



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 08, 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/85332554325>.

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: 853 3255 4325**

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**

Councilwoman Villarreal

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

Councilor Michael Garcia

4. **INVOCATION AND REMEMBRANCES**

Councilor Rivera

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)
- b. Presentation of MRC and Golf Course Update, Assessment, and Plans. (Jonathan Weiss, Golf Course and Sports Complex Manager, 505-629-2410, jwweiss@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Governing Body: 02/08/2023

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: 02/08/2023

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Yamas LLC, for a Restaurant A (Beer & Wine) Liquor License with On-Premises Consumption Only and Patio Service, to be Located at Yamas Greek Rotisserie, 2411 Cerrillos Road. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 01/23/2023

Governing Body: 02/08/2023

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from The Mystic at Santa Fe, LLC, for a Transfer of Ownership and Location of Inter-Local Dispenser Liquor License No. 2792, from Midtown Bistro, 901 San Mateo, Suite A & B, to The Mystic, 2810 Cerrillos Road. (Alexandria Mares, Marketing & Special Events

Coordinator: armares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 01/23/2023

Governing Body: 02/08/2023

- d. Request for Approval of Budget Adjustment Resolution (BAR) from the Water Enterprise Fund Cash Balance to Operating Supplies in the Amount of \$100,000. (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- e. Request for Approval to Purchase and Replace Two (2) Vehicles for the Water Division, Source of Supply Section in the Total Amount of \$107,483. (Jonathan Montoya, Source of Supply Operations Manager: jmmontoya@santafenm.gov, 505-955-4373 and Joe Olivas, Water Equipment Supervisor: jwolivas@santafenm.gov, 505-955-4370)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- f. Request for Approval of a Memorandum of Understanding (MOU) between the City of Santa Fe and Santa Fe County to Provide Water and Wastewater Service Outside the City Limits to First Serve of New Mexico, LLC. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309 and Stan Holland, WWMD Engineer, tsholland@santafenm.gov, 505-955-4367)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- g. Request for Approval of Contract With GM Emulsion LLC for Removal of Sewage Sludge to be Hauled from The Paseo Real Water Reclamation

Facility, in the Total Amount of \$300,000. Excluding NMGRT for a One (1) Year Term Expiring June 30, 2024. (P. Fred Heerbrandt, Wastewater Management Engineer Supervisor 505-955-4623)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In The Amount of 300,000.

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- h. Request for Approval of Amendment No.1 to Original Contract #22-0511 with ESA Construction to Expand Concrete Ramp Work and Bathroom Plumbing in the Amount of \$13,828.65 for a Total Contract Amount of \$297,962.67. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- i. Request for Approval of Amendment No.1 to Original Contract # 22-0410 with Parkson Corporation for the Purchase of an AquaGuard Wastewater Screen and Extending the Contract through December 31, 2023. (P.F Heerbrandt, Engineer Supervisor, pfheerbrandt@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- j. Request for Approval of Contract with Alpha Southwest. Inc. for On-Call Repair and Maintenance of Water and Wastewater Facilities for the Remainder of FY23 in the Amount of \$307,603.35 (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 505-955-4373; Julian Gonzales, Wastewater Plant Operator, jrgonzales@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- k. Request for Approval of Award and Acceptance of Reoccurring Federal Planning Funding Section 112 Federal Highway Association (FHWA) and Section 5303 Federal Transit Authority (FTA) for Federal Fiscal Year 2023 in the Amount of \$388,184 for the Annual Operations of the Santa Fe MPO. (Erick Aune, Santa Fe MPO Officer: ejaune@santafenm.gov, 505-330-8483)

Committee Review:

Finance Committee: 01/30/2023

Public Works/Utilities Committee: 02/06/2023

Governing Body: 02/08/2023

- l. Request for Approval of Midyear Budget Amendment Resolutions (BAR's) Utilizing FY22 (Prior Year) Gross Receipts Tax Revenue, Above Budgeted Estimates, to Fund a Package of Priorities that Includes Contracted Services to Alleviate Unsheltered Homelessness, Vehicles and Equipment for Park Rangers, Encampment Cleanup, Salary Adjustments to Improve Recruitment and Retention of Parks Department Employees, and Relocation of City Offices from Railyard Market Station, Totaling \$2,119,290. (Emily K. Oster, Finance Director, ekoster@santafenm.gov, 505-629-3411).

Committee Review:

Finance Committee (Forwarded with No Recommendation): 01/30/2023

Quality of Life: 02/01/2023

Governing Body: 02/08/2023

- m. 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

- n. 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

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, NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically *Duran Family Trust v. City of Santa Fe*, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. 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 \$467,000. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

14. **MATTERS FROM THE CITY CLERK**

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

16. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF RESOLUTION 2023-_____** (Councilor Romero-Wirth, Councilwoman Villarreal, Councilor Chavez, Councilor Rivera, Councilor Cassutt, Councilor M. Garcia, 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

- 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

- c. **CONSIDERATION OF RESOLUTION 2023-_____** (Councilwoman Villarreal)

A Resolution in Support of the Investigation and Prosecution of the Persons Responsible for the Effort to Criminally Interfere with or Overturn the Results of the 2020 Presidential Election that Culminated in the January 6, 2021, Attack Upon the United States Capitol; and Calling for the Passage of Federal and State Laws to Eliminate the Risks of Future Insurrections and Efforts to Delay, Disrupt, or Overturn Elections, and to Better Protect and Safeguard the Election Process. (Layla Maestas-Archuleta, Deputy City Manager: Isarchulettamaestas@santafenm.gov, 505-955-6740)

Committee Review

Governing Body: (Introduced) 02/08/2023

Quality of Life Committee: 02/15/2023

Finance Committee: 02/27/2023

Governing Body: 03/08/2023

- d. CONSIDERATION OF RESOLUTION 2023-____ (Councilor Jamie Cassutt, Councilor Michael Garcia)
A Resolution Authorizing the Sale And Consumption of Beer During the Party on the Pitch Soccer Tournament on June 3-4, 2023, Pursuant To Section 23-6.2(B) SFCC 1987.

Committee Review

Governing Body (Introduced): 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)**

- a. CONSIDERATION OF BILL NO. 2023-9 (Mayor Webber, Councilor Lindell, Councilor Cassutt and Councilor Romero-Wirth)
A Bill Approving a Lease Agreement Between the City Of Santa Fe and Specifica, LLC, for the Lease of City-Owned Building and Improvements Located At 500 Market Street within the Railyard Within the City And County of Santa Fe, New Mexico to Expand Its Biotechnological Company. (Andrea Salazar, Assistant City Attorney,

asalazar@santafenm.gov, 505-955-6303)

Committee Review:

Governing Body (Introduced): 01/25/2023

Governing Body (Public Comment): 02/08/2023

Quality of Life: 02/15/2023

Public Works and Utilities: 02/20/2023

Economic Development Advisory Committee: 03/01/2023

Finance Committee: 02/27/2023

Governing Body (Public Hearing): 03/08/2023

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

- a. **CONSIDERATION OF BILL NO. 2022-27.** (Councilor M. Garcia, Councilor Cassutt)

An Ordinance Relating to Electric Bicycles; Amending Section 12-1-6 of the Uniform Traffic Ordinance (“UTO”) to Include Electric Bicycles in the Definition of Bicycle; Amending Section 12-1-40 of the UTO to Delineate Electric Bicycles From Motor Vehicles; Amending Section 12-1-88 of the UTO to Specify That an Electric Bicycle is a Vehicle; Amending Section 12-8-1 of the UTO to Prohibit Anyone Under the Age of Sixteen From Riding a Class 3 Electric Bicycle; Amending Section 12-8-10 of the UTO to Regulate and Establish a Speed Limit for Electric and Manually-Propelled Bicycles on City Sidewalks; Amending Section 12-8-15 of the UTO to Remove the Prohibition for Bicycles to Ride on a Street Adjacent to a Sidewalk or Path When Bicycles are Required to Use the Sidewalk or Street; Creating a New Section 12-8-18 of the UTO to Make it an Offense to Enhance the Speed Capabilities of an Electric Bicycle; Amending Section 12-8-23 of the UTO to Raise the Maximum Fine for Violation of Certain Provisions from Twenty-Five Dollars to One Hundred Dollars; and Amending SFCC 1987 Section 23-5.1 to Amend the Definition of Bicycle to Include Electric Bicycles, and to Regulate the Use of Electric Bicycles on City Roads. (Romella Glorioso-Moss; Project Administrator: rsglorioso-moss@santafenm.gov, 505-955-6623; Kevin Nault, Assistant City Attorney: klnault@santafenm.gov)

Committee Review:

Governing Body (Introduced): 08/31/2022

Governing Body (Public Comment): 09/14/2022

Bicycle and Pedestrian Advisory Committee: 10/13/2022
Quality of Life Committee: 10/19/2022
Bicycle and Pedestrian Advisory Committee: 11/10/2022
Quality of Life Committee: 12/7/2022
Public Works and Utilities Committee: 12/12/2022
Finance Committee: 01/03/2023 (Postponed)
Finance Committee: 01/17/2023
Governing Body (Public Hearing): 02/08/2023

20. **PUBLIC HEARINGS**

- a. CONSIDERATION OF RESOLUTION NO.2023____.
Case #2021-4648. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 19.54 Acres, Located at 3600 South Meadows Road and within the River and Trails Archeological Review Overlay District and the Suburban Archeological Review Overview District, from Park to Low-Density Residential (Residential: Three to Seven Dwelling Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**
- b. CONSIDERATION OF BILL NO. 2023-1. ADOPTION OF ORDINANCE NO. 2023-____.
Case #2021-4649. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Bill 2023-1 to Rezone Approximately 19.54 Acres, Located at 3600 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from R-1 (Residential: One Dwelling Unit Per Acre) to R-6 (Residential: Six Dwelling Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**
- c. CONSIDERATION OF RESOLUTION NO. 2023-____.
Case #2021-4650. JenkinsGavin, Inc., Agent for Homewise, Inc.,

Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 2.66 Acres, Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from Park to High-Density Residential (Residential: 12 to 29 Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

- d. CONSIDERATION OF BILL NO. 2023-2. ADOPTION OF ORDINANCE 2023-_____.

Case #2021-4651. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Bill 2023-2 to Rezone Approximately 2.66 Acres Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from R-1 (Residential: One Dwelling Unit Per Acre) to R-21 (Residential: 21 Dwelling Units Per Acre). (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

- e. CONSIDERATION OF RESOLUTION 2023-_____.

Case #2022-5618. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Resolution 2023-_____ to Adopt a Master Plan for a Residential Project on Approximately 22.2-Acres Located at 3600 and 3740 South Meadows Road to Include a Subdivision, Development Plan, and Construction of a Neighborhood Park for Dedication to the City. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

21. APPOINTMENTS

- a. Mayor's Committee on Disability

- Christopher Pommier – Appointment – Term Ending 01/2027
- Pam J. Parfitt – Reappointment – Term Ending 01/2027
- Angelique Montoya-Chaves – Reappointment - Term Ending 01/2027

b. Santa Fe Women's Commission

- Mariah Gonzales – Appointment – Term Ending 11/2025
- Elais Ponton – Appointment – Term Ending 11/2025

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 8, 2023**

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19. Final Action on Legislation (Public Hearings)		
a) Electric Bicycles	Approved	28-29
20. Public Hearings		
a) 3600,3740 So. Meadows GPA	Approved	
b) 3600,3740 So Meadows Rezone	Approved	
c) 3600,3740 So Meadows GPA	Approved	
d) 3600,3740 So Meadows Rezone	Approved	
e) 3600,3740 So Meadows M.P.	Approved	
21. Appointments		
a). Mayor’s Committee on Disability	Appointed	9
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22. Adjourn	Adjourned at pm	

**Regular Meeting of the Governing Body
Wednesday, February 8, 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 8, 2023, at approximately 5:09 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. PLEDGE OF ALLEGIANCE

Councilor Villarreal led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Michael Garcia led the Salute to the New Mexico Flag.

4. INVOCATION AND REMEMBRANCES

Councilor Rivera gave the Invocation, reading Psalm 65:1-11. He remembered those who were suffering and dying in Turkey and Syria from the earthquake and the three members of a Moriarty family who were killed.

Councilor Cassutt remembered her grandfather who died 17 years ago on February 12.

Councilor Lindell remembered former Mayor Javier Gonzales who died a year ago on February 9. He always said, "Be grateful for today."

Councilor Villarreal remembered the life of City employee, Gil Martinez – Graphic Designer and AFSCME VP.

Mayor Webber remembered Director Regina Wheeler's Mother, Adrian who recently died.

Also Pete Rehm, a coordinator for Global Outreach Doctors, who was killed in his in vehicle killed by missile in Ukraine on Thursday. And for those suffering, in pain, and others in Santa Fe who could use help. He also sent condolences to Javier's family.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

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

Members Excused

Other Participants Attending

Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
John Blair, City Manager
Emily Oster, Finance Director
Jonathan Weiss, MRC Manager
Terry Lease, Asset Manager
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Ms. Bustos-Mihelcic requested removal of Item 16-b.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the agenda as amended with Item 16 b deleted.

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 pulled by Councilor Villarreal.

Cassutt seconded -

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

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.

AGENDA AMENDMENT

Mayor Webber recognized the presence of special guests who were here regarding the request for indoor soccer at the GCCC. He asked that the agenda be amended with the first petitions from the floor be added at this time so the children and parents could share their petitions first.

MOTION: Councilor Michael Garcia moved, seconded by Councilor Romero-Wirth, to amend the agenda to insert an additional item of Petitions from the Floor to address the issue of proposed indoor soccer at the Genoveva Chavez Community Center.

VOTE: The motion was approved on a unanimous roll call 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.

Mayor Webber explained just giving the young people the floor but not others whose petitions would be heard at 7:00.

FIRST PETITIONS FROM THE FLOOR

Tor the next forty minutes, the Governing Body heard comments from 63 young people and their parents and several other adults about the proposal to have a soccer field installed over the ice rink at the Genoveva Chavez Community Center for weekend soccer games.

Of those who spoke to the Governing Body, sixty people were against the proposal, two were in favor and one person spoke about the plaza monument.

8. PRESENTATIONS

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

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

Director Oster reported the audit team is on pace and accelerating on FY21 test work and procedures through February and CLA focused on cash reconciliation in the FY 22 finances. She reported a new employee is at work now and two will be added later in February and one member is being promoted.

She said Manager Blair reached out to the new State Auditor, Joseph Maestas on his first day in office who asked for a quarterly report on March 15 rather than a face-to-face meeting. Quarterly reports are specified in the administrative code, and she will prepare the report for him.

Finally, she reported the work on FY24 is underway by the Finance Department in preparation for a timely close.

Councilor Michael Garcia asked if the report on March 15 will be shared with the Governing Body.

Director Oster said she will check the audit rules for whether it is confidential or not

Councilor Cassutt asked about the new hires.

Director Oster said they are an Accounting Financial Analyst starting this week and the next two are Chief Procurement Officer and the promotion is to be the Treasury position.

Mayor Webber thanked her for being here and for the update.

Because it was not yet 7:00, Councilor Michael Garcia asked to amend the agenda and hear agenda item 21 – appointments next.

Councilor Villarreal said the pulled consent item would be very quick and asked for that to be heard before considering the appointment.

AGENDA AMENDMENT

MOTION: Councilor Michael Garcia moved, seconded by Councilor Romero-Wirth, to amend the agenda to consider one consent item pulled for discussion and the appointments before hearing Petitions from the Floor.

VOTE: The motion was approved on a unanimous roll call 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.

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: 02/08/2023

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

Councilor Villarreal said there were a number of errors in these minutes.

The first one was on page 19, we all had comments about Director Shannon Jones and her comments were not included in there. *[NOTE: Only Mayor Webber mentioned "Shannon" in the Communications from*

the Governing Body and Councilor Villarreal made no such comment as verified from the recording.]

Councilor Villarreal said page 20 did not accurately capture our statements and some of what we presented for the Community Health and Safety Task Force Update. It was very sparse, and it wasn't accurate. She suggested to look at that and "listen to the minutes" again for that. *[NOTE: The Community Health and Safety Task Force Update discussion was sparse. The only comment made was by Mayor Webber to describe what the bill was about.]*

Councilor Villarreal said on page 22, the vote for item f was not accurately captured. Councilor Rivera did not vote for Item f. *[NOTE: Councilor Rivera did not vote because there was no action taken – no motion, second, or vote. There was also no discussion for Item F.]*

Councilor Villarreal said on page 45, there was a quote from one of her statements that wasn't accurately reflected. She didn't talk about a cage. *[NOTE: Page 45 has the signature page. There were no statements from the Governing Body.]*

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to postpone approval of the minutes of January 11, 2023 to the next regular meeting of the Governing Body.

VOTE: The motion was approved on a unanimous roll call 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.

- b. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Yamas LLC, for a Restaurant A (Beer & Wine) Liquor License with On-Premises Consumption Only and Patio Service, to be Located at Yamas Greek Rotisserie, 2411 Cerrillos Road. (Alexandria Mares, Marketing & Special Events Coordinator: amares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 01/23/2023

Governing Body: 02/08/2023

- c. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from The Mystic at Santa Fe, LLC, for a Transfer of

Ownership and Location of Inter-Local Dispenser Liquor License No. 2792, from Midtown Bistro, 901 San Mateo, Suite A & B, to The Mystic, 2810 Cerrillos Road. (Alexandria Mares, Marketing & Special Events Coordinator: armares@santafenm.gov, 505-955-6520)

Committee Review:

Liquor Hearing: 01/23/2023

Governing Body: 02/08/2023

- d. Request for Approval of Budget Adjustment Resolution (BAR) from the Water Enterprise Fund Cash Balance to Operating Supplies in the Amount of \$100,000. (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov)
- Committee Review:**
Public Works and Utilities Committee: 01/23/2023
Finance Committee: 01/30/2023
Governing Body: 02/08/2023
- e. Request for Approval to Purchase and Replace Two (2) Vehicles for the Water Division, Source of Supply Section in the Total Amount of \$107,483. (Jonathan Montoya, Source of Supply Operations Manager: jmmontoya@santafenm.gov, 505-955-4373 and Joe Olivas, Water Equipment Supervisor: jwolivas@santafenm.gov, 505-955-4370)
- Committee Review:**
Public Works and Utilities Committee: 01/23/2023
Finance Committee: 01/30/2023
Governing Body: 02/08/2023
- f. Request for Approval of a Memorandum of Understanding (MOU) between the City of Santa Fe and Santa Fe County to Provide Water and Wastewater Service Outside the City Limits to First Serve of New Mexico, LLC. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309 and Stan Holland, WWMD Engineer, tsholland@santafenm.gov, 505-955-4367)
- Committee Review:**
Public Works and Utilities Committee: 01/23/2023
Finance Committee: 01/30/2023
Governing Body: 02/08/2023
- g. Request for Approval of Contract With GM Emulsion LLC for Removal of Sewage Sludge to be Hauled from The Paseo Real Water Reclamation Facility, in the Total Amount of \$300,000. Excluding NMGRT for a One (1) Year Term Expiring June 30, 2024. (P. Fred Heerbrandt, Wastewater Management Engineer Supervisor 505-955-4623)

1. Request for Approval of a Budget Adjustment Resolution (BAR) In The Amount of 300,000.

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- h. Request for Approval of Amendment No.1 to Original Contract #22-0511 with ESA Construction to Expand Concrete Ramp Work and Bathroom Plumbing in the Amount of \$13,828.65 for a Total Contract Amount of \$297,962.67. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 505-955-4309)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- i. Request for Approval of Amendment No.1 to Original Contract # 22-0410 with Parkson Corporation for the Purchase of an AquaGuard Wastewater Screen and Extending the Contract through December 31, 2023. (P.F Heerbrandt, Engineer Supervisor, pfheerbrandt@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- j. Request for Approval of Contract with Alpha Southwest. Inc. for On-Call Repair and Maintenance of Water and Wastewater Facilities for the Remainder of FY23 in the Amount of \$307,603.35 (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 505-955-4373; Julian Gonzales, Wastewater Plant Operator, jrgonzales@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 01/23/2023

Finance Committee: 01/30/2023

Governing Body: 02/08/2023

- k. Request for Approval of Award and Acceptance of Reoccurring Federal Planning Funding Section 112 Federal Highway Association (FHWA) and Section 5303 Federal Transit Authority (FTA) for Federal Fiscal Year 2023 in the Amount of \$388,184 for the Annual Operations of the Santa Fe MPO. (Erick Aune, Santa Fe MPO Officer: ejaune@santafenm.gov, 505-330-8483)

Committee Review:

Finance Committee: 01/30/2023

Public Works/Utilities Committee: 02/06/2023

Governing Body: 02/08/2023

- l. Request for Approval of Midyear Budget Amendment Resolutions (BAR's) Utilizing FY22 (Prior Year) Gross Receipts Tax Revenue, Above Budgeted Estimates, to Fund a Package of Priorities that Includes Contracted Services to Alleviate Unsheltered Homelessness, Vehicles and Equipment for Park Rangers, Encampment Cleanup, Salary Adjustments to Improve Recruitment and Retention of Parks Department Employees, and Relocation of City Offices from Railyard Market Station, Totaling \$2,119,290. (Emily K. Oster, Finance Director, ekoster@santafenm.gov, 505-629-3411).
Committee Review:
 Finance Committee (Forwarded with No Recommendation): 01/30/2023.
 Quality of Life: 02/01//2023
 Governing Body: 02/08/2023
- m. 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
- n. 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

21. APPOINTMENTS

- a. Mayor's Committee on Disability
- Christopher Pommier – Appointment – Term Ending 01/2027

- Pam J. Parfitt – Reappointment – Term Ending 01/2027
- Angelique Montoya-Chaves –Reappointment - Term Ending 01/2027

Ms. Bustos-Mihelcic read the appointments.

MOTION: Councilor Rivera moved, seconded by Councilor Michael Garcia, to approve the appointments to the Mayor’s Committee on Disability 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, Councilor Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: None.

b. Santa Fe Women’s Commission

- Mariah Gonzales – Appointment – Term Ending 11/2025
- Elias Ponton – Appointment – Term Ending 11/2025

Ms. Bustos-Mihelcic read the appointments.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the appointments to the Santa Fe Women’s Commission as resented.

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.

At 7:04 pm, the Governing Body by motion, second, and unanimous vote, went to the Petitions from the Floor.

16. PETITIONS FROM THE FLOOR

Rachel Thompson said she heard the Zoom link is incorrect.

Ms. Bustos-Mihelcic noted there were 57 people on Zoom right now.

Rachel asked if Youtube participants could get it now.

Ms. Bustos-Mihelcic said no.

Ron Trujillo talked about the soldiers' monument destruction. The decision is long overdue, and he hoped it will be rebuilt and rededicated to all soldiers who call Santa Fe home and never forgetting the reason the monument was built to honor those Union Soldiers who died on the battlefields of New Mexico during the Civil War. He pointed out the Mayor said CHART was supposed to determine the fate of the monument and the De Vargas statue. "You lied to me about the DeVargas statue that day. CHART was a farce and a huge waste of taxpayer money ... History belongs to all of us. Thanks to Councilors who worked on a proposed resolution. ...

Lexie gave her petition on the GCCC ice rink. She is a figure skater and asked how she and other skaters were supposed to practice with only every other weekend available. She had a solution. She said skating is great exercise.

Scott Hutchens, graduate of SFHS, worked as President for the Santa Fe Adult Soccer League and now the Executive Director of the Northern Soccer Club. Last year, they had 1,116 youth in their program and have given \$17,959 for soccer scholarships to kids to play soccer who cannot afford it. With partners like David Fresquez, their goal is to have a dedicated indoor soccer arena in Santa Fe. He said sharing a community space for six nights out of the year, it is not a big ask.

Pauline Anaya spoke in Spanish first and gave congratulations for completing the manifesto and introducing CHART for controlling speech, shame, disrespect and racial division to achieve those goals and continue funding with taxpayers' monies for their ideology. This Body will be remembered for your continued tear down of our community to advance your purposes. It shows a lack of care or respect for New Mexico or this nation's original European settlers who established the economic, political, and moral foundations of a strong prosperous and decent state and nation. Whose roots we all live by now. Our existence is quickly being vilified and destroyed in the guise of progress.

David Fresquez said he was born and raised here and was a SFHS Demon. He was a former president of the Chamber and proud owner of a major league soccer league franchise coming here to Santa Fe. He praised the ice hockey community as amazing. He wanted to get

solutions for our kids and our business economy for everyone to enjoy the beautiful Chavez Center. It is a community center and belongs to all of us equally. There are many people here who also want to take advantage of this beautiful arena. He was open to suggestions, ideas for all of us coming together and not being divided. This is Santa Fe sports in Santa Fe community together.

Terry Rivera had been here before. She kept reading that CHART says it was 50/50 on people making recommendations for the monument. But she and her daughter attended all the meetings and it was never 50/50. But it was 90% in favor of restoring the monument and maybe ten percent were against it. It was always in favor of restoring the monument to what it was. You talked about putting it together with glue but that gives credit to the vandals who were not from Santa Fe. It has to be restored to what it looked like before. She read more from the resolution.

Donna Rivera was Terry's daughter who was also speaking about the Soldier's Monument. She was happy the Governing Body wanted to bring back the Soldier's Monument but said it didn't go far enough. It was destroyed by a few "terrorists." She never heard in the discussions the idea of gluing the pieces back together. No one requested returning to the Entrada. It was a hurtful and lawless event based on the ignorance of people regarding our City's true history. Why don't we do something about educating the public and ourselves by using real history. Many people were disgusted that the City Police were not allowed to do their job. And for the Office of Equity and Inclusion, please to more than just create policy.

Elmer Maestas spoke on behalf of the Soldier's Monument. We need to know our history and our monument's history. The Native Americans don't now the history of that monument. All they care about is tearing it down. It was dedicated to the brave soldiers who turned back the Texas confederate soldiers who came all the way to Santa Fe and the brave soldiers kept us a non-slave state. We lament the awful anti-Native Americans plaque. The plaque as put on later as an afterthought. We don't want it hijacked by changing its meaning.

Tomas Arrey, living on Canyon Road, did not agree with closing down the entrada and stealing and hiding the De Vargas statute and tearing down our US Government monument. What is it you got? I hope you do good.

Roy Dominguez was in support of the Soldier's Monument being replaced. He read an account from the time of the losses imposed by the Navajos. (from Blood and Thunder). And he spoke of murders, livestock stolen and vandals.

Rae Evans is a figure skater at GCCC. The ice rink has been here all my life. She was opposed to the soccer proposal. There is only one ice rink in all of this region but many places to play soccer and other places where an indoor soccer arena could be built.

Dr. Christina Ann Castro, Jemez and Taos Pueblos, said the City wants to rebuild a racist and antiquated anti-indigenous monument in our City. It was built in the 1800's when the Union soldiers were committing genocide against our indigenous people. The CHART findings were concerning because only 32% of those surveyed wanted the monument restored. 33% wanted a new type of monument and the survey managers interpreted that as equal responses. They apparently only did one survey and those who responded were 94% white. The rest made up 6%. The Colonizers were tried in Spain for atrocities against pueblo and indigenous people. you might want to check out you are more indigenous than you think with many of those coming from Mexico.

Elizabeth in Santa Fe County saw the proposal yesterday and it put her off. She believed we have had a lot of uncomfortable conversations. She disagreed with having the obelisk reinstated. She wanted Native people to feel safe and heard but not be reminded of a horrible history.

Muru said she was parent of a HS student, a Middle School student and an elementary school child .She appealed to the Councilors who have a heart and care about community people more than corporate interests. As a business owner and professional that skating gives life and there are children in this room who were dramatically impacted by skating. With a soccer field in there, programs would be lost that have saved lives. She asked the Governing Body to go see the open skating on Saturdays to see what it means to our youth.

Buddy Dillon said he doesn't skate very often but skated because his family skated. He is a snowboard instructor at Ski Santa Fe. Skating has been very impactful for his sister. She has really grown from skating on the weekends. She is a student and has a weekly obligation. It is not fair to take that away from these kids or to spend the money required to put a soccer field on an ice rink. You should listen to them. It is important. Keep the ice rink for skating on the weekends.

Donna said, "You are still on indigenous land. We are still supposed to be a democracy. The Constitution was first modeled after Shoshone and Iroquois Confederacy. So as indigenous people, we have sophisticated forms of government and agriculture. This issue needs to be tabled to get input from everyone which means all indigenous people who are here. In the meantime, please take care of your potholes.

Ken Griffiths was a middle school teacher here in town. He voiced his criticism of the CHART process which failed to consider voices who were not being heard. Redirect this process to follow indigenous people.

Bachia said it was important for people to know indigenous history. Rebuilding the monument, as it was, deletes part of this history. Slapping plaques on it is demeaning. The word did not get out into the community of this.

Anna Gertle, a Santa Fe local and a mom, said, In the 80s we did not have GCCC. We must support our teens right now. The ice rink is where they are doing this right now. No better way to serve them – please skate on Saturday and come to the hockey game on Friday. With clear thinking, a solution can surely be found.

Yatay Shaeykurlywoosha Just like the hockey community should be central in decisions around ice rink, the Native community should be central to decisions involving the obelisk. But when she tried to explain to one of the sponsoring City Councilors, I met with and all-lives-matter mindset and she was unable to see why Native communities in Santa Fe are integral to making sure the process of replacing the obelisk actually accomplishes more than aesthetics for tourists. It was confirmed to her today that no Natives were involved with the creation of this resolution. The whole reason the City Council fled to remove it over fifty years ago and that the Mayor also made this promise in 2020, was because of the racist reference to Native peoples. You would think when words like reconciliation and healing are being used, the Native community would be centered. But instead, the City Council hired a pretendian to run the CHART process despite the objections of the Native community. This resulted in low participation from the Native community and not process since we saw that our voices were not heard or respected. And now the City wants to use the results from CHART and its process that we were excluded from to build the obelisk. Who is this hearing and reconciliation for because it is not for us. However, she talked to many Native community members, and they want to be helpful so we thought we would come up with a couple of ideas for the plaque. They are rough draft and need a little work. For the one explaining what happened, they suggested “the Mayor pretended to support Naïve Women but the City Council hired a pretendian. Then the tourists complained about the box. So they put the obelisk back and the Native people said, ‘Business as Usual.’ We have two mentions of pretend in that so we want to work on that a little. And to the land acknowledgement, we thought it would be good to say, “We acknowledge this is on stolen land.” Please include us in the decision-making. She quoted the poet laureate that “we wanted this thing down for years since I was a student at the Indian School there.”

Elizabeth West appreciated how much listening you've been doing recently. We are lucky. On the skating rink, she said it should be protected and hope you can come up with an indoor skating rink somewhere. It does need a dedicated place.

She was in favor with some caveats of this resolution you are putting forward on the obelisk. It is only on part of the CHART process. She backed the CHART process and gave a shout out about it. She wanted to meet Dillon Weller, who on page B3 of the Santa Fe New Mexican on September 25, 2022 presented a nearly perfect thing.

Anna Marque, here for 34 years, joined the skaters' assn and worked for years to get an ice rink. When it was realized, she remembered that it said they could not use it for anything else. She skates there 3x /wk. What are you going to do with 17,000 sq ft of fake grass. Better to do it in another building.

Dr. Erick Tywek said he skates 5 days/wk at GCCC. He corrected a couple of statements of the soccer supporters. The owner made it clear it is a community center. But he is trying to turn into private use. If someone wants a facility for private use, let him build it. He heard many different numbers for the money the City has to devote to this and felt that extra money should be given to the workers who kept the GCCC open during the pandemic.

A man who spoke on behalf of soccer mentioned daily practices. That's what the skaters have been saying. He didn't believe this would only be used for soccer on a couple of weekends. The players need to practice daily. Any professional or semiprofessional team must do that and where would that be done?

He also heard they would have 1,200 people coming to the games. But the rink bleachers only hold 400 people.

Michael Ortiz, native of Santa Fe, played soccer with St. Michael's Horsemen. And played soccer anywhere. He said it was not to use City funds for a private man's business. Who would do the work to set out the fake grass and then take it up and store it each time a game was to be played? And who would pay for them to do it?

James Gilcrest said he and family moved down here when our son was in middle school and a hockey player. This is a community center, not a private business enterprise.

Patrick McDowell was part of first year hockey. The hockey team didn't work. A lot of our parks and centers need money to work better. We need to focus on our youth. It is hard to find things for the youth to do.

Beth Trujillo, District 4, married to Ron, said on a sad note, Joe Martinez who worked for the City for many years, was forced out by Mayor Webber and now is no longer with us. Four people who died on his watch. She hoped he learned from that.

Leah Swanson paraphrased a letter sent to the Governing Body. Our family loves soccer but we don't support the conversion of GCCC to an indoor soccer field. We only have one ice rink. Many have grown up skating at GCCC. While it seems simple to convert it, the idea is fraught with problems - it has many problems. She reminded everyone that a PRO Soccer team doesn't 'involve our youth.

Kathy Rivera, District 1, is a descendent of a union soldier and has Native American DNA. She supports the rebuilding of the monument and include language of preservation of the oldest government buildings. It is on a recommended list for travel organizations, yet it has not protection. Santa Fe should be a leader in this regard.

Terry Muhlenberg said skating is a sport that can only be done on ice. She raised a professional skater and knew what it takes. We can't close it for six weekends when we have competitive skaters. Bringing soccer here would be wonderful but not at GCCC.

Virgil Hinn?? Said, "Mayor and Councilors, You have heard the people who do not agree with what you are proposing for the Soldiers' Monument. Mayor, you, and Councilor Villarreal are responsible for this situation in promising the three sisters and the Red Nation, that you will remove the Soldier's Monument, the DeVargas Statue, and the Kit Carson Monument. You received so much resistance with this and criticism that Councilor Romero-Wirth went to Albuquerque to look at the CHART program – what they used to remove the ?? statue. The hope was that the CHART and their recommendation will install something like a water fountain in its place. However, they failed to do this. They didn't accede to your wishes. Now, to save face, Councilor Romero-Wirth has introduced a new resolution to save face with a wasted \$250,000 for a plan that calls for the expenditure of \$1.5 million to glue back the monument. It also calls for the replacement of the four plaques that glorify the terrorists who tore down the monument. You want plaques for the Entrada. The Entrada had nothing to do with the monument. The Entrada is a new thing that is only sixty years old. But she wants to give credit to the Mayor because he canceled the Entrada. You also want to put a plaque about indigenous

land. And I have no problem with that. It is indigenous land. What you are doing now is a disservice to the people of Santa Fe.

Elisa Verla Maestas, born and raised here, was very upset with what was going on with the obelisk. The monument honored soldiers of whatever ethnicity – the only bad word was “savage” but in those days, they used it. It was not written by any of us and it was removed. When all the disrespectful people from elsewhere tore it down, she was there and she asked why the police didn’t do anything. She was told the Mayor told the police to stand down. She couldn’t understand that. It was the Mayor’s job and what happened was embarrassing.

Zoom petitioners:

Stefanie Beninato said the Council has her written remarks on the obelisk. She wondered about the jurisdictional issues.

There are problems within the management at the Recreation Department at the pool. People are not able to do laps because apparently the pool management said something about contracting out to a third party and it was demoralizing to those at the pool. And apparently, they have not been advised about whistleblower protection. Also apparently Mr. Martinez has been parking a city car at the depot to ride the train home to Albuquerque so it would be there in the morning for him to use. She told him there was a whistleblower’s law.

Adam Gomez spoke next but the audio was bad.

Kyra Quinn said part of the beauty of this is multi-cultures. That makes the area so amazing. She is a historian, and the obelisk only recognizes one side. She was a settler, and some can’t know how offensive it is. This was people who took over a territory and are still here. Majority rules can be very dangerous and the people who were harmed need to have more voice.

Mary Maestas, a lifelong resident, said the obelisk is a symbol of violence. But the unaffordability of long-time residents to live here is more of a problem.

The next person did not state her name but was opposed to putting monument back up – a symbol of racism. She would like to see the Council listen when the people speak. The obelisk divides us. Indigenous people need to be heard. We are on stolen land and can move to make reparations. Instead of this.

Diane was not able to unmute.

Miriam gave her testimony speaking Spanish.

Artismo had difficult audio. He said we need an explicit condemnation of genocide.

Marcos Maez spoke about New Mexico United - the soccer team. He liked soccer as a youth model and described the benefits. These sports will keep kids busy with beneficial activities.

Brian Gutierrez spoke on soccer and hockey and recalled recognition a few years ago from tournament in Las Vegas Nevada. The press release was not appropriate because it made it look like a done deal. It included a message about city facilities given up to the movie industry.

Stig (Steve) Jans was from California. He said he was the very first person to walk into GCCC on March 1, 2000. He thought GCCC was the place for skating, hockey, soccer, Lacrosse, etc. There are many stakeholders. Bringing stakeholders together is the answer. Mr. Fresquez is a man of honor and devotion to the community and caring for the kids.

The next person was speaking in Spanish.

Councilor Rivera asked for a translation.

A translation was provided. She was part of a foundation that provides services to kids including soccer. She believes that soccer is an important part of youth culture and they have invested a lot of money in baseball and thought it was time to invest money in soccer.

Jeanette Smith had very poor audio.

Mayor Webber suggested she send a written statement. She agreed.

Miguel Acosta spoke about soccer in Santa Fe but not at GCCC. His primary concern was lack of city investment in soccer. He noted Los Altos Park is the only place for non-league soccer practice. It makes sense to invest in soccer since we have so many residents from soccer-loving cultures. It can create the capital necessary for playing soccer.

Misiko Chavez, a teacher in Santa Fe and a parent of indigenous children, said her concern was of rebuilding together the obelisk. She felt its removal, and potential removal of other racist monuments was a tiny step in the right direction of paying back for the racism. She wanted to make it more equitable to find the indigenous voices in making decisions and said it is a tireless process.

Yapess Sosi, born in Santa Fe and from a pueblo, said divisive racist monuments should be put to rest when their time is over. We understand things have a life cycle. "I'm not the only person who just heard about it today I'd like more time for a public process and the impact on violence against indigenous people and what we don't want for our people - colonial domination on pueblo land. There are other ways."

Miriam spoke in Spanish. Her statement was in support of soccer fields in Santa Fe and felt they should have one indoors.

Jesus Garcia went to Capital High and captain of the team in 2014. He loved the prospect of having a pro team in Santa Fe. He had to move to Denver. But would move back if they have one. He supports hockey and soccer. "It is what keeps me going. The community will benefit."

Desalen spoke in Spanish about baseball, football, and public school, basketball, We need the same kind of structure for soccer as for football and basketball.

Jeanette had her hand up again but could not produce clear audio.

Michael Padillity was involved with youth soccer for many decades and had been an executive director in Santa Fe and Albuquerque, Guyana and Africa. He applauded that person who spoke about resolution on reconciliation. David Fresquez companies are not about making money but supporting a collaborative approach to the community.

Edward Masria, architect for GCCC, said when it was built it cost \$144 per square foot. Today, it would cost \$400/sq ft. Kids need year-round facilities. He felt putting down and taking up the turf would not work. It would take many people to do that and an adequate storage facility to store the turf when not being used. He advocated for kids to have an all-year-round facility for soccer. They would need more time for practicing, etc.

Corina decided not to speak.

FA Marie spoke regarding the obelisk. She felt reconstruction was unconscionable and not necessary. The City should be focused on its people and how impossible it is to live there. Monuments recognizing union soldiers can be made in museums. Even looking at the obelisk that asserts domination - the very shape has patriarchal overtones. And the unnecessary attachment was at a cost of unity and community-building. Most of us who grew up there can't live there anymore.

Marcel Musgrave said she grew up on the south side and her family was on the north side. She was opposed to rebuilding it and to any protection of racist monuments. She was concerned with community safety. More work needs to be done to even establish reconciliation. But she didn't believe that will happen. She wanted a place for the future of our children.

Liliana spoke in Spanish regarding soccer by her son. The translator said she had talked about soccer for her son who is a student at Camino Real School and wants to play soccer.

There were no other petitions from the floor at 9:02 p.m.

Mayor Webber asked the Governing Body to consider what to do with the rest of the time and noted there was an executive session scheduled. He asked if the Governing Body wanted to hold a brief Executive Session with a brief break.

He asked Ms. McSherry to brief the Governing Body on it.

Ms. McSherry said the settlement agreement was attached to the packet and should not take very much time.

AMENDMENT TO THE AGENDA

MOTION: Councilor Cassutt moved, seconded by Councilor Chavez, to proceed to Matters from the City Attorney next and then return to the regular agenda.

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.

12. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry recommended an executive session for the purpose of considering a settlement as described on the agenda under Section 10-15-1 (H) (7), Pending Litigation.

Executive Session

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, to enter an Executive Session, pursuant to the Open Meetings Act, Section 10-15-1 (H)(7) for discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant.

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.

The Governing Body went into executive session at 9:07 p.m.

The Governing Body returned to open session at 9:40 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt, pursuant to the Open Meetings Act, Section 10-15-1 (J) to reconvene in open session, stating for the record that matters discussed in closed session were limited to those specified in the motion for closure.

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.

- b. Presentation of MRC and Golf Course Update, Assessment, and Plans. (Jonathan Weiss, Golf Course and Sports Complex Manager, 505-6292410, jww Weiss@santafenm.gov)

Committee Review:

Public Works and Utilities Committee: 02/06/2023

Governing Body: 02/08/2023

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

Mr. Weiss, MRC Manager, provided an overview, assessment, goals, and plans. He shared a slide show on the facilities and gave highlights for them.

Mayor Webber interrupted to thank him for the presentation and asked him to let the Councilors look at it on their own time. He asked Mr. Weiss to be very brief in light of the lateness of the hour.

Mr. Weiss said the MRC has some new lights and new turf on parts of the golf course. There are six softball fields and four of them are lighted for nighttime games. Tournaments will bring many participants to Santa Fe/ The MRC got a gift, and they are using it well. The MRC has operating permits from NMED for four water systems to support the operations. He showed the org chart and usage of the fields and the revenue generated. Golf showed an upward trend over the last ten years. The soccer field is at B grade as are softball and rugby fields. The restrooms are to be renovated and the Concession is not funded.

He reported the irrigation pumps are at grade D with 3 of 4 pumps inoperable. The mower is also at grade D and he is pursuing a machine on lease to purchase. Putting greens are at grade C and all 30 greens suffer from no maintenance. Two fulltime staff are needed for greens. The sand bunkers are a C and need daily maintenance. Two contract worker positions are needed for the sand bunkers. The pro shop is grade C.

Mr. Weiss shared his goals, including a QWEL certification for improved effluent.

Mayor Webber thanked him for the presentation.

Councilor Michael Garcia also thanked him for the presentation. He will contact Mr. Weiss offline for his questions. He pointed out the MRC will have its 25th anniversary coming up and asked if the rebranding logo and marketing for that celebration would be permanent or just for the 25th anniversary. Merchandising includes logos. So we are looking at leverage the 25th anniversary in the restaurant and course for this year.

Mr. Weiss said it was potentially a temporary logo.

Councilor Michael Garcia commented on the advisory group for Parks and the subcommittee for MRC and asked if they are still active.

Mr. Weiss said the MRC Advisory Committee is active, and Maurice Bonal is the Chair. It was halted during COVID but now they are meeting again.

Councilor Michael Garcia asked why they would not be tasked with the logo decisions.

Mr. Weiss said he met with Communications and Tourism on the issue and came up with the decision based on those conversations.

Director McDonald added that it will go back to the Advisory Board with input from the users of Marty Sanchez and the MRC. Those people were selected to capture their input.

Councilor Lindell was concerned that this was a multi-million dollar asset and in dire need of attention. She played last Saturday, and it was terrific and getting better and better. She asked when the City can hire our seasonal folks.

Mr. Weiss said they would be hired in April.

Councilor Lindell pointed out we have about 16 staff now to cover 1,200+ acres.

Mr. Weiss agreed, and a lot of the work is very specialized.

Councilor Lindell didn't know how he could make it all happen. It needs constant care aside from the MRC. It is a community treasure. She hoped to see a budget for the entire MRC that allows catch up and improvements. She thanked Mr. Weiss and Director McDonald for doing this with one arm tied behind.

10. **ACTION ITEMS: DISCUSSION AGENDA**

There were no action items on the Discussion Agenda for this meeting.

11. **MATTERS FROM THE CITY MANAGER**

Manager Blair passed.

12. **MATTERS FROM THE CITY ATTORNEY**

Executive Session

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion of Litigation,

Specifically, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

The Executive Session was accomplished earlier in the meeting.

13. EXECUTIVE SESSION ACTION ITEMS

- a. Approval of a Settlement Agreement in, D-101-CV-2021-02418, Selling the City's Property Interests in 730 Alto Street for \$467,000. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512)

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve the Settlement Agreement as proposed.

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.

14. MATTERS FROM THE CITY CLERK

Ms. Bustos-Mihelcic reported two staff went through the jury process for all-day two-day process on that program.

She is sponsoring a Friday Football event for the Super Bowl and have 211 promotions around town for connecting with City services.

15. COMMUNICATIONS FROM THE GOVERNING BODY

The Councilors all passed in the interest of time.

Mayor Webber announced a Rapid Hire event this Saturday at GCCC.

16. INTRODUCTION OF LEGISLATION

- a. CONSIDERATION OF RESOLUTION 2023-____ (Councilor Romero-

Wirth, Councilwoman Villarreal, Councilor Chavez, Councilor Rivera, Councilor Cassutt, Councilor M. Garcia, 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

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

Councilor Romero-Wirth said this resolution is a starting point on what to do with the obelisk and from 10/10/2020 events. It first directs the City Manager to hire people to make proposals on rebuilding or reframing the obelisk including the four plaques.

Secondly, it directs the City Manager to utilize the appropriate budget for a position of equity and inclusion office in the Mayor's area. The Office would determine what the four plaques would say and establish a process for determining the language. We are not acting on this resolution now. There have been a couple of meetings already and want to have more.

Councilor Villarreal noted the funding of the office was a recommendation in the CHART Report. We see it has internal and external views. Antiracism training, collaborating with partners on barriers and needs to inform its work.

Councilor Rivera said we started this in August and had some common ideas, but many people saw things differently and in a meeting, we came up with this resolution. On March 8 we have a resolution that will be even better than we have now.

Councilor Chavez said it emphasized working together from different backgrounds, etc who respectfully disagreed and came to this starting point. It is an opportunity for public input and participation in the work. This is a starting point.

Councilor Rivera thanked Councilor Cassutt, Mayor Webber, and Councilor Cassutt for their work on this.

Councilor Romero-Wirth thanked Staff for all the drafting required, especially Ms. McSherry, who had a calm head throughout and Jessie Guillen and Connor Murphy. They had numerous meetings,

- 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~~

Item 16 b was stricken from the agenda under Approval of the Agenda.

- c. CONSIDERATION OF RESOLUTION 2023-____ (Councilwoman Villarreal)
A Resolution in Support of the Investigation and Prosecution of the Persons Responsible for the Effort to Criminally Interfere with or Overturn the Results of the 2020 Presidential Election that Culminated in the January 6, 2021, Attack Upon the United States Capitol; and Calling for the Passage of Federal and State Laws to Eliminate the Risks of Future Insurrections and Efforts to Delay, Disrupt, or Overturn Elections, and to Better Protect and Safeguard the Election Process. (Layla Maestas-Archuleta, Deputy City Manager: lsarchulettamaestas@santafenm.gov, 505-955-6740)
Committee Review
Governing Body: (Introduced 02/08/2023)
Quality of Life Committee: 02/15/2023
Finance Committee: 02/27/2023
Governing Body: 03/08/2023
Ms. Bustos-Mihelcic read the caption.

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

Councilor Villarreal said the caption speaks for itself.

- d. CONSIDERATION OF RESOLUTION 2023-____ (Councilor Jamie Cassutt, Councilor Michael Garcia)
A Resolution Authorizing the Sale And Consumption of Beer During the Party on the Pitch Soccer Tournament on June 3-4, 2023, Pursuant To Section 23-6.2(B) SFCC 1987.

Committee Review

Governing Body (Introduced): 02/08/2023

Quality of Life Committee: 02/15/2023

Finance Committee: 02/27/2023

Governing Body: 03/08/2023

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

Councilor Cassutt thought this caption speaks for itself.

17. PETITIONS FROM THE FLOOR

Petitions from the Floor were considered earlier in the meeting.

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

- a. CONSIDERATION OF BILL NO. 2023-9 (Mayor Webber, Councilor Lindell, Councilor Cassutt and Councilor Romero-Wirth)
A Bill Approving a Lease Agreement Between the City Of Santa Fe and Specifica, LLC, for the Lease of City-Owned Building and Improvements Located At 500 Market Street within the Railyard Within the City And County of Santa Fe, New Mexico to Expand Its Biotechnological Company. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 505-955-6303)

Committee Review:

Governing Body (Introduced): 01/25/2023

Governing Body (Public Comment): 02/08/2023

Quality of Life: 02/15/2023

Public Works and Utilities: 02/20/2023

Economic Development Advisory Committee: 03/01/2023

Finance Committee: 02/27/2023

Governing Body (Public Hearing): 03/08/2023

Ms. Bustos-Mihelcic read the caption for the lease with Specifica.

Mayor Webber opened this for public comment on this proposed bill.

Joannie Ahrens noticed there was no money in the title. She wondered it that would come later.

There were no other public comments.

19. FINAL ACTION ON LEGISLATION (PUBLIC HEARING)

a. CONSIDERATION OF BILL NO. 2022-27. (Councilor M. Garcia, Councilor Cassutt)

An Ordinance Relating to Electric Bicycles; Amending Section 12-1-6 of the Uniform Traffic Ordinance (“UTO”) to Include Electric Bicycles in the Definition of Bicycle; Amending Section 12-1-40 of the UTO to Delineate Electric Bicycles From Motor Vehicles; Amending Section 12-1-88 of the UTO to Specify That an Electric Bicycle is a Vehicle; Amending Section 12-8-1 of the UTO to Prohibit Anyone Under the Age of Sixteen From Riding a Class 3 Electric Bicycle; Amending Section 12-8-10 of the UTO to Regulate and Establish a Speed Limit for Electric and Manually Propelled Bicycles on City Sidewalks; Amending Section 12-8-15 of the UTO to Remove the Prohibition for Bicycles to Ride on a Street Adjacent to a Sidewalk or Path When Bicycles are Required to Use the Sidewalk or Street; Creating a New Section 12-8-18 of the UTO to Make it an Offense to Enhance the Speed Capabilities of an Electric Bicycle; Amending Section 12-8-23 of the UTO to Raise the Maximum Fine for Violation of Certain Provisions from Twenty-Five Dollars to One Hundred Dollars; and Amending SFCC 1987 Section 23-5.1 to Amend the Definition of Bicycle to Include Electric Bicycles, and to Regulate the Use of Electric Bicycles on City Roads. (Romella Glorioso-Moss; Project Administrator: rsglorioso-moss@santafenm.gov, 505-955-6623; Kevin Nault, Assistant City Attorney: knault@santafenm.gov)

Committee Review:

Governing Body (Introduced): 08/31/2022

Governing Body (Public Comment): 09/14/2022

Bicycle and Pedestrian Advisory Committee: 10/13/2022

Quality of Life Committee: 10/19/2022

Bicycle and Pedestrian Advisory Committee: 11/10/2022

Quality of Life Committee: 12/7/2022

Public Works and Utilities Committee: 12/12/2022

Finance Committee: 01/03/2023 (Postponed)

Finance Committee: 01/17/2023

Governing Body (Public Hearing): 02/08/2023

Ms. Bustos-Mihelcic read the caption for this ordinance on electric bicycles.

Councilor Michael Garcia thanked the BTAC members and the Police Department who thoroughly reviewed it to have a final product for use of e-bikes in our city.

Councilor Lindell said she had an amendment, but it would have changed the caption so she didn't want to hold it up. She will bring a new part of this bill for consideration in the future. We will need to address electric unicycles. This is a preview of things to come.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt, to approve this ordinance as proposed.

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.

20. PUBLIC HEARINGS

- a. CONSIDERATION OF RESOLUTION NO.2023_____.
Case #2021-4648. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 19.54 Acres, Located at 3600 South Meadows Road and within the River and Trails Archeological Review Overlay District and the Suburban Archeological Review Overview District, from Park to Low-Density Residential (Residential: Three to Seven Dwelling Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587)
RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED.

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

Councilor Romero-Wirth raised a point of order. She watched the video of the previous meeting and thought the five captions need to be read at the same time. Watching the entire meeting with Zoom meant she was up to speed on the status and could participate in this one.

Ms. McSherry and Mayor Webber agreed.

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

6587) RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED.

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

- c. CONSIDERATION OF RESOLUTION NO. 2023-_____.
Case #2021-4650. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of a Resolution to Amend the Designation on the General Plan Future Land Use Map for Approximately 2.66 Acres, Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from Park to High-Density Residential (Residential: 12 to 29 Units Per Acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

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

- d. CONSIDERATION OF BILL NO. 2023-2. ADOPTION OF ORDINANCE 2023-_____.
Case #2021-4651. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Bill 2023-2 to Rezone Approximately 2.66 Acres Located at 3740 South Meadows Road and within the River and Trails Archaeological Review Overlay District and the Suburban Archaeological Review Overview District, from R-1 (Residential: One Dwelling Unit Per Acre) to R-21 (Residential: 21 Dwelling Units Per Acre). (Dan Esquibel, Case Manager: daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

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

- e. CONSIDERATION OF RESOLUTION 2023-_____.
Case #2022-5618. JenkinsGavin, Inc., Agent for Homewise, Inc., Applicant, Requests Approval of Resolution 2023-_____ to Adopt a Master Plan for a Residential Project on Approximately 22.2-Acres Located at 3600 and 3740 South Meadows Road to Include a Subdivision, Development Plan, and Construction of a Neighborhood Park for Dedication to the City. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 505-955-6587) **RECONVENING FROM THE FEBRUARY 1, 2023 SPECIAL GOVERNING BODY MEETING. PUBLIC COMMENT IS CLOSED**

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

Ms. McSherry gave the explanation of Quasi-Judicial posture.

Mayor Webber restated the process and said the public sworn comment portion was completed at the last meeting. The next portion was for questions from the Governing Body. He clarified that people who were sworn at the last meeting were still sworn for this meeting. He went member by member for a ten-minute time period each.

Councilor Lee Garcia had a question on the status of the underlying property for either the Applicant or Staff.

Mayor Webber thought it would be the Applicant.

Ms. Jennifer Jenkins was present on behalf of Homewise and responded that they did engage a radiological analysis by a licensed physicist for such analyses. Mr. Christopher Royse was present on Zoom. She would ask him directly if he could be elevated to panelist.

She said that in 2018, Senator Lujan sent an inquiry to the federal EPA regarding the status of the decommissioning of the Eberline site and is still in process now. She quoted from his letter and had copies to distribute if it was permissible.

Ms. McSherry suggested she use the overhead projector to swear him in.

Mr. Royse was sworn in.

Ms. Jenkins read the highlighted part of the letter to the Commission which said in part that the Eberline site did not pose an environmental risk to the public for inclusion in the superfund national priorities list. That same assessment was rendered by the New Mexico Environmental Department in the Radiation Control Bureau.

Councilor Lee Garcia said we know there is radioactive substance on the property. He asked if anything had been done to determine what that substance was and what level is being detected, if any.

Mr. Royce said the Eberline property is under an agreement on decommissioning. Homewise asked him to measure the rates on that property and the exposure is not discernible. None of the contamination on the Eberline property is moving to the subject property.

Councilor Lee Garcia asked if any radiation for people living there would be exposed.

Mr. Royce said he did two surveys and the result is consistent with normal rates of radiation.

Councilor Lee Garcia asked Mike Gomez if the Traffic Analysis took into account the additional development across from Sweeney Elementary School of 200+ apartments.

Mr. Gomez said they did include it. They took in every project that has been approved, including the one at the NM 599 roundabout and the one next to the school on South Meadows Road.

Councilor Lee Garcia asked about the grading of the intersection.

Mr. Gomez said the LOS for it was at E and the high was at D in the morning counts. D is acceptable by DOT standards. Those studies were done with a projection of additional traffic. Only three intersections were requested but we did five more intersections.

Councilor Cassutt asked regarding the Eberline property if there was a distinction between the two sites. Her understanding was that as development happened, the radiation level would change. She asked if Mr. Royce could speak to that issue or if it was not something that would occur.

Mr. Royce said there was cesium radiation. Cesium will travel and migrate from the Cesium 137. So long as the Applicant works with the State it was acceptable. Monitoring will be needed only on the Eberline site but not on the subject property. Strontium 90 can move through the soil but not Cesium 137.

Councilor Cassutt briefly reviewed how we got to this point and understood the County bonded to acquire the property and dedicated this property as park space. She asked if there were any covenants on it.

Ms. Jenkins said there were none.

Councilor Cassutt assumed the County could sell it because the bonds were satisfied – paid off.

Ms. Jenkins agreed.

Ms. Feghali said it was what she understood also.

Councilor Cassutt understood no offer occurred.

Ms. McSherry said no decision could be made without having an open meeting of the Governing Body and there was not one on that topic.

Councilor Cassutt asked Mr. Esquibel if it was currently zoned R-1.

Mr. Esquibel agreed. And it would allow one house per acre as a regular subdivision handled by the Planning Commission.

Councilor Cassutt understood Homewise owns the property now and are entitled to build one home per acre. So she asked what we are deciding now. He further explained that if Homewise built at one unit per acre, they would not be required to build a park. But the current plan requires it.

Councilor Cassutt asked what the percentages were for open space and for development.

Mr. Esquibel said that was shown on page two of the Planning Commission report.

Councilor Cassutt asked if there were any other parks or open spaces in that area.

Mr. Esquibel said yes, Portes del Sol was about a half mile away.

At 11:15, Mayor Webber asked for a waiver motion.

MOTION: Councilor Cassutt moved, seconded by Councilor Rivera, to waive the time limit for the meeting to go beyond 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 Rivera, Councilor Romero-Wirth, and Councilor Villarreal.

Against: Councilor Lindell.

Mr. Esquibel, in response to a previous question, read the density portions and acreage for each as it was shown on the background, page 10, of the project report based on the SWAMP Plan Once the plan is approved, they can move forward. It has had EPA assessment and one from EPA said all radioactive material was removed in 2015.

Councilor Romero-Wirth asked when that might be.

Mr. Royce said Eberline and the Radioactive Control Bureau have a low reading. They agreed on it that it doesn't pose a health risk.

Ms. Jenkins said there was not a hard deadline because it did not pose a health hazard.

Mike Loftin said he was sworn before. He said if the EPA and Radioactive Control Bureau had been concerned, Sweeney Elementary would not ever have opened. There has never been a spill on the South Meadows site.

Councilor Romero-Wirth asked about the perpetuity issue raised in the testimony, which was that the County bought the property with a bond and the bond said it would be a park or open space in perpetuity. And Homewise said there were no covenants on it when they acquired it.

Ms. Jenkins said they were involved with the County around the timeline. The County had intentions to develop a park. But subsequent to that, the City annexed it. A County resolution passed in 2020 that authorized a sale of the property.

Councilor Romero-Wirth understood the purchase would to Open Space and Trails and the County would keep that promise to keep it as open space.

Ms. Jenkins responded that neither JenkinsGavin nor Homewise were involved in that process when it was with the County. But the County was questioning if it really wanted to invest their money in a park that was in the City of Santa Fe. Then the idea of selling the property would give the County funds to develop their own properties into parks and open space.

Mike Loftin agreed. Right now, the County is competing on the extension of the River Trail.

Councilor Romero-Wirth also heard about a shade initiative and asked Ms. Jenkins if they were considering support of tree growth and using Engenuity out there for amenities like rain gardens. She asked if that has that been talked about.

Ms. Jenkins agreed. We have the opportunity to collect stormwater to passively irrigate there also.

Councilor Romero-Wirth asked if at some point the park would get dedicated to the City.

Ms. Jenkins said, if approved, they will move forward and dedicate the land to the City. Homewise will fund the development of the park. The actual land dedication would happen within a few months. That is Homewise's work. We worked with City Parks for amenities for all age ranges.

Councilor Romero-Wirth understood it would have a mix of housing types, but the affordability is to be spread across and among the housing types.

Ms. Jenkins agreed.

Councilor Lindell asked Mr. Esquibel in light of the conversation about mitigating radioactive contamination what process Homewise used in deciding if it was reasonable to go ahead with the purchase.

Mr. Loftin said one good outcome was knowing the test result with Eberline.

Councilor Villarreal asked how Homewise would let the community know on the decommissioning progress.

Mr. Loftin said they will continue their efforts to let people know. It will be on the Los Prados website. Park information will be shared, and we will speak with local groups. They would try to nudge the Environment Department to keep them abreast of the status. They need to get it finished. It has been going on too long. He noted that Chainbreaker has been doing a lot of the information sharing with residents.

Mr. Royce said he was in charge of a team that focuses on radiation and have a wide variety of people they do the work for and don't discriminate based on their client. He explained the Eberline decommissioning license was not much different than getting a hospital license. The Radiation Control Bureau has standards published on their website and those standards are clear to those who are decommissioning a site. And they have been in place for years, regardless of who is in office at the time.

Councilor Villarreal said there is a process for accepting what was proposed for the park.

Mr. Esquibel said that was difficult to get through and had to move phase 2 up to phase 1 and had to make the effective date and the condition that the Applicant accepted. That will go to the Planning Commission. Once the park is accepted, they will begin work under the current zoning.

Councilor Villarreal hope Staff would inspect it before accepting it.

Ms. Jenkins said he plan would be submitted to the City for review and we would be responsible until all was completed, the punch list implemented, before the City takes it over.

Council Villarreal said we all know this is a crisis mode for housing and wondered if they had a plan for how folks would know when the housing becomes available.

Mr. Loftin described how Homewise helps people with the tasks in buying a home and do outreach regarding the park in the area with door-knocking. He acknowledged that Homewise needs to be better known in Spanish-speaking neighborhoods. He wanted to be able to share success stories afterward about those who moved out of mobile homes and into a home of their own.

The majority of their staff are bilingual and are very good at that. They also have a loan program that covers people who have no social security numbers.

Councilor Villarreal asked if there would be restrictions on the homes to prevent short-term rentals.

Mr. Loftin said yes, across the board in the covenants.

Councilor Michael Garcia asked Mr. Engler about his qualifications to determine if he was the right person to ask his question of Mr. Royce.

After he shared his background, Councilor Garcia asked him if he had history working with Cesium 137. The answer was yes so he wanted to know, given the spill that took place on Eberline property, what the cleanup process looked like and if there was potential for Cesium exposure in extraction such as particles in he air and move by air to adjacent properties.

Mr. Engler said Cesium is in liquid state at room temperature, so they had chloride to it to make it a fine crystalline powder. At the bottom of that 20 foot hole, they were able to measure 8,000 cubic furies per gram at thirty feet. So it is moving. It acts like potassium in that it is soluble and uses as a plant nutrient it acts like that. So it could be circulated to the surface by the bio-turbidities that could include digging by the robies and such. He didn't know how it would be cleaned up. He had heard they tried to use a vacuum suction and tried an auger system. They gave notice of decommissioning to John Farfer in 2007, 2008, and 2009. Each was

given a two-year limit to complete. And they failed to do that each time. Maybe they have not figured out how to clean it up. He hoped they would. The tests that were done by Mr. Gage he reviewed and was in the packet. He asked that Councilor read that report.

In the letter written by Ben Ray Lujan, he said the company misrepresented the types and amounts of radiologic from the trail held on site. This company also has a history of violations related to the safe and secure handling of radioactive material. The public deserves to be kept informed about what is going on in our community. And so far, there have been too many unanswered questions.

Than was his first complaint, before he even started thinking about how this relates to the open space, he lived within a rocks throw of this building and just waned information from the State. They told him they didn't have to provide public information meetings or provide for participation. But he found out they are responsible for providing information to the local government, Indian Nations and individuals who live in the vicinity. They have not been doing that and he wondered why. So the City should be asking the State for information. You deserve it and we deserve it.

The second thing was that it is important that you probably cannot make a decision about housing until that place has been cleaned up. Cesium 137 is easily transferred through the air and it appears that there is a lot of it.

Councilor Michael Garcia thanked him for that information.

His other question was for Director McDonald. He have had discussions about whether we have too many parks or enough staff to maintain our parks. Do we need to look at decommissioning parks, etc.? This proposal is to adopt a new park. It is six acres – a decent size, which would require some people-power to keep it maintained. So he asked if we have the capacity to ensure this park stays high functioning and high quality that the neighborhood would expect.

Director McDonald was sworn and replied the City could not build this park. This is an area of town with a need and briefly explained why from earlier testimony. The City is prepared to do it with a lot of children living in that part of the City. They need things to do.

Councilor Garcia asked Mr. Loftin what would happen if the Governing Body directed Homewise to build the park and if they would be able to maintain it. Some of our parks are struggling now. He didn't want to see us make a promise and then the City not be able to maintain it. He asked

if Homewise had thought about keeping ownership and allowing the public to use it.

Mr. Loftin said Homewise could not do that and still offer all the homes below market rates. And it could not be the HOA's responsibility when all residents are low-income families. The parks that are the responsibility of HOAs are much smaller parks. He HOA fees would be humongous to maintain it.

Councilor Michael Garcia felt it was a big ask to put the burden on the City.

Mr. Esquibel said, in fact, it has to be a public park in order to be consistent with the Southwest Area Master Plan. Otherwise, we are unable to recommend approval of the project because they were unable to meet the requirements for a GPA and rezoning the first time as there was no mechanism to make it a public park. This path it is set on is compliant both with Chapter 14 and the General Plan and the SWAMP.

Councilor Michael Garcia understood that any plan proposed for his part of the City, it absolutely must be a public park.

Mr. Esquibel said no. The reason this was unique was because the City accepted it into the annexation as a public park. Park is not a zoning' park is a use. It must be a public park in order to maintain consistency with the General Plan.

Councilor Michael Garcia understood.

Carlos Gemora said the County had a resolution concerning the offering of a park but was not actually offered to the City in a formal context. The County does have notes from a County Commissioner saying they had mentioned that in a meeting.

Mayor Webber said there was an absence of a public process in a public meeting. There is no documented offer to free and clear without charge, give land to the City.

Councilor Michael Garcia quoted the statement from County Open Space in an official memo that outlined the intention to give a park to the City.

Mayor Webber said that was speculation of their intent.

Councilor Michael Garcia said it would help him understand why the City is not following through the original intention of this property and is

unfortunate we cannot get that clarification. And neither City nor County followed through with that original intention.

Mr. Esquibel swore himself in again and said when the project first came in, he was made aware of this situation and did research to find any County request to maintain the park. He saw a video where Commissioner Hansen brought it up in a public hearing. But the County never went forward to provide an official request to the City to accept those lands and have not been able to locate any official request or the City would have responded appropriately. It just didn't happen.

Councilor Michael Garcia understood there was no such official record.

Mr. Esquibel said someone in the neighborhood filed a complaint and he got in touch with the State Auditor for anything that addressed covenants or anything associated with that complaint. He also contacted the NMED with Dante Rodriguez, the Acting Chief of Staff for the Radioactive Department who told him his department agreed with MD5's report so he determined those reports did take place.

Councilor Rivera asked about the counterproposal in the packet and why that was not accepted.

Mr. Loftin said it was called the compromise proposal which essentially was to keep 11 acres and to donate the other 11 acres to a nonprofit yet to be set up and they would take care of the park, saving Homewise the cost of development of the park. But in the talks, it was clear they really just wanted open space. In a canvas of the neighborhood, the vast majority of the people wanted an active park where the kids could play, and families could enjoy. So Homewise is committed to provide an active park there. They also did a financial analysis for it. He believed the people really deserved an active park there and Homewise was trying to make that happen.

Councilor Rivera thought Ms. Jenkins had said there were no failed intersections in the area currently.

Ms. Jenkins agreed. All intersections included in the traffic analysis do continue to operate at acceptable levels of service once the project is built. All the projects are built.

Councilor Rivera asked if that included South Meadows and Agua Fria.

Ms. Jenkins said that intersection was not part of the scope of the study – not an intersection the City asked us to analyze. But the City is about to go out to bid for improvements at that intersection for a summer start.

Councilor Rivera understood that intersection was now a failing intersection and asked what LOS it would be at after the improvements were completed.

Mr. Leroy Pacheco understood from Romella that a \$3 million project was fully funded for construction and in her December schedule, expected it to be implemented by the end of this year. He was not sure about the LOS would be but would be an improvement and acceptable.

Mr. Gomez said the designed level of service would be level C.

In response, he said at South Meadows and Airport Road, the completion of this project would cause a four-second delay there. That intersection has room for major improvements but at significant cost.

Councilor Rivera asked concerning the Eberline property when the letter was written.

Ms. Jenkins said it was from 2018 in response to now Senator Lujan from the EPA.

Councilor Rivera thought Mr. Royce said there were radioactive substances still there and heard other testimony that there was nothing dangerous at Eberline.

Ms. Jenkins said there was a timeline determined from their IPRA request with massive documentation. The area of the accident is still up for mitigation, but the facility has been emptied. That was in February, 2016. All remaining materials in the facility were removed.

Councilor Rivera said the Governing Body is being told there is nothing bad there where the spill happened. But it looks like a prison and security was present whenever he was there. If it was not dangerous, he questioned why they would continue to have security there.

Councilor Rivera asked Mr. Engler if he concurred with Mr. Royce that a spill into the ground just moves millimeters to centimeters in travel.

Mr. Engler said they have already demonstrated that it has moved over ten feet.

Councilor Rivera said that was a significant movement in a relatively short time.

Mr. Engler added that it has a half-life of 30 years, so it would be 300 years before it has diminished to safe levels. And it acts as a plant

nutrient so it will move into plants and move from the root system to the surface.

Councilor Rivera asked if Joannie Ahrens was still present. She was.

He asked her if she had said it would take two years for the decommissioning to start.

Ms. Ahrens agreed. That was what Mr. Rodriguez (Radiation Control Bureau) said. And also important was that Eberline had already submitted three different decommissioning plans – 2007, 2008, 2009, and those were never approved. And the company that bought Eberline made \$11 billion in the last quarter of 2022. That was their gross, so it is a huge company, and this is a liability for them. She described how she has reported radiation in other projects. She shared the results in an overhead. She said the radiation began in 1945 but clean-up did not start until 2008 under the American Recovery and Reinvestment Act. They thought the boundaries set were large enough but her organization said they must be bigger to capture what else might be there.

They cleaned up the area there, but when the County started to build affordable housing there and digging the sewer lines, they found lots of radioactive material and have been cleaning that up for the last two years.

She cited those comments the clean-up contractor at LANL had made in her submittal. If a thorough investigation of the contamination is not done, the foundation digging work of Homewise could be bringing that material to the surface or contamination that migrated from the site. It needs soils analysis at various levels down to about fourteen feet to understand the amount of contamination that is there.

Councilor Rivera observed these homes could be built before any decommissioning even starts. That should be a concern to us.

Ms. Ahrens agreed.

Councilor Rivera thanked her and asked Mr. Engler if they would monitor the air when homes are being constructed there and the air is stirred up, how dangerous Cesium 137 and plutonium would be in the air. Would these homes be too close?

Mr. Engler said Cesium could be very easily a contaminant, especially in its powdered form and mixed with subsurface soils and sediments. He would see that as the greatest hazard when they start to clean up the underground. It would turn up soil and it would escape – what cover they

would use to keep it from blowing around. He pointed out what a microscopic size piece of Cesium could cause cancer would have 12 zeros after the decimal point.

Councilor Rivera asked if the rule required a clean up to happen a certain number of years before considering construction on the site or around the site.

Mr. Engler said once declared clean, they could use it unrestricted immediately.

Councilor Chavez had concerns on traffic and asked if there was a certain cushion for error on the analysis. The public park will increase pedestrian use.

Mr. Pacheco didn't remember if he was sworn in and did so in case he wasn't before. He explained that the conditions for approval in the packet was on the road. There are two access points to the subdivision and they removed access onto South Meadows to the park. So part of the Master Plan for the park will require an update to the TIA. The park, itself, would require that update and add to traffic on South Meadows. But there are no F levels in the TIA area.

Councilor Chavez was still worried there might be one after the build-out and she worried about the safety.

Mr. Gomez said he did very conservative traffic projection reports. He briefly reviewed the processes they used for their calculations.

Councilor Chavez asked if the developer had a plan for the movement of earth and its effect of increased radiation.

Mr. Loftin said there is zero evidence of any radioactive substance on the project site. Further, they have experience on mitigation, and it doesn't migrate through the soil. The foundations will not be nearly 14' deep so that was not a concern. They would take the precautions necessary to protect the people who would be living there.

Councilor Chavez knew some people had no concerns, but she still urged cautions in the development.

Mr. Loftin agreed they would take those cautions.

Councilor Chavez felt collaboration with Parks was very important and wanted assurances on the collaboration taking place.

Ms. Jenkins reviewed their outreach plans again. They would not go on to the next phase until the Parks Department was satisfied with the designs.

Director McDonald described the restrictions and directions that Homewise needed to follow for the park development. She urged the community to also bring up the matters that needed to be included in the plans. They included all the recreation equipment needed to meet the needs of preschool children to use.

Mayor Webber asked Mr. Esquibel to recite the housing needs of the City.

Mr. Esquibel didn't have the data with him.

Mayor Webber asked if Director Ladd was still present and could share that information again.

Director Ladd was sworn and said they were just now embarking on a thorough analysis. Five years ago the City was short 5,600 units for very low income families, and 7,000 units short for rentals. 75% of those are cost burdened (would have to pay too much of their total income).

Mayor Webber asked Mr. Loftin about the beneficiaries who would be served by this project.

Mr. Loftin said how they could not exclude any economic group from participating. Homewise is very committed to helping very local people qualify for housing in their projects. He pictured three possible scenarios on a decision matrix at the invitation of Mayor Webber.

Mayor Webber next asked Adam Johnson to address possible benefits from not approving this but a woman who had been sworn responded. She described their HOA of working people who participated in the decisions of the association. Several are struggling to hold on to their homes and some are being threatened by the purchase of this property and the anticipated development. It was their plan so that property could be connected to the schools and the rest of the community. And for that open space to have tremendous educational opportunities for those students. "We are the highest density in Santa Fe. It sets a very dangerous precedent. It is zoned R-1 – Park as is every other park in the City.

This sets neighbors against neighbors. We care about people being here in homes, hopefully that they could own. And we did everything we could to protect this park. It was intended for the people in the neighborhood and for those who would live here in the future without going away.

Mayor Webber understood.

She added they were concerned about Eberline and they didn't have a choice. That was the only house they could afford. She pointed out that using it as a park was better than having people live next to it.

Councilor Lee Garcia asked anyone in Land Use Department if there has ever been a time when a park was converted to residential use.

Mr. Esquibel said the property was designated for a park use but technically was just vacant land. He had never seen an actual park converted for residential use. This is not a park; it is vacant land.

Councilor Lee Garcia said the report says it is being changed from "Park" to "low density residential." He understood it was open space but wondered why the report referred to it as "park to low density residential."

Mr. Esquibel said it was in the General Plan which is like a natural puzzle and the development of its pieces. We mold those pieces to fit in that puzzle to work. But until someone comes in to develop the particular piece, that property is just vacant land. It was just targeted for a park but technically not a park. A park is a use and not a zoning. Nobody developed a park and it was sold as vacant or undeveloped land.

Councilor Lee Garcia asked what rules pertained when county land was sold to a new owner under the Southwest Area Master Plan. Would the designation for Park have stood?

Mr. Esquibel said the designation for park is current. If the Governing Body denies the application for park, the designation is still in place. The zoning would still allow development. It is R-1 and there is a multitude of uses under R-1. Park has no zoning category whatsoever. The use as park can happen in almost every zoning category the City has except for three. So it will remain in the General Plan as it is unless changed by the Governing Body. That is the request now.

Councilor Lee Garcia asked Ms. Jenkins about the Main Street project for Airport Road and if she received anything from that program and what they are taking on.

Ms. Jenkins said she did not, and this property is not part of the Airport overlay district. She added she was unaware that was an active Main Street program.

Councilor Michael Garcia asked Staff regarding the conversation on precedent for parks. He asked about the part of what was designated for SWAN Park and undeveloped. He presumed the new owner, if that portion of land was sold, could come before the Governing Body to ask for a residential development there.

Mr. Esquibel said it was a much different comparison because of the different types of zoning categories both properties re in. This property is zoned R-1 with a Future Land Use designation of a park. But SWAN Park is in a planned residential community. All of those properties are developed via a Master Plan process and part of an overall adopted plan. And on the Future Land Use Map designated as a Planned Residential Community. They would still be required to come to the Governing Body for the change of that Future Land Use Map if the zoning had to be changed.

Councilor Michael Garcia used Patrick Smith Park as an example if the City were to sell Patrick Smith Park to a private developer. He asked if they would be afforded the same opportunity to either develop with one unit per acre or come to request a rezoning.

Mr. Esquibel said everybody has a right to file an application. It just has to go through the process to determine if it would be approved or denied. It has to follow the City Code for its process.

Councilor Michael Garcia thought there was a flaw in that system the way parks are designated. Someone could purchase a park and change it to a residential area, leaving the nearby residents without the park they had enjoyed for so long. Home buyers are buying a neighborhood community to enjoy.

Councilor Rivera asked about the percentages of residential density in the Districts.

Director Ladd asked if he meant in terms of construction.

Councilor Rivera agreed.

Maggie Moore was sworn and said District 1 had 780 units in the pipeline (from 2017 to present) with 75 affordable; District 2 has 906 units, with 170 affordable; District 3 has 4,034 units with 200 affordable, and District 4 with 4,651 units and 701 affordable. There are 10,371 total units in the pipeline. Anything over 3 units is in that pipeline.

Councilor Rivera asked when we get to the break even point on the need.

Ms. Moore said that was a limitation on the pipeline because e.g. Midtown is proposing a thousand units that could come in over the next twenty years.

Director Ladd pointed out that probably not all the units would get built. Not all units are equal in affordability either. This is a tax credit proposal which is 100% affordable. There are about 10,000 still looking for homes they can afford now. We know our native incomes don't meet the housing prices because they have been influenced by different economies and when there is limited inventory, prices reset to the highest capacity to pay. With assistance, more of them become affordable.

Council Rivera hoped we could keep park amenities that the children in the South Meadows need and want.

There were no other questions. Mayor Webber closed the public hearing at approximately 1:40 a.m.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt for discussion, to approve Case 2021-4648, 3600 South Meadows General Plan Amendment and adopting Resolution 2023- _____ and directing Staff to draft Findings of Fact and Conclusions of Law reflecting the Governing Body's decision.

Discussion on the Motion

Councilor Rivera said if the County had stuck to their commitment, we wouldn't be here with this. He remembered the discussions in 2012 with Commissioner Miguel Chavez about the park and was discussed with our Public Works Department at the time. As part of the annexation agreement, the City would not accept parks or roads until they were up to city standards. So the County was supposed to build this park to City standards and then dedicate it to the City, similar to what the Applicant is doing. We will accept it from our Parks Department, once we have had input and the park is complete. It was supposed to be that same process but that never happened. So unfortunately, we are here. And at Public Works, we heard about a contamination off Baca with diesel fuel leak for 35 years with a plume that just continued to grow. We have one chance to get this right and we won't know if we got it wrong for about 35 years from now when people start getting cancer. And just because they are affordable homes doesn't mean we could build them at a dangerous site.

He reminded them that the Frank Ortiz Park was built over an old dump site. That is why it is not filled with residences. He just wanted to share his feelings.

Councilor Cassutt said this was one of the most challenging cases to come our way. This is the kind of thing we need in the City. We do not have the tools and need to give ourselves the tools to spread the housing throughout the City. At the same time, she struggles with the choices we have today. R-1 zoning has no park or development and this project would not solve our housing crisis. We need to better plan and address the issue.

The Eberline issue is a problem. Experts say the pollution won't go farther but we need to ensure that. The park could be developed under R-1, but this is now owned by a developer. It highlights issues between two governments.

Councilor Michael Garcia said if this moves forward and would be developed in phases, he would like conditions placed on each phase. It is a sign of good will to know their community would be safe. It is a failure of government in keeping their word. He wished the County, and the City could have worked collaboratively on its development. As a consequence, a very different plan is before us. It is challenging. Promises were not checked but we can learn from the process and learn better how to protect space set aside for parks. It was unfair to take that away from our residents.

Councilor Lee Garcia took an oath to represent all people of our district and is very important to him. The 22 acres is a beautiful property and asked himself how it can be a benefit to our community. It concerned him that Airport Road at South Meadows is barely passing as an intersection. Also at South meadows and Agua Fria. This is the right project on the wrong property. He respected Staff for all the work they did on this project. It has been messy, and he commended them for working hard on it.

Councilor Villarreal thanked everyone for sharing stories and experiences but was sad on the judgments made that impact the community. The public hearing was hard to listen to and we do need affordable housing for people to thrive. Homewise has a good track record and that made her feel better about seeing how affordable it would be. She was sad about the failure of the County in their decision.

Councilor Cassutt also felt it was a good development but was such a difficult land use case. Both are true.

Mayor Webber also commented about the decision. He got emails from people saying how tired it was seeing people who had to leave because they couldn't afford to live here any longer. It is a serious challenge across the country that wipes out any balance. This area of Santa Fe needs a first-class park. It is a core part of the development. We need it to be

affordable to live and work there. And we need a philosophy of development that includes parks with residential communities. Integrating them is a benefit because people are keeping an eye on the facility.

He thanked everyone for their patience and staying here to the end. He thanked all staff for their hard work on it.

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

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

Against: Councilor Lee Garcia, Councilor Rivera.

MOTION: **Councilor Lindell moved, seconded by Councilor Chavez, to approve Case 2021-4649, 3740 South Meadows Rezoning and direct Staff to draft Findings of Fact and Conclusions of Law reflecting the Governing Body’s decision.**

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

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

Against: Councilor Lee Garcia and Councilor Rivera.

MOTION: **Councilor Lindell moved, seconded by Councilor Cassutt, to approve Case 2021-4650, 3740 South Meadows General Plan Amendment and direct Staff to prepare Findings of Fact and Conclusions of Law reflecting the Governing Body’s decision.**

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

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

Against: Councilor Lee Garcia and Councilor Rivera.

MOTION: **Councilor Lindell moved, seconded by Councilor Chavez, to approve Case 2021-4651, 3740 South Meadows Rezoning and**

direct Staff to draft Findings of Fact and Conclusions of Law reflecting the Governing Body’s decision.

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

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

Against: Councilor L Garcia and Councilor Rivera

MOTION: Councilor Lindell moved, seconded by Councilor Chavez, to approve Case 2022-5618, 3600 and 3740 South Meadows Master Plan and direct Staff to draft proposed Findings of Fact and Conclusions of Law reflect the Governing Body’s reflecting the Governing Body’s decision.

Mayor Webber noted that Councilor Garcia introduced that additional safeguards be undertaken to make sure that anytime a development moves forward, there is careful monitoring and safeguards guaranteed so there is no exposure as a result of the neighboring property.

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

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

Against: Councilor Lee Garcia and Councilor Rivera.

21. APPOINTMENTS

a. Mayor’s Committee on Disability

- Christopher Pommier – Appointment – Term Ending 01/2027
- Pam J. Parfitt – Reappointment – Term Ending 01/2027
- Angelique Montoya-Chaves –Reappointment - Term Ending 01/2027

b. Santa Fe Women’s Commission

- Mariah Gonzales – Appointment – Term Ending 11/2025
- Elias Ponton – Appointment – Term Ending 11/2025

The appointments were approved earlier in the meeting.

22. **ADJOURN**


Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at approximately 2:22 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
February 8, 2023**

The Governing Body of the City of Santa Fe met in an executive session duly called on February 8, 2023, beginning at 9:16 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion of Litigation, Specifically *Duran Family Trust v. City of Santa Fe*, D-101-CV-2021-02418. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 955-6512).

PRESENT

Mayor Webber
Councilor Lindell
Councilor Cassutt
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

There being no further business to discuss, the executive session adjourned at 9:25 p.m.



for _____
Kristine Bustos-Mihelcic, Assistant City Clerk