



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
JANUARY 30, 2023
6:00 PM
COUNCIL CHAMBERS
CITY HALL
200 LINCOLN AVENUE

PROCEDURES FOR SPECIAL 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.

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

Councilor Chavez

Councilor Lindell



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4. **INVOCATION**

Councilwoman Villarreal

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **DISCUSSION/ACTION ITEMS**

- a. Request for Approval to Terminate the Agreement of Sale for 1085 Richards Avenue between the City of Santa Fe and New Mexico Game Commission for Inability to Reach Agreement on Purchase Price. (Terry Lease, Asset Development Manager, tjlease@santafenm.gov)

Committee Review:

Special Governing Body: 01/31/2023

8. **ADJOURN**

**Special Governing Body
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January 30, 2023**

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**Minutes of the
Special Meeting of the Governing Body
Monday, January 30, 2023
City Hall
Santa Fe, New Mexico**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Alan Webber, Mayor, on Monday, January 30, 2023, at approximately 6:12 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. PLEDGE OF ALLEGIANCE

Councilor Cassutt led the Pledge of Allegiance.

3. SALUTE TO THE NEW MEXICO FLAG

Councilor Lindell led the Salute to the New Mexico Flag.

4. INVOCATION

Councilor Villarreal gave the Invocation.

The Governing Body observed a moment of silence for those who are experiencing pain or 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 Lee Garcia
Councilor Michael Garcia [remotely]
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Renee D. Villarreal

Members Excused

Councilor Amanda Chavez

Other Participants Attending

Erin McSherry, City Attorney

Geralyn Cardenas, Assistant City Clerk

John Blair, City Manager

Terry Lease, Asset Development Manager

Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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.

7. DISCUSSION/ACTION ITEMS

- a. Request for Approval to Terminate the Agreement of Sale for 1085 Richards Avenue between the City of Santa Fe and New Mexico Game Commission for Inability to Reach Agreement on Purchase Price. (Terry Lease, Asset Development Manager. tjlease@santafenm.gov)

Committee Review:

Special Governing Body: 01/31/2023

Manager Blair introduced this case and recounted how the offer was not accepted by the New Mexico Game and Fish Commission. They made the decision in closed session and did not explain the reason for their unanimous vote when they returned to open session. The Commission previously voted unanimously to hire a realtor to put the property on the market. The deadline for accepting the proposed agreement was January 31, thus requiring the Governing Body to meet on this day to act on either agreeing to their terms or terminating the proposed deal.

Manager Blair believed there might be opportunity to purchase this property in other ways.

Manager Lease had nothing to add to the matter.

Councilor Romero-Wirth asked if the Governing Body also an option had to discuss it further.

Ms. McSherry agreed. The Governing Body could go into executive session to discuss the proposed purchase offer in more detail.

Michael was present remotely. / vote was unanimous. And entered executive session at 6:20

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt to enter executive session pursuant to Section 10-15-1, (H) (8) for discussion of acquisition, purchase, or disposal of real property or water rights.

VOTE: The motion was approved on a unanimous roll call vote with:

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

Against: None.

The Governing Body entered executive session at 6:22 p.m.

The Governing Body returned to open session at 6:51 p.m.

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

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

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

Against: None.

MOTION: Councilor Cassutt moved, seconded by Councilor Lindell, to terminate the agreement regarding 1085 Richards Avenue.

Discussion on the Motion:

Councilor Cassutt noted one reason the Governing Body was looking at this property for land on which to extend Richards Avenue. She asked Director Wheeler about the effects of not agreeing to purchase it from the Department of Game and Fish on our ability to move forward with enough right-of-way to build the extension.

Director Wheeler said the normal sequence is to acquire the needed land once the proposed road is designed so we know how much we need. It is very unusual to have an opportunity like this to have the land prior to creating the design. So, we will move forward with the project and identify exactly what right-of-way needs and pursue acquisition as our normal process right after the design is complete.

Councilor Lee Garcia asked Manager Lease, regarding the purchase price of \$3 million. It is about \$130,000 per acre. He asked if that a completely buildable land in this area for this property.

Manager Lease asked him to repeat that.

Councilor Lee Garcia asked how much of this land is buildable.

Manager Lease pointed out that in the Game and Fish appraisal, the appraiser estimated 5 acres in the flood plain and 18 acres of buildable land.

Councilor Lee Garcia concluded this is a purchase of 18 acres of property the City can actually utilize making it \$166,000 per acre.

Manager Lease agreed that was correct. The City would lose about five acres in the flood plain, and then add to that the future roadway. There is a little overlap there the developable land is a little less than 18 acres.

Councilor Romero-Wirth asked Manager Blair or Andrea Salazar regarding the \$2.1 million purchase price, now the City got to that amount. She knew two different appraisals had been done. They

might have been in conflict, so the City searched for a way to resolve that. She asked for comment on that.

Manager Blair said the original agreement entered into with the Game and Fish Department was based on their appraisal at \$3 million. But that agreement was contingent upon the City being able to conduct its own appraisal. That appraisal was completed in early January and came in at \$1.4 million – less than half of the original appraisal. From the Game and Fish Commission. At that point, the City Staff met with Game and Fish Staff to talk about how we could potentially move forward to still be able to buy the land. An agreement was reached to hire a third appraiser to conduct a desk review of both appraisals. The third appraisal was not done but was hired to review the work done in the Game and Fish Appraisal and the City appraisal.

Manager Lease looked at the list of approved appraisers already approved by the City to hire swiftly and let the Game and Fish select the appraiser from that list. That appraiser saw errors in the Game and Fish appraisal and also errors in the City appraisal and put the true value at \$2.1 million.

Councilor Romero-Wirth understood the process and repeated it.

Councilor Lindell said we still have an interest in some of this property to build a road through there.

Manager Blair agreed.

Councilor Lindell asked if a city like our City ever used the process of eminent domain.

Manager Blair said the City tries with an individual owner to negotiate the fair market value. If we were not able to reach an agreement, a condemnation procedure would be employed to obtain the land.

VOTE: **The motion was approved on a unanimous roll call vote with:**

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

Against: None.

8. **ADJOURNMENT**

The special meeting was adjourned at 7:03 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer