Winegrower Liquor License and a Wholesaler Liquor License, to be Located at Leaf & Hive, 1208 Mercantile Road, A.

Committee Review:

Liquor Hearing 02/07/2023

Governing Body: 02/22/2023

- e. Request for Approval of Contract Amendment No. 2 to Contract Item #19-0828 with Associated Time Instruments to Install Pedestrian Door Controls at Sandoval, Railyard and Convention Center Parking Garages, Extend the Term and Increase Compensation by \$76,118.25, Excluding NMGRT, in a Total Amount of \$1,576,118.25, Excluding NMGRT. (Caryn Grosse, Project Administrator, clgrosse@santafenm.gov, 505-955-5938).

Committee Review:

Finance Committee: 02/13/2023

Public Works & Utilities Committee: 02/20/2023

Governing Body: 02/22/2023

- f. Request for Approval of FY 23 Budget Amendment Resolution (BAR) in the Amount of \$214,000 to Budget for Payments on the Existing Service Contract with NM Golf Limited for Management of the Marty Sanchez Links de Santa Fe Golf Course and Related Operations. (Melissa McDonald, Parks and Open Space Director, mamcdonald@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Finance Committee: 02/13/2023

Governing Body: 02/22/2023

- g. Request for Approval of Amendment No.11 to Item #11-0306, Amended and Restated Railyard Lease and Management Agreement Between the City of Santa Fe and Santa Fe Railyard Community Corporation. (Terry Lease, Asset Development Manager: tlease@santafenm.gov, 505-629-2206)

Committee Review:

Economic Development Advisory Committee: 02/01/2023

Quality of Life Committee: 02/01/2023

Public Works and Utilities Committee: 02/06/2023

Finance Committee: 02/13/2023

Governing Body: 02/22/2023

- h. Request for Approval of Amendment No. 1 to Contract Item #22-0450 with TK Elevator for the Main Library Elevators Rehabilitation Modernization Project in the Total Amount of \$243,864.15 Including NMGRT and Extending the Contract Term by One Year. (Caryn Grosse, clgrosse@santafenm.gov, 505-955-5938, Therese Martinez, tmartinez@santafenm.gov, 505-955-5937)

Committee Review:

Finance Committee: 02/13/2023

Public Works/Utilities Committee: 02/20/2023

Governing Body: 02/22/202

- i. Request for Approval of a Severance Tax Bond (STB) Agreement with NMDOT to Reconstruct Governor Miles Road from Richards Avenue to Nizhoni Drive in the Amount of \$300,000 Including New Mexico Gross Receipts Tax. (David A. Chapman, Grant Administrator: dachapman@santafenm.gov 505-660-2619)

- 1. Request for Approval of Budget Amendment Resolution (BAR) to Allocate \$300,000 from NMDOT to the Governor Miles Road Project Number #F3057.

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Finance Committee: 02/13/2023

Governing Body: 02/22/2023

- j. Request for Approval of a Severance Tax Bond (STB) Agreement with NMDOT to Install New Asphalt and Roadway Markings on Paseo de Las Vistas In the Amount of \$275,000 Including New Mexico Gross Receipts Tax. (David A. Chapman, Grant Administrator: dachapman@santafenm.gov 505-660-2619)

- 1. Request for Approval of Budget Amendment Resolution (BAR) to Allocate \$275,000 from NMDOT to the Paseo de Las Vistas Project Number F3058.

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Finance Committee: 02/13/2023

Governing Body: 02/22/2023

- k. Request for Approval of a Severance Tax Bond (STB) Agreement with NMDOT to Reconstruct St. Michael's Drive and Siringo Road In the Amount of \$350,000 Including New Mexico Gross Receipts Tax. (David A. Chapman, Grant Administrator: dachapman@santafenm.gov 505-660-2619)

- 1. Request for Approval of Budget Amendment Resolution (BAR) to Allocate \$350,000 from NMDOT to the St. Michael's Drive and Siringo Road Project Number F3059.

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Finance Committee: 02/13/2023

Governing Body: 02/22/2023

- l. Request for the Approval of a General Services Contract for Seasonal Delivery and Servicing of Portable Toilets for the Parks Division with AAA Pumping Services Inc. in an Amount Not to Exceed \$135,400 Per Year, for Four Years, for a Total Amount of \$541,600 Excluding NMGR. (Skyler Nielsen, Parks Operations Manager, smnielsen@santafenm.gov, 505-469-6688)

Committee Review:

Finance Committee: 02/13/2023

Public Works and Utilities Committee: 02/20/2023

Governing Body: 02/22/2023

- m. Request for Approval of a Construction Contract with Exerplay, Inc. to Upgrade the Trash/Recycle Cans at Franklin Miles Park, Las Acequias Park, SWAN Park, and Ragle Park from the Current 44-Gallon Split Stream Can to a 64-Gallon, Dual Can Setup in the Total Amount of \$197,821.54 Including NMGRT. (Skyler Nielsen, Parks Operations Manager, smnielsen@santafenm.gov, 505-469-6688)

Committee Review:

Finance Committee: 02/13/2023

Public Works & Utility Committee: 02/20/2023

Governing Body: 02/22/2023

- n. Request for Approval of Findings of Fact and Conclusions of Law for Case #2022-5063 in the Matter of Rezoning for Property Located at 2200 Old Pecos Trail, which the Governing Body Approved at the January 21, 2023 Special Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. Request for Approval of a General Services Contract with IPS Group Inc. in the Amount of \$740,525 Including NMGRT for Replacement of 600 Parking Meters and Four (4) Years of Monitoring and Credit Card Gateway Services for City's Single Space Parking Meters. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 505-690-4197)

Committee Review:

Public Works and Utilities: 02/20/2023

Governing Body: 02/22/2023

11. **MATTERS FROM THE CITY MANAGER**

12. **MATTERS FROM THE CITY ATTORNEY**

a. **Executive Session**

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Parts (H)(7) and H(8), Attorney-Client Privileged Discussion of Litigation, Including *City of Santa Fe v. Purdue Pharma, et al.* and *Duran Family Trust v. City of Santa Fe*, and Discussion of Disposition of Certain City Property, Specifically a Building at 500 Market Station. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512).

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval of a Settlement Agreement in *Duran Family Trust v. City of Santa Fe*, D-101-CV-2021-02418, Selling the City's Property Interests in 730 Alto Street for \$490,000. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)
- b. Request for Approval of a Settlement Agreement in *City of Santa Fe v. Purdue Pharma, et al.* with Albertson's, LLC for \$296,719.13. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)
- c. Request for Approval of a Settlement Agreement in *City of Santa Fe v. Purdue Pharma, et al.* with CVS Pharmacy, Inc. and its Affiliates for \$286,828.49. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)
- d. Request for Approval of a Settlement Agreement in *City of Santa Fe v. Purdue Pharma, et al.* with The Kroger Co., and its Affiliates for \$1,157,204.61. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)
- e. Request for Approval of a Settlement Agreement in *City of Santa Fe v. Purdue Pharma, et al.* with Walmart Inc., and its Affiliates for \$2,041,427.61. (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 BILL NO. 2023-10 (Mayor Webber)**
A Bill Approving the Sale of a City-Owned Building and Improvements Located At 730 Alto Street Within the City And County of Santa Fe, New Mexico, by the City of Santa Fe to the Duran Family Trust, as a condition of a Settlement Agreement. (Pat Feghali, Assistant City Attorney: pfeghali@santafenm.gov, 505-955-6501)

Committee Review

Governing Body: (Introduced) 02/22/2023
Economic Development Advisory Committee: 03/01/2023
Governing Body: (Public Comment) 03/08/2023
Finance Committee: 03/27/2023
Governing Body: (Public Hearing) 03/29/2023

- b. **CONSIDERATION OF RESOLUTION 2023-__ (Mayor Webber)**
A Resolution in Support of Governor Lujan Grisham's Call to Pass Gun Reforms, Including a Ban on the Sale of Assault Weapons. (John Blair, City Manager: jwblair@santafenm.gov, 505-955-6521)

Committee Review:

Governing Body (Introduction) (Removed from Agenda): 01/25/2023
Governing Body (Introduction): 02/08/2023
Quality of Life Committee: 02/15/2023
Finance Committee: 02/27/2023
Governing Body: 03/08/2023

17. **PETITIONS FROM THE FLOOR**

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

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

- a. **CONSIDERATION OF BILL NO. 2023-4. ADOPTION OF ORDINANCE NO. 2023-_____.** (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

20. **PUBLIC HEARINGS**

- a. **Case No. 2022-006060-HDRB. 1160 Camino de Cruz Blanca.** MASS Group, Agent for St. John's College, Requests Exceptions to SFCC 1987, Section 14-5.2 (D)(2) for Additions on the North, South, and East Elevations at the Peterson Student Center, a Significant Building, Located in the Historic Review District. (Heather Lamboy, Assistant Land Use Director: hllamboy@santafenm.gov; 505-955-6598)

21. **APPOINTMENTS**

- a. Economic Development Advisory Committee
- Shanna Sasser – Appointment – Term Ending 6/2024
 - Alexander Howell – Appointment – Term Ending 6/2024
 - John Lonergan – Appointment – Term Ending 6/2024

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.