



# AGENDA

REGULAR MEETING OF  
THE GOVERNING BODY  
JULY 26, 2023 5:00 PM  
COUNCIL CHAMBERS, CITY  
HALL  
200 LINCOLN AVENUE

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## 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 5 p.m. the day before 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/84707446731>.

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: 847 0744 6731**

Phone attendees should press \*9 to use the “Raise Hand” function to be recognized by the Mayor to speak at the appropriate time.

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
  
2. **PLEDGE OF ALLEGIANCE**
  
- Councilor Michael Garcia
  
3. **SALUTE TO THE NEW MEXICO FLAG**
  
- Councilor Rivera
  
4. **INVOCATION AND REMEMBRANCES**
  
- Councilor Cassutt
  
5. **ROLL CALL**
  
6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT AGENDA**

8. **PRESENTATIONS**

- a. Update on Home Building Santa Fe, What's Under Construction, What's Approved for Future Construction and How Many Will be Affordably-Priced. (Alexandra Ladd, Affordable Housing Director: [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 505-955-6325; Heather Lamboy, Assistant Land Use Director: [hllamboy@santafenm.gov](mailto:hllamboy@santafenm.gov), 505-955-6598; Sharla Russell, Land Use Senior Planner: [smrussell@santafenm.gov](mailto:smrussell@santafenm.gov), 505-955-6325)
- b. Bicycling and Pedestrian Advisory Committee Accomplishments and Future Plans. (Romella Gloriosos-Moss, Capital Projects Manager: [rsgloriosos-moss@santafenm.gov](mailto:rsgloriosos-moss@santafenm.gov); 505-955-6623)
- c. Audit Update and Overview (Emily Oster, Finance Director, [ekoster@santafenm.gov](mailto:ekoster@santafenm.gov), 505-629-3411).

9. **ACTION ITEMS: CONSENT AGENDA**

- a. Request for Approval of the July 5, 2023 Special Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: [gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov); 505-955-6519)

**Committee Review:**

Governing Body: 07/26/2023

- b. Request for Approval of the July 12, 2023 Regular Governing Body Meeting Minutes. (Geraldyn Cardenas, Assistant City Clerk: [gfcardenas@santafenm.gov](mailto:gfcardenas@santafenm.gov); 505-955-6519)

**Committee Review:**

Governing Body: 07/26/2023

- c. Request for Approval of Amendment No. 1 to Item #23-0070 with Simtable LLC to Extend the Term of the Agreement to December 31, 2023 with No Corresponding Change in Cost. (Brian Williams, Director

Emergency Management: bgwilliams@santafenm.gov, 505-469-1484)

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body Committee: 07/26/2023

- d. Request for Approval of an Agreement with Overdrive Inc. in the Total Amount of \$150,000 for Purchase of E-Books, E-Audio & E-Magazines through August 20, 2024. (Margaret Neill, Library Division Director: mmneill@santafenm.gov, 505-955-6788)

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- e. Request for Approval of a Professional Service Agreement with Clearly Clean Janitorial Services / Horizons of NM in the Total Amount of \$67,714.80 for a Two (2) Year Term for Courier Services to Transfer Library Materials Between Three (3) Library Branches through June 30, 2025. (Margaret Neill, Library Division Director: mmneill@santafenm.gov 505-955-6788)

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body Committee: 07/26/2023

- f. Request for Approval of Amendment No. 2 to the Recovery Funds Recipient Contract, Item #23-0011 with Santa Fe Public Schools for the American Rescue Plan Act (ARPA) Work-Based Learning Contract to Delete Current Payment Segmentation Over Months and Years. (Jason Grinage, Economic Development Specialist: jxgrinage@santafenm.gov 505-955-6840; Sophie Andar, Youth & Family Services Program Manager: sxandar@santafenm.gov 505-955-3855).

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- g. Request for Approval of Professional Services Agreement with Vladimir Jones (PRACO LTD) for Tourism Santa Fe Advertising Agency Services in the Total Amount of \$8,000,000 through June 30, 2027. (Randy Randall, TSF Executive Director; rrandall@santafenm.gov)

**Committee Review**

Quality of Life Committee: 07/05/2023

Finance Committee: 07/17/2023

Governing Body: 07/26/2023

- h. Request for Approval of a Professional Service Agreement with New Mexico Coalition to End Homelessness in the Total Amount of \$281,700 for Non-Congregate Emergency Shelter Operations at Consuelo's Place Shelter through June 30, 2024. (Brittany Rodriguez, Youth and Family Services Program Manager, bcrodriguez@santafenm.gov; 505-955-6913)

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- i. Request for Approval of a Memorandum of Understanding with Santa Fe Public Schools for the Volunteer Station Agreement Foster Grandparent Program. (Theresa Trujillo, Project Administrator, tptrujillo@santafenm.gov, 505-955-4745)

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- j. Request for Approval of an Amended Easement Agreement to the Permanent Trail, Open Space and Flood Control Easement, Item #21-0417 with Santa Fe County for the Portion of Richards Avenue Extension Right-of-Way. (Zoe Isaacson, zrisaacson@santafenm.gov, 505-955-6853)

**Committee Review:**

Public Works and Utilities Committee: 07/10/2023

Finance Committee: 07/17/2023

Governing Body: 07/26/2023

- k. Request Approval for the Chief Procurement Officer to Issue a Purchase Order Against the City's On-Call Contract with Davenport Construction Management for the Stabilization of the Main Library. (Josh Bohlman, Facilities Project Administrator, jbohlman@santafenm.gov, 505-955-5932)
1. Request for Approval of a Budget Adjustment Resolution (BAR) for the Public Works Department Facilities Division in the Amount of \$225,000 Utilizing FY 22 (Prior Year) Gross Receipts Tax Revenue Earned in Excess of Budgeted Estimates to Fund Repairs and Exterior Painting at Main Library.

**Committee Review**

Finance Committee: 07/17/2023

Public Works & Utilities Committee: 07/24/2023

Governing Body: 07/26/2023

- l. CONSIDERATION OF RESOLUTION NO. 2023-\_\_\_\_. (Councilor Cassutt, Councilor Chavez and Councilwoman Villarreal)  
A Resolution Accepting a Local Government Road Fund Administered by the New Mexico Department of Transportation for the Planning and Design of the Agua Fria-Henry Lynch Roundabout Project, Identified As Control No. L500532. (Romella Glorioso-Moss, rsglorioso-moss@santafenm.gov, 505-955-6623)

**Committee Review:**

Governing Body: (Introduction) 06/28/2023

Public Works and Utilities Committee: 07/10/2023

Finance Committee: 07/17/2023

Governing Body: 07/26/2023

- m. Request for Approval of Cooperative Project Agreement with the New Mexico Department of Transportation in the Amount of \$139,603 for the Engineering Design of Henry Lynch / Agua Fria Roundabout Identified as

Project L500532. (Romella Gloriosos-Moss, Complete Streets Capital Projects Manager, rsglorioso-moss@santafenm.gov, 505-955-6623)

1. Request for the Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$139,603; Using \$104,702 NMDOT Funding and \$34,900 Road Impact Fees to Design the Henry Lynch / Agua Fria Roundabout Identified as Project L500532.

**Committee Review:**

Finance Committee: 07/17/2023

Public Works & Utilities Committee: 07/24/2023

Governing Body: 07/26/2023

- n. Request for Approval of Professional Services Contract with HDR Engineering, Inc., for Engineering Services to Complete the Design of Replacement Ultraviolet Disinfection Facilities for the Paseo Real Wastewater Reclamation Facility in the Amount of \$373,757.50, Including NMGRT through June 30, 2025. (P. Fred Heerbrandt, Wastewater Management Engineer Supervisor (505-955-4623)

1. Request For Approval of a Budget Adjustment Resolution (BAR) to Increase Professional Services to Fund the Design of Replacement UltraViolet Disinfection Facilities in the Amount of \$373,757.50.

**Committee Review:**

Public Works and Utilities Committee: 07/10/2023

Finance Committee: 07/17/2022

Governing Body: 07/26/2023

- o. Request for Approval of a Professional Services Agreement with FII National, dba UpTogether, in the Total Amount of \$1,000,000 in Eviction Prevention Funds, to Respond to the Impact of the Public Health Emergency and its Negative Economic Impacts through June 30, 2024. (Julie Sanchez, Youth and Family Services Division Director: jjsanchez@santafenm.gov, 505-955-6678)

**Committee Review**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- p. Request for Approval of American Rescue Plan Act (ARPA) Recovery Funds Subrecipient Contract with FII National, dba UpTogether, in the Total Amount of \$2,500,000 for Direct Cash Assistance Under the US Treasury Guidelines: 2.4 Household Assistance; Cash Transfers—to Respond to the COVID-19 Public Health Emergency and its Negative Economic Impacts. (Julie Sanchez, Youth and Family Division Director: [jjsanchez@santafenm.gov](mailto:jjsanchez@santafenm.gov); 505-955-6678)
1. Request for Approval of a Budget Adjustment Resolution (BAR) to Increase Grants and Services for \$1,000,000 from Santa Fe County ARPA Funds via Santa Fe County Memorandum of Agreement Item #22-0030.

**Committee Review**

Quality of Life Committee: 07/19/2023

Finance Committee: 07/17/2023

Governing Body: 07/26/2023

- q. Request for Approval of Amendment No. 2 to Original Contract #21-0544 with John Shomaker and Associates (JASI) to to Provide Water Rights and Hydrogeologic Technical Services for the City of Santa Fe Water Division for FY 2024. (William Schneider, Water Resources Manager: [whschneider@santafenm.gov](mailto:whschneider@santafenm.gov); Steven Shultz, Water Resources Coordinator: [smshultz@santafenm.gov](mailto:smshultz@santafenm.gov))
1. Request for Approval of A Budget Amendment Resolution (BAR) in the Amount of \$213,983 from Water Cash Balance for FY 2024.

**Committee Review:**

Public Works and Utilities Committee: 07/10/2023

Finance Committee: 07/17/2023

Governing Body: 07/26/2023

- r. CONSIDERATION OF A RESOLUTION 2023-\_\_ (Councilor Jamie Cassutt, Councilor Renee Villarreal)  
A Resolution Supporting the Neighbor-To-Neighbor Fund Drive 2023.

(Marci Eannarino, Manager of Legislation and Policy  
Innovation: maeannarino@santafenm.gov, 505-955-6518)

**Committee Review:**

Governing Body (Introduction): 07/12/2023

Quality of Life Committee: 07/19/2023

Governing Body: 07/26/2023

- s. CONSIDERATION OF A RESOLUTION 2023-\_\_ (Mayor Alan Webber)  
A Resolution Requesting Approval of Fourth Quarter Budget Amendments and Associated Schedules for Fiscal Year 2022-2023 from the Local Government Division of the New Mexico Department of Finance and Administration. (Andy Hopkins, Budget Officer: ajhopkins@santafenm.gov, 505-955-6177)

**Committee Review:**

Governing Body (Introduction): 07/12/2023

Quality of Life Committee: 07/19/2023

Public Works & Utilities Committee: 07/24/2023

Governing Body: 07/26/2023

10. **ACTION ITEMS: DISCUSSION AGENDA**

- a. Request for Approval of the New Mexico Department of Transportation Aviation Division Grant Agreement # SAF-24-02 in the Amount of \$1,336,000 for the Repair of the Runway Midfield Intersection. (James Harris, Airport Manager: jcharris@santafenm.gov)

1. Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$1,336,000 to Increase the WIP Construction Fund Using NMDOT Funding for the Repair of the Runway Midfield Intersection.

**Committee Review:**

Public Works and Utilities: 07/24/2023

Governing Body: 07/26/2023

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), Subparts (6), (7), and (8), Discussion Regarding the Contents of Proposals Responsive to Competitive Solicitations for the Development of Certain Portions of the Midtown Property, Pursuant to the Procurement Code and in Furtherance of Contract Negotiations; Quarterly Update of Attorney-Client Privileged Discussion of Pending and Threatened Litigation in which the City May Be a Party, Including, but Not Limited to, *City of Santa Fe vs. the Board of County Commissioners of Santa Fe County*, No. D-101-CV-2023-00921, and *City of Santa Fe vs. Purdue Pharma*, D-101-CV-2019-01809; and Discussion of Property Acquisition, Specifically Property Located at 1085 Richards Avenue, and Property Disposition, Specifically, the Property Known as “Garson Studios” on the Midtown Property Located at 1600 St. Michael’s Drive. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

13. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval to Enter into an Exclusive Negotiation Agreement with Midtown Santa Fe Productions QOF, LLC to Negotiate Terms for Land and Building Disposition and Development of the Midtown Production Studios Lot Pursuant to the City's Request for Proposals No. 23/35/P with a Good Faith Deposit in the Amount of \$7,500.00 (Lee Logston, Midtown Asset Development Manager: lrllogston@santafenm.gov, 505-955-6251; Daniel Hernandez, Midtown Redevelopment Project Manager - Proyecto, daniel@proyecto.is; Rich Brown, Director, Community Development: rdbrown@santafenm.gov, 505-670-0559).

**Committee Review:**

Finance Committee: 07/17/2023

Quality of Life Committee: 07/19/2023

Public Works and Utilities Committee: 07/24/2023

Governing Body: 07/26/2023

- b. Approval of a Settlement Agreement in *City of Santa Fe v. Purdue*

*Pharma, et al.* with Walgreens Co. for the City's Eligible Portion of the State Settlement for up to \$136,361,767.64 for Local Governments, Allocated under the New Mexico Opioid Allocation Agreement, or Approximately Six Million, One-Hundred Ninety-Two Thousand, Forty-Five Dollars (\$6,192,045).

- c. Approval of a Settlement Agreement with Amneal Pharmaceuticals, Inc.; Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals of New York, LLC, for the City's Eligible Portion of the State Settlement with those Parties for \$279,125.00 Under the New Mexico Opioid Allocation Agreement, or Approximately Twelve Thousand, Six Hundred Seventy-Four Dollars (\$12,674).
  
- d. Approval of a Settlement Agreement with West-Ward Pharmaceuticals Corp. n/k/a Hikma Pharmaceuticals USA Inc., for the City's Eligible Portion of the State Settlement for \$500,000, with an Allocation of \$192,500 for Local Governments, Pursuant to the New Mexico Opioid Allocation Agreement, or Approximately Eight Thousand, Seven Hundred Forty-One Dollars (\$8,741).
  
- e. Approval of a Settlement Agreement with KVK-Tech, Inc., for the City's Eligible Portion of the State Settlement for \$1,750,000, with an Allocation of Approximately \$673,738 for Local Governments Under the New Mexico Opioid Allocation Agreement, or Approximately Thirty Thousand, Five Hundred Ninety-Four Dollars (\$30,594).

14. **MATTERS FROM THE CITY CLERK**

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

16. **INTRODUCTION OF LEGISLATION**

- a. **CONSIDERATION OF A RESOLUTION 2023-\_\_\_ (Councilor Jamie Cassutt and Councilwoman Renee Villarreal)**  
A Resolution Proposing a Ballot Question to be Submitted to the City of

Santa Fe's Voters During the November 7, 2023, Regular Local Election Regarding Approval of the City Ordinance Establishing a High-End Excise Tax for Affordable Housing. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 505-955-6512)

**Committee Review:**

Governing Body: (Introduction) 07/26/2023

Finance Committee: 07/31/2023

Quality of Life: 08/02/2023

Governing Body: 08/09/2023

- b. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_ (Councilor Chris Rivera, Councilor Michael Garcia, Councilor Lee Garcia and Councilwoman Renee Villarreal)

A Resolution Proposing a Ballot Question to be Submitted to the City of Santa Fe's Voters During the November 7, 2023 Regular Local Election Regarding Amending the City's Charter to Include a Provision Establishing an Independent Office of Inspector General for the City of Santa Fe. (Marci Eannarino, Manager of Legislation and Policy Innovation , maeannarino@santafenm.gov, 505-955-6518)

**Committee Review:**

Governing Body: (Introduction) 07/26/2023

Finance Committee: 07/31/2023

Quality of Life Committee: 08/02/2023

Governing Body: 08/09/2023

- c. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_ (Councilor Michael Garcia, Councilwoman Renee Villarreal)

A Resolution Proposing a Ballot Question to Be Submitted to the City's Voters During the November 7, 2023 Regular Local Election Regarding Amending the City's Charter to Reduce the Signature Requirements for Referenda and Initiatives From 33.3 Percent to 15 Percent, Provide That the Denominator Used to Calculate the Percentages is the Total Number of Voters Who Voted In the Most Recent Election That Included the Election of the Office of the Mayor, and Make Appropriate Technical Changes to Sections 3.01, 3.02 And 3.03, Consistent With Ordinance No. 2018-24 Regarding the City's Adoption Of The Local Election Act. (Marci Eannarino, Manager of Legislation and Policy Innovation, maeannarino@santafenm.gov, 505-955-6518)

**Committee Review:**

Governing Body: (Introduction) 07/26/2023

Quality of Life: 08/02/2023

Governing Body: 08/09/2023

- d. **CONSIDERATION OF A RESOLUTION 2023-\_\_\_** (Councilor Michael Garcia and Councilor Chris Rivera)

A Resolution Proposing a Ballot Question to Be Submitted to the City's Voters During the November 7, 2023, Regular Local Election Regarding Amending the City's Charter to Include a Provision Stating That the Governing Body, Commissions, and Boards Must Adopt Procedural Rules Stating That They Must Adhere to Established Principles of Procedural Due Process and Fundamental Fairness When Functioning In a Quasi-Judicial Role. (Marci Eannarino, Manager of Legislation and Policy Innovation, maeannarino@santafenm.gov, 505-955-6518)

**Committee Review:**

Governing Body: (Introduction) 07/26/2023

Quality of Life: 08/02/2023

Governing Body: 08/09/2023

17. **PETITIONS FROM THE FLOOR**

18. **PUBLIC COMMENT ON BILLS (First Public Comment, No Action)**

- a. **CONSIDERATION OF A BILL 2023-22** (Councilor Chris Rivera, Councilor Carol Romero-Wirth, Councilor Jamie Cassutt, Councilor Renee Villarreal)

A Bill Amending SFCC 1987, Section 12-3.9 to Ban the Sale and Use of Certain Fireworks During Severe Drought Conditions. (Brian Moya, Fire Chief, bjmoya@santafenm.gov, 505-955-3111)

**Committee Review:**

Governing Body (Introduction): 07/12/2023

Governing Body (Public Comment): 07/26/2023

Quality of Life Committee: 08/02/2023

Public Works and Utilities Committee: 08/07/2023

Governing Body (Public Hearing): 08/30/2023

- b. **CONSIDERATION OF BILL NO. 2023-24.** (Councilor Lindell, Councilor Cassutt and Councilor Michael Garcia)  
A Bill Amending SFCC 1987, Section 23-5.1 to Include a Definition for Unicycles; Amending the Uniform Traffic Ordinance (UTO), Exhibit A to Chapter 24 By Creating a New Section 12-1-86.5 to Add a Definition for “Unicycle” and “Electric Unicycle, Amending Section 12-1-40 to Exclude Electric Unicycles from the Definition of Motor Vehicles, Amending Section 12-1-88 to Include Electric Unicycles in the Definition of Vehicle, and Amending Article 8, Sections 12-8-1 through 12-8-16 and Section 12-10-3.1 to Apply the Rules of Operation of Bicycles to Unicycles to the Extent Feasible and to Prohibit Anyone Under the Age of Sixteen from Riding a Class Two Electric Unicycle. (Romella Glorioso-Moss, Capital Projects Manager, rsglorioso-moss@santafenm.gov, 505-955-6623)

**Committee Review:**

Governing Body (Introduction): 07/12/2023

Bicycle and Pedestrian Advisory Committee: 07/13/23

Governing Body (Public Comment): 07/26/2023

Quality of Life Committee: 08/2/2023

Public Works and Utilities Committee: 08/07/2023

Governing Body (Public Hearing): 08/30/2023

19. **FINAL ACTION ON LEGISLATION (Public Hearing)**

- a. **CONSIDERATION OF A BILL 2023-18. ADOPTION OF ORDINANCE NO. 2023-\_\_\_\_\_.** (Councilor Romero-Wirth)  
A Bill Amending Section 7-1.1 SFCC 1987 to Adopt the 2020 New Mexico Electrical Code, the 2021 New Mexico Plumbing Code, and the 2021 New Mexico Mechanical Code of the State Of New Mexico Building Code as Amended; and Amending Section 7-1.9 SFCC 1987, to Remove Language that is Inconsistent with the 2021 New Mexico Plumbing Code. (Thomas Graham, tmgraham@santafenm.gov, 505-955-6613)

**Committee Review:**

Governing Body (Introduction): 06/14/2023

Governing Body (Public Comment): 06/28/2023

Public Works and Utilities Committee: 07/10/2023

Governing Body (Public Hearing): 07/26/2023

- b. **CONSIDERATION OF BILL NO. 2023-19. ADOPTION OF ORDINANCE NO. 2023-\_\_\_\_\_.** (Councilor Rivera)  
A Bill Amending Exhibit B of Section 21-7 to Increase Certain Residential and Commercial Rates for Services Provided by the Environmental Services Division; to Increase Replacement Fees for Containers; and to Remove Language Permitting One-Time, Free Replacement of Containers. (Shirlene Sitton, sesitton@santafenm.gov, sesitton@santafenm.gov)

**Committee Review:**

Governing Body: (Introduction) 06/14/2023  
Governing Body: (Public Comment) 06/28/2023  
Public Works and Utilities Committee: 07/10/2023  
Finance Committee: 07/17/2023  
Governing Body (Public Hearing): 07/26/2023

- c. **CONSIDERATION OF BILL NO. 2023-20. ADOPTION OF ORDINANCE NO. 2023-\_\_\_\_\_.** (Mayor Webber, Councilor Cassutt, Councilor Romero-Wirth and Councilor M. Garcia)  
A Bill Relating to Metropolitan Redevelopment; Deleting the Content of Section 7-2 Regarding "Urban Renewal", Repealed by State Law in 2008, and Replacing it with the City's Metropolitan Redevelopment Code, Sections 6-13 and 6-14, Amended to be Consistent with State Law, Delete Language Specific to a Business Capitol District, Limit Metropolitan Redevelopment Commission Leasing Authority to that Specified in a Particular Metropolitan Development Plan, and Specify Qualifications for Metropolitan Redevelopment Commissioners (Rich Brown, rdbrown@santafenm.gov, 505-955-6625, Marcos Martinez, mdmartinez, 505-955-6502)

**Committee Review:**

Governing Body (Introduction): 06/14/2023  
Governing Body (Public Comment): 06/28/2023  
Public Works and Utilities Committee: 07/10/2023  
Finance Committee: 07/17/2023  
Quality of Life Committee: 07/19/2023  
Governing Body (Public Hearing): 07/26/2023

**20. PUBLIC HEARINGS (Land Use Cases, Appeals, and Other Items Required to Have a Public Hearing)**

21. **APPOINTMENTS**

a. Mayor's Youth Advisory Board

- Amelia Balwit – Appointment – Term Ending 12/2025
- Bodhi Lewis – Appointment – Term Ending 12/2025
- Theodoro Sandoval Jr. – Appointment – Term Ending 12/2025

b. Children and Youth Commission

- Craig Hay – Appointment – Term Ending 01/2025
- Lieutenant Jimmie Montoya – Appointment – Term Ending 01/2025

c. Planning Commission

- Jessica Eaton Lawrence – Reappointment – Term Ending 06/2025
- Janet Clow – Reappointment – Term Ending 06/2025
- Pilar Faulkner – Reappointment – Term Ending 06/2025
- Phillip Lucero – Change in Membership to At-Large – Term Ending 06/2025
- Thomas Reiland – Appointment – Term Ending 06/2025

d. Historic District Review Board

- Anthony Guida – Reappointment – Term Ending 01/2025
- Cecilia Rios – Reappointment – Term Ending 01/2025
- Madeleine Aguilar Medrano – Reappointment – Term Ending 01/2025

e. Archaeological Review Committee

- David Eck – Reappointment – Term Ending 6/2025
- Courtney Anne Wands – Reappointment – Term Ending 06/2025
- Derek Pierce – Reappointment – Term Ending 06/2024

f. Board of Adjustment

- Coleen Dearing – Reappointment – Term Ending 09/2024
- Teague Douglas -Apointment – Term Ending 09/2024

## 22. **ADJOURN**

Closed captions are provided for this meeting. Persons with disabilities in need for additional accommodations, contact the City Clerk's office at 505-955-6521, five (5) working days prior to meeting date.

**SUMMARY OF ACTION  
REGULAR MEETING OF THE GOVERNING BODY  
WEDNESDAY, JULY 26, 2023, 5:00 PM  
COUNCIL CHAMBERS, CITY HALL  
200 LINCOLN AVENUE, SANTA FE, NEW MEXICO**

1.	Call To Order	Convened at 5:08 pm	1
2.	Pledge of Allegiance	Councilor Michael Garcia	1
3.	Salute to the NM Flag	Councilor Rivera	1
4.	Invocation and Remembrances	Councilor Cassutt	1
5.	Roll Call	Quorum	1-2
6.	Approval of Agenda	Approved as Amended	2
7.	Approval of Consent Agenda	Approved as Amended	2
8.	Presentations		
	a. Home Building SF	Given	2
	b. BTAC Committee	Given	2
	c. Audit Update	Given	2
9.	Action items: Consent agenda	Approved	2-6
10.	Action items: Discussion Agenda		
	a. Aviation Grant	Approved	6
11.	Matters from the City Manager	Heard	6
12.	Matters from the City Attorney	Heard	6
	a. Executive Session	Held	6-8
17.	Petitions From The Floor	Heard	8
13.	Executive Session Action Items		
	a. Midtown SF Productions	Approved	8
	b. Settlement Agreement	Approved	8-9
	c. Settlement Agreement	Approved	9
	d. Settlement Agreement	Approved	9
	e. Settlement Agreement	Approved	9-10

<b>14.</b>	<b>Matters from the City Clerk</b>	<b>Heard</b>	<b>10</b>
<b>16.</b>	<b>Introduction of Legislation</b>		
	a. Resolution 2023 - _____	Introduced	10
	b. Resolution 2023 - _____	Introduced	10
	c. Resolution 2023 - _____	Introduced	10-11
	d. Resolution 2023 - _____	Introduced	11
<b>18.</b>	<b>Public Comments on Bills</b>		
	a. Bill 2023-22	None	11
	b. Bill 2023-24	None	11
<b>19.</b>	<b>Final Action on Legislation</b>		
	a. Bill 2023-18	Approved	12
	b. Bill 2023-19	Approved	12
	c. Bill 2023-30	Referred	12-13
<b>20.</b>	<b>Public Hearings (Land Use Cases, Appeals, and other items</b>	<b>None</b>	<b>13-14</b>
<b>21.</b>	<b>Appointments</b>		
	a. Mayor's Youth Advisory Bd.	Appointed	14
	b. Children and Youth Comm.	Appointed	14
	c. Planning Commission	Appointed	14-15
	d. Historic District Review Bd.	Appointed	15
	e. Archaeological Review Comm.	Appointed	15
	f. Bd of Adjustment	Appointed	16
<b>22.</b>	<b>Adjourn</b>	<b>Adjourned 9:45 pm</b>	<b>16</b>

**REGULAR MEETING OF THE GOVERNING BODY**

**WEDNESDAY, JULY 26, 2023, 5:00 PM  
COUNCIL CHAMBERS, CITY HALL  
200 LINCOLN AVENUE, SANTA FE, NEW MEXICO**

**I. CALL TO ORDER**

The regular meeting of the Governing Body was called to order by Mayor Webber at 5:08 pm, on Wednesday, July 26, 2023, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilor Michael Garcia.

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

The salute to the New Mexico Flag was led by Councilor Rivera.

**4. INVOCATION AND REMEMBRANCES**

The invocation was given by Councilor Cassutt.

A moment of silence was given.

**5. ROLL CALL**

**MEMBERS PRESENT**

Mayor Alan Webber  
Councilor Signe Lindell  
Councilor Jamie Cassutt  
Councilor Lee Garcia  
Councilor Michael Garcia  
Councilor Christopher Rivera  
Councilor Carol Romero-Wirth  
Councilor Renee Villarreal

**MEMBERS EXCUSED**

Councilor Amanda Chavez

**OTHERS PARTICIPANTS ATTENDING**

Erin McSherry, City Attorney  
John Blair, County Manager  
Kristine Bustos-Mihelcic, City Clerk

Emily Oster, Finance Director  
Alexandra Ladd, Affordable Housing Director  
Heather Lamboy, Assistant Land Use Director  
Sharla Russell, Land Use Senior Planner  
Elizabeth Martin, Stenographer

**6. APPROVAL OF AGENDA**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Michael Garcia, to approve the agenda as presented.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**7. APPROVAL OF CONSENT AGENDA**

Councilor Michael Garcia asked to remove item I so he could recuse himself.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Lindell, to approve the consent agenda as amended.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**8. PRESENTATIONS**

- A. UPDATE OF HOME BUILDING SANTA FE, WHAT'S UNDER CONSTRUCTION, WHAT'S APPROVED FOR FUTURE CONSTRUCTION AND HOW MANY WILL BE AFFORDABLY-PRICED**
- B. BICYCLING AND PEDESTRIAN ADVISORY COMMITTEE ACCOMPLISHMENTS AND FUTURE PLANS**

**C. AUDIT UPDATE AND OVERVIEW**

**9. ACTION ITEMS: CONSENT AGENDA**

**A. REQUEST FOR APPROVAL OF THE JULY 5, 2023 SPECIAL GOVERNING BODY MEETING MINUTES**

Approved on consent.

**B. REQUEST FOR APPROVAL OF THE JULY 12, 2023 REGULAR GOVERNING BODY MEETING MINUTES.**

Approved on consent.

**C. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO ITEM #23-0070 WITH SIMTABLE LLC TO EXTEND THE TERM OF THE AGREEMENT TO DECEMBER 31, 2023 WITH NO CORRESPONDING CHANGE IN COST.**

Approved on consent.

**D. REQUEST FOR APPROVAL OF AN AGREEMENT WITH OVERDRIVE INC. IN THE TOTAL AMOUNT OF \$150,000 FOR PURCHASE OF E-BOOKS, E-AUDIO & E-MAGAZINES THROUGH AUGUST 20, 2024.**

Approved on consent.

**E. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT WITH CLEARLY CLEAN JANITORIAL SERVICES / HORIZONS OF NM IN THE TOTAL AMOUNT OF \$67,714.80 FOR A TWO (2) YEAR TERM FOR COURIER SERVICES TO TRANSFER LIBRARY MATERIALS BETWEEN THREE (3) LIBRARY BRANCHES THROUGH JUNE 30, 2025.**

Approved on consent.

**F. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE RECOVERY FUNDS RECIPIENT CONTRACT, ITEM #23-0011 WITH SANTA FE PUBLIC SCHOOLS FOR THE AMERICAN RESCUE PLAN ACT (ARPA) WORK-BASED LEARNING CONTRACT TO CURRENT PAYMENT SEGMENTATION OVER MONTHS AND YEARS.**

Approved on consent.

- G. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH VLADIMIR JONES (PRACO LTD) FOR TOURISM SANTA FE ADVERTISING AGENCY SERVICES IN THE TOTAL AMOUNT OF \$8,000,000 THROUGH JUNE 30, 2027.**

Approved on consent.

- H. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT WITH NEW MEXICO COALITION TO END HOMELESSNESS IN THE TOTAL AMOUNT OF \$281,700 FOR NON-CONGREGATE EMERGENCY SHELTER OPERATIONS AT CONSUELO'S PLACE SHELTER THROUGH JUNE 30, 2024.**

Approved on consent.

- I. REQUEST FOR APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH SANTA FE PUBLIC SCHOOLS FOR THE VOLUNTEER STATION AGREEMENT FOSTER GRANDPARENT PROGRAM.**

Councilor Michael Garcia recused himself from this item and left the room.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Villarreal, to approve the request for a MOU with Santa Fe Public Schools.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes;  
Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

Councilor Michael Chavez returned to the meeting.

- J. REQUEST FOR APPROVAL OF AN AMENDED EASEMENT AGREEMENT TO THE PERMANENT TRAIL, OPEN SPACE AND FLOOD CONTROL EASEMENT, ITEM #21-0417 WITH SANTA FE COUNTY FOR THE PORTION OF RICHARDS AVENUE EXTENSION RIGHT OF WAY.**

Approved on consent.

- K. REQUEST APPROVAL FOR THE CHIEF PROCUREMENT OFFICER TO ISSUE A PURCHASE ORDER AGAINST THE CITY'S ON-CALL CONTRACT WITH DAVENPORT CONSTRUCTION MANAGEMENT FOR THE STABILIZATION OF THE MAIN LIBRARY.**

Approved on consent.

- L. CONSIDERATION OF RESOLUTION NO. 2023-\_\_\_\_\_. A RESOLUTION ACCEPTING A LOCAL GOVERNMENT ROAD FUND ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR THE PLANNING AND DESIGN OF THE AGUA FRIA-HENRY LYNCH ROUNDABOUT PROJECT, IDENTIFIED AS CONTROL NO. L500532.**

Approved on consent.

- M. REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$139,603 FOR THE ENGINEERING DESIGN OF HENRY LYNCH/AGUA FRIA ROUNDABOUT IDENTIFIED AS PROJECT L500532.**

Approved on consent.

- N. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES CONTRACT WITH HDR ENGINEERING, INC., FOR ENGINEERING SERVICES TO COMPLETE THE DESIGN OF REPLACEMENT ULTRAVIOLET DISINFECTION FACILITIES FOR THE PASEO REAL WASTEWATER RECLAMATION FACILITY IN THE AMOUNT OF \$373,757.50, INCLUDING NMGR T THROUGH JUNE 30, 2025.**

Approved on consent.

- O. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH FII NATIONAL, DBA UPTOGETHER, IN THE TOTAL AMOUNT OF \$1,000,000 IN EVICTION PREVENTION FUNDS, TO RESPOND TO THE IMPACT OF THE PUBLIC HEALTH EMERGENCY AND ITS NEGATIVE ECONOMIC IMPACTS THROUGH JUNE 30, 2024.**

Approved on consent.

- P. REQUEST FOR APPROVAL OF AMERICAN RESCUE PLAN ACT**

**(ARPA) RECOVERY FUNDS SUBRECIPIENT CONTRACT WITH FII NATIONAL, DBA UPTOGETHER, IN THE TOTAL AMOUNT OF \$2,500,000 FOR DIRECT CASH ASSISTANCE UNDER THE US TREASURY GUIDELINES: 2.4 HOUSEHOLD ASSISTANCE; CASH TRANSFERS - TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND ITS NEGATIVE ECONOMIC IMPACTS.**

Approved on consent.

**Q. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO ORIGINAL CONTRACT #21-0544 WITH JOHN SHOMAKER AND ASSOCIATES (JASI) TO PROVIDE WATER RIGHTS AND HYDROGEOLOGIC TECHNICAL SERVICES FOR THE CITY OF SANTA FE WATER DIVISION FOR FY 2024.**

Approved on consent.

**R. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_\_. A RESOLUTION SUPPORTING THE NEIGHBOR-TO-NEIGHBOR FUND DRIVE 2023.**

Approved on consent.

**S. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_\_. A RESOLUTION REQUESTING APPROVAL OF FOURTH QUARTER BUDGET AMENDMENTS AND ASSOCIATED SCHEDULES FOR FISCAL YEAR 2022-2023 FROM THE LOCAL GOVERNMENT DIVISION OF THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION.**

Approved on consent.

**10. ACTION ITEMS: DISCUSSION AGENDA**

**A. REQUEST FOR APPROVAL OF THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION GRANT AGREEMENT #SAF-24-02 IN THE AMOUNT OF \$1,336,000 FOR THE REPAIR OF THE RUNWAY MIDFIELD INTERSECTION.**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the request for approval of the Aviation Division Agreement.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**11. MATTERS FROM THE CITY MANAGER**

**12. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION**

City Attorney McSherry recommended that the City Council enter into an Executive Session for the following:

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, NMSA 1978, SECTION 10-15-1, PART (H), SUBPARTS (6), (7), AND (8). DISCUSSION REGARDING THE CONTENTS OF PROPOSALS RESPONSIVE TO COMPETITIVE SOLICITATIONS FOR THE DEVELOPMENT OF CERTAIN PORTIONS OF THE MIDTOWN PROPERTY, PURSUANT TO THE PROCUREMENT CODE AND IN FURTHERANCE OF CONTRACT NEGOTIATIONS; QUARTERLY UPDATE OF ATTORNEY-CLIENT PRIVILEGED DISCUSSION OF PENDING AND THREATENED LITIGATION IN WHICH THE CITY MAY BE A PARTY, INCLUDING, BUT NOT LIMITED TO, *CITY OF SANTA FE VS. THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY*, NO. D-101-CV-2023-00921, AND THE *CITY OF SANTA FE VS PURDUE PHARMA*, D-101-CV-2019-01809; AND DISCUSSION OF PROPERTY ACQUISITION, SPECIFICALLY PROPERTY LOCATED AT 1085 RICHARDS AVENUE, AND PROPERTY DISPOSITION, SPECIFICALLY, THE PROPERTY KNOWN AS “GARSON STUDIOS” ON THE MIDTOWN PROPERTY LOCATED AT 1600 ST. MICHAEL’S DRIVE.**

**MOTION** A motion was made by Councilor Rivera, seconded by Councilor Romero-Wirth, to enter into Executive Session in accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, part (H), Subparts (6), (7) and (8).

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

The Governing Body entered into Executive Session at 6:25 pm.

**MOTION** A motion was made by Councilor Rivera, seconded by Councilor Romero-Wirth, to reconvene the regular meeting per the Open Meetings Act.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

The Governing Body entered into Executive Session at 6:25 pm.

The Governing Body returned to the regular meeting at 8:17 pm.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt to move to Petitions from the Floor as the next agenda item.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

## **17. PETITIONS FROM THE FLOOR**

**Stephanie Beninato.** Ms. Beninato spoke about the format of the meeting minutes.

## **13. EXECUTIVE SESSION ACTION ITEMS**

- A. REQUEST FOR APPROVAL TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH MIDTOWN SANTA FE PRODUCTIONS QOF, LLC TO NEGOTIATION TERMS FOR LAND AND BUILDING DISPOSITION AND DEVELOPMENT OF THE MIDTOWN PRODUCTION STUDIOS LOT PURSUANT TO THE CITY'S REQUEST FOR PROPOSALS NO. 23/35/P WITH A GOOD FAITH DEPOSIT IN THE AMOUNT OF \$7,500.00.**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the request to enter into an exclusive negotiation agreement with Midtown Santa Fe Productions QOF, LLC.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

- B. APPROVAL OF A SETTLEMENT AGREEMENT IN CITY OF SANTA FE V. PURDUE PHARMA, ET AT., WITH WALGREENS CO. FOR THE CITY'S ELIGIBLE PORTION OF THE STATE SETTLEMENT FOR UP TO \$136,361,767.64 FOR LOCAL GOVERNMENTS, ALLOCATED UNDER THE NEW MEXICO OPIOID ALLOCATION AGREEMENT, OR APPROXIMATELY SIX MILLION, ONE-HUNDRED NINETY-TWO THOUSAND, FORTY-FIVE DOLLARS (\$6,192,125.00).**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the Settlement Agreement.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

- C. APPROVAL OF A SETTLEMENT AGREEMENT WITH AMNEAL PHARMACEUTICALS, INC.,; AMNEAL PHARMACEUTICALS LLC, AMNEAL PHARMACEUTICALS OF NEW YORK, LLC, FOR THE CITY'S ELIGIBLE PORTION OF THE STATE SETTLEMENT WITH THOSE PARTIES FOR \$279,125.00 UNDER THE NEW MEXICO OPIOID ALLOCATION AGREEMENT, OR APPROXIMATELY TWELVE THOUSAND, SIX HUNDRED SEVENTY-FOUR DOLLARS (\$12,674).**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the Settlement Agreement.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

- D. APPROVAL OF A SETTLEMENT AGREEMENT WITH WEST-WARD PHARMACEUTICALS CORP, N/K/A HIKMA PHARMACEUTICALS USA INC., FOR THE CITY'S ELIGIBLE PORTION OF THE STATE SETTLEMENT FOR \$500,000, WITH AN ALLOCATION OF \$192,500 FOR LOCAL GOVERNMENTS, PURSUANT TO THE NEW MEXICO**

**OPIOID ALLOCATION AGREEMENT, OR APPROXIMATELY EIGHT THOUSAND, SEVEN HUNDRED FORTY-ONE DOLLARS (\$8,741).**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the Settlement Agreement.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

- E. APPROVAL OF A SETTLEMENT AGREEMENT WITH KVK-TECH, INC., FOR THE CITY'S ELIGIBLE PORTION OF THE STATE SETTLEMENT FOR \$1,750,000, WITH AN ALLOCATION OF APPROXIMATELY \$673,738 FOR LOCAL GOVERNMENTS UNDER THE NEW MEXICO OPIOID ALLOCATION AGREEMENT, OR APPROXIMATELY THIRTY THOUSAND, FIVE-HUNDRED NINETY-FOUR DOLLARS (\$30,594).**

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve the Settlement Agreement.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**14. MATTERS FROM THE CITY CLERK**

**15. COMMUNICATIONS FROM THE GOVERNING BODY**

**16. INTRODUCTION OF LEGISLATION**

- A. CONSIDERATION OF A RESOLUTION 2023 - \_\_\_\_\_. A RESOLUTION PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY OF SANTA FE'S VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION REGARDING APPROVAL OF THE CITY ORDINANCE ESTABLISHING A HIGH-END EXCISE TAX FOR AFFORDABLE HOUSING.**

The Legislation was introduced.

- B. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_\_. A RESOLUTION PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY OF SANTA FE'S VOTERS DURING THE NOVEMBER 7, 2023 REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY'S CHARTER TO INCLUDE A PROVISION ESTABLISHING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL FOR THE CITY OF SANTA FE.**

The Legislation was introduced.

- C. CONSIDERATION OF A RESOLUTION 2023-\_\_\_\_\_. A RESOLUTION PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY'S VOTERS DURING THE NOVEMBER 7, 2023 REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY'S CHARTER TO REDUCE THE SIGNATURE REQUIREMENTS FOR REFERENDA AND INITIATIVES FROM 33.3 PERCENT TO 15 PERCENT, PROVIDE THAT THE DENOMINATOR USED TO CALCULATE THE PERCENTAGES IS THE TOTAL NUMBER OF VOTERS WHO VOTED IN THE MOST RECENT ELECTION THAT INCLUDED THE ELECTION OF THE OFFICE OF MAYOR, AND MAKE APPROPRIATE TECHNICAL CHANGES TO SECTIONS 3.01, 3.02 AND 3.03, CONSISTENT WITH ORDINANCE NO. 2018-24 REGARDING THE CITY'S ADOPTION OF THE LOCAL ELECTION ACT.**

The Legislation was introduced.

- D. CONSIDERATION OF A RESOLUTION 2023 - \_\_\_\_\_. A RESOLUTION PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY'S VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY'S CHARTER TO INCLUDE A PROVISION STATING THAT THE GOVERNING BODY, COMMISSIONS, AND BOARDS MUST ADHERE TO DUE PROCESS WHEN FUNCTIONING IN A QUASI-JUDICIAL ROLE.**

The Legislation was introduced.

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

- A. CONSIDERATION OF A BILL 2023-22. A BILL AMENDING SFCC 1987, SECTION 12-3.9 TO BAN THE SALE AND USE OF CERTAIN FIREWORKS DURING SEVERE DROUGHT CONDITIONS.**

No public comment.

- B. CONSIDERATION OF BILL NO. 2023-24. A BILL AMENDING SFCC 1987, SECTION 23-5.1 TO INCLUDE A DEFINITION FOR UNICYCLES; AMENDING THE UNIFORM TRAFFIC ORDINANCE (UTO), EXHIBIT A TO CHAPTER 24 BY CREATING A NEW 12-1-86.5 TO ADD A DEFINITION FOR “UNICYCLE” “ELECTRIC UNICYCLES” AMENDING SECTION 12-1-40 TO EXCLUDE ELECTRIC UNICYCLES FROM THE DEFINITION OF MOTOR VEHICLES, AMENDING SECTION 12-1-88 TO INCLUDE ELECTRIC UNICYCLES IN THE DEFINITION OF VEHICLE, AND AMENDING ARTICLE 8, SECTIONS 12-8-1 THROUGH 12-8-16 AND SECTION 12-10-3.1 TO APPLY THE RULES OF OPERATION OF BICYCLES TO UNICYCLES TO THE EXTENT FEASIBLE AND TO PROHIBIT ANYONE UNDER THE AGE OF SIXTEEN FROM RIDING A CLASS TWO ELECTRIC UNICYCLE.**

No public comment.

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

- A. CONSIDERATION OF A BILL 2023-18. ADOPTION OF ORDINANCE NO. 2023-\_\_\_\_. A BILL AMENDING SECTION 7-1.1 SFCC 1987 TO ADOPT THE 2020 NEW MEXICO ELECTRICAL CODE, THE 2021 NEW MEXICO PLUMBING CODE, AND THE 2021 NEW MEXICO MECHANICAL CODE OF THE STATE OF NEW BUILDING CODE AS AMENDED; AND AMENDING SECTION 7-1.9 SFCC 1987, TO REMOVE LANGUAGE THAT IS INCONSISTENT WITH THE 2021 NEW MEXICO PLUMBING CODE.**

**Stephanie Beninato.** Ms. Beninato spoke about the sound and microphone system.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Lindell, to approve Bill 2023-18.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**B. CONSIDERATION OF BILL NO. 2023-19. ADOPTION OF**

**ORDINANCE NO. 2023 - \_\_\_\_\_. A BILL AMENDING EXHIBIT B OF SECTION 21-7 TO INCREASE CERTAIN RESIDENTIAL AND COMMERCIAL RATES FOR SERVICES PROVIDED BY THE ENVIRONMENTAL SERVICES DIVISION; TO INCREASE REPLACEMENT FEES FOR CONTAINERS; AND TO REMOVE LANGUAGE PERMITTING ONE-TIME, FREE REPLACEMENT OF CONTAINERS.**

**Stephanie Beninato.** Ms. Beninato spoke in opposition to the rate increase.

**MOTION** A motion was made by Councilor Rivera, seconded by Councilor Cassutt, to approve Bill 2023-19.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**C. CONSIDERATION OF BILL NO. 2023-30. ADOPTION OF ORDINANCE NO. 2023-\_\_\_\_\_, A BILL RELATING TO METROPOLITAN REDEVELOPMENT; DELETING THE CONTENT OF SECTION 7-2 REGARDING “URBAN RENEWAL”, REPEALED BY STATE LAW IN 2008, AND REPLACING IT WITH THE CITY’S METROPOLITAN REDEVELOPMENT CODE, SECTIONS 6-13 AND 6-14, AMENDED TO BE CONSISTENT WITH STATE LAW, DELETE LANGUAGE SPECIFIC TO A BUSINESS CAPITOL DISTRICT, LIMIT METROPOLITAN REDEVELOPMENT COMMISSION LEASING AUTHORITY TO THAT SPECIFIED IN A PARTICULAR METROPOLITAN DEVELOPMENT PLAN, AND SPECIFY QUALIFICATIONS FOR METROPOLITAN REDEVELOPMENT COMMISSIONERS.**

**Stephanie Beninato.** Ms. Beninato spoke to the bill process changes.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt, to approve Bill 2023-30.

Councilor Villarreal stated that she had an amendment to this Bill that is included in the meeting packet. The amendment adds back “with advice and consent of the Governing Body” and language around the need to have one person from each of the areas of expertise in the membership.

**MOTION** A motion was made by Councilor Villarreal, seconded by Councilor Michael Garcia, to move the amendment.

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Romero-Wirth, to postpone the item until the regular meeting of the Governing Body on August 9<sup>th</sup>.

Councilor Cassutt withdrew her motion and Councilor Romero-Wirth withdrew her second.

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Romero-Wirth, to refer this item to the Finance Committee meeting of July 31<sup>st</sup>, the Quality of Life meeting on August 2<sup>nd</sup> and the Governing Body meeting of August 9<sup>th</sup>.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, no.

**20. PUBLIC HEARINGS (LAND USE CASES, APPEALS, AND OTHER ITEMS REQUIRED TO HAVE A PUBLIC HEARING)**

None.

**21. APPOINTMENTS**

**A. MAYOR'S YOUTH ADVISORY BOARD**

- \* **AMELIA BALWIT - APPOINTMENT - TERM ENDING 12/2025**
- \* **BODHI LEWIS - APPOINTMENT - TERM ENDING 12/2025**
- \* **THEODORO SANDOVAL JR. - APPOINTMENT - TERM ENDING 12/2025**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Romero-Wirth, to approve the appointments.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**B. CHILDREN AND YOUTH COMMISSION**

- \* **CRAIG HAY - APPOINTMENT - TERM ENDING 01/2025**
- \* **LIEUTENANT JIMMIE MONTOYA - APPOINTMENT - TERM ENDING 01/2025**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Rivera, to approve the appointments.

**VOTE** The motion passed on roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**C. PLANNING COMMISSION**

- \* **JESSICA EATON LAWRENCE - REAPPOINTMENT - TERM ENDING 06/2025**
- \* **JANET CLOW - REAPPOINTMENT - TERM ENDING 06/2025**
- \* **PILAR FAULKNER - REAPPOINTMENT - TERM ENDING 06/2025**
- \* **PHILLIP LUCERO - CHANGE IS MEMBERSHIP AT-LARGE - TERM ENDING 06/2025**
- \* **THOMAS REILAND - APPOINTMENT - TERM ENDING 06/2025**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Romero-Wirth, to approve the appointments.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**D. HISTORIC DISTRICT REVIEW BOARD**

- \* **ANTHONY GUIDA - REAPPOINTMENT - TERM ENDING 01/2025**
- \* **CECILIA RIOS - REAPPOINTMENT - TERM ENDING 01/2025**
- \* **MADELEINE AGUILAR MEDRANO - REAPPOINTMENT - TERM ENDING 01/2025**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor

Romero-Wirth, to approve the appointments.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**E. ARCHAEOLOGICAL REVIEW COMMITTEE**

- \* **DAVID ECK - REAPPOINTMENT - TERM ENDING 06/2025**
- \* **COURTNEY ANNE WANDS - REAPPOINTMENT - TERM ENDING 06/2025**
- \* **DEREK PIERCE - REAPPOINTMENT - TERM ENDING 06/2024**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Rivera, to approve the appointments.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**F. BOARD OF ADJUSTMENT**

- \* **COLEEN DEARING - REAPPOINTMENT - TERM ENDING 09/2024**
- \* **TEAGUE DOUGLAS - TERM ENDING 09/2024**

**MOTION** A motion was made by Councilor Cassutt, seconded by Councilor Rivera, to approve the appointments.

**VOTE** The motion passed on a roll call vote as follows:

Councilor Lee Garcia, yes; Councilor Michael Garcia, yes; Councilor Cassutt, yes; Councilor Lindell, yes; Councilor Rivera, yes; Councilor Romero-Wirth, yes; Councilor Villarreal, yes; Mayor Webber, yes.

**22. ADJOURN**

There being no further business before the Governing Body the meeting adjourned at 9:45 pm.

Approved By:



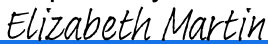
\_\_\_\_\_  
Mayor Alan Webber

Attested To By:



\_\_\_\_\_  
Kristine Bustos-Mihelcic, City Clerk

Respectfully Submitted By:



\_\_\_\_\_  
Elizabeth Martin (Aug 4, 2023 14:51 MDT)

\_\_\_\_\_  
Elizabeth Martin, Stenographer

**GOVERNING BODY MEETING  
EXECUTIVE SESSION  
July 26, 2023**

The Governing Body of the City of Santa Fe met in an executive session duly called on July 26, 2023, beginning at 6:34 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H), Subparts (6), (7), and (8), Discussion Regarding the Contents of Proposals Responsive to Competitive Solicitations for the Development of Certain Portions of the Midtown Property, Pursuant to the Procurement Code and in Furtherance of Contract Negotiations; Quarterly Update of Attorney-Client Privileged Discussion of Pending and Threatened Litigation in which the City May Be a Party, Including, but Not Limited to, *City of Santa Fe vs. the Board of County Commissioners of Santa Fe County*, No. D-101-CV-2023-00921, and *City of Santa Fe vs. Purdue Pharma*, D-101-CV-2019-01809; and Discussion of Property Acquisition, Specifically Property Located at 1085 Richards Avenue, and Property Disposition, Specifically, the Property Known as "Garson Studios" on the Midtown Property Located at 1600 St. Michael's Drive. (Erin K. McSherry, City Attorney: ekmcsherry@santafenm.gov, 505-955-6512)

**PRESENT**

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

**STAFF PRESENT**

John Blair, City Manager  
Erin McSherry, City Attorney  
Kristine Bustos-Mihelcic, City Clerk  
Pat Feghali, Assistant City Attorney (Present from 6:34 pm to 8:07 pm)  
Rich Brown (Virtual) (Present from 6:34 pm to 8:03 pm)  
Lee Logston, Asset Management Manager (Present from 6:34 pm to 8:03 pm)  
Daniel Hernandez (Consultant) (Present from 6:34 pm to 8:03 pm)

There being no further business to discuss, the executive session adjourned at 8:13 p.m.



\_\_\_\_\_  
Kristine Bustos-Mihelcic, City Clerk