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Governing Body
January 27, 2021

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**Minutes of the
Regular Meeting of the Governing Body
Wednesday, January 27, 2021
Virtual Meeting**

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, January 27, 2021, at approximately 4:03 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Cassutt-Sanchez.

3. SALUTE TO THE NEW MEXICO FLAG

The Salute to the New Mexico Flag was led by Councilor Lindell.

4. INVOCATION

The Invocation was led by Councilor Romero-Wirth.

Councilor Villarreal remembered Maria Perea, taken by COVID, Mother of her childhood friends and she left seven children. She worked for DMV, sang in a choir and was a talented painter. She also remembered Richard Distour, who died from COVID on his 91st birthday the day when he was to be vaccinated. He is survived by wife and family. She also remembered Pete Gurule, who was killed in accident at 40 years of age. He was the father of two, a DJ. Gurule. She read a poem that included, "Life is such a blessing and death such a thief..."

Councilor Vigil Coppler gave condolences to the family of Oscar Olevelo, who had worked at the New Mexico Supreme Court. He was a cyclist and runner who beat cancer for a while, and it came back, and he died last Sunday.

Councilor Lindell remembered and sent condolences to Mike and Jenny Meyer at the passing of their daughter. She served with him on the Planning Commission.

The Governing Body observed a moment of silence for those who have recently died and their grieving families and those suffering from COVID or other diseases.

5. ROLL CALL

Roll call indicated the presence of a quorum remotely, as follows:

Members Present Remotely

Mayor Alan Webber
Councilor Roman "Tiger" Abeyta
Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Kyra Ochoa, Community Services Director
Regina Wheeler, Public Works Director
Leroy Pacheco, City Engineer
Andrew Padilla, Police Department Chief
Paul Babcock, Fire Department Chief
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

7. APPROVAL OF CONSENT CALENDAR

Councilor Villarreal asked to be listed as a cosponsor on item 10-a.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve the Consent Calendar as amended with Item 10(a) pulled for discussion.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

8. APPROVAL OF MINUTES

a. Special Governing Body Meeting – January 4, 2021

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the minutes of January 4, 2021 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

b. Regular Governing Body Meeting – January 13, 2021

Councilor Villarreal on page 25, two names of public were not included Melissa Mascareñas and Virgil last name is Vigil.

Page 31 where she is speaking, she noted some things were not portrayed right, and asked to add in the middle of the paragraph where it said, “She also recognized that the process was more than monuments but of people...” And it should include, “And to be honest, people in our community have felt *invisiblized* and, for various periods, through various periods of our recent history and present day.” She thought that caught the gist of it.

There were no other changes.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the minutes of January 13, 2021 as amended.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

9. PRESENTATIONS

- a. Department Update on Phase 1-A Arroyo Chamiso Crossing Study. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622) **INFORMATION ONLY**

Ms. Bustos Mihelcic introduced this presentation.

Director Wheeler noted other people present in support of this presentation. Leroy Pacheco and people from WSC were available to answer questions. She just wanted to update the Governing Body on this important project that affects our quality of life. We just completed phase 1- A – public engagement and assessment of alternatives including transportation in our City. The document provided on design shows that we have some funding moving into design phase from impact fees and the City CIAC approved them. It is being done in a way that makes the project eligible for federal funding. We are now getting feedback on the next phase and gearing up for long-term.

Mr. Pacheco thanked Mayor and Director Wheeler and offered to use his time answering questions. We are in the beginning phases of public involvement. He shared his screen showing the project phases and the area it covers around Rodeo Road, Cerrillos Road, Zafarano, and Avenida de Las Campanas. He pointed out the bicycle route. In the study, the comparison of alternatives meeting had about 150 participants. He briefly described each of the three alternative routes. He explained that the Environment Assessment has been conducted and added that there will be an acequia underpass. He said the other people working on this endeavor, could answer questions at this point.

Councilor Vigil Coppler commented that she and Councilor Harris had a meeting at GCCC that was well attended, as well as a second one. They met with HOAs in the area, and from that, were able to make suggestions to John Romero, Director Wheeler, and Mr. Pacheco to make it the best choice. It is a great plan although not everybody agreed. Former Councilor

Harris was very adamant about getting this project back on track. She was hopeful we could see it through to completion and get adequate traffic control there.

Councilor Rivera asked if the alternate routes were based on recommendations for Alternative A or were just options we have.

Mr. Pacheco said the three alternatives were proposed to decide on the best way for connections from Richards and how we came with Alt A, B, and C.

Councilor Rivera concluded there was no recommendation on which is best.

Mr. Pacheco said they followed the technical analysis on each and, based on neighborhood and public involvement in discussion of connections, we are currently looking at Alt B for recommendation.

Councilor Rivera asked about Fire Chief negotiations for crossing NM Game and Fish property and if they still own that entire property.

Mr. Pacheco observed that so much has changed in the last year. They are listed as a stakeholder in the packet. He could get more detail but knew Game and Fish were aware of it. He just didn't know the level of detail in the discussion on that property. But he pointed out that as they move forward, all property owners will be notified of the impact.

Mayor Webber remembered the Convention Center in-person briefing was packed and COVID was just starting to happen. The discussion was lively and very thoughtful. He appreciated seeing this briefing tonight. He asked Director Wheeler and Mr. Pacheco to keep the Governing Body updated. He agreed that Councilor Harris always wanted it moving forward. There would be great traffic benefits and keeping the community and Governing Body involved is important.

10. CONSENT CALENDAR

- a. CONSIDERATION OF RESOLUTION NO. 2021-7. (Mayor Webber)
A Resolution in Support of Senate Resolution 372 and House Resolution 835 and in Support of the 30 by 30 Campaign to Protect 30 Percent of Lands and Ocean by 2030. (Neal Denton, Sustainability Planner, nhdenton@santafenm.gov, 955-2229)

COMMITTEE REVIEW

Quality of Life Committee – 01/20/21

Public Works and Utilities Committee – 01/25/21

- b. Request for Approval of Buckman Direct Diversion Shared Pool Agreement with Santa Fe County. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- c. Request for Approval of Amendment No. 3 in the Amount of \$570,000 to Original Contract No. 19-0031 for On-Call Construction with GM Emulsion LLC. (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov, 955-4246)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- d. Request for Approval of a Budget Amendment Resolution (BAR) from Cash Balance in Water Enterprise Fund to Fund the GM Emulsion LLC. Amendment No. 3 for On-Call Paving. (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov, 955-4246)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- e. Request for Approval of Wastewater Collections Department Replacement Vehicle in the Total Amount of \$80,859.85 for Crane Assisted Sewer Repairs; Chalmers Ford Commercial Vehicles. (Michael Dozier, Wastewater Director, mldozier@santafenm.gov, 955-4642)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- f. Request for Approval of a Budget Amendment Resolution (BAR) to Move Funds from the Cash Balance WWMD Enterprise to the Wastewater Collections Vehicles Fund. (5000362.570950) to Purchase Replacement Unit for Fixed Asset No. 52913, 2007 F450 4X4 with Crane. (Mike Dozier, Wastewater Division Director, mldozier@santafenm.gov, 955-4642)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/11/21

Finance Committee: 01/19/21

- g. Request for Approval of Amendment No. 3 to Mountain River's 4-Year Contract Adding Additional Funding Through June 30, 2021 in the Amount of \$350,000. (Nancy Jimenez Utility Billing Division Director, nljimenez@santafenm.gov, 955-4364)
1. Request for Approval of Budget Amendment Resolution to Fund Amendment No. 3 to Mountain River's 4-Year Contract.

COMMITTEE REVIEW:

Public Works and Utilities Committee: 12/14/20
Finance Committee: 01/19/21

- h. Request for Approval of a BAR to Move Funds from the Cash Balance Enterprise Funds: Water Fund 505 in the Amount of \$100,000 and WWMD 500 in the Amount of \$100,000 to the Affordable Housing Trust Fund (2402750.501500) to Reimburse the Developer of the Siler Yard Apartment Community for the Cost of the Water Infrastructure for a Total Amount of \$200,000. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Public Works and Utilities: 12/14/2020
Finance Committee: 01/19/2021

- i. CONSIDERATION OF RESOLUTION NO. 2021-8. (Councilor Garcia and Councilor Vigil-Coppler)
A Resolution Re-Establishing the Bicycle and Trail Advisory Committee. (Romella Glorioso-Moss, Project Administrator, rsloriosomoss@santafenm.gov, 955-6623)

COMMITTEE REVIEW:

Finance Committee: 01/19/21
Quality of Life Committee: 01/20/21

- j. **Request to Publish Notice of Public Hearing on February 24, 2021.**
Consideration of Bill No. 2021-1: An Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance ("UTO"); Amending Various Sections to Insert a Clause Stating that a Person Who Violates a Provision of the Particular Section is Guilty of a Penalty Assessment Misdemeanor; Creating a New Subsection 12-6-12.2A to Establish a Charge for Driving While Intoxicated with a Minor in the Vehicle; Amending Subsection 12-6-12.6 to Remove References to Driving When Privilege to do so Has Been Revoked; Creating a New Subsection 12-6-12.6A to Establish a Charge for Driving While License is Administratively Suspended; Creating a New Subsection 1-6-12.6B to Establish a Charge for Driving When the Privilege to do so Has Been Revoked; Amending Subsection 12-6-13.11 to Establish a Fine for

Littering; Amending Subsection 12-10-4.1 to Permit the Use of a Portable Electronic Device to Show Proof of Insurance; Amending Schedule A of the UTO to Add the Fines Associated with the Addition of the Penalty Assessment Misdemeanor Provisions; and Amending Section 24-1.1 SFCC 1987 to Add the UTO as an Exhibit A to the end of Chapter 24, SFCC 1987. (Councilor Rivera) (Kyle Hibner, City Prosecutor, kjhibner@santafenm.gov, 955-5195)

COMMITTEE REVIEW:

Finance Committee: 01/19/21

Quality of Life Committee: 01/20/21

Governing Body (Request to Publish): 01/27/21

Governing Body (Public Hearing): 02/24/21

11. DISCUSSION/ACTION ITEMS

- a. Request for Approval of a Memorandum of Understanding with the Santa Fe Public Schools, No Financial Responsibility, Volunteer Station Agreement for the Foster Grandparent Program; Santa Fe Public Schools. (Anya Alarid, Interim Program Manager, aalarid@santafenm.gov, 955-4744)

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

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve the MOU with the Santa Fe Public Schools as requested.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

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

Councilor Garcia rejoined the bench after the vote.

- b. **Request to Publish Notice of Public Hearing on February 24, 2021.**

Consideration of Bill No. 2021-2:

An Ordinance Approving Global Management Performance Contract with Dalkia Energy Solutions, LLC, Subject to City Council Approval of a Separate Financing Transaction to Finance the Cost of the Global Management Performance Contract. (Mayor Alan Webber, Councilor

Lindell and Councilor Rivera) (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works and Utilities Committee – 01/25/21

Governing Body (Request to Publish) – 01/27/21

Finance Committee – 02/15/21

Governing Body (Public Hearing) – 02/24/21

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Bill No. 2021-2, public notice of hearing as requested.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

c. **Request to Publish Notice of Public Hearing on February 24, 2021.**

Consideration of Bill No. 2021-3:

An Ordinance Accepting Investment Grade Audit Report and Approving Energy Savings Performance Contract with Yearout Energy Services, LLC, Subject to City Council Approval of a Separate Financing Transaction to Finance the Cost of the Energy Savings Performance Contract. (Mayor Alan Webber, Councilor Lindell, and Councilor Rivera) (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works and Utilities Committee – 01/25/21

Governing Body (Request to Publish) – 01/27/21

Finance Committee – 02/15/21

Governing Body (Public Hearing) – 02/24/21

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

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Bill No. 2021-3, notice of public hearing, as requested.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

d. **Request to Publish Notice of Public Hearing on February 24, 2021.**

Consideration of Bill No. 2021-4:

An Ordinance Approving Lease/Purchase Agreement and Escrow Agreement with Sterling National Bank for the Purpose of Financing the Installation of Energy Efficiency Measures in City Facilities Pursuant to the Energy Savings Performance Contract with Yearout Energy Services, LLC and the Global Management Performance Contract with Dalkia Energy Solutions, LLC. (Mayor Alan Webber, Councilor Lindell, and Councilor Rivera) (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bjfluetsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works and Utilities Committee – 01/25/21

Governing Body (Request to Publish) – 01/27/21

Finance Committee – 02/15/21

Governing Body (Public Hearing) – 02/24/21

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

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Bill No. 2021-4, notice of public hearing, as requested.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

12. **MATTERS FROM THE CITY MANAGER**

a. Covid Updates

Manager LaPan Hill noted the COVID-19 report was in the packet. Today, Santa Fe County had a 20% decrease and positivity was down to about 6%. City numbers are decreasing. The number of calls at the Police Department went down. The Fire Department had 90 calls in the last period and 61 this period.

The work is important to continue. We only had two new cases within the City. The controls in place need to keep going. Operation Health and Safety has a dedicated team working in some areas where repeated calls were received. They will continue enforcement. The City is working closely with the Department of Health on vaccinations and offered the Convention Center when they are ready with vaccination clinics. With supply and demand as it is now, we need to get people registered at the state website. We have weekly meetings with them and when we get more vaccine, will have more vaccinations.

The other report received and in the packet was the November GRT report. She stood for questions.

Councilor Romero-Wirth wanted to be clear that we, as a City, are in a supportive role waiting for Federal and State Government to provide us with whatever we need, and our role is not to give shots. We won't do that. Correct?

Manager LaPan Hill replied that at this point, it is correct. We have offered the Fire Department to help and whatever they need but the City has no role in vaccinating.

Councilor Cassutt-Sanchez noticed, in looking at City facilities, she wanted the Governing Body to consider preventing barriers and challenges for the vaccination sites. She understood using the Convention Center, but there are many barriers in this part of town. It needs to be considered when partnering with the State. She was grateful for Operation Health and Safety and wondered how it has helped. She was confused about the difference of the COVID information and the COVID masks. She asked if it was the volume of people involved.

Chief Padilla said it should be labeled as a "COVID-19 Mask Call" that was called into the RECC. The County lists it differently but should have been shown as a mask violation but is difficult to go back and correct it.

Councilor Cassutt-Sanchez asked if that meant those five warning cases were reported or if just five people were issued a warning. She wanted to understand how we categorize them.

Chief Padilla responded that they were all documented. He has a count on verbal warnings given to people who might be walking a dog, playing basketball, or riding a bicycle and when the officer observes that, he or she gives them a face covering they can carry with them.

Councilor Cassutt-Sanchez asked why we would not issue a citation.

Chief Padilla said he could not take away the officer's discretion. The first offense is a written warning and the second is a fine of \$50.

Councilor Cassutt-Sanchez suggested clarifying that in the February report.

Councilor Cassutt-Sanchez had a question about PPE distribution for Kyle, but he was not online.

Councilor Cassutt-Sanchez noted we are in a weird period with decreasing numbers that give a false sense of security and we need to continue being responsible.

Councilor Rivera asked about serving the schools.

Director Ochoa said DOH provides for the schools.

Councilor Rivera wondered if the Fire Department could help with a facility.

Chief Babcock said the Fire Department is standing by at the ready and just waiting for the go ahead. The Fire Department could give vaccinations, if needed.

Councilor Rivera was glad to hear that. He agreed with Councilor Cassutt-Sanchez on needed transportation needed. And if called upon, to prioritize use of the Southside Library since we have been one of the highest areas in contracting the virus.

He asked Director Ochoa re supplies, if Directors are staffed with sufficient supplies, whether the City would make supplies available outside the City Staff.

Director Ochoa agreed and we have a network of nonprofits, the Office of Emergency Management, and other ways.

Councilor Rivera reasoned that since it looks like the numbers have decreased since last time, he would hate for the City to remain overstocked.

Director Ochoa agreed. From what Kyle said, they have other sources of PPE.

Councilor Villarreal thought it appeared this was an update of a different time period from the last report. She asked if it is the most current report.

Manager LaPan Hill said it is because she is reporting at every regular Council meeting.

Councilor Villarreal didn't understand the Fire Department information. The information appeared to be the same as last time. She was curious if it was just copied.

Chief Babcock said the last report was 91 calls, down from 93 previously. There were 23 transports last time and ten transports this time. He added that Destination is Santa Fe and Transport could be transporting anywhere.

Mayor Webber said he spent some time with Ms. Montoya at Christus St. Vincent Hospital that heard that supplies are underperforming, and she asked the City to be patient. We want people to get vaccinated and there is some frustration. She asked that people not call the hospital to take it out on folks who answer the phone. President Biden opened the medicine cabinet and found it was empty, so he is working on that through the Industry Production Act. We all must take our turn. He noted a six-hour maximum for the reagent in the Pfizer vaccine to be able to use it. We really want to be responsive with better updates when we get them, to pass that along for those anxious to be vaccinated.

13. **MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry recommended going into executive session to consider discussing the matters listed on the agenda.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is a Party, Including a Quarterly Litigation Update and Discussion of a Proposed Amendment to the Settlement Agreement between the City of Santa Fe, Century Bank, Artyard Condominium Association and the Santa Fe Railyard Community Corporation, which Previously Dismissed Case D-101-CV-2016-01773. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, to into executive session to discuss the items listed on the agenda and recommended by the City Attorney.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

The Governing Body went into executive session at 5:07 pm

The Governing Body ended the executive session at 6:24 pm. They reconvened at 6:30 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to return from executive session, stating for the record that the discussion was limited to the items on the agenda as recommended by the City Attorney.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

14. **EXECUTIVE SESSION ACTION ITEMS**

- a. Request for Approval of an Amended Settlement Agreement between the City of Santa Fe, Century Bank, Artyard Condominium Association and the Santa Fe Railyard Community Corporation, Removing Certain Restrictions on Railyard Parcel B-1 in Exchange for a Parking Agreement with the City, and an Amended Lease Agreement with the Santa Fe Railyard Community Corporation. (Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve the amended settlement agreement as requested.

There was no discussion or questions on this matter.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

15. **MATTERS FROM THE CITY CLERK**

Ms. Bustos-Mihelcic provided a few updates. On the agenda, she added the committee review schedule for action items as well as notices for future reviews. She also alerted the Council that the City now has the agenda available in Spanish and a toggle feature for subtitles translated also.

The Santa Fe Reporter published 25 Things to love about Santa Fe. Number 11 was the ability for people to attend the City Council meeting in their PJs. Joe Abeyta has done a phenomenal job in also getting other committee meetings available through the City's Youtube channel. The Library also was ranked in the Reporter's list at number 7.

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of the Bills and Resolutions Scheduled for Introduction is attached to these minutes as Exhibit 1.

Councilor Vigil Coppler read into the record a resolution she will be introducing – A Resolution requiring Governing Body approval prior to the public offering of any city land or property for sale.

She thanked the League of Women Voters for the virtual women's march and was happy to be a presenter on it. It was very creative, and the Governor and the newly appointed Secretary of the Interior were great as well as several Representatives. They brought a wealth of information and views of women walking. It was all very supportive and well done.

She had received feedback on a letter to the editor today and a lot of calls about the Genoveva Chavez Community Center and the lack of programs opening. She learned that the City has a lot of the PPE needed for the opening and still would be compliant with Governor's order. Other cities with 50-meter pools are open with ten people and some pools are open in other cities. Our residents are getting very impatient and she knew the Center could be opened within the Governor's orders and yet we don't. She did not have any answer about that. She would like to hear from the City Manager.

Manager LaPan Hill said she would take her request to our Legal Team and make sure we are within the Governor's orders. She understood the frustration to want the pools opened and she would find out what is holding us back.

Councilor Vigil Coppler thanked her for that. There is room for more participation in the pool. She has talked with Rec Staff who are ready to go and feel they can comply with the orders. Some people are very upset. But Staff cannot give answers to them. She thought the City could open more. We do have the Staff there and at times, they outnumber the public. We have sanitizing and everything needed to open.

Councilor Lindell introduced an ordinance to amend Section 11-14.5 SFCC 1987, to dedicate half the proceeds from any sale or lease of city-owned land and buildings to the Affordable Housing Trust Fund. Secondly, she introduced a Resolution urging the New Mexico Legislature to hold New Mexico School Districts and Charter Schools harmless for decreased enrollment in the 2020-2021 school year because of the COVID-19 Pandemic and Maintain funding at 2019-2020 levels.

Councilor Garcia asked if any Councilors are practicing the new practice of business on top and PJ's down below. He gave a quick birthday shout out to his Pop for last week. He will get his COVID vaccination this weekend at the VA Hospital.

Councilor Cassutt-Sanchez introduced, with Councilor Villarreal, a Resolution that was not on the Introductions page. The Resolution to support legislation at the New Mexico State Legislature to adopt an Act that would allow employees to approve and use paid leave and she also signed on as cosponsor for the ordinance Councilor Lindell introduced on sale of city owned land.

She thanked the library. Her family recently utilized their program to see bundles of age-related resources for children to use. It was a nice change around their house. Thanks to the library for providing that service. The Library also has great program for reading books for everyone to enjoy.

Councilor Villarreal mentioned support for the Pay-60 legislation – also cosponsor Councilor Lindell's resolution on properties sold. She also signed on for Governing Body approval before any City-owned land is sold as well as cosponsor for holding schools harmless for decreased enrollments during the pandemic. She also wanted to cosponsor the resolution the Mayor would introduce.

She recognized the Food Depot Superbowl in past years and sorry they are not sponsoring that. She pointed out ways to support them and local restaurants. You have until Jan 31 to purchase soup served by certain restaurants or give directly to Food Depot.

She gave shout out for Tonic for the Times on January 30 at 5:30 – a lot of musical performers, local and national singers, lifting up COVID caregivers and they have various partners related to COVID recovery. So there are ways to donate and enjoy great music listening.

She recognized League of Women Voters for the virtual women’s march and Kitty Christianson as organizer. Her organization, New Mexico Women.org was represented in it. There were lots of people who did not know about it. She commended them for doing it and appreciated their efforts and the topics they covered.

Councilor Rivera signed on as cosponsor to Mayor Webber’s resolution and to Councilor Cassutt-Sanchez’s paid leave resolution.

Councilor Abeyta asked to be added as cosponsor on Councilor Cassutt-Sanchez’s paid leave resolution. He thanked Mary McDonald and her Parks Department for her quick responses to an issue he brought to her about a community garden in District 3. He also thanked the Parks Crew out in District 3 for their work while it has been very cold. Finally happy birthday to Councilor Garcia’s Dad.

Mayor Webber introduced’ a Resolution supporting their designation of the first Monday in March as “COVID-19 Memorial Day” in remembrance of those who lost their lives and in honor of those who continue to suffer from the impact of the virus; and urging residents to continue taking preventative measures to mitigate the spread of the virus.

He mentioned a virtual summit for the Conference of Mayors last week and stayed home to meet virtually with mayors around the country. He was grateful for President Biden’s speech on COVID and its huge impacts on communities, and his introduction of \$1.3 trillion COVID Plan. He focused at one point on police enforcement. President Biden said if we all mask up, 40,000 lives could be saved in the next few months. First Monday in March is COVID 19 Day to end the spread of the corona virus. He was thankful for the robust conversation on vaccinations and is the light at end of tunnel. Our local providers are providing more transparency and clarity on how it will work here.

He gave a shout out to snow removal crews who are up at 4 am to keep the streets safe and keep them from icing up. He gets texts from Director Wheeler on how many are reporting early for work. It makes our lives easier and our streets safer.

He thanked everybody for their hard work as we get deeper into 2021. Shop local and keep our Mom and Pop operations going.

Another thing President Biden did was to rejoin the Paris Treaty. Climate change is an existential crisis. He sent comments on two bills at the State. One is a major

step toward greening of our economy and how we get our energy. It is a critical time for new energy policy for our State.

EVENING SESSION - 6:57 P.M.

17. **ROLL CALL**

All Councilors were present.

18. **PETITIONS FROM THE FLOOR**

Katherine Shiela had a brief comment on the Partners for Midtown. She was opposed to any role of LANL, and referenced the treaty ban on nuclear weapons which makes it illegal to produce nuclear weapons under international law. She urged Councilors to abide by the treaty including use of the Midtown campus.

Stefanie Beninato didn't repeat the previous comments but echoed the prohibition of LANL on the Midtown campus. She pointed out the discrimination on the part of the City. She was told we are in negotiations about that. "I really think my comments are reasonable and not complicated but wonder why it is taking so long and why the City Attorney is not representing in an HDRB appeal."

She agreed with Councilor Vigil Coppler about the pool and opening of other facilities. We could open Fort Marcy right now. Regarding maintenance of the facility, there is major rust at GCCC around windows and floor because the water temperature has not worked since it was installed. They put in a temporary heater and it is a threat. The condensation has ruined the window frames. The GCCC could be open on Sundays and could be open from 8:30 to 5:30 then.

She urged the Governing Body to do something about getting more recreation facilities open.

19. **APPOINTMENTS**

a. Mayor's Youth Advisory Board

Ms. Bustos-Mihelcic read the appointee: Valerie Ramirez, from Santa Fe High to a term ending in December 2022.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve the appointment of Valerie Ramirez to the Mayor's Youth Advisory Board as requested.

There was no discussion or questions.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None.

20. **PUBLIC HEARINGS**

There were no public hearings.

21. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 7:05 p.m.

Approved by:

Mayor Alan Webber

ATTESTED TO:

Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer

**GOVERNING BODY MEETING
EXECUTIVE SESSION
January 13, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on January 27, 2020 beginning at 5:27 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is a Party, Including a Quarterly Litigation Update and Discussion of a Proposed Amendment to the Settlement Agreement between the City of Santa Fe, Century Bank, Artyard Condominium Association and the Santa Fe Railyard Community Corporation, which Previously Dismissed Case D-101-CV-2016-01773. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

PRESENT

Mayor Webber (Attended Virtually)
Councilor Abeyta (Attended Virtually)
Councilor Cassutt-Sanchez (Attended Virtually)
Councilor Garcia (Attended Virtually)
Councilor Lindell (Attended Virtually)
Councilor Rivera (Attended Virtually)
Councilor Romero-Wirth (Attended Virtually)
Councilor Vigil Coppler (Attended Virtually)
Councilor Villarreal (Attended Virtually)

STAFF PRESENT

Jarel LaPan Hill, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney (Attended Virtually)
Kristine M. Mihelcic, City Clerk (Attended Virtually)
Andrea Salazar, Assistant City Attorney (Attended Virtually)
Richard Brown, Community and Economic Development (Attended Virtually)
Sean Moody, Asset Development Director (Attended Virtually)
Chris Ryan, Assistant City Attorney (Attended Virtually)
Mary McCoy, Finance Director (Attended Virtually)
Bernadette Salazar, Human Resources (Attended Virtually)

There being no further business to discuss, the executive session adjourned at 6:23 p.m.



Kristine M. Mihelcic, City Clerk



**GOVERNING BODY MEETING OF
January 27, 2021
 BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
 BY MEMBERS OF THE GOVERNING BODY**

EXHIBIT ONE
 GB Jan 27, 2021

| Mayor Alan Webber | | |
|--|---|--|
| Co-Sponsors | Title* | Tentative Committee Schedule* |
| | A RESOLUTION SUPPORTING THE DESIGNATION OF THE FIRST MONDAY IN MARCH AS "COVID-19 MEMORIAL DAY" IN REMEMBRANCE OF THOSE WHO HAVE LOST THEIR LIVES AND IN HONR OF THOSE WHO CONTINUE TO SUFFER FROM THE IMPACT OF THE VIRUS; AND URGING RESIDENTS TO CONTINUE TAKING PREVENTATIVE MEASURES TO MITIGATE THE SPREAD OF THE VIRUS. | Finance Committee – 2/15/21 Quality of Life Committee – 2/17/21 Governing Body – 2/24/21 |
| Councilor Roman "Tiger" Abeyta | | |
| Co-Sponsors | Title* | Tentative Committee Schedule* |
| | | |
| Councilor Jamie Cassutt-Sanchez | | |
| Co-Sponsors | Title* | Tentative Committee Schedule* |
| | | |
| Councilor Michael J. Garcia | | |
| Co-Sponsors | Title* | Tentative Committee Schedule* |
| | | |
| Councilor Signe I. Lindell | | |
| Co-Sponsors | Title* | Tentative Committee Schedule* |
| Abeyta Romero-Wirth | AN ORDINANCE AMENDING SECTION 11-14.5 SFCC 1987 TO DEDICATE HALF THE SALES FROM ANY SALE OR LEASE OF CITY-OWNED LAND AND BUILDINGS TO THE AFFORDABLE HOUSING TRUST FUND. | Public Works and Utilities Committee – 2/8/21 Quality of Life Committee – 2/17/21 Governing Body (request to publish) – 2/24/21 Finance Committee – 3/1/21 Governing Body (public hearing) – 3/24/21 |
| Abeyta Cassutt-Sanchez | A RESOLUTION URGING THE NEW MEXICO LEGISLATURE TO HOLD NEW MEXICO SCHOOL DISTRICTS AND CHARTER SCHOOLS HARMLESS FOR DECREASED ENROLLMENT IN THE 2020-2021 SCHOOL | Governing Body – 2/10/21 |

YEAR AS A RESULT OF THE COVID-19 PANDEMIC AND MAINTAIN FUNDING AT 2019-2020 LEVELS.

Councilor Chris Rivera

| Co-Sponsors | Title* | Tentative Committee Schedule* |
|--------------------|---------------|--------------------------------------|
| | | |

Councilor Carol Romero-Wirth

| Co-Sponsors | Title* | Tentative Committee Schedule* |
|--------------------|---------------|--------------------------------------|
| | | |

Councilor JoAnne Vigil Coppler

| Co-Sponsors | Title* | Tentative Committee Schedule* |
|--------------------------|--|---|
| Garcia Villarreal | A RESOLUTION REQUIRING GOVERING BODY APPROVAL PRIOR TO THE PUBLIC OFFERING OF ANY CITY-OWNED LAND OR PROPERTY FOR SALE. | Public Works and Utilities Committee – 2/8/21 Governing Body – 2/10/21 |

Councilor Renee Villarreal

| Co-Sponsors | Title* | Tentative Committee Schedule* |
|--------------------|---------------|--------------------------------------|
| | | |

* Subject to change

Introduced legislation will be posted on the City Attorney’s website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, 505-955-6518, jbg Guillen@santafenm.gov or Jeff Norris, 505-955-6692, jtnorris@santafenm.gov.