



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(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

- 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.

**Governing Body
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January 11, 2023**

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**Minutes of the
Regular Meeting of the Governing Body
Wednesday, January 11, 2023
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, January 11, 2023, at approximately 5:05 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 Rivera led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Cassutt led the Salute to the New Mexico Flag.

4. INVOCATION AND REMEMBRANCES

Councilor Mayor Webber gave the Invocation with a prayer from the Children's Defense Fund for the start of this new year. (by Founder Marian Edelman). He also remembered Katherine Ageles, who served as Chair of Christus St Vincent and was an active realtor in Santa Fe and a wonderful light for the community.

The Governing Body observed a moment of silence for those who have recently died and everyone who needs our support.

5. ROLL CALL

Roll call indicated the presence of a quorum in-person, as follows:

Members Present

Mayor Alan Webber
Councilor Signe Lindell
Councilor Jamie Cassutt
Councilor Amanda Chavez
Councilor Lee Garcia
Councilor Michael Garcia
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Renee D. Villarreal (remotely)

Members Excused

Other Participants Attending

Erin K. McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Emily Oster, Finance Director
Lee Logston, Midtown Asset Development Manager
Terry Lease, Asset Development Manager
Kyra Ochoa, Community Health, and Safety Department Director
Heather Lamboy, Case Manager
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Councilor Romero-Wirth wanted to discuss and possibly modify the agenda. She wanted to avoid making important decisions in the early morning hours. She first requested to postpone the HDRB Appeal and the Noisy muffler Bill to the next meeting, to move up the appointment to the Audit Committee earlier in the agenda before Petitions from the Floor, take Old Pecos Trail from consent and should not be heard much later.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt to approve the agenda as amended with postponement of the HDRB Appeal (21a) and Noisy muffler bill (20a) to the next regular Governing Body meeting and placing the Appointment to immediately before Petitions from the Floor.

VOTE: The motion was approved on a unanimous voice vote with:

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.

5. APPROVAL OF CONSENT AGENDA

Ms. Bustos-Mihelcic said item a was removed for discussion by Councilor Villarreal. Removed, f, g, n, o removed by four Councilors.

MOTION: Councilor Chavez moved, seconded by Councilor Rivera, to approve the Consent Agenda as amended with items f, g, n, and o 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 M. Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

8. PRESENTATIONS

a. Presentation from Shannon Jones, Public Utilities Status Update

Director Jones shared a few facts with a couple of slides. He said the Public Utilities Department protects us daily and provides services that are sustainable now and into the future. The Department is working to reduce our carbon footprint every day and use sound practices. Things will go wrong, and the Staff will work to resolve them. The City has reduced water use by 33%. The Department innovated tech for trash pickup and issued the first green bonds in New Mexico. Santa Fe received close to \$33 million in state funding and has received LEED certification. He applauded his staff members who work tirelessly, and sometimes without acknowledgment. He added that through his work, he has become a better person. He noted that the San Juan/Chama agreement will be updated soon.

He also acknowledged that we stand on the shoulders of giants and believe the future will profit from our accomplishments. Stood for questions. As he also recognized his wife, Nicole.

Mayor Webber announced that Shannon is about to leave us, and this gives him an opportunity to showcase what he has accomplished at the City before he goes. They are remarkable achievements. "Everyone appreciates all you do and how you do it. All the best to you and your family."

Councilor Lindell agreed. We will miss you, Shannon. The demeanor you always brought to the microphone always, and the knowledge that you bring, I had no way of tapping into. But I trust you and it was an absolute pleasure to work with you.

Councilor Romero-Wirth said Shannon is always responsive and his institutional knowledge is irreplaceable. "I wish you well and your family too."

Councilor Rivera said he and Shannon have worked together for a long time, and he has learned so much from Shannon. He is a great friend as well. "I recognize your family who are a great support group to you, and I wish them well. Please take some time for yourself and your family. You deserve it. Thank your family for when you took my calls at night or on the weekend."

Councilor Chavez was sad that Shannon is leaving. She was amazed by his leadership, his knowledge and his team and how he acknowledged then and the work that goes into the systems She really was excited about utilities after they met and acknowledged the work his team has done.

“Thanks for everything you have done and your passion that was given to the City in a beautiful way.”

Councilwoman Villarreal said I just wanted to let you know that I appreciate the service you have given us and the City of Santa Fe and all the leadership roles you have taken on and challenges that you have faced and taken a lot of issues that we have and with stride and you have been a strong problem solver so thank you so much for all you have done and for all your contributions and I wish you the best.

Councilor Cassutt really appreciated how he provided her with a lot of education. It meant a lot that you took the extra step to answer my question with a meeting. You have a level head, and you understood my question and explained how you would fix the problem. Best of luck at the next steps.

Councilor Michael Garcia wished we could bottle up his institutional knowledge as he leaves to be a benefit to his replacement. Thanks for keeping us out of the news with a brand-new system. Thanks to your family for your support while midnight calls disturb your rest.

Councilor Lee Garcia gave him congratulations. Thank you for your help to the Public Works Committee, and how you handle yourself in a calm inner spirit. Congratulations on your retirement. I appreciated the presentation on what you accomplished.

The Governing Body gave Director Jones a standing ovation.

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

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

Director Oster presented. She gave best wishes to Shannon. We are moving forward with six members from CLA and got our fist list from our present external auditor firm. They asked for information from almost every department, and we are rallying through that and started meeting with the audit firm to respond. Still is looking at meeting the June 30 deadline and trying to close December 2022 books next week. Also on

the upgrade to new system by January 27. We have a site view with the audit firm next week.

Manager Blair wanted to make sure Auditor Maestas was in the office to share with him what is being done here.

Director Oster said they are continuing to work on both FY21 and FY22 with contractors from Clifton Larsen Allen, in the preparations now on Contractors, on FY21 accruals into FY22, fixed assets, and cash. The current audit firm is continuing to work on the analysis of the relationship of BDD and SWMA with the City. Mr. Bejarano contacted them yesterday and everything is going smoothly.

- c. Community Health and Safety Task Force Quarterly Report Presentation (Councilwoman Villarreal and Councilor Rivera)

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

Councilor Villarreal thanked all task force members who worked diligently through the process to be a supporter. We were not able to meet in December. Thanks again for diligence and dedication in this work. She appreciated them and Julie Sanchez and Valeria Alarcon who have been great.

Councilor Rivera said it was such a pleasure to work with the Task Force and Staff who made presentations to us.

They had a Fourth Quarter Task Force Update presentation with slides by Valeria Alarcon who hosted three learning sessions. They heard Policies + Practices Working Group updates with SFPD and SFFD in a workgroup. During the Quarter 4 report, they reviewed the community engagement work with UNM: and Learning Sessions from Santa Fe Crisis Center.

Councilor Rivera said they are looking forward to the work in the next six months.

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

Ms. Bustos-Mihelcic read the caption for this item. It was pulled for discussion by Councilor Rivera and Councilor Villarreal.

Councilor Rivera heard from Director Randall who responded to all his concerns. This is a one-year event. He was concerned with the process. Dia de los Muertes was tied in with the contract. We hashed them out in committee.

Councilor Villarreal said she previously articulated her concerns with Staff. Kiwanis is always well organized. It is just focusing on a cultural and spiritual event lead by Tourism, and it should be clear that it is focused on the community and that tourism is secondary. She would make sure Spanish presenters could present in Spanish. Ofrendas are gifts placed on the altar. She hoped those things could be changed next year. She added that they are looking at Santa Fe Pride and how to do Juneteenth better. She looked forward to a better event.

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve the Kiwanis Club Contract 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 and Councilor Romero-Wirth.

Against: Councilor Villarreal and Councilor Rivera.

Item G was discussed.

- 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, 505-9556626)

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

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

Councilor Chavez recused herself from this matter and left the room.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the receipt of ARPA Grant Funds as presented.

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

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

Against: None. Councilor Chavez was not present for the vote.

Councilor Lee Garcia appreciated the collaboration here and more of this needs to happen to get more young people prepared for the work force.

Councilor Michael Garcia thanked Director Brown for bringing it forward and to support this initiative for young peope to gain sills to prepare for their lives

Councilor Chavez returned to the bench after the vote.

- 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, 505-9556574)

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

Pulled by Councilor Michael Garcia.

- 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

Ms. Bustos-Mihelcic read the caption for this item which was pulled for discussion.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the Budget Adjustment Request a presented.

Councilor Michael Garcia commented about not being invited to support its introduction. He noted the Governing Body expended or committed \$22 million of that \$37.5 million with a possible recession on the horizon. It is not a slush fund. And he was not aware that now it may become \$23 million, which leaves us with \$14 million left. He asked if the Governing Body would get more of these BARs ahead.

Mayor Webber said "slush fund" is inappropriate. This is to fund requests during the budget which were not approved at that time. Our reserves are full and well-funded. Rather than picture it as a problem, it is actually a benefit. We continue to be written up in publications over the world and our hotels and restaurants are flourishing. It allows us to grant the New Mexico priorities through a BAR, and the Governing Body to consider them.

Councilor Michael Garcia said he never referred to it as a slush fund. But there will be hard times in the future. Or shall we spend it and not be ready for those hard times. He wanted us to be in a place where we have \$37.5 million instead of \$14 million. He asked Director Oster if there will be more BARs soon.

Director Oster agreed we do have one, but there was not a specific amount on the BAR package. She will have that soon. The projected

reserves were essential. We are not overspending our budget. The BARs did not come as one lump sum. We followed the procedures for BARs.

Councilor Romero-Wirth asked what was covered in this BAR.

Director Oster said the Teen Center would not be able to open if this was not approved, although the edifice would be completed. Is it prudent to open the center? The Center has been funded by others and it would be a shame to not open it. She described the other uses of the BAR, including upgrades to police and fire communication system, CAD recording at the RECC, transportation in expanded hours at the airport, and other needs.

Councilor Lee Garcia appreciated the dialogue here and what the community needs. It is complicated to wrap one's head around how much money we have and how we account for it all. It is necessary to have the discussion, so we do know where we are now. It is also important to look to the future.

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.

MOTION: **Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to postpone the Midtown Development Plan to the next Governing Body meeting. She also included item o under Consent Action to be postponed to the next meeting.**

Discussion on the motion:

Ms. McSherry said there were two amendments received today and one was not in the packet yet.

Director Brown said it would not have a big impact to postpone the Midtown Community Development Plan to the next meeting.

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.

- 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, 505955-6521)

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: 1/11/2023

This item had been pulled for discussion but was postponed above to the next meeting.

Mayor Webber announced again to the public about amendments that resulted in the “muffler” ordinance and the HDRB Appeal being postponed to the next meeting.

10. **ACTION ITEMS: DISCUSSION AGENDA**

There were no Action Items on the Discussion Agenda.

11. **MATTERS FROM THE CITY MANAGER**

Manager Blair noted the City remote work policy is now in effect and will use it in recruitment. Employees have the forms to allow remote work tracking.

We are moving ahead with the Unix upgrade for HR, IT, and Finance which has been a large amount of work. January 27 is still the go date and certain processes will be slower while the switch overtakes place. It might close down the cashier for a couple of days. IT has done most of the training on using the new system.

HR is training staff on diversity, equity, and inclusion and working on have a position for DAI.

City Hall will be closed on Monday for MLK Day. And State and Federal Parks offering free access on Monday.

The City is gearing up for the Legislature which starts next week. We are engaging legislators and one-time funding from the State.

He reminded the Governing Body that he was hired one year ago.

12. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry recognized of departure of Jesse Guillen who is now working hard in Governor’s Office. Had been here for 8 years. He introduced new technology. We were the first to use electronic signatures prior to the pandemic. He constantly wanted to try new techniques and include more quality focus into our work.

She recommended going into executive session to discuss a purchase of land under Section 10-15-1, Part (H)(8) of the Open Meetings Act to discuss property acquisition at 1085 Richards Avenue.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to enter executive session pursuant to the Open Meetings Act, Section 10-15-1 H subpart 8 for discussion of the purchase, acquisition, or disposal of real property or water rights by the Governing Body.

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

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

Against: None. Councilor Chavez was absent for the vote.

The Governing Body entered executive session at 6:58 p.m.

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:

ekmcsherry@santafenm.gov)

The Executive Session ended at 7:16 p.m. and reconvened in open session at 7:22 pm.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, 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 voice vote:

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

Against: None.

Mayor Webber noted for the record that Councilor Chavez had an emergency arise and might or might not return.

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)

Ms. Bustos-Mihelcic read the caption for an item coming out of executive session.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the second amendment to the purchase agreement.

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

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

Against: None. Councilor Chaves was not present for the vote.

14. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic noted her 2-year work anniversary. She noted the annual work of the Constituent Office included 5,600 requests during 2022 and 91% of them were resolved.

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Lee Garcia welcomed everyone to a new year. He recapped status of the NCRTD and will be at their meeting on Friday at which time the Board will review work over the year rebranding the buses and stalking the drivers and building a new maintenance facility in Española and how to get electric buses on some routes as well at new facility in Taos. He would respond to questions from Councilors.

Councilor Cassutt heard an interesting presentation of Santa Fe Data.org at EDAC that was very interesting. Happy 2023. Welcome to another year.

Councilor Romero-Wirth gave a shout out to Jesse Guillen. Thanks for your service to the City on legislation. We will miss you. Good luck in your new job.

Councilor Lindell had nothing tonight.

Councilor Michael Garcia sits on Northern Rio Grande National Heritage Board. They were reauthorized during the Christmas break and the President signed and provided funding for next 15 years to put resources out into the community of Santa Fe and northern New Mexico for organizations that are promoting cultural preservation. He thanked Senator Martin Heinrich and Representative Teresa Leger Fernandez for their strong support of this program.

Councilor Rivera had nothing.

Councilor Chavez also gave a shout out to Jesse Guillen. She was grateful to be in her second year now and working with amazing individuals and learned from them. She is advocating them for these leaders in this room.

Mayor Webber said Happy New Year.

Councilor Villarreal thanked City Staff for providing her with an option to be able to be in this meeting virtually as she is in recovery mode and appreciated that. Good luck to Jesse Guillen. "I'm sure he will do well in the Governor's Office. That's all I have for tonight, Thank you."

Mayor Webber thanked Jesse and Shannon and for our fortune to have such great achievers for the City. 2022 was a year of great achievements because of our amazing team who show up every day and make a huge difference. When people leave, we celebrate them and are grateful for the ones we have.

He reminded us of where we are in the long journey MLK fought for – for civil rights for all and respectful of others and his legacy. On January 14 is a dinner and celebration at the Eagles Club in his memory and in memory of Officer Duran whose name will be engraved in the Washington DC wall of fallen officers and others who died who will be honored.

16. INTRODUCTION OF LEGISLATION

Ms. Bustos-Mihelcic read the captions for these legislation introductions.

- 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

Councilor Villarreal said Last year the Governing Body approved Site Santa Fe and they want to continue this event.

- 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

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

Councilor Lindell said we have been very fortunate that the Santa Fe Pickleball Club got funding and donations to us as well. This paves the way to accept the donation.

- 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, 9556501)

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

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

Councilor Cassutt spoke to the task of making sure all regulations are gender neutral, since a lot of our Code defaults to “he” as if only a man would be in charge. That is not the case anymore in our world. This is really taking care of that as well as making sure it is genera neutral to be inclusive of anybody that may be in a position within the City and making sure that their gender is well represented.

Councilor Villarreal said, “Thank you Councilwoman Cassutt for taking the lead on this. These adjustments are meant to use gender neutral language in our regulating documents as well are well overdue. I brought up the issue of male-specific language in some of our ordinances and inquired about making changes when I first started on Council and was told that it was too much trouble to make the changes. So, this is proof that it isn’t and I appreciate Staff for taking on the challenge of going through our documents to make sure that there is gender equity.”

- 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

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

Mayor Webber said Director Ochoa asked for this to clarify things in the structure.

- 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

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

Councilor Cassutt commented this is straightforward.

Councilor Villarreal asked why it was not going to Finance Committee.

Councilor Cassutt thought there was no time constraint and no fiscal impact at all.

Mr. Chapman agreed. They are looking at a January deadline. It puts us in compliance with federal law.

- 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

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

Mayor Webber said this is a lesson learned from the forest fires to get these areas closed without needing a special Governing Body meeting unless it needs to be held.

- g. 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

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

Mayor Webber said this is to solve a problem affecting one of our tribes. They are at risk of losing their cannabis retail site by being in the second position.

17. FINAL ACTION ON LEGISLTATION

- a). 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

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

Councilor Romero-Wirth looked forward to the discussion on this. County Commissioners all have personal staff assistants to help them these demanding jobs for Councilors. We have changed our governance system especially now that we Charter Review Commission meeting now on how we do City Government.

Councilor Cassutt asked how we balance with those who need to have other employment. Councilor Villarreal is also a co-sponsor on this.

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, that, Ordinance Amending Section 2-8.2(A), "Creation of Department, also go also to the Finance Committee for review.

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

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

Against: None. Councilor Chavez was not present for the vote.

22. APPOINTMENTS

a. Audit Committee

- Stephanie Woodruff – Appointment – Term Ending 1/2025

Ms. Bustos-Mihelcic read the nominee for the Audit Committee.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt, to approve the appointment as presented.

Discussion on the Motion:

Councilor Michael Garcia had questions to ask Judge Vigil and thanked her for speaking with him about the process. Given the condition of our audit status, and after speaking with her that there was not a recent call for applications to this committee and the last one was pre-pandemic, he found this concerning. He was sure plenty of our community members could serve on it.

There was not much support from Staff for this committee. Also, the criteria for members are for qualified members and he had no response on which members fill which requirements. We could have a strong committee. Not only could Stephanie Woodruff apply but many others.

Councilor Michael Garcia moved to make a public call for applications for this Committee, given that there hasn't been since prior to the COVID pandemic which occurred in 2020.

Ms. McSherry said if the Governing Body wants to change the selection process that should be done through the ordinance. Right now it says the applicants will be accepted on the recommendation of a Municipal Judge.

Councilor Michael Garcia said okay. He knew it was not part of the formal processes, but there was nothing that prohibits us from doing that either. He just wanted to see more public engagement, given that there was none prior to the pandemic.

Mayor Webber said he also spoke with Judge Vigil about this.

Director Oster commented that there is only one current vacancy on the Audit Committee. She listed the other four members. We have noticed an Audit meeting on January 26.

Councilor Michael Garcia said it would be great to list that on the City's website. That would help this be more public.

Councilor Villarreal said the City should put that on the website which make it a more transparent process and give other community member who have expertise an ability to apply. We've also had other applications for committees. We need to let the public noticed and should amend the resolution for this and every other committee.

Councilor Romero-Wirth asked how many members are new members or how long they have served.

Director Oster didn't have that information. The other members were confirmed in June last year.

Councilor Romero-Wirth asked if she could speak to the duties.

Director Oster said they were all in an ordinance that says it.

Councilor Romero-Wirth argued that there is to be a notice of the vacancy. Stephanie's institutional knowledge should not be turned down. She asked if Director Oster was Staff Liaison for the Audit Committee.

Director Oster agreed.

Councilor Romero-Wirth said It was the Judge's role , a an outside person, to appoint members and did not know who advises the Judge on it.

Director Oster said it is explicated in the 2018 Ordinance is 2018 – 9- 6.5. She read the section on appointing members. The role of the Governing Body is just to confirm the appointees.

Director Oster outlined the qualifications for membership.

Councilor Romero-Wirth did not think the motion had been seconded.

Mayor Webber claimed there was a second on the motion.

Councilor Romero-Wirth would hate to turndown this nominee. She is qualified and brings a lot of experience to the City and a shame to lose her.

Councilor Lee Garcia said he wanted to second Councilor Michael Garcia's motion. I see Stephanie's qualifications are just what is needed for the Committee and seeking out others would be beneficial of our community Seconding for postpone.

Ms. McSherry asked if there was more to the motion.

Councilor Michael Garcia said it was to postpone this appointment until a public search for candidates had been done. Adding things not in the ordinance is not in the Governing Body purview.

Ms. McSherry definitely recommended against approving that motion.

Councilor Romero-Wirth said tonight is only whether to confirm or reject this nominee. Confirm or not for Stephanie Woodruff.

Mayor Webber asked if Councilor Michael wanted to do it in that light.

Councilor Michael Garcia responded that There was no public search was prior to 2020. It is in community interest for Judge to have a larger list. He thought it in the best interest of the community to have her accessible to the Judge. Ms. Woodruff led the process for last couple of years. She was the chairperson of the committee and yet we are late.

If we don't have a public process for application for the Audit Committee, there is nothing wrong for having a public process.

Ms. McSherry said there is nothing prohibiting the Judge for using a public process but there is nothing about implementing such a process on this agenda.

Councilor Romero-Wirth was not opposed for a public call for nominees and his motion is to postpone. We need to either accept or not. To accomplish it. If we don't accept this nominee, we could deal with the process for open search. The process is in Judge Vigil's hands.

Director Oster agreed that we cannot tell the judge she has to do an open call.

Mayor Webber summarized that Judge Vigil, as recently as yesterday, has done the research, not the City. Ms. Woodruff stepped down in order to seek the appointment. The former president of the SFCC was the first recommended as a member. Many cities have a hard time finding people to serve on an audit committee.

Councilor Michael Garcia withdrew his motion to postpone.

VOTE: **The motion to confirm Ms. Woodruff was approved on the following Roll Call vote:**

For: Mayor Webber, Councilor Cassutt, Councilor Lindell, Councilor Rivera, and Councilor Romero-Wirth.

Against: Councilor Michael Garcia, Councilor Villarreal.

Councilor Chavez was not present for the vote. Councilor Lee Garcia abstained.

17. **PETITIONS FROM THE FLOOR**

Stefanie Beninato said the City should start enforcing sidewalks and should be enforcing the ordinance on adjacent property owners. She cannot find Director McDonald's email even though she is responsible for parks. Staff has not

informed HDRB or Board of Adjustment about nonconforming signs. Stefanie asked for those committee be read the applicable ordinance to them.

There were no other petitions.

Councilor Chavez was present.

PUBLIC HEARINGS

- 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

This item was postponed under Approval of Agenda.

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)

- c. **CONSIDERATION OF BILL NO. 2022-22. ADOPTION OF ORDINANCE NO. 2022-_____.**

Case #2022-5063. 2200 Old Pecos Trail Rezoning. Case #20225063. 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)

Ms. Bustos-Mihelcic said this was continued and a motion was made to continue the case at this meeting and read the caption for the ordinance.

Ms. McSherry refreshed where we left off. This is under quasi-judicial process, and she described it. We are taking criteria in the code All packet material is related whether the applicant met the criteria – in his memo up to page 12.

Six criteria are on pages 5-12. Also Pat Feghali will clarify two items that should be together but were separated #16 and #22 Bluestone exhibits beginning on page 280.

Mayor Webber believed we were at Staff Questions last time.

Ms. McSherry confirmed that everyone is still under oath as they were then.

Councilor Chavez said the City is working on the GP because it is outdated. We were advised to take that into account. Here, there is an explanation for the change in the GP, at Chapter 3, page 12 where clarity was needed. It does mention how many residents that R-1 allows only one residence per acre. Within the statement of Old Pecos Trail it would be one per acre. So if it is in the GP, why isn't it referenced in this case?

Ms. Maggie Moore responded as Planning Manager in the Planning Department. We are in process of updating and your comment is very relevant which references an older version. R-1 was connected to Extraterritorial areas and the highways that circled the City (mentioned a few). The other question was if the Old Pecos Trail corridor needs a GP Amendment, she replied that we could go into more history of that area. But we don't have an ordinance connected with that corridor.

So she agreed there was a need for an amendment.

Mayor Webber noted she came with material and asked if it is worth reading it.

Councilor Chavez said yes.

Manager Moore shared the presentation on screen. But it was not working with Zoom. She went through the material on screen. She listed the important dates in the case's background.

Right after GP was adopted, she shared the dates of amendments which were the only ones she could find.

Manager Moore was sworn by Ms. Bustos-Mihelcic.

She had three references from the 1999. GP that designated the Old Pecos Trail Corridor as a scenic roadway. She shared an old map of the area. It might identify boundaries but wanted to change it to a corridor.

The preferred plan, after hands-on workshops was described. The third reference was an implementation policy. We know that in the early 2000's were more specific standards which were not fully adopted. A white paper was written in May 1999 as an initial effort to define elements in the Old Pecos Trail Overlay and a part of the South Central Highway Overlay zone.

She found at least 8 meetings were held from 1999 to 2005. On July 2, 2002, there was a review of the Protection Ordinance, was summarized in a table with a boundary at 600 foot from the ROW. It prohibited any second-story buildings and limited zoning to R-2 or R-3. No ordinance was adopted before December 13, 2001.

Manager Moore briefly described the zoning for Sol Y Lomas and Plazas at Pecos Trail whose plan was approved by the Planning Commission with forty units.

Resolution 2015-92 was passed on October 4, 2015 which has great background and called for staff to convene with a revitalized effort. The PLUD Staff formed a working group with the South East Neighborhood

Assn. On October 18, 2016, Staff generated a draft ordinance based on the South Central Highway Corridor. But interest fell apart and nothing was adopted.

At same time, the Santa Fe River overlay was adopted. In 2015-93 for the Santa Fe River overlay and was adopted.

The City tried three times to approve one for OPT, as well as the others.

Councilor Chavez said that generated a bunch more questions for her.

Manager Moore reviewed the summary of standards.

Karl Sommer was still sworn in from last time.

He said the proposal is for 2.6 dui per acre. So the nearest zoning was R-3.

Councilor Chavez said this talked about public participation and there were no details, including a site visit.

Monica Montoya responded that they started with an informal meeting with adjacent property owners and following that, had three official ENN meetings with appropriate invitations, including those who requested an invitation, including Neighborhood Associations. All four were well attended. We heard lots of information from lots of people on what would make the best options We took the comments we heard the most. A strong opinion about view to the east and whether we could create a buffer for views of the mountains and reduction of single-story buildings through covenants that would hold forever. We went from 5' setback to a 15' setback and lot of designation for wildlife corridors. And was a strong support of that. So we maintained that as part of the design. Also eliminated a road dividing that corridor for wildlife protection.

We had a lot of requests to pay attention to appearance of buildings that would not conform to Santa Fe styles. They did do that through covenants. They had lots of communication that we reached out.

Councilor Chavez asked about details in the site visit. That was confusing.

Monica – yes Staff might be better to answer that. There are rules on ex parte. The staff and PC visited but not the applicant. We could be present at a distance.

Ms. McSherry clarified that was part of the OMA.

Manager Moore said when they organized the visit they were advised by Counsel that they needed to remain off the property which they heeded . They stayed off the property. They started at Old Pecos Trail / Zia Road intersection and walked along the perimeter on Zia and sidewalk on east Old Pecos Trail. and then allowed Staff to go on the property to point out boundaries There were no public questions.

Mr. Ives was present but could not get unmuted on Zoom.

Councilor Rivera asked him to say more about his concern with public comments and his concerns with it.

Mr. Ives understood the materials he originally submitted to Manager Moore and addressed some of the history in the 4-page document from a neighbor – that two processes were active since 2003.

In the first effort, Bruce Throne was deeply involved in for that one. It was stalled and put on the back burner by the Planning Staff. Another ad hoc committee was established to work on the standards but was stopped by Planning Staff.

That was the Blue Buffalo case, and the Governing Body came to an agreement that the Santa Fe River west corridor was priority and they then reactivated in 2017 after the river corridor but not the Old Pecos Trail case.

Manager Moore's last slide showed no check marks on the Old Pecos Trail approvals. It has never been completed and still awaits approval in GP to developer standards to define a corridor. As the remaining attractive entrance into Santa Fe.

Councilor Rivera asked if there were concerns with that.

Mr. Ives said not all who wanted to participate could get on and thus went through three ENN meetings. He disagreed with Monica Montoya that all issues were taken care of. Certainly the conduct during ENN was not following the code of conduct and needed to be taken care of.

The GP of 1999 put into force regarding the redevelopment the significance of the corridor beauty led to direction to two lanes.

Councilor Rivera asked if all three ENNs were done on Zoom. Monica agreed and it was because of the COVID pandemic about 300 people wanted to be present by Zoom.

Councilor Rivera asked how many ENNs were needed. Only the first was required the first was the same reason. He asked for the third and former City Manager required the second.

Councilor Rivera asked if story poles were used for height.

Mr. Esquibel said staff asked for them, but the Applicant put them up. Ms. Oralynn Guerrerortiz was sworn in. She gave the locations of story polls. And placed them at 18 feet tall. They were her estimates of where the houses would be located.

Councilor Rivera said all were on the public process.

Councilor Michael Garcia asked Pat Lewis about the maps that were available and then not available and then showed up later.

Ms. Lewis gave the details of hunting for the map o OPT which somehow was lost and then found. In her opinion, the map was folded in sch a way as to hide the OPT scenic corridor. She felt it was done to obfuscate the designation. She was talking about what was on the GP map that did not honor the zoning.

Mr. Esquibel said Ms. Lewis was correct that he had removed that off the Future Land Use Map in order to keep it accurate. He said it was not intentional but all of it is digital and accurate now.

Councilor Michael Garcia noted that part of the resolution was left out and no standards were proposed.

Mr. Ives said his proposal did not have standards but did propose some to be included in the Standards section.

Manager Moore clarified that as Planning Manager, she had not assigned it to any staff but that the Department is embarking on that process and a public process.

Peter Ives said the effort was being diverted and then reverted to Old Pecos Trail. Apparently, no staff could testify that the reversion would be guaranteed. So he asked what happens with something is passed and doesn't happen.

Ms. McSherry said it is usually up to the City Manager.

Michael said it was directed to the Planning and Land Use Department Manager. But those actions were never taken.

Councilor Villarreal thanked those who were present at the last meeting and this one. She tried to find the map that showed the access to the development and if there were any changes to that access through the development process. She is trying to understand the layout and if there is a map you can reference.

It was displayed and Ms. Montoya said that map was approved by the Planning Commission. She pointed to the Old Pecos Trail ROW. First was off West Zia Road and serves 7 lots, with full access.

The second access was from Old Pecos Trail to the center of the project with right in right out to access 18 lots and a left turn lane it was approved by Planning Commission.

Mr. Esquibel said the other accesses were from other roads.

Councilor Villarreal asked if that was right in; right out.

Mr. Esquibel said it was full access/egress.

Mr. Leroy Pacheco was sworn in. He drove it yesterday. Right in / right out is seen a lot more prevalent in town and is how most are designed now. He explained how a right turn and U turn is a safer way to handle as a left turn alternative.

Councilor Villarreal understood that. She wanted to know where that was located.

Manager Moore gave her the other locations for the U turn. One was at the old Peppers Restaurant, and one at Quail Run. There are at least three.

Councilor Villarreal asked about what proactive measures were proposed for other instances and thought the flood standard no longer on that,

Ms. Guerrerortiz said they were not touching the arroyo. An underground flow into the arroyo was from a detention pond.

Councilor Villarreal asked if there was a plan to develop new standards for the area – Calle Medico and the challenges there.

Noah Burke was sworn in. He met with them because the resolution asked them to do so. He met with LRP Staff and Greg Smith to set it up and went over the goals. When they first met, it was for a development like Morningstar and clarified that the effort would affect other associations. They had at least four meetings on a monthly basis and queried neighbors who wanted boundaries. South Central Corridor was zoned for Commercial and not like this one. What they brought back, Staff felt was too restrictive and the neighborhood had a subgroup with former Councilor Ives. During the whole process, this part was not part of the conversation.

Councilor Villarreal asked if there was no correspondence because staff were too busy.

Mr. Berke agreed. The Staff was too overwhelmed. They had asked for feedback.

Councilor Lindell wished her questions were more organized. What she heard at the last meeting in the presentation of history was helpful to hear. They said this was the last unspoiled area. But that wasn't true because Quail Run has 24 units and the Old Pecos Trail Inn with a restaurant. This corridor is developed and is not the last unspoiled corridor into the City.

Councilor Lindell was not sure why the Resolution came to the Governing Body and no ordinance came about. That Resolution by that Neighborhood Association said they supported it with compliance with R-1 limitations. Do we know why they never passed an ordinance?

Manager Moore said she could specify the draft ordinance that called for that and a resolution that gave a support to that dialog. The 7-foot setback did get passed and was one of the elements proposed for the ordinance. But she could not to why it didn't come back.

Councilor Lindell asked to clarify the setbacks.

Manager Moore explained they proposed a 75-foot setback and elimination of fences, etc, to be allowed further back.

Mr. Sommer added that the proposed zoning would allow for five affordable housing units and twenty market-rate homes.

Councilor Lindell opined that the family that owns this property should not be forced to donate it for affordable housing.

Mr. Sommer agreed he does not represent the owner.

Josie Wilson was sworn last meeting.

Councilor Lindell asked Ms. Wilson if she was approached by the Neighborhood Association about purchasing the property and turning it into open space.

Josie said they did have interest from Annie Campbell if ever we would sell the property. She said they would inform her if it was decided to sell.

Councilor Lindell heard in the hearing two weeks ago, that these homes will be far more expensive if zoning is changed to R-3. The homes will cost over \$1 million at R-1. But should cost less than that.

Councilor Lindell had questions for Mr. Gomez – the traffic engineer. Michael Gomez was sworn in.

Councilor Lindell asked him to share traffic comparisons at R-1 as compared to R-3

Mr. Gomez said that is basically insignificant. West Zia would generate four more cars. 0.2 more at Old Pecos Trail is imperceptible. They counted traffic at the morning peak and the afternoon peak in November 2021. At that time, the state had allowed people back to work but was still in the pandemic.

The Council had a brief discussion on the implications from the traffic analysis.

Councilor Romero-Wirth said she wanted to postpone this until a suitable process for considering traffic could be accomplished.

Councilor Romero-Wirth had no conversation with Ms. McSherry because the Governing Body must vote up or down on creating a corridor there.

Ms. McSherry pointed out that was not on the agenda and could not be acted upon.

Michael argued such a motion could be made because in 2015 the Governing Body directed Staff to take action and the Governing Body could direct again to continue that action or direction.

Councilor Romero-Wirth said the Governing Body is requested to act on a zoning change request. In the Code, there are three criteria, which she read aloud.

She asked about the 50% open space on each lot rule.

Manager Blair apologized. In plain language why that change - the applicant wanted that. There had been some dodging. He was not a land

person but knew what he read on documents and rules that for the applicant, no event even addressed it. A judge can postpone a trial for any reason he wants to use.

Ms. McSherry clarified that if the Applicant wants to postpone, they can do so. However, there were protections adopted for this property after the GP was drafted.

Councilor Romero-Wirth asked about the 0% requirement.

Mr. Esquibel it came up numerous times as a direct result to see how it would work out and how houses would fit on their lot and whether an accessory building would be allowed to be built on the property.

Councilor Cassutt asked if all criteria have been met.

Mr. Esquibel said yes.

Councilor Cassutt saw this property on the future land map has been designated R-7 and the Future Use Map now shows R-3 – R-7.

Mr. Esquibel said that was correct.

Councilor Cassutt asked for help from Mr. Esquibel on all these documents and how they related to each other.

Mr. Esquibel explained the GP is the base for it. All development standards rest upon that. In overlay areas, they supersede the standards. and the overlays have much stricter zoning. The special hierarchy such as in rezoning for a GPA. And then look at overlay for further restrictions. It goes through rigorous review and requirements. And once approved by Staff and by the PC, it then goes to the Governing Body.

Councilor Cassutt, on first criterion, the discrepancy was never a reason to go to R-1.

Mr. Esquibel agreed, A rezoning is usually a developer's request. It is really up to the developer to request the rezoning.

Councilor Cassutt asked if there is a definition for “community.”

Mr. Esquibel said no.

Councilor Cassutt reviewed her search for clarification.

She quoted from characteristics in infill areas.

She asked how many units short we are now.

Director Alex Ladd was sworn.

Manager Moore, sad the Staff is working to update the residential pipeline, tracking the kind of proposal that is in for adoption.

Time Extension

At 11:15 p.m.

MOTION: Councilor Cassutt moved, seconded by Councilor Michael Garcia, to waive the time limit rule and allow the meeting to exceed 11:30 p.m.

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 Romero-Wirth, and Councilor Villarreal.

Against: Councilor Villarreal.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to finish the first round of questions and then postponed the case until the week of January 23, 2023.

Governing Body Questions (continued)

Councilor Lee Garcia was focusing on the criteria and asked Staff to explain how the criteria worked on approving this development.

Mr. Esquibel was not sure on that.

Councilor Lee Garcia said it was brought up that one criterion was not met and would ask for more clarification about it.

Mr. Esquibel said to be approved, all six criteria must be met.

Councilor Lee Garcia said it was Randall Bell who brought it up.

Ms. Bustos-Mihelcic said he was sworn in the last time.

Councilor Lee Garcia said it was 14-3.5 for reference, and he said the project did not meet two of the criteria,

Mr. Bell said the developer emphasized it was far more advantageous to the community. But it is not. The corridor, from Peter Ives' testimony was a promise made that it would keep a promise to the City and Mr. Bell questioned that testimony. He felt it was more a failure of the City to give great weight to his testimony. The Applicant has not offered evidence on meeting all criteria.

Councilor Lee Garcia recalled Don Pond was the other person who said this criterion was not met.

Mr. Pond stated that they have not set aside 50% of the land for open space and they must meet that now. The question was to push this into land and only a handful of houses. There might be land somewhere that could be met but not on this small land size.

Councilor Lee Garcia asked the applicant how that requirement would be met.

Mr. Sommer said the specific language was that different use was more advantageous and in analyzing it, you look at the policies in the GP and it has articulated it and highlights in yellow. And that is articulated in the plan. It specifies more AH housing and broadly articulated in the GP – efficient use of infrastructure to be used by more people and therefore

more efficient. And avoidance of sprawl which is opposite of infill. So they have been met. The infill criterion is a process in subdivision so it must be met at that time.

Mr. Bell replied that the pretense that it is in City law is wrong. It has to be implemented but the approval never happened. The proposal that it must be up to three was never adopted.

Councilor Lee Garcia asked where that was shown. Do we have time for that? He appreciated all the testimony and had no other questions.

Mayor Webber asked Ms. McSherry about Mr. Bell's comment that R-3 to 7 was not adopted.

Ms. McSherry said she didn't understand that GP says that. The Future Use Map plats low density for Old Pecos Trail and for Sol y Lomas was very low density.

Mayor Webber agreed it is a complicated issue. The challenge for us in arriving at a good decision is to hear both sides and understand both sides, e.g. look at the criteria and evaluate if it is really advantageous. What are the criteria in South Central Corridor?

Mr. Esquibel listed them. They were things like: No outdoor storage. And landscaping and no disturbance of natural landscaping. And the standard was exceeded.

Mayor Webber asked Mr. Bell to stay a few more moments.

Mr. Esquibel continued on special requirements for the development.

Mayor Webber asked if it would it be fair to say special protections for this property in this corridor. This is a special corridor, and he thought the corridor needs special care.

Mr. Sommer agreed about the effect of development on that corridor and be buffered from development. They have done that with lowered height and agreed to extra buffering and no disturbance of wildlife corridor except an underground sewer line. The developer has met and overdone those criteria meeting.

Mayor Webber asked what the benefits to community of those extra 16 units.

Mr. Sommer said it was the five AH that reach to the neediest families which won't happen if not approved. And market-rate units which will help lower the prices generally. The objectors think that 9 houses on those 9 lots will all be two-story. They think the owners will want the views and maximize and be allowed to have accessory structures.

Mayor Webber asked Mr. Bell if he agreed that the City has a severe housing shortage.

Mr. Bell agreed there is definitely a shortage of affordable homes for first responders, etc. He didn't know the statistics on how much more is needed.

Mayor Webber said when he became Mayor, there was a shortage of 5,000 units.

Mr. Bell said many developments with affordable housing were already in the pipeline.

Mr. Bell described this as spot zoning.

Manager Moore said spot zoning is not allowed here.

Mr. Bell said many people have testified on the impacts including traffic on the wildlife corridor and the visual impact.

The Developer has to prove the benefit outweighs that change in density. It is a boon for the developer. He was not sure why the City objects to this and Councilor Ives points made that was the City's blame.

Ms. McSherry addressed the precedent issue as the idea of needing to change a law to address the objector.

Councilor Romero-Wirth wanted to make a motion.

Councilor Michael Garcia asked what grounds to use to justify postponement.

Manager Blair observed the first available night would be January 31. Or override other meeting nights or do it during the day. He recommended January 31.

Mayor Webber pointed out some councilors cannot attend on January 31, so we need to choose a daytime or a Saturday.

Short Break

Manager Blair suggested a 15-minute break at 12:14 to 12:30.

The Governing Body resumed at 12:30 a.m.

Manager Blair proposed meeting in a special meeting on Saturday, January 21 at 10: a.m.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to postpone this case to January 21, 2023 at 10:00 a.m. to continue with the second round of questions to close out the matter.

Discussion on the Motion:

Mayor Webber explained the Governing Body would have a second round of questions to close out that section, close the public hearing part, entertain a motion, debate, and vote.

Several Councilors specified who they would like to have present for the second round of questions from those who have testified previously.

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.

Mayor Webber thanked everyone who were at this meeting for so long and encouraged them to be present at the special meeting on Saturday, January 21 at 10:00 here in the Council Chambers.

23. **ADJOURN**

[On the following page:]

ADJOURN:

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 12:36 a.m.

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
January 11, 2023**

The Governing Body of the City of Santa Fe met in an executive session duly called on January 11, 2023, beginning at 7:05 p.m.

The following was discussed:

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)

PRESENT

Mayor Webber
Councilor Lindell
Councilor Cassutt
Councilor Rivera
Councilor L. Garcia
Councilor Romero-Wirth
Councilwoman Villarreal (Virtually)
Councilor M. Garcia

STAFF PRESENT

John Blair, City Manager
Erin McSherry, City Attorney
Kristine Bustos Mihelcic, City Clerk
Andrea Salazar, Assistant City Attorney
Rich Brown, Community and Economic Development Department Director
Terry Lease, Asset Development Manager

There being no further business to discuss, the executive session adjourned at 7:12 p.m.



Kristine Bustos Mihelcic, City Clerk