



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: tjlease@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: pfeighali@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: pfeighali@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.

**Governing Body
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February 22, 2023**

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**Regular Meeting of the Governing Body
Wednesday, February 22, 2023
City Hall
Santa Fe, New Mexico
Hybrid Meeting**

MINUTES

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Alan Webber, Mayor, on Wednesday, February 22, 2023, at approximately 5:06 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 Chavez led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Lindell led the Salute to the New Mexico Flag.

4. INVOCATION

Councilor Romero-Wirth gave the Invocation, reflecting on our role as public officials and grateful for our trust. She shared a moment of gratitude for our elected positions.

Mayor Webber remembered Steven Chance who passed away last week.

The Governing Body observed a moment of silence for those families who are struggling at this time.

5. ROLL CALL

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

Members Present
Mayor Alan Webber
Councilor Signe Lindell

Councilor Amanda Chavez
Councilor Lee Garcia
Councilor Michael Garcia
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Renee D. Villarreal

Members Excused

Councilor Jamie Cassutt

Other Participants Attending

Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Emily Oster, Finance Director
Regina Wheeler, Public Works Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Chavez moved, seconded by Councilor Romero-Wirth to approve the agenda as published.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

7. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal to approve the Consent Agenda as published.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

8. PRESENTATIONS

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

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

Director Oster presented the audit update. She noted a couple of big milestones, including signing the engagement letters for FY21 and FY22. She got the second PBC list related to seventy different items including cash & investments, Accounts Receivable and Revenue, Property Tax, Utilities, Inventory, Capital Assets. Health Insurance and Payroll. This is exactly where she anticipated to be at this audit stage. Staff is pulling samples from the information to the auditor for their review and keeping other department personnel very busy to get this done. She appreciated their cooperation. The work is going through normal back and forth. She stood for questions.

Mayor Webber asked her if the progress to date is on track and keeping pace or have there been unanticipated speed bumps.

Director Oster said we are moving forward as quickly as we can and with good progress. From 70 items, there will probably be a phase 3. We are responding to their questions and getting the list done. Everyone is very focused.

9. ACTION ITEMS: CONSENT AGENDA

- a. Request for Approval of the January 25, 2023 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)
Committee Review:
Governing Body: 03/08/2023
- b. Request for Approval of the January 30, 2023 Special Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: gfcardenas@santafenm.gov; 505-955-6519)
Committee Review:
Governing Body: 03/08/2023
- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Li Good Luck LLC, for a Restaurant A (Beer & Wine) Liquor License with On-Premises Consumption Only, to be Located at Chows Asian Bistro, 720 St. Michaels Drive, #Q. (Alexandria Mares,

Marketing & Special Events Coordinator: armares@santafenm.gov, 955-6520)

Committee Review:

Liquor Hearing: February 21, 2023

Governing Body: March 8, 2023

- d. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Warpspeed Dreams, LLC, for a Restaurant A (Beer & Wine) Liquor License with On-Premises Consumption Only, to be Located at Cakes Cafe, 227 Galisteo Street. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505955-6520)

Committee Review:

Liquor Hearing: 02/21/2023

Governing Body: 03/08/2023

- e. Request for Approval of Amendment No. 1 to the Affordable Housing Trust Fund (AHTF) Contract Item #22-0074 with Community Solutions International Inc., dba Vincent's Legacy to Extend the Term Through June 30, 2024. (Cody Minnich, Project Manager, cjminnich@santafenm.gov, 505-955-6574).

Committee Review:

Finance Committee: 02/27/2023

Quality of Life: 03/01/2023

Governing Body: 03/08/2023

- f. Request for Approval of Amendment No. 5 to Item #20-0027 with B&D Industries to Extend the Term through June 30, 2023 with No Corresponding Increase in Cost. (Tim Farrell, Public Works/Facilities Division, Property Development Manager; tgarrell@santafenm.gov, 505490-1659)

Committee Review:

Public Works and Utilities Committee: 02/20/2023

Finance Committee: 02/27/2023

Governing Body: 03/08/2023

- g. Request for Approval of Amendment No.1 to the NV5 Inc On-Call Professional Services Agreement Item# 20-0511 Increasing the Compensation by \$2,000,000 for the Total Amount of \$3,000,000 Exclusive of NMGRT. (Romella Glorioso-Moss, rsgloriosomoss@santafenm.gov, 505-955-6623)

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- h. Request for the Approval of Amendment No. 1 to the Professional Services Agreement 19-0572 with Bohannon Huston Inc, Increasing Compensation in the Amount of \$500,000 for a Total Amount of \$1,000,000 for Engineering Design Services for Public Works Department. (Romella Glorioso-Moss, Capital Projects Manager, rsglorioso-moss@santafenm.gov, 505-955-6623)
Committee Review:
Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023
- i. Request for Approval of General Services Contract with Certified Folder Display in the Total Amount of \$ 218,212.52 for Distribution of the Official Santa Fe Visitors Guide for Tourism Santa Fe for a Four-Year Term FY23 –FY27. (Randy Randall, rrandall@santafenm.gov and 505-955-6209).
Committee Review:
Finance Committee: 02/27/2023
Quality of Life Committee: 03/01/2023
Governing Body Committee: 03/08/2023
- j. Request the Approval of General Services Contract with B&D Industries, Inc., ITB #23/12/B for Miscellaneous City-Wide On-Call Electrical Services for Facilities in an Amount Not to Exceed \$1,000,000 Per Year Including NMGRT. (Therese Martinez, Facilities Division Project Administrator, tmartinez@santafenm.gov, 505-955-5937; Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-795-2491).
Committee Review:
Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023
- k. Request Approval of General Services Contract with Bransford Electric, LLC, ITB #23/12/B for Miscellaneous City-Wide On-Call Electrical Services for Facilities in an Amount Not to Exceed \$1,000,000 Per Year Including NMGRT. (Therese Martinez, Facilities Division Project Administrator, tmartinez@santafenm.gov, 505-955-5937; Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-795-2491).
Committee Review:
Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023
- l. Request Approval of General Services Contract with Great Western Electrical, Inc., ITB #23/12/B for Miscellaneous City-Wide On-Call Electrical Services for Facilities in an Amount Not to Exceed \$1,000,000 Per Year Including NMGRT. (Therese Martinez, Facilities Division Project

Administrator, tmartinez@santafenm.gov, 505-955-5937; Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-7952494).

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- m. Request Approval of General Services Contract with AnchorBuilt Construction, ITB #23/10/B for Miscellaneous City-Wide On-Call General Contracting Services for City Facilities in an Amount Not to Exceed \$1,000,000 Per Year Including NMGRT. (Joshua Bohlman, Facilities Division Project Administrator, 505-955-5932; Sam Burnett, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- n. Request Approval of General Services Contract with First Mesa Construction, ITB #23/10/B for Miscellaneous City-Wide On-Call General Contracting Services for City Facilities in an Amount Not to Exceed \$1,000,000. (Joshua Bohlman, jbohlman@santafenm.gov, 505-9555932; Sam Burnett, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- o. Request Approval of General Service Contract with Steamatic, ITB #23/10/B for Miscellaneous City-Wide On-Call General Contracting Services for City Facilities in an Amount Not to Exceed \$1,000,000. (Joshua Bohlman, Facilities Division Project Administrator, jbohlman@santafenm.gov, 505-955-5932, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- p. Request Approval of a General Services Contract with Cassidy's Landscaping, ITB #23/18/B for Miscellaneous City-Wide On-Call Landscaping Services for City Facilities in a Total Amount of \$500,000 Per Year Including NMGRT. (Joshua Bohlman, Facilities Project Administrator, jbohlman@santafenm.gov, 505-955-5932, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- q. Request Approval of General Services Contract with Franco's Trees, ITB #23/18/B for Miscellaneous City-Wide On-Call Landscaping Services for City Facilities in an Amount Not to Exceed \$500,000. (Joshua Bohlman, Facilities Project Administrator, jbohlman@santafenm.gov, 505-955-5932, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- r. Request Approval of General Services Contract with Santa Fe Curb Appeal, ITB #23/18/B for Miscellaneous City-Wide On-Call Landscaping Services for City Facilities in an Amount Not to Exceed \$500,000. (Joshua Bohlman, Facilities Project Administrator, jbohlman@santafenm.gov, 505-955-5932, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- s. Request Approval of General Services Contract with AnchorBuilt, Inc., ITB #23/13/B for Miscellaneous City-Wide On-Call Plumbing Services for City Facilities; in an Amount Not to Exceed \$1,000,000. (Caryn Grosse, PMP, Facilities Project Administrator Sr., clgrosse@santafenm.gov, 505-955-938, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- t. Request Approval of General Services Contract with B&D Industries, Inc., ITB #12/13/B for Miscellaneous City-Wide On-Call Plumbing Services for City Facilities; in an Amount Not to Exceed \$1,000,000. (Caryn Grosse, PMP, Facilities Project Administrator Sr., clgrosse@santafenm.gov, 505-955-5938, Sam Burnett, Facilities Division Director, jsburnett@santafenm.gov, 505-955-5933)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- u. Request Approval of General Services Contract with Keers, Inc for Miscellaneous On-Call Remediation Services for City Facilities in the Total Amount of \$250,000 Including NMGRT. (Sam Burnett, jsburnett@santafenm.gov, 505-955-5933).

Committee Review:

Finance Committee: 02/27/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- v. Request for Approval for an On-Call Contract to Franco's Trees and Landscaping, ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks, and Open Space Division Director: mamcdonald@santafenm.gov, 505-955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023

Public Works and Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- w. Request for Approval for an On-Call Contract to Daniel's Landscaping and Construction, ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks, and Open Space Division Director: mamcdonald@santafenm.gov, 505-955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023

Public Works and Utilities Committee: 03/06/2023

Governing Body: 03/08/2023

- x. Request for Approval for an On-Call Contract to Seeds of Wisdom, LLC, ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks, and Open Space Division Director: mamcdonald@santafenm.gov, 505955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023

Public Works and Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- y. Request for Approval for an On-Call Contract to Proscape Landscape Management, LLC, ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks and Open Space Division Director: mamcdonald@santafenm.gov, 505-955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- z. Request for Approval for an On-Call Contract to High Desert Landscape Maintenance, Inc., ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks and Open Space Division Director: mamcdonald@santafenm.gov, 505-955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- aa. Request for Approval for an On-Call Contract to Cassidy's Landscaping, Inc., ITB #23/27/B for City-Wide Services for City Parks and Open Space in an Amount Not to Exceed \$1,000,000 Per Year, Including NMGRT and Shall Not Exceed \$4,000,000 for Four Years. (Melissa McDonald, Parks and Open Space Division Director: mamcdonald@santafenm.gov, 505-955-6840 and Scott Overlie, Project Administrator: saoverlie@santafenm.gov, 505-231-6194)

Committee Review:

Finance Committee: 02/27/2023
Public Works & Utilities Committee: 03/06/2023
Governing Body: 03/08/2023

- ab. Request for Approval of a Lease Agreement Between Marcy Ventures, LLC, for 119 & 123 E. Marcy Street, First Year Monthly Rent is \$16,088.33 with an Initial Term of 5 Years, from March 9, 2023 through March 8, 2028. (Terry Lease, Asset Development Manager: tjlease@santafenm.gov, 505-629-2206)

Committee Review:

Finance Committee: 02/27/2023

Economic Development Advisory Committee: 03/1/2023

Quality of Life Committee: 03/01/2023

Public Works & Utilities Committee: 03/06/2023

Governing Body: 3/08/2023

- ac. Request for Approval of Findings of Fact and Conclusions of Law for Case #2021-4648 in the Matter of A General Plan Amendment for Property Located at 3600 South Meadows Road, which the Governing Body Approved at the February 8, 2023 Regular Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 03/08/2023

- ad. Request for Approval of Findings of Fact and Conclusions of Law for Case #2021-4649 in the Matter of a Rezoning of Property Located at 3600 South Meadows Road, which the Governing Body Approved at the February 8, 2023 Regular Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 03/08/2023

- ae. Request for Approval of Findings of Fact and Conclusions of Law for Case #2021-4650 in the Matter of A General Plan Amendment for Property Located at 3740 South Meadows Road, which the Governing Body Approved at the February 8, 2023 Regular Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 03/08/2023

- af. Request for Approval of Findings of Fact and Conclusions of Law for Case #2021-4651 in the Matter of A Rezoning of Property Located at 3740 South Meadows Road, which the Governing Body Approved at the February 8, 2023 Regular Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 03/08/2023

- ag. Request for Approval of Findings of Fact and Conclusions of Law for Case #2021-5618 in the Matter of Adopting a Master Plan for Property Located at 3600 and 3740 South Meadows Road, which the Governing Body Approved at the February 8, 2023 Regular Meeting. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)

Committee Review:

Governing Body: 03/08/2023

- ah. CONSIDERATION OF RESOLUTION NO. 2023-____. (Councilor Romero-Wirth, Councilwoman Villarreal, Councilor Chavez, Councilor Rivera, Councilor Cassutt, Councilor M. Garcia and Mayor Webber) A Resolution Directing the City Manager to Take Next Steps Based on Some of the Recommendations of the CHART Report. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 505-955-6512)

Committee Review

Governing Body (Introduced): 02/08/2023

Quality of Life Committee: 02/15/2023

Finance Committee: 02/27/2023

Public Works/Utilities: 03/06/2023

Governing Body: 03/08/2023

- ai. CONSIDERATION OF RESOLUTION NO. 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

Public Works and Utilities; 03/06/2023

Governing Body: 03/08/2023

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 NMGRS 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

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the contract with IPS as requested.

Discussion on the Motion:

Director Wheeler walked the Governing Body through the contract. She said the City's parking meters are in poor condition and at the end of their life with antiquated technology. This contract provides 600 new meters. The ones on Federal Way are two years old but hard to use. This contract is already budgeted for and will keep us running and will replace the rest in 2024. The vendor representative is here via Zoom for any technical questions.

Councilor Lee Garcia if people parked at non-working meters will not get a ticket.

Director Wheeler agreed. We have green meter hoods that say broken meters - free to park here. Red meter bags are reserved for special needs. Green bags had an article in the paper, and we will order more bags for broken meters. We will have the meters quickly, so we won't be in this state very much longer.

Councilor Villarreal had the same concern. As a follow-up, she asked Director Wheeler, how the City resolves a ticket at a broken meter.

Director Wheeler said they usually they don't get one and a parker can take a picture of the meter and get forgiveness of the ticket.

Councilor Villarreal asked what the meter life span is.

Director Wheeler said they last 7-10 years and they have a two-year warranty.

Councilor Michael Garcia asked if she could help with the procurement process.

Director Wheeler explained this is through coop purchasing which has a state price agreement (Cooperative Educational Services). That is in your packet as NCUA.

Councilor Michael Garcia thanked her, noting it was not explained but kiosks are widely used, and he wondered why we are not going with that method. Kiosks would only have a fraction of that cost.

Director Wheeler said the City is doing both and we have a number of kiosks we have been using. But drivers don't want to have to walk down the street and put a receipt in their car. These new meters take very little maintenance and had been very low for the first five years on the ones we have.

Councilor Michael Garcia said cities like Albuquerque use kiosks have become a habit. And they cost less. We have a large number of inoperative meters. He wanted the City to consider another model. Convenience is not worth it when losing a million dollars a year. And he hasn't heard complaints about the kiosks. And parkers can actually accomplish the payment online. He wished we were exploring a different model. He asked if the City has explored free parking.

Director Wheeler said the Parking Division relies on that revenue to operate. If it was free, people working there would take all the spaces and not create the turnover we need. We have tried it and it does have a downside. And we are trying to emphasize multi-modal and to just allow people to park as long as they want would not honor that. Paid parking has a lot of benefits.

Mayor Webber said when he first came to office, he wanted to explore free parking, too. It feels good but the more you look into the theory of parking, there is an algorithm that has a sweet spot that is fair and creates turnover. You could have two hours free but that requires staff to mark tires. After a lot of work, we are at a sweet spot now. And now, you can get a signal your meter is about to expire and pay for more right there.

Councilor Michael Garcia thanked her for the added context. He felt the government should always ask if this is the best way. His last question was if the parking revenue was just meters.

Director Wheeler agreed.

Councilor Romero-Wirth was delighted to see we are replacing those meters. She was curious to know, once we return to a more regular economy, to see what will happen. She understood the idea of convenience, but in unfamiliar places and can't find the kiosk, it is very inconvenient.

Councilor Villarreal thanked her for the information and hoped we can find a new Parking Director soon.

Director Wheeler said the City has found one who will be starting soon.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

11. MATTERS FROM THE CITY MANAGER

Manager Blair had a number of things to flag – we received a call in January from District Court related to the Rust shooting. There was more media attending and need for more law enforcement at the courthouse. They expected Alec Baldwin, who will draw a lot of people and Sheriff and Police will be working together and maybe other days when we have to ramp it up again.

Regarding the Legislature session, Santa Fe Day is Monday at the Legislature. He asked Councilors to let him know if they will attend. We have Santa Fe goodie bags for all legislators and provided free parking for them and access to Ft. Marcy.

He gave a huge thank you for Director Wheeler and to Tomas for their work at night to deal with the storms.

A few weeks ago, the Governing Body voted on mufflers and guns and we are putting up signs and working on having something to present very soon.

He also thanked Director Oster' team for their work on the audit while transitioning to the new finance technology and getting the new budget ready at the same time.

A few weekends ago, the City had rapid hire at GCCC with support from State Work Solutions and our personnel team. At 11:00 the parking lot was full with various activities going on. Every inch of the facility was being used.

We have started the budget process today with meetings with Directors, and have directed Staff to provide essentially flat budgets, because our GRT was not what we wanted it to be. We want to avoid cutting programs and budgets. Bills going through now could cut our GRT as much as \$57 million next year. So we are being cautious and asking if we should we give across the board raises to employees. There are added costs with higher PERA contributions and other things that will affect how much money is left for programming. So we are working on it to get ready for the budget.

12. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry reported via Zoom. She said they did have a hearing this afternoon on the Interfaith Shelter matter, a case where Santa Fe is codefendant with the shelter. The great news that it is to be dismissed with prejudice.

She encouraged people to apply for position as the incumbent is leaving for personal reasons. We wish her the best. We have offered to a person the Legislative Planning Manager position.

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).

Ms. McSherry recommended the Governing Body go into executive session for two reasons: first for discussion under subsection H-7 regarding the City of Santa Fe v. Purdue Pharma and Duran Family Trust v. City of Santa Fe, and the second reason under subsection H-8 for disposition of certain property matters at 500 Market Street.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, that the Governing Body go into an executive session pursuant to the Open Meetings Act, Section 10-15-1 (H)(7) for discussion of present or pending litigation in which the Governing Body is or may become a participant, and also 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 with:

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

Against: None.

The Governing Body went into executive session at 5:48 p.m.

The Governing Body came out of executive session and reconvened at 7:20 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, pursuant to the Open Meetings Act, Section 10-15-1 (J), to 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 roll call vote with:

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

Against: None.

AGENDA AMENDMENT

MOTION: Councilor Michael Garcia moved, seconded by Councilor Villarreal, to amend the agenda, going next to Petitions from the Floor and then return to the published agenda.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

16. PETITIONS FROM THE FLOOR

Elizabeth West thought the resolution regarding the CHART was a step forward but more discussion is needed regarding the obelisk. The discussion the Governing Body had in the study session was very good and she was impressed. But most important was that the obelisk is subject to federal and state protections as a structure central to the national and New Mexico historically registered Plaza. The City must coordinate with those entities.

She thought the resolution was premature until the Governing Body engaged with the State Historic Preservation Office. If that engagement has occurred, she would like to read about that. The Plaza and its history are important. "Where we are now in February 2023, is part of the history of this structure, as is each of our varied experiences, starting with our own mountain and desert landscape on this beautiful part of the earth. A plan which the ancestral Puebloan peoples and folks before them too, and the Spanish Colonists, the Mexico families, later many others, often grouped together as Anglos, and making up what has become a multi-cultural place whose specific memories we share. One of which

has been honored with a memorial to the soldiers who helped defend New Mexico from becoming a slave state.” She also read the artful life response yesterday, sent to me in an email.

She wanted to speak further with them regarding some of their concerns. “I am in favor of reconstruction the obelisk with new plaques or panels next to the old ones so that people can see the revisions of interpretations of our history. It is fun. Teenagers love it. What is complicated about our history needs to be embraced.”

Kevin Bowen, Executive Director of the Human Rights Alliance regarding the Resolution 2023, not about the obelisk although it is a contentious issue, but, as an organization, what the Alliance thinks about the Office of Equity and Inclusion for the City of Santa Fe. It is important and he thanked the Governing Body for putting forth the resolution. We are now in a country where more than 340 pieces of legislation have been proposed on anti-LGBTQ in states changing (erasing) black history and states he would not mention now. Let’s make sure we really delineate who will benefit from that Office. We need to name every group. He will send their recommendations to the Governing Body.

Tom Rossipps, strong mason with 50 years’ experience in the trade. He was responsible for the restoration of the Kit Carson obelisk down the street. He was concerned about what was happening to the obelisk. He heard it was to be reassembled with modern materials. He was concerned about that because it would look patched together. Sandstone is not the most durable of building materials. He asked if this decision was made, and the City was going forward with that plan using the remnants. He thought there may be other ways of remembering our history and reforming the obelisk using different stone materials.

David Fresco, representing senior care and the Hispanic Chamber of Commerce, and major league soccer league, said they were starting with a push for the indoor soccer here. They will be at the Convention Center in September and would like a Councilor to sponsor that event. It is for Major Soccer League. He shared an arena soccer handout for the Governing Body and the proposal he presented to Mayor Webber. He called leadership for indoor soccer at GCCC as a rebuttal to material in the Santa Fe New Mexican. He asked to meet with each Councilor personally and would email each one as well.

Bob White, regarding the monument, submitted a written comment and had real concerns about the materials they are proposing for the monument. The proposal should be good but won’t work. He was really concerned if the monument goes back up that it will fall again. There needs to be an independent investigation on what happened. We won’t know what will happen the next time, not just to the Soldier’s Monument. We should bring people together to talk about a structure and hear two sides and one of them won’t accept it.

Stephanie Beninato had asked the City Manager, and Head of Land Use, to meet with her two weeks ago, and was waiting for a date to meet. She mentioned an attempt to find an address that doesn't exist that should have been obvious.

The other thing was about Ft. Marcy pushback. She apparently was talking about staff remuneration and said something about a basic \$200 before December and they (Ft. Marcy lifeguards?) quit or they were terminated and how the City would assure taxpayers of something.

There were no other petitioners at 7:37 p.m.

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)

Ms. Bustos-Mihelcic read the caption for this item dealing with property interests at 730 Alto Street for potential sale.

MOTION: Councilor Rivera moved, seconded by Councilor Chavez, to approve the request.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

- 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)

Ms. Bustos-Mihelcic read the caption for this settlement agreement.

MOTION: Councilor Lindell moved, seconded by Councilor Michael Garcia to approve the settlement agreement.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

- 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)

Ms. Bustos-Mihelcic read the caption for this settlement agreement.

MOTION: Councilor Chavez moved, seconded by Councilor Rivera to approve the settlement agreement.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

- 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)

Ms. Bustos-Mihelcic read the caption for this settlement agreement.

MOTION: Councilor Rivera moved, seconded by Councilor Chavez to approve the settlement.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

- 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)

Ms. Bustos-Mihelcic read the caption for this settlement agreement.

MOTION: Councilor Rivera moved, seconded by Councilor Chavez to approve the settlement agreement.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

14. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic reported the COVID Memorial Day will be held on Monday, March 6, at noon on the Plaza to honor all essential workers and to remember those who died from COVID.

The City will hold the annual Easter Egg event on Friday, April 1 at MRC with the “Touch the Truck” event. She encouraged the Councilors to volunteer to provide hiding easter eggs at the site.

Constituent Services will be doing a boxed lunch next week and the following week at GCCC on Monday, La Farge Library on Tuesday, Central Library on Wednesday, and Southside Library on Thursday. She was excited about this and that these locations will focus on the south side of Santa Fe. Constituent Services will get it all worked out.

She also announced a wage offer of the City of Santa Fe at 1403 from Finance. She explained there was some confusion between County and City, and they paused and were able to walk the County through the process to make sure we were both on the same page.

She also announced the GCCC new hiring event on Saturday and we have Spring Break. We are pushing out a lot of information after restructuring our communication tool with flyers and social media and working with every department across the City.

Lastly, she shared on screen the Muchas Gracias award to Carl Boaz. He has been our stenographer for many years. He is retiring as the City's stenographer on March 1. He has three degrees, is a retired minister and became our stenographer after his retirement and we wish him well because he is retiring officially at age 83. She said she could not thank Carl enough for his contribution to the City and the City Clerk's Office. He has been with us a very long time and we are very appreciative. We will be providing the Muchas Gracias to him. She read it for the Governing Body.

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Chavez thanked Carl and congratulated him. Her baby boy turned 11 on March 5. He is almost a teenager, and it is a little scary, but she wished him a very happy birthday to Greg for the beauty he has added to their lives.

Councilor Rivera said congratulations to Carl. It was hard during COVID to not see him sitting beside the City Clerk, but he was glad Carl was able to continue doing his work and been so valuable to the City. "You will be missed, and your shoes will be tough to fill. Good luck with retirement.

He also wanted to congratulate Councilor Michael Garcia who became Chair of SWAMA for 2023. He will do a great leadership there. And, last, he wished our colleague Councilor Chavez a happy birthday on March 3rd.

Councilor Michael Garcia said it was ironic that he had just told Councilor Villarreal that he missed seeing Carl over there. This is his last meeting wished Carl could have been present for us to recognize him. Hopefully, our paths will cross. Enjoy your well-deserved retirement. Thank you for everything you did for the City. I really appreciated getting to know you over the years.

He wished everyone a safe drive home tonight during the winter storm. The streets are already getting icy and slick.

Councilor Villarreal thought Carl would miss us too – all the frustrating times here. There is never a dull moment. You will be able to tell stories until the end of time about the things you have experienced and watched and observed as a stenographer. I appreciate all the work that you have done. You will be missed and I hope you get to enjoy the next phase of whatever adventures you take on. I wish you so much love. Thank you.

Happy birthday, Councilwoman Chavez. I hope you have a wonderful day.

She wished the Santa Fe High basketball team success playing the semi-final district game in Albuquerque.

For the Constituent Services event, she hoped it would be posted on social media so folks know about it.

She asked if the new living wage takes effect today? Okay, it happens March 1.

Councilor Lee Garcia congratulated Carl. Happy retirement. He hoped Carl would be able to get things done he always wanted to do.

He wished the Catholic Christian community a good and safe Lenten season.

He gave kudos to his daughter who left yesterday going abroad to Seoul, South Korea for ten months of studies there and will finish college when she gets back.

Councilor Romero-Wirth congratulated Carl and thanked him for all the years of service at the City. We will miss you.

She also noted that tomorrow is Manager John Blair's birthday and hoped to be present for it.

Councilor Lindell said Happy Birthday Councilor Chavez. And Carl, you have a future in professional poker because I've watched you for years as you sat there and never saw your jaw drop and never saw your eyebrows go up. I never saw you cry. I never saw you burst out laughing. You've got a future in poker for sure. Thank you very much. You put a lot of time into us and the City. For sure, it has not gone unnoticed.

She also wanted to talk about the snowplow crews. Last week, she had the chance to jump on one of the plows rode with Estevan and did Sierra del Norte. Those hills were daunting. These guys are so skilled and make it look like it is second nature to them. It is just like breathing for them. It was truly impressive. They are cheerful. They see people, they help them, and wave at them. People are so glad to see them. Next year we should have a contest to name the snowplows. There are lots of good choices for names: Betty Whiteout, Scoop Dog, No More Mr. Ice Guy and lots of others. Her favorite was the Big Laplowski. She was really thankful for that entire division and the safety they provided for all of us. Thank you very much.

Mayor Webber addressed several things: the Literary Festival, the first Art and Soul Festival to bring us all kinds of music. both singing and orchestral. and our Film Festival. Over the weekend, he participated in a great 211 partnership of the City, County, and United Way for people who need help, and another way to show how much we care.

We just celebrated a Unis upgrade, a new software platform. It is a major technological upgrade. And we will have a nongender specific thanks to the team.

Carl unmuted and gave thanks to the Governing Body for the congratulations and well wishes and especially for Muchas Gracias recognition.

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

Ms. Bustos-Mihelcic read the caption. For 670 Alto Street as settlement agreement.

- 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

Ms. Bustos-Mihelcic introduced this item reading the caption.

Mayor Webber clarified there were three bills in this package on gun reforms. and puts Santa Fe on record as supporting these items and the problems we continue to see around the country. The February 18 New York Times had a full story in the paper. We are morally obligated and it was well said by Councilor Romero-Wirth in the invocation tonight.

17. PETITIONS FROM THE FLOOR

Petitions were heard earlier in the meeting.

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

There were no bills to comment on for this meeting.

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, 505-9556501)

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 item.

Councilor Villarreal spoke to the ordinance which she said was long overdue in our City Code. It will use terms more gender neutral. It was given a male context with “policeman” and “fireman.” Now it is “Chair” instead of “Chairman.” This may seem a small thing to some, but it now includes both genders in leadership roles. And in Chapter 14, as we go through the rewrite, we will look at all of them.

Stefanie Beninato agreed it is long overdue for these changes. It does matter how you say things instead of male dominated language. The office or the agent, the official should be used so no gender is used Thank you for doing it and yes, the Land Use Code needs updating.

There were no other comments.

MOTION: Councilor Villarreal moved, seconded by Councilor Romero-Wirth, to approve the gender-neutral language ordinance.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

Councilor Villarreal thanked Pat Feghali for her work on it and called out Councilor Cassutt for her work on it too.

AGENDA AMENDMENT

MOTION: Councilor Lindell moved, seconded by Councilor Villarreal, to amend the agenda, reversing the next two items on the agenda.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

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

Ms. Bustos-Mihelcic read the nominees for appointment.

MOTION: Councilor Lindell moved, seconded by Councilor Chavez to approve the agenda as published.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

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)

Mayor Webber walked through the process in these land use cases.

Ms. McSherry described the difference for quasi-judicial matters.

Disclosures

There were no disclosures by the Governing Body.

Staff Report

Ms. Heather Lamboy presented the Staff Report for this exception on a St. John's historically significant building housing the Petersen Student Center. She said the St. John's campus has been subject to the City's historic ordinance for many years as it is in the Historic Review District. She explained that it was determined by Assistant City Attorney, Frank Ruybalid, that over a long number of years, the Code has been inappropriately applied to this property and that exceptions of design and preservation must be heard by the Governing Body, similar to a land use case with rezoning. This has been taken already to the HDRB to propose language as a testament to the code to give that Board for granting exceptions of design and preservation. Right now, the only thing they have authority over is height. The rationale in the 1980's was that the H Board could judge that a particular height was appropriate for the particular streetscape. The Planning Commission will hear this case on March 2 and come back to the Governing Body at the end of March or beginning of April 2023.

Ms. Lamboy reviewed the background for this request, sharing first the location of the campus. The proposal is for the creation of a building addition on the north, south, and east elevations. They will be one-story in height that is lower than the existing building to accommodate changing student needs. The addition is being added to three sides in order to preserve and not disturb the interior spaces that include Alexander Girard murals which are important to the heritage of the town, and he was a very important artist to the community. The H Board has no jurisdiction over interiors but this was taken into consideration in determining a response to the exception request and the options available to the Applicant.

The HDRB agreed with the Applicant that approving the exceptions for additions to a significant building was the best approach. The H Board recommended to the Governing Body that the addition be approved.

Applicants Presentation

Mr. Sean Evans was sworn in. He reinforced the need for these additions. The Building is over 60 years old and a lot of student needs have changed and evolved over the years. A primary goal is to preserve the interior of the building. The H Board approved it three months ago.

Sworn Public Comment

Elizabeth West was sworn and said she could not see anything wrong with this request. St. John's is a marvelous institution in Santa Fe. She fit right in with St. John's when she moved here. The little bit of the elevations she saw they were remarkably well done. She was in favor of granting the exceptions.

Stefanie Beninato was sworn in. She was opposed to this project and thought it should be sent back to the HDRB for a status review if you approve this. The Board did not want to take the time for a status review because it would require notice. This is changing the primary façade of this significant building. There is no evidence that somehow an exception should be allowed for this particular building and fitting all of these functions into that building. There is no evidence of hardship, which is really important. The Board is supposed to be looking at the outside façade on it. The status should be done first and then look at the requested exceptions rather than just not caring about this historic building. She asked the Governing Body to at least send it back for a status review and let them decide whether the building will still even be contributing. Granting the exception means Santa Fe will be losing a significant building.

There were no other public comments.

Governing Body Questions/ Comments

Councilor Romero-Wirth saw in the packet there was talk about a change in status of the building. She asked Ms. Lamboy to inform the Governing Body what the was about. She didn't watch the hearing and asked her to provide some context and why it ultimately changed the vote of the Board member that raised that issue.

Ms. Lamboy said that was considered to be a downgrade and even though it is an exception, it has such historic importance with John Gaw Meem that it will remain significant. The opinion of the Board was that even with the additions, the building would not be downgraded.

Mayor Webber added that the interior was an important designation as well and it would in no way be impaired.

Ms. Lamboy agreed. It is on the National Register. And the discussion was to favor that.

Councilor Michael Garcia referred to page 20, where Chair Rios asked you (Ms. Lamboy) if you felt it would remain significant. And you thought they were on the right track. You also referenced the second drawing in your presentation.

Ms. Lamboy said the Board went over the options and Mr. Evans had that conversation with the Board and it evolved and the drawings you have are the second drawings.

Councilor Romero-Wirth continued that there was also public testimony on the reason that a status review would take too long or maybe that it would not change the status. She asked for clarification.

Ms. Lamboy said the point was made about how the case would have to be re-noticed and the consensus of the Board was that a review was not necessary. And they felt comfortable acting without a status review.

Councilor Romero-Wirth suggested they decided it wouldn't change its status because of the people involved. We don't usually look at the people but at the architecture.

Ms. Lamboy said in the Code, one criterion was a building's association with significant people or events in the community. John Gaw Meem was involved with the design, as well as McHugh, Holian, and Petersen who were also significant associations. Territorial Revival style was what came from it. So the distinguishing architecture was the other point.

Councilor Romero-Wirth said okay.

Ms. Lamboy read the citation aloud from the Code.

Councilor Romero-Wirth found it on page 7 of the packet. She asked what the issue was on the interior wall.

Ms. Lamboy acknowledged the interior is not usually part of the conversation but was related to their program and murals and architectural features which were part of the National Register rationale.

Mayor Webber closed the public hearing and entertained a motion.

Action of the Governing Body

MOTION: Councilor Michael Garcia moved, seconded by Councilor Chavez to approve the exceptions to SFCC 1987, Section 14-5.2 (D)(2) for Additions on the North, South, and East Elevations at the Peterson Student Center as requested.

VOTE: The motion was approved on the following roll call vote with:

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

Against: None.

22. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 8:48 p.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
February 22, 2023**

The Governing Body of the City of Santa Fe met in an executive session duly called on February 22, 2023, beginning at 5:56 p.m.

The following was discussed:

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: ekmcsberry@santafenm.gov, 955-6512).

PRESENT

Mayor Webber
Councilor Lindell
Councilor Rivera
Councilor L. Garcia
Councilor Romero-Wirth
Councilwoman Villarreal
Councilor M. Garcia
Councilor Chavez

STAFF PRESENT

John Blair, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Rich Brown
Terry Lease
Patricia Feghali
Johanna Nelson

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



for _____
Kristine Bustos-Mihelcic, Assistant City Clerk