



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 10, 2021
4:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Governing Body meeting will be conducted virtually.

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.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

Public Comment: To provide live public comment during *Petitions from the Floor* or *Public Hearings*, 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/91467554832?pwd=Z1N5VW04OUNNcjBqaWVWMFU1VFJ1Zz09>.

Passcode: 410212

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: 9914 6755 4832 - Passcode: 410212**

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



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AFTERNOON SESSION - 4:00 P.M.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Abeyta

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

Councilor Vigil Coppler

4. **INVOCATION**

Councilwoman Villarreal

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Regular Governing Body Minutes – January 27, 2021
- b. Special Governing Body Meeting – January 28, 2021

9. **PRESENTATIONS**

- a. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Kyra Ochoa, Interim Director of Community Health and Safety, krochoa@santafenm.gov, 955-6603) **INFORMATION ONLY**
- b. Department Overview of Santa Fe River Storage and Release Requirements Under the Rio Grande Compact. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309 and Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502) **INFORMATION ONLY**



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- c. Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report (Rich Brown, Director, Community & Economic Development Department, rbrown@santafenm.gov, 955-6625 and Daniel Hernandez, Project Director at Proyecto LLC, Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)
INFORMATION ONLY

10. CONSENT CALENDAR

- a. Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$205,000 from the Cash Balance in Water Enterprise Fund to the Transmission and Distribution Operating Supplies; (5050386.530200). (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov, 955-4246)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/25/2021

Finance Committee: 02/01/2021

Governing Body: 02/10/2021

- b. **Request to Publish Notice of Public Hearing on March 10, 2021.** Consideration of Bill No. 2021-__: An Ordinance Amending Section 7-1.1 SFCC 1987 to Adopt the Newest Version of the International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division; and Amending Section 7-4.2 SFCC 1987, City of Santa Fe Green Building Code, to Update Code References in Conjunction with the Adoption of the 2018 International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division. (Councilor Cassutt-Sanchez and Councilor Abeyta) (Jason Kluck, Assistant Planning and Land Use Director, jmkluck@santafenm.gov, 955-6729)

COMMITTEE REVIEW:

Quality of Life Committee: 02/3/21

Public Works and Utilities Committee: 02/8/21

Governing Body (request to publish): 02/10/21

Governing Body (public hearing): 03/10/21

11. DISCUSSION/ACTION ITEMS



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-
- a. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Villarreal and Councilor Lindell)
A Resolution Requesting the National Nuclear Security Administration Prepare and Complete a New Site-Wide Environmental Impact Statement for Los Alamos National Laboratory Before Expanding Plutonium Pit Production at the Facility. (Jesse Guillen, Legislative Liaison, jbgullen@santafenm.gov, 955-6518)

COMMITTEE REVIEW:

Quality of Life Committee: 02/3/21

Governing Body: 02/10/21

- b. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Vigil Coppler, Councilor Garcia, Councilor Villarreal, and Councilor Cassutt-Sanchez)
A Resolution Requiring Governing Body Approval Prior to Announcing the Availability of Any City-Owned Land, Buildings, or Other Real Property for Sale. (Andrea Salazar, Assistant City Attorney; asalazar@santafenm.gov, 955-6303 and Rich Brown, Economic and Community Development Director, rbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 02/8/21

Governing Body: 02/10/21

- c. Request for Approval of Amendment No. 3 to the Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Public Safety Radio Communications System Solutions Project for Implementation of Any Upgraded Communication System. This Amendment is to Extend the Term Date to December 31, 2020 to June 30, 2021. (Brian Moya, Assistant Chief, bjmoya@santafenm.gov, 955-3111)

COMMITTEE REVIEW:

Governing Body: 02/10/21

- d. Request for Approval of Amendment #2 to Lease Agreement #20-0257 by and between the City of Santa Fe and Garson Studios, Ltd., to Extend the Term of the Lease by 18 Months or Until August 26, 2022. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

COMMITTEE REVIEW:

Governing Body: 02/10/21



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- e. CONSIDERATION OF RESOLUTION NO. 2021-_____. (Councilor Cassutt-Sanchez, Councilor Villarreal, Councilor Abeyta, Councilor Rivera, and Mayor Webber)

A Resolution Supporting Legislation at the New Mexico Legislature Adopting a Paid Sick Leave Act that Allows Employees to Accrue and Use Paid Sick Leave. (Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov, 955-6033; Jesse Guillen, Legislative Liaison: jbguillen@santafenm.gov, 955-6518)

COMMITTEE REVIEW:

Governing Body: 02/10/21

- f. CONSIDERATION OF RESOLUTION NO. 2021-_____. (Councilor Lindell, Councilor Abeyta, Councilor Cassutt-Sanchez, and Mayor Webber)

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 Resulting From the COVID-19 Pandemic and to Maintain Funding at 2019-2020 Levels. (Julie Sanchez, Children and Youth Division Director, jsanchez@santafenm.gov, 955-6678)

COMMITTEE REVIEW:

Governing Body: 02/10/21

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

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, but not Limited to, a Discussion Regarding a Threatened Tort Claims Act Case. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

14. MATTERS FROM THE CITY CLERK

15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION - 6:00 P.M.



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16. ROLL CALL

17. PETITIONS FROM THE FLOOR

18. APPOINTMENTS

- a. Economic Development Advisory Committee
- b. Request for Approval of Appointment of Municipal Court Pro Tem Judge Pursuant to §2-3.4(C) SFCC 1987: Chad Chittum. (Judge Virginia Vigil, vmvigil@santafenm.gov, 955-5054)

19. PUBLIC HEARINGS

20. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting “quasi-judicial” hearings. In a “quasi-judicial” hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk’s office at 955-6521, five (5) working days prior to meeting date.

UPCOMING PUBLIC HEARINGS

Meeting Date – February 24, 2021

Publication Date – February 2, 2021

CONSIDERATION OF BILL NO. 2021-1. ADOPTION OF ORDINANCE NO. 2021-____. (Councilor Rivera) 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



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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. (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

CONSIDERATION OF BILL NO. 2021-2. ADOPTION OF ORDINANCE NO. 2021-____. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)

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. (Brad Fluetsch, City of Santa Fe Cash and Investment Manager, bfluetsch@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

CONSIDERATION OF BILL NO. 2021-3. ADOPTION OF ORDINANCE NO. 2021-____. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)

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

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/25/21
Governing Body (Request to Publish): 01/27/21
Public Works and Utilities Committee: 02/08/21
Finance Committee: 02/15/21
Governing Body (Public Hearing): 02/24/21

CONSIDERATION OF BILL NO. 2021-4. ADOPTION OF ORDINANCE NO. 2021-4. (Mayor Alan Webber, Councilor Lindell and Councilor Rivera)

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

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/25/21
Governing Body (Request to Publish): 01/27/21
Public Works and Utilities Committee: 02/08/21
Finance Committee: 02/15/21
Governing Body (Public Hearing): 02/24/21

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: February 5, 2021

TIME: 5:59 pm

SUMMARY INDEX
Governing Body
February 10, 2021

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b) Special Meeting on January 28, 2021	Approved as amended	4
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c) RECC MOA Amendment	Approved	32-33
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20. Adjournment	Adjourned at 9:02 pm	37

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, February 10, 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 13, 2021, at approximately 4:02 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 Abeyta.

3. SALUTE TO THE NEW MEXICO FLAG

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

4. INVOCATION

The Invocation was led by Councilor Villarreal. She read a poem called Echo. She remembered the passing of Sylvia Sue Duerr, who was 93 and passed away from COVID on Saturday, January 30. Her husband of 60 years who was recognized at the last Governing Body meeting, who died two weeks before, also of COVID. She offered condolences to their family. "May they rest in peace and be reunited together."

Councilor Vigil Coppler recognized Beverly McCreary, better known to many as Ms. McCreary, a former English and Creative Writing Teacher at SFHS and one of the coolest of her remembrance. She played music during English class. In seeing her recently, Ms. McCreary was the same as she remembered when she was in high school. She didn't know the cause, but there was a special place in heaven for her and her music.

Councilor Romero-Wirth remembered James F. Kirkpatrick known as Jim, who was a dual resident of Santa Fe and Washington D.C. He was a lawyer and a Constitutional Scholar. His passing is a loss to his family and the constitutional scholar community.

Mayor Webber condolences to his mentee Max Burmeister who lost his Grandpa on January 6 to issues of dementia. Max has struggled to find his way forward, graduated from high school, and hopefully, Max is heading off to college this fall. He wanted Max to know he was thinking of Max and his family and all he has achieved despite COVID.

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

5. ROLL CALL

Roll call indicated the presence of a quorum 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
Bernadette Salazar, Human Resources Director
Rich Brown, Economic and Community Development Director
Andrea Salazar, Assistant City Attorney
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Garcia 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 a cosponsor of 10(b).

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve the Consent Calendar 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.

8. APPROVAL OF MINUTES

a. Regular Governing Body Minutes – January 27, 2021

Councilor Villarreal – had a few corrections. One page one, under Invocation, she said there was a lot of missing pertinent information. It should say in the section I was remembering, it should say, “remembering Maria Rita Perea, taken by COVID, mother to one of my childhood friends. She was born in Vaughn New Mexico and was the youngest daughter of seven children. She worked for the DMV. Loves to dance and was a talented paper... painter and incredible cook.” “I also remembered Richard “Dick” Duerr. His last name is spelled D U E R R. He died from COVID who, if he had lived, would have received the vaccine on his 91st birthday. And he was survived by his wife and family. And I also remembered Pete Gurulé and it should have said ‘who was shot and killed at his front door when he was 20 years of age.’ Then on page 16, I actually think there are some changes that maybe other from that same – Councilor Vigil Coppler recognized Oscar somebody. I don’t know the last name but was correct on this particular... I don’t think it was correct in the notes. And, Councilor Lindell had said her condolences to Mike and Janey = it should say Mayer, not Mier. And then page sixteen, if I can get to it, and this is why I called Jesse that Prime.gov is not working... I don’t know what to do, you all, because it’s not opening up... It keeps saying that it’s expired.”

Ms. Bustos-Mihelcic suggested that she send those changes and we can incorporate them.

Ms. McSherry suggested postponing approval of these minutes until the next Governing Body meeting.

Mayor Webber agreed.

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to postpone approval of the January 27, 2021 minutes to the next regular meeting of the Governing Body.

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. Special Governing Body Meeting – January 28, 2021

Councilor Villarreal asked for a change on page 6, fifth paragraph that should read, "... their past experiences were not congruent with the local community and context they were working in. The feeling remains even during the conversations they had after KDC was selected."

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve the minutes of January 28, 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. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Kyra Ochoa, Interim

Director of Community Health and Safety, krochoa@santafenm.gov, 955-6603) **INFORMATION ONLY**

Ms. Bustos-Mihelcic read the caption. Director Ochoa was present.

Manager LaPan Hill explained that the report on COVID was moved up under Presentations instead of Matters from the City Manager. She presented her first report on what the City is doing about COVID. Many people saw the big news that Santa Fe County has moved to yellow status by NMDOH. Big round of applause for a lot of hard work and safe practices. She cautioned that this is just a moment in time, and we need to continue working hard to get to green.

She acknowledged everything continues as is but while we are in yellow, gatherings move from maximum of 5 to maximum of 10 persons and the vehicles are from 40 to 80. Capacities are up to 33% but in groceries and supermarkets at 30% by our ordinance. Indoor dining goes to 25% indoors and 75% outdoors. The ice rink remains closed and gyms are limited to 25% up to maximum 125 people.

We continue with vigilance to maintain our safe practices and we are working on the opening of Fort Marcy on February 17. A union notification is required. We continue to work with our team and Director Ochoa will share details. Stay tuned for more information. That is where we are. If things change, we will report every two weeks.

Director Ochoa said she and Director Mason and Manager LaPan Hill meet weekly with DOH, the County, Christus and Presbyterian hospitals, and local clinics to coordinate work on vaccinations and testing. We met earlier today and found out the new yellow status for the County. Yellow means we are looking at a test positivity rate of 4.22% so we are below the 5% and cases per 100,000 of 20.7, which is why we are not yet green now.

When we look at where we came from, our numbers went up and up and now we are starting to turn the curve down. We learned today that the State modeling analytics team (DOH and LANL) are seeing 16% decrease in transmission statewide due to more vaccines distributed. Our hospitals are seeing decreases and that is very encouraging. DOH has done 5,000 vaccinations, about 2,000 at qualified local health centers and Christus has done close to 10,000 vaccinations. Presbyterian did not have their report ready yet, but overall, about 16,000 vaccinations so far and that doesn't include pharmacies. We are talking and planning for a large vaccination event. We are working out venues and dates for that. And we are also concerned to get everyone registered. It is not easy for those not internet savvy. We had a great

meeting with members of the Fiesta Council who volunteered to help get elderly people signed up and get responses back.

Those are the highlights, and we are meeting every Wednesday on coordination. We submitted our health report and have the team members present to answer questions including Director Salazar.

Councilor Cassutt-Sanchez thanked her for the update. It is exciting to hear of a possible mass vaccination. She was concerned for those living in 87607 and where vaccinations are distributed. She wanted to encourage people in that part of town to get vaccinated. She was curious about the pharmacies and if there is any coordination with them.

Director Ochoa said efforts underway, but they are not yet on board with the DOH tracking system.

We are still in the 1b sector of the population which includes people over 75 and those over 16 with underlying chronic health conditions and all healthcare providers. As of yet, coordination is not happening with the pharmacies. It is a little messy process still.

Councilor Cassutt-Sanchez hoped that will happen by the next report. She thanked SFPD regarding the repeat COVID-19 call locations and glad that police officers were there to look into those cases for possible violations.

- b. Department Overview of Santa Fe River Storage and Release Requirements Under the Rio Grande Compact. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309 and Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502) **INFORMATION ONLY**

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

Mr. Jesse Roach reported that after announcing that Santa Fe would release water, it was then canceled so he wanted to explain. He showed an aerial view of the watershed and the spillway. The Rio Grande Compact of New Mexico, Colorado and Texas was signed in Santa Fe in 1938. The State Engineer then was Tomas McClure, for whom the reservoir is named. New Mexico's water obligation is measured at the Otowi measuring station of flows to the Elephant Butte reservoir. The Compact set the reading from 1929 as the baseline. The reservoirs constructed after 1929 and the flows in the Rio Grande were subject to that baseline. Storage from the San Juan Chama water does not fall under the terms of the Compact. Although flows are measured from the

Otowi bridge, the actual measurement of downstream flows are measured at the Elephant Butte reservoir as amounts delivered.

He explained that since the 1980's we are in debit status. WE owe more water downstream than is being provided. Nichols and McClure were built in 1926 and 1943. The Ac/Ft amount at the reservoirs was expanded recently and has 3,921 Ac/Ft. Of that, .1061 Ac/Ft is in pre-compact pool and all of that can be used. The remaining 2,869 Ac/Ft is subject to the Rio Grande Compact.

There are three main provisions in the Compact. Article VI says if in debit to Texas, all debit water must be stored before we can use that space. Article VII says if there is less water for release to Elephant Butte and Caballo falls below 400,000 Ac/Ft, then we cannot store water.

Article VIII ties back to Article VI that Texas in January can demand release of the accrued debit of water. That is what happened last year in January. 2020, and was the first time since the 1970's that we were asked to store the debit water.

We have only 2.4% of the total. El Vado is much larger so we only stored 948 Ac/Ft and El Vado stored the 37,852 remaining Ac/Ft.

We expected to hear from the State to release debit water. There were very dry conditions on the Rio Grande and Texas made emergency requests to release debit water. That water allowed New Mexico to keep the Rio Grande wet in July and into August. There were no requests to release from Nichols but in January 2021, they asked for the remaining debit water to be released.

We still have the option of San Juan-Chama water and can get it released from the Abiquiu reservoir. The advantage from Abiquiu offers energy because it is stored higher and don't have to pump it. It is also higher water quality. The advantages from Nichols are to have a large flow going through town and recharge of local aquifers and rebuild soil moisture. We need to know how much released water would make it to Rio Grande and it would have been helpful to know what the Rio Grande would have looked like with a constant flow.

We talked with State about splitting the release and that was granted so most was released from Abiquiu with some from Nichols. It would take five days to release from Nichols. We monitored that release and on January 14, Mayor Webber sent letter to the Cochiti Pueblo and a letter to ten pueblos, requesting consultation. That was not granted, but we met with four pueblos on January 27 and on January 28, we canceled the Nichols release and moved to release from Abiquiu.

Federal and State entities are required to consult with tribes, so we did consult on the release as the right thing to do. On January 27, we hosted a virtual meeting and went through the plan. We were not in a good bargaining position to reduce the release. We were not granted access for the releases and would damage relations.

Lessons learned included a better understanding of communicating with pueblos and the time we need to do that correctly. That was a big lesson learned. If we store debit water again, we will consult with pueblos for mutually agreeable parameters. Levels are so low in Elephant Butte that we will not store debit water again this year.

Councilor Vigil Coppler asked under lessons learned, if she could understand better communications. She asked if there is value in including acequias downstream.

Director Roach said the approach was agreed and the next time we might not call it formal consultation but communications with those downstream.

Councilor Romero-Wirth suggested one thing we would benefit from in the release, would be to see what would happen if the water reached the Rio Grande. If the water had not reached, what is the impact? When the compact was signed, we were a tributary and water did reach the Rio Grande. What is the impact now?

Director Roach said it is a great question. In 1938, we were a direct tributary. The Cochiti Dam crosses the Santa Fe River, so we no longer know if it reaches the Rio Grande. Aerial photos seem to indicate it does. Aerial photography shows the lower Santa Fe River is flowing much of the year, but we can't know the numbers. If we could prove we were not a tributary at all, we could hold out that we were not subject to the Compact. We could also claim return flow credits.

Mr. Martinez viewed this as the State operating under this legal fiction. Because the compact designated a Rio Grande basin area, it would be difficult to be out of the compact. It would take an action of the Rio Grande Compact Commission to remove Santa Fe County from it.

Councilor Romero-Wirth said if the water does not even reach Texas, we want to know to use our resource in a way that is efficient and not wasted.

- c. Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report (Rich Brown, Director, Community & Economic Development Department, rdbrown@santafenm.gov, 955-6625 and Daniel Hernandez, Project Director at Proyecto LLC, Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)
INFORMATION ONLY

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

Director Brown shared his screen showing the Bi-weekly Progress Report on Midtown – releasing five reports and joined by Mr. Hernandez and Dena Belzer, President of Strategic Economics. They will take the Governing Body through the report to understand the ongoing development and the way forward. Copies of his report will be distributed publicly after this meeting. He hoped it would help the Councilors comprehend the options available prior to discussion at the next meeting.

For background, He described the competitive solicitation process for the developer. The Midtown Charette in December unearthed critical developmental problems that eventually led to the mutual termination of the agreement. Now, Midtown is moving forward without the agreement and with these progress reports which will come out bi-weekly. They are committed to transparency and creating a shared understanding for the public and for the Governing Body. He started it off with a framework discussion.

Mr. Hernandez talked about the development concerns they are working through now and the strategy they want to put into place for the process of the Midtown Project. He hoped that would allow everyone to build a shared understanding so that as decisions are made, those decisions would be informed with the Governing Body and public.

He noted there are seven Development Concerns in order of importance: 1 is land use zoning; 2 - development planning; 3 - infrastructure & utilities; 4 – existing buildings and furniture, fixtures, and equipment. 5 – Public/ financial 6. Procurement & RFEI; and 7 – Public Engagement. They will be coming to Governing Body at the second February meeting.

The City's investment considerations for disposition and development: will come back regularly with progress reports that are not hypothetical but making them understandable to the public in the underlying issues.

Finally, all the goals that the Governing Body will affirm, range along a spectrum from economic returns to community benefits.

Ms. Belzer said she was excited to be with the Governing Body. She outlined her presentation by first a review of City's goals and guiding principles for the Midtown Site. 2 – a brief background and previous decisions for the Midtown Site as a City resource; 3 - Understanding the Midtown Site's current market value perspective and the City's investment role for increasing value; 4 - Preliminary and near-term strategies moving forward.

The three types of goals are long-term community goals dating back to 2017, to continue to grow the film industry in Santa Fe and to continue to foster Santa Fe's arts and culture communities. All of them work in concert with each other. The best outcome would be for all of them help in the progress. The financial goals and development process goals are also very important. The City of Santa Fe is paying out money every month to continue to operate the Midtown campus and comes within the City's financial picture. We know this is an issue and acknowledge it with the hope the site will begin to generate revenue and reverse that drain on the city's financial condition. The other financial goal is to create as much economic value as possible. There are tradeoffs across these goals. In terms of the actual mechanics of the development process, we want to be transparent, inclusive and sustaining which ties back to the idea of housing for all.

Ms. Belzer talked about the solicitation process to gather development and business interests from the market. She showed the steps involved in that process. The pandemic has changed the market dynamics and evaluation of the site changed with the presence of the pandemic.

The Key Market Feedback was that Midtown is a distressed asset. The Master Developer reported on it with an assumption and estimates as professionals and the challenges of what they saw. It was helpful feedback to hear that. The Developer made some assumptions to move forward and noted a significant public investment was needed to design and build infrastructure and establish land use zoning which would set the foundation for future development.

There is a need for additional points of circulation access from surrounding corridors, and uncertain investment risks and uncertainty of commercial and mixed-use development in a post-COVID-19 economic environment. Their conclusion was the risk was too high.

She went to understanding the Master Developer's Decision and graphically showed the development value compared with fixed development costs, excluding land, vertical costs and horizontal costs and pre-development costs. She showed that the residual land value,

those three costs and the investment return would comprise the total development value.

Then they negotiate land value as a variable cost. And usually consider what is left over from investment and the three costs and then negotiate for the right price. With low land value potential, the risk is higher for return. They just thought it would not be a match for them and they walked away. They were not willing to put out any more money on it.

She spoke to the residential land value fluctuation. The appraisal was \$36.1 million; sunk costs were \$41.0 million, and the residual land value was the remaining part. So it didn't match up.

For what to do now and move forward, the City has many options to reduce risks and some of the investments can be small – mostly staff time. Others might cost more. The Environment Assessment might not be that big of a deal but would increase its value. Investigation of infrastructure centered around what was needed such as water and sewer that is in good shape. The real issue here is that the City would not need to pay for all infrastructure but might choose to do so. All of it would help reduce the risks and increase the value.

Possible decision points for additional investment are related to Midtown disposition and can be considered as either: Immediate term; near term 6-12 months and longer term up to 5 years.

The City could decide to sell the property at any time, but the return depends on what the City does before the sale to increase value. Making the decision will also depend on which goals are chosen.

If the city decides to sell as is – it is the: “Midtown Garage Sale” and could be worth a lot but there would be things some people did want and the remaining would be worth less. And the City tries to figure out what to do with that remainder.

The buyer might decide the distressed property did not have enough value to make it reasonable.

If the City decides to sell in approximately 6-12 months – it would provide a better understanding and potential for a greater value.

And the City could decide to sell the most valuable part to give more leverage on how to combine a disposition strategy.

Then the future value in the longer term could be chosen. The City would dispose incrementally and that has the most potential to participate in

the economic value down the road. It would not preclude working with another Master Developer in the future and doesn't preclude the City being involved directly or through a third party.

She showed a slide illustrating when the opportunity per goal would be better to consider (up to 5 years). This would help the City achieve its goals over a period of time.

She agreed to return in two weeks to provide more specific options related to investing to create value. And stood for questions.

Councilor Garcia commented that a picture is starting to form, and he thanked them for that. He appreciated the initial steps. Regarding the Garage Sale characterization, he felt it best to not consider that at all. We know what we have in this property and need to make sure we don't give it away. It needs investment, no matter which choice we make.

Director Brown mentioned the seven teams and Councilor Garcia asked who the members of the teams were.

Director Brown said they are made up of City employees.

Councilor Garcia wanted to know which staff members are on the teams. That was his concern in going through the RFEI process. Some folks have much experience, and he was surprised the teams did not include people outside of City Staff.

Director Brown said the progress report in the packet that shows the staff leads – probably on page 5 he agreed to put those names in the next report.

Councilor Garcia didn't see a possibility of locating City Hall to the campus, but he would still like to see if that could be a viable option as a one-stop shop and a more acceptable City structure of the properties already occupied at City Hall, the Water Dept and other City locations. He wanted that to remain as part of the City goals.

Director Brown said in the initial public guideline in 2018, the relocation of City Hall was a recommendation and was ranked 18 out of 25. It would be nice to have but not needed yet.

Councilor Garcia did not lean heavily on that 2018 response. Education and housing were a priority and third was some kind of retail or moving City Hall there. That was what he heard most often from constituents. He looked forward to the next presentation and would have conversations offline. Thanks for all the effort put into this.

Councilor Vigil Coppler mentioned that the presentation tonight did not match with what was in the packet. She heard a lot about what we've done in the past and new information of what we know now. She appreciated the choices outlined in the presentation and don't really match the decision points we were given earlier by the City Attorney. And Economic Development, such as to sell the property which seemed to be one. The third was to consider the people who applied before. She wanted clarification because the three we heard tonight were different from that.

Director Brown said the others who submitted for the RFEI could still be available for consideration.

Ms. Belzer agreed. She explained what she was saying in the 6–12-month range. If the Governing Body chooses to go that route, the participants can be brought back at any time.

Mr. Hernandez said it is part of the decision-making tree. The previous partner walked away, and others responded to the RFEI in a competitive process. So there are other options with the competitive process.

Director Brown said all the presentations will be posted on the website.

Councilor Vigil Coppler appreciated that but added that it is also to have them in writing during the meeting. There are new concepts we are hearing for the first time. It is some deviation, and she was not making a big deal out of it. Some of it is a little different than what has been said.

The other thing was brought up by Councilor Garcia whether we would revisit the goals. That was my original concern. We don't need to do the same thing and expect a different result. A lot has happened since then. We should consider how much we want to go back and reconsider, not just a brainstorm. Councilor Garcia introduced a new idea. Maybe other Councilors have their ideas and maybe a discussion on how things have changed would be helpful. She saw Staff coming back with the same thing including process, except who is on these committees which is not the same as before.

She was not a believer in just regurgitating what had been done before. It needs a new concept and seeking out internal and external people to help us get there. We need people with expertise.

Councilor Cassutt-Sanchez pointed out that we have a lot ahead of us – information to gather and decisions to make. For many of us and the community, it is ongoing public engagement.

Director Brown clarified this is a two-week report.

Councilor Cassutt-Sanchez said identifying benchmarks and milestones never really happened. We are getting this as things come up.

Mr. Hernandez noted they had a charette last week in which we spent all day together and edits are going back and forth on it. He hoped to distribute it before the Quality of Life Committee meeting. It is real and we've been studying it and will share it publicly. That will also be on the City's website.

Councilor Cassutt-Sanchez was glad to hear that is coming. Thank you for that. She wanted to hear what our community has to say on it.

Councilor Lindell asked why we would wait. Everything has changed so she questioned why we would wait to contact previous applicants to see if they have any interest in moving forward with this project.

Director Brown said it was just terminated and we want to understand the categories before reaching out to the other RFEI applicants and what the process would be to be more viable.

Councilor Lindell asked for a timeline on that.

Director Brown said it would be 6-12 months.

Councilor Lindell said that makes no sense.

Ms. McSherry said the evaluation would warrant that. If the evaluator has a recommendation to bring back to next Governing Body meeting, that would be okay. Only one category had been recommended to the Master Developer and that would happen very soon.

Councilor Lindell thought we should not wait for any committee work. We should find out if they still have any interest and whether they have other ideas. Waiting 6-12 months doesn't make any sense and she didn't know how it fits into the procurement process.

Ms. Salazar said the RFEI is still in place. So the decision needs to answer how we are moving forward and who the developer would be. But we are no longer in process with the agreed upon Master Developer. We are deciding whether to go to the next developer or change to something else.

Councilor Lindell suggested it might just be an exercise if no one else is interested. If there is not one, why would we spend time doing that? It has urgency and we are no different in assessing our own risk and talking about putting in more money into the property. Doing that analysis and looking at a 2-year timeframe or a 10-year timeframe. We have no understanding whether it can be more money if we do this or that. We all know that time is money and there is urgency on this project. So we need to determine what our risks are.

Councilor Abeyta agreed with Councilor Lindell. Time is money but he also heard what other Councilors are saying. We are not starting from scratch but maybe a reset. It would be helpful to state what the vision is for this property and we need the public to participate in some sort of referendum. That is what he was hearing and leaning toward in these discussions.

Mayor Webber heard a specific presentation on specific issues. The Master Developer said certain things needed to be done to make it valuable and this team as looking at those and looking at it as if the City is the developer. Being guided by the assessment will help to decide whether to have another Master Developer or if there are issues of social capital as well as financial capital. He thought the City's team is just as good as any developer in assessing it with financial choices, social choices, and timing choices. And the City can engage with broad public dialogue. We need to revisit our assumptions about what the property can produce. It is a once in a lifetime opportunity in the heart of Santa Fe and understand what it means for the public and future generations. We have the resources to help us make these decisions.

AMENDMENT OF THE AGENDA

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to amend the agenda by moving first to Communications with the Governing Body and then to Petitions from the Floor and then return to the regular agenda where we left off at 11 a.

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. COMMUNICATIONS FROM THE GOVERNING BODY (Revised Agenda Order)

Councilor Villarreal was completely frustrated with Prime Gov and a complete distraction to not be able to see what we are going through. She has been having that consistently and she knew she was not the only one.

Councilor Cassutt-Sanchez congratulated Santa Fe County on the new COVID status of yellow and wants to get to Green. She urged everyone to follow the guidelines.

Councilor Lindell gave congratulations to all that we have gone to Yellow. It is a really good deal and incumbent upon us to continue what we are doing to get to Green.

Councilor Garcia wished everyone a Happy Valentine's Day, especially his wife. He was thankful for getting to yellow – let's get to green. He was sorry for Councilor Villarreal's frustration with Prime.gov. There is confusion on the process for CHART that we are still building a Commission. Maybe the next time we can update that with CHART to let the public know where we are.

Councilor Vigil Coppler said, regarding the CHART and update, it would be best to send out an update newsletter on where people can find more information. Ms. Bustos-Mihelcic let me know there is a website for signing up for the updates. It would be good to send that out again.

She also brought up the unsung employees who don't get the recognition. Wastewater Division Manager Anthony Keryte upon his award for outstanding operator of the year. We congratulated him at Public Works, and she brought his name to this meeting. In addition, the Canyon Road Water Treatment Plant also got an award for most improved facility in 2020 from the New Mexico Wastewater Association. The team was diligent in maintenance of the 1975 plant. Kudos to all of them and they are all recognized on the communication at Public Works. She asked Manager LaPan Hill to please have her staff send that out to recognize those heroes.

Councilor Rivera also congratulated Anthony and all those at the Canyon Road facility and agreed with Councilor Vigil Coppler that the City put out a press release on their great accomplishments. He also recognized Santa Fe Beautiful for their award for the sign at the Highway 84 - 285 entrance. He wished his wife a Happy Valentines Day and still loves her the way he did when they first met. He congratulated Santa Fe County for Yellow status, and we can't let up. He introduced a Resolution, cosponsored by Councilor Villarreal updating the terms of resolution No 2020-29 to extend the duration of the Community Health and Safety Task Force through the end of calendar year 2021, allow additional Task Force members, change the Task Force composition, and exempt the Task Force from certain Open Meeting Act requirements.

Councilor Abeyta agreed with what was said already.

Councilor Romero-Wirth introduced a Resolution designating the City of Santa Fe, New Mexico as a Bee City USA affiliate. She said more information was available on the City website. She had received emails from people requesting more information.

Mayor Webber introduced an ordinance amending Section 18-11.3 SFCC 1987 to amend the definition of taxable premises to make it consistent with State Statute and to add a definition for permanent resident; amending Section 18-11.8 to make the Section consistent with State Statute; and to amend Section 18-11.17 to clarify the difference between the Occupancy Tax and the Convention Center Fee, and to dedicate the Occupancy Tax collected on the thirty-first and subsequent days to the Affordable Housing Trust Fund.

The journey through COVID is making progress but we have a long way to go. But hospitals don't know what they are getting or when. He asked people to register for vaccinations and to go to their health provider for more information. Medical providers are working hard. The medicine cabinet was empty when President Biden stepped into office and it is getting better, but it is not as smooth and transparent as we would like. Wear your mask and use hand sanitizer.

He sent Valentines greetings to Frances, the love of his life.

He called attention to what is happening in nation's capitol. Local is what we love the most, but we are engaged in an important day of reckoning in an impeachment trial for a president who chose mob violence. He encouraged people to watch the video for the opening and listen to Representative Raskin whose statement was eloquent. Please take it seriously and be engaged with it as a moment of importance for our future, not only for us but also for our kids.

EVENING SESSION - 6:18 P.M.

16. ROLL CALL

17. PETITIONS FROM THE FLOOR (Revised Agenda Order)

Kirsten humbly asked if the Governing Body would consider a continuous violation situation. My neighbor has five vehicles. Two are not running and one is a truck with garbage in the back. She understood a nuisance letter is being sent, but they are not effective. Her neighbor has 30 days to comply but go right back out with no consequence. So letters are not effective. They can park cars on the street without license plates that are not running. And when police come, they move them two feet and the police know they will just move the vehicle. They know how to play with the laws. And she has to start the process all over. It seems like an easy fix, but she has been at it for four years. The owner should be fined. The owner doesn't live there. "Thank you for listening. I talked to my councilors."

Lydia Clark said she lives in District 1 and was here to oppose the proposed resolution that asks for NNSA to prepare a new impact statement for LANL before extending plutonium pit production facility. This was brought to the Governing Body attention over a year ago requesting that environmental impact statement and opposing nuclear weapons and plutonium pit production specifically. This particular resolution has neither language that opposes nuclear weapons production or plutonium pit production. It merely asks for suspension of weapons for pit production while they are asking for another slice. They asked for a slice in 2020 and the NNSA rejected a new slice. It is too late for new slice. The City has opposed that before. Why is the City asking for less at this point? If we don't ask to stop pit production, that will not only continue but increase. Plutonium pits production brings no benefit to New Mexico. Please oppose this resolution.

Jay Coughlin said he was touched with Mayor Webber's DC statement. He spoke in direct support to the resolution. It is not too late. Better later than never. With respect to NNSA, it is also up to Santa Fe citizens. Santa Fe County already passed a resolution and hopefully, the City will also. And then we can pressure our congressional delegation. It is relevant, looking at articles in Journal and the New Mexican today, a scathing report by the Inspector General on wildfire protection at the Lab. After two catastrophic wildfires there, for further relevance. This City has been enveloped by smoke and the Buckman Direct Diversion can be contaminated with surface water out of the Rio Grande that comes from Los Alamos. Over time, even the Buckman water wells could be affected. Please support the resolution.

Scott Kovac said he was here in support of the resolution for full Environmental Impact Statement at LANL. There is too much going on there. They spent billions to clean up the facility and if looking for reasons – find ways to make it happen. Thank you.

Stefanie Beninato said she contacted Manager LaPan Hill about traffic backup at the Plaza on Saturday. It was a recipe for disaster that needs to be addressed publicly. A driver started screaming at me when making a left on my bike and watching them speed away at about 50 mph. I ask that the City put out speed monitors to help people slow down. Also I am concerned about the missing plaque taken from the obelisk. Lisa Roach was going to look into it, but she didn't report back. Now, we have the same thing at the Cross of the Martyrs. It would be really helpful to know what is going on and why the City can't keep track of its own property. She noted a story in the paper about ownership. If the City doesn't own it, why are they maintaining it. Some explanation on that point would be helpful. Lastly, she was concerned about an administrative decision rejecting appeals procedure. Please read that thoroughly.

John Wilks said he had submitted earlier written comments for item 11 (a) and hoped it was received because it would save time for him to speak. He congratulated the Governing Body for the resolution which he supported on behalf of Veterans for Peace, Chapter 63. "With the exception of one word, you need to strike the word 'request' and substitute or add the word 'demand'. LANL has not been a good neighbor nor tenant

since 1942. They have done their mission for DOD and the country. But at the same time, they generated waste – toxic waste. Now they have approximately 45,000 55-gallon drums of waste. They are making very little if any progress on removing that waste. This is very serious because DOD's plans for LANL, as you know, change their mission from research to production. My view is, from the view of Veterans for Peace is, there should be no permits issued by NMED for any purpose until the legacy waste is removed. And during that time, the study can be conducted. Now, as far as the study goes, yes, we need a site-wide study. The site is the State of New Mexico. Because, as I have laid out in my letter to you in my comments, DOE has six projects, only one of which is the LANL pit production which they have proposed or are in the process of implementing. Some of those projects have to do with moving plutonium through I-25, I-40, and other County roadways.

There were no other petitions at 6:32 pm.

RECESS

At 6:33 pm, the Governing Body recessed until 6:41 pm.

The Governing Body resumed the original agenda at this time.

10. CONSENT CALENDAR

- a. Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$205,000 from the Cash Balance in Water Enterprise Fund to the Transmission and Distribution Operating Supplies; (5050386.530200). (Randy Lopez, Transmission and Distribution Supervisor, rjlopez@santafenm.gov, 955-4246)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 01/25/2021

Finance Committee: 02/01/2021

Governing Body: 02/10/2021

- b. **Request to Publish Notice of Public Hearing on March 10, 2021.**
Consideration of Bill No. 2021-__: An Ordinance Amending Section 7-1.1 SFCC 1987 to Adopt the Newest Version of the International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division; and Amending Section 7-4.2 SFCC 1987, City of Santa Fe Green Building Code, to Update Code References in Conjunction with the Adoption of the 2018 International Energy Conservation Code as Adopted and Amended by the State of New Mexico Construction Industries Division. (Councilor Cassutt-

Sanchez, Counselor Villarreal, and Councilor Abeyta) (Jason Kluck, Assistant Planning and Land Use Director, jmkluck@santafenm.gov, 955-6729)

COMMITTEE REVIEW:

Quality of Life Committee: 02/3/21

Public Works and Utilities Committee: 02/8/21

Governing Body (request to publish): 02/10/21

Governing Body (public hearing): 03/10/21

11. DISCUSSION/ACTION ITEMS

- a. CONSIDERATION OF RESOLUTION NO. 2021-09. (Councilor Villarreal and Councilor Lindell)

A Resolution Requesting the National Nuclear Security Administration Prepare and Complete a New Site-Wide Environmental Impact Statement for Los Alamos National Laboratory Before Expanding Plutonium Pit Production at the Facility. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

COMMITTEE REVIEW:

Quality of Life Committee: 02/3/21

Governing Body: 02/10/21

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

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve the Resolution as presented.

Discussion on the Motion:

Councilor Villarreal appreciated hearing from the public on this issue. Although there is a time gap, the issue is still relevant. There are other advocacy groups. The last EIS was done in 2008 and she thought it is important to be able to express our values in this matter. We know these types of resolutions are symbolic in nature. They are expressing the Governing Body values asking for action directed at other bodies and agencies. She wanted to express that there have been other resolutions to prohibit plutonium pit production. It is something she feels is necessary to eliminate. "My vision can't deter the issue at hand which is a statewide EIS. That's why I am putting this forward. There was a time frame that people thought we could do it sooner. But we were in COVID, dealing with a lot of issues last year. I believe it is still timely and I think it is important to express that."

Councilor Lindell thanked Councilor Villarreal for the lead on this. She signed as a cosponsor because she felt it was important, but she did acknowledge that Councilor Villarreal did the work.

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. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Vigil Coppler, Councilor Garcia, and Councilor Villarreal)

A Resolution Requiring Governing Body Approval Prior to Announcing the Availability of Any City-Owned Land, Buildings, or Other Real Property for Sale. (Andrea Salazar, Assistant City Attorney; asalazar@santafenm.gov, 955-6303 and Rich Brown, Economic and Community Development Director, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works and Utilities Committee: 02/8/21

Governing Body: 02/10/21

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

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to approve the resolution as proposed.

Discussion on the Motion:

Councilor Romero-Wirth objected that she had her hand up before the motion was recognized. She explained that her hand was up because she thought the Governing Body should consider remanding this back to Council committees – the Finance Committee because it has a fiscal impact. It did not get consideration at the Finance Committee. And if you read the FIR, it talks about how one of the possibilities for implementation of this was to incur overtime expense. It has only been to one committee and as some of the Councilors were sponsoring, this resolution talks about in previous resolution, we have not all been able to see this at a committee level, particularly the Finance Committee where there is a financial implication. She would like to move it back.

Mayor Webber apologized and said we did need to have a motion.

Councilor Garcia felt his motion should stand. "My colleague, Councilor Romero-Wirth consistently makes motions without recognizing hands that are up. I am in order with my motion."

Mayor Webber noticed Ms. McSherry had her hand up. He was looking for guidance for how we run this in an orderly fashion.

Ms. McSherry asked if there was a motion made by Councilor Romero-Wirth.

Mayor Webber said yes. We have a motion from Councilor Garcia that was seconded. The part that was befuddling to him was that he didn't actually recognize Councilor Garcia before he spoke.

Councilor Garcia said, on that point, that Councilor Romero-Wirth consistently does that.

Councilor Romero-Wirth was speaking while he was making his point and said all she wanted to do was to be able to make the point that she thought it should be referred back to Finance, and her hand was up but we have a motion.

Mayor Webber agreed; we have a motion on the floor, and we have a second. But it would be beneficial to be recognized. With that said, Councilor Vigil Coppler did have the floor.

Councilor Vigil Coppler commented first on what just happened. "I have been on this Council for going on five years. And recognition has not been consistent. Furthermore, I think a lot of this is rehearsed prior to coming to the meeting because in our meetings, it never fails. Councilor Romero-Wirth is recognized first whether she has her hand up or not. That's all I'm going to say about that. I recognize that and I appreciate that Councilor Garcia raised his hand and moved forward for recognizing that and letting us think about the merits of this resolution.

Now, I wasn't born yesterday. I know when something has a fiscal impact or not. And when I developed the resolution, I considered all the matters of what could have come up. I strongly oppose the FIR. I do not believe there is a fiscal This is asking staff to do their job. I did express my concerns with Director Brown. I do know from just, I gathered in discussions with Director Brown that he was not in favor of this resolution. And that is fine. But I really felt that it was loaded up with money, and I told him this is just part of doing their job. This is not extra. I will go back in history. There have been many resolutions that have not included things like overtime and things like that unless it is a brand-new program. This resolution is aimed at bringing the public land before this Governing Body for discussion and vote on whether

we want to sell that land or property before going out and advertising it to a select few or to the world. Because what the practice has been, much to my concern, is that we have only discussed if at all, land in executive session. And then from there, move straight to sale or to wherever it goes without coming out of executive session and voting on the merits of selling property. The case recently was the Alto Street property that was discussed in executive session. I am not in favor. I wanted more discussion about that piece of property and what the options were. Because I really felt like that property was a good location and ripe for trying to get some kind of affordable housing somewhere other than the south side. Nevertheless, the discussion never went there. But I assumed and was planning that we would have a discussion in open session and then vote. But I did see in the next couple of days was a whole newspaper article about how the City was selling the building on this property and what the commensurating [sic] land was going ... and who owned it and what potential sales could happen there. We never voted on that. I find that there is a fine line between what we discussed in executive session and what the outcomes are. And on land, I don't recall that we have had any public discussion or vote for even the public to know about prior to getting the work done.

If an item comes to us the rest for a property the ball being sold or not, there is no work to be done. They should really not be a lot of work done because the work comes when it is prepared for sale, the property for sale whether it goes out to bid or whatever. I know we have had several discussions about how this property gets out there and then we get a purchase agreement.

All this resolution does is to put the public property in front of the public for deliberation by the Governing Body on whether it should be sold or not. And that is a discussion among us. Whether it is a resolution or not I know we would only get petitions from the floor for it. We spent a great deal of time discussing the sale of the Santa Fe Clay Building at the railyard. And the public was up in arms and they expressed complete disappointment that the property was let out for sale without any public knowledge of it and maybe they would have bid on it. But it was a fait accompli by the time the buyer got it. And that is kind of the way we've been operating.

Except, I would say, Santa Fe Estates has been the most discussed property because it has gone everywhere else. And now obviously, it is out there, getting a lot of attention. That's why it is excluded from this resolution, because it has been out in the public. We never voted that we wanted to sell it that I recall. But I want to prevent that. I really believe that we need to be discussing the taxpayers' property in front of the taxpayers. T

I am not against going into executive session when negotiating a purchase or something like that. But that is after we have made the decision to sell. I think it's wrong what we have been doing and I think the better way is to

have everything be transparent. I would just say then that I am not in favor of sending all this to Finance. But I understand why. But right now, my concern is that this FIR is not accurate, and it sets a dangerous precedent, because if somebody or something comes before us, and people don't know how to decipher these monies they are attaching to it, will it be on every single resolution we do? Because, if not, I take exception. It has not been on every resolution.

If people don't want to do their work that is part of their job, they will demand overtime. That is crazy. We pay people a great deal of money to do their job. Those who are exempt are to work and get their job done. We are really going down the wrong path if not.

We need to put these properties in front of the public and go from there and then the staff can do their work. But it is the same work they would do anyway."

Councilor Garcia said what this resolution does is to create a process toward more transparent government. That is what constituents have asked for. This is a process that deals with their assets, their property. The taxpayers have a stake with this. How many of us ran on a platform of more transparent government? This is what needs to be done when selling property and stop Staff from going down the wrong path. It is the proper procedure.

Regarding the FIR, he had some deep concerns about this. He didn't see additional time being spent on it, whether preparing for an executive meeting or an open meeting. He reviewed past sales and saw no FIRs with them. One resolution last year was sponsored by Mayor Webber for closure of streets downtown. That would have been additional staff for permitting and part of their regular job. The resolution for establishing the Water Conservation Committee by Councilor Romero-Wirth and Councilor Abeyta had no FIR. More recently, the BTAC resolution that he sponsored had an FIR with staff supporting the resolution and no financial impact in the FIR. Is this how we want to operate with a fair and open government? This resolution allows the public to participate in the process and show how good we are as stewards for City property and shows we can be trusted in the process.

He wanted some explanation why no FIR was submitted in the past. How did we arrive at the resources identified in this FIR? He was trying to understand why, when it is just staff doing their job. He wanted to know how the sponsors arrived at a fiscal impact.

Director Brown said he was the author of the resolution and he understood the Governing Body could go into executive session to discuss them. He

didn't know about precedents in other departments regarding an FIR. But there could be up to five staff members in his department. He was the only staff person not paid hourly. So the other staff working on it could incur additional hours of work and could be on this call. It is not a large amount of money when we go through two committees and staff need to be present in case there were changes made. But it was his duty to report it in the FIR.

Councilor Garcia thanked him for that explanation. He understood his other five staff could be working extra and asked which of those staff were on the call for this meeting tonight.

Director Brown said it was Ms. Salazar and Sean Moody who were working on this. And it could be Ed Vigil, Juan Lucero and sometimes Liz Camacho. Those are the five nonexempt employees.

Councilor Garcia asked if there had ever been an instance where all five staff were needed at a meeting.

Director Brown said there has been together at one, but they are changing the process. There were two committees, where they once had one meeting, now have three. Staff had to be present to answer questions. Each of these properties has some extraneous instance involved with it. None of these properties has been clean so discussion happens before we go to the next phase.

Councilor Vigil Coppler, on that point, told Director Brown that there is no doubt that needs to happen. But this resolution just asked if the Governing Body wants to sell it and Staff would go through the same work as before. This resolution puts the horse first. "Now back to the employee..."

Mayor Webber interrupted that Councilor Garcia has the floor and then he would come back to Councilor Vigil Coppler.

Councilor Vigil Coppler said it was a simple comment on the five employees.

Mayor Webber said Councilor Garcia was on a different point and should be allowed to finish rather than allowing Councilors to leverage off each other. He asked Councilor Garcia to pick up where he left off.

Councilor Garcia asked Director Brown, given the example Councilor Vigil Coppler made, how much, if any, additional preparation is needed if he comes to the Governing Body just with a proposal? Coming for the with the proposal first and then doing the leg work like Midtown – whatever it needs. But coming first to Council on consideration of selling the property, why does it cost resources with a simple proposal like that? You mentioned going through an extensive process and other opportunities to sell it. We

are trying to prevent that extra work before deciding whether to sell it or not. If you do all the work and then come to Governing Body and the Governing Body says no, all that work is a waste. If there is an impact, it should go to Finance but there should be no impact because it is the ordinary work of staff to do. There has been no precedent in the past and going down the wrong path to cherry pick FIRs when I feel there is not financial impact.

Councilor Romero-Wirth pointed out that the resolution was introduced at the last Council meeting and didn't know why it was only referred to Public Works and was passed on consent. It does have a financial impact. And the sponsors made the case on questions the committee must flesh out to decide on the FIR. There was an impact on Water and on street closures. So maybe we can see that we are not picking and choosing. This Resolution did not go to Finance so this motion should be denied and refer it to Finance to consider what impact it has or doesn't have. She urged the Governing Body to vote it down and send it to Finance for proper hearing on the sale of city-owned land.

Councilor Cassutt-Sanchez was in favor of this resolution and thought we should make sure to have the discussion publicly and the Governing Body agreeing that it should be sold. What is the reason for going to only one committee?

Councilor Vigil Coppler said she sent it to one committee and wanted to have it heard there. She didn't know why it was on consent. She didn't send it to Finance because she did not believe it had a fiscal impact. There are other properties the Staff is getting ready to sell so she had a sense of urgency on this bill.

Councilor Cassutt-Sanchez said it brings up items going to committees, so Councilors have an opportunity to discuss them. So whether it was Finance of Quality of Life, will we miss the boat on another sale to not have a chance to vote on it as the Governing Body.

Director Brown explained that they don't bring it. In the current process of an offering, it goes to an executive session. But he has not put anything in the queue for public discussion.

Councilor Cassutt-Sanchez said that the reorganization bill, there was no FIR, and it brings the question of when we follow the rules or when we don't follow the rules. She was one of the voices against it, but she believed in the process.

Ms. McSherry pointed out that there is no rule but if on consent, it requires two committees for review and if on discussion, one committee is required to hear it. She was aware of one in her history here that had no FIR. It is

not clear whether there is fiscal impact or not and the Governing Body could provide the guidance for it. There is sometimes an effort made and in others there is no effort.

Councilor Cassutt-Sanchez thanked her for clarifying it. She was in support of the resolution and would like the opportunity to explore it further. She agreed no City property should be put on the market without a vote by the Governing Body on it.

Councilor Villarreal also noted that FIRs are inconsistent. This one made no sense to her. Other resolutions have had requirements for staff time that were not calculated in the same way. We need to have guidance to understand what goes into a FIR from a staff perspective. The only reason I would consider going back to Finance is so that the FIR could be corrected. She did not think it was accurate.

She was really frustrated with inconsistent FIRs and that was the only reason it might go back to Finance. We don't have that much land to sell and need to be methodical about those sales.

Councilor Lindell was not sure what problem we are trying to solve here. She had never seen a property go up for sale she didn't know about. In the resolution it does say the Governing Body must approve after a presentation by City Staff in a public meeting when the City property is for sale. She had been here long enough to know that there is no way that the presentation is coming to us and saying we would like to sell this piece of property. Do you agree or disagree? It must be a full presentation from Staff. To say that simplifies Staff work and that we are not going to put them through the work if we don't agree to sell it. We kid ourselves to have Staff come and ask if we want to sell it or not. They must explain why we need to sell it. She didn't see the urgency on it. We do like to discuss it in committee first.

We have discussed whether to include Staff time in an FIR or not. We need to give Staff the courtesy to say what items would be pulled. Otherwise, all the staff would just sit there. and they were not sitting there for free. The process used to be that all staff with items on the agenda would come and sit in Council Chambers until the consent items were pulled. And then they can go home if their case was pulled off consent.

But it took memo upon memo and Celeste called everyone of us to ask beforehand what we wanted to pull as a courtesy so staff could spend the evening at home with their family. She didn't mind when an FIR is requested and when we get one to not believe them. That is not fair to Staff.

Councilor Lindell moved to postpone this resolution and send it back to Finance.

Councilor Romero-Wirth thought it was not fair to postpone while the motion was being debated now.

Councilor Lindell replied that if people have problems with it, let's get it to a Committee.

Ms. McSherry explained this motion of postpone and referral is in order and can be debated.

Mayor Webber understood that would take precedence.

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to postpone the resolution and refer it to the Finance Committee.

Discussion on the Substitute Motion:

Councilor Vigil Coppler believed the sponsor of a bill has a right to decide what committee it goes to and she saw no reason to go to Finance and it was her prerogative to put it on consent or not. She knew it was not breaking the rules and she respected when other sponsors say where they want their bill to go. Her prerogative was to send it to one committee and understood the process and was not breaking any rule on it. FIRs from her perspective, background and training were if the matter would require money not currently budgeted and any monies associated, should be clearly detailed and there is none here. So, she would vote against the motion because that is what applies here. The issue is we need to have these discussions in front of the public.

Councilor Garcia said if there is anything to be learned, there is a huge challenge with inconsistency on FIRs. He looked at the FIRs and they had zero impact. That is not being spread evenly and that brings more concerns. He understood the desire to send it back. It needs to be a zero and have that consistency. It should have zero impact. He was more than happy to send it back but wanted to confirm with Director Brown that there will be no land sales in the next couple of weeks. The point of the resolution is to make sure the public is not surprised by sales. The Santa Fe Clay Building is a good example. We heard how many were surprised by it. This resolution is to keep the public from being surprised. He highly recommended the FIR be zero.

Councilor Cassutt-Sanchez agreed it was important to be consistent. We are still looking at our process. She was under the impression that no secondary motion could be made. In the past, we had to vote down one motion before making another.

Ms. McSherry said it depends on what the motion is and if substantive, the first must be voted down before a second motion is made.

Councilor Cassutt-Sanchez was feeling frustrated on whether to send it back to committee. She understood people who were not the sponsor did not have that respect whether to all three committees regardless of the matter. That is an opportunity we all have to say what we see as a problem there and the consistency of whether it needs to be at another committee or that it need not be sent to that committee. She supported this resolution and would like to see it in committee. It is a slate with money coming to the City but didn't want to see it used as a political process. And to make sure we are vetting our resolutions and ordinances. It is important to allow committees and she believed there is a fiscal impact regarding staff time and agreed that needs to be consistent. Staff time is important and finding the balance is important. Having the discussion in public is also important.

Councilor Villarreal said this was super frustrating. She was not opposed to Councilor Lindell's motion but didn't understand the process which has been inconsistent. She hoped they could talk about that more on Friday. If it was already passed in Public Works, it would still go to Council. She would personally like to talk about the FIR and how the numbers were arrived at in Finance. We have not had these problems in the past.

Councilor Rivera asked if the motion was if it could go to the next Finance Committee meeting.

Mayor Webber agreed.

Councilor Abeyta said it will be heard at the February 15th Finance meeting if it passes here.

Councilor Rivera hoped we could clear up those inconsistencies. He had never seen the way they are managed with amendments and other motions and who gets to speak first and that is creating some of the hostile reactions. He was not proud to be part of that.

Councilor Vigil Coppler thanked Councilor Abeyta for agreeing to put on the agenda with this short notice.

Mayor Webber observed that the level of discussion is important to remind ourselves as our invocation did this evening about what we put out into the world because it comes back with us. He had issues with the resolution but believed it should be considered.

Ms. McSherry reminded Council this is only debate on the motion.

Mayor Webber said Finance should take it up is because the issue needs to be brought up. The Santa Fe Clay building would not be covered by this Resolution. But if it is a problem, it should be discussed at Finance. And one thing on the Alto Street property is whether the City owns the land. As far as the FIR is concerned, he believed there are fiscal impacts not of staff time but of the implications for postponing the timing of the sale. Particularly considering affordable housing, there is a question whether we would be sacrificing it for the public good. There is discussion on Midtown so there is a lot of staff time in preparing the presentations, particularly with land that is an unused asset to have just an up or down vote. So there is work to be done on the resolution and some drafting errors in it that could have been caught in committee. It is not well crafted. We should look at how we deal with the assets that are underperforming. He supports the transparency to have it done in the open at the committee level and referring it to Finance will guarantee further transparency and what we do with the revenue from the sale.

VOTE: The motion to postpone and refer to Finance 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.

Councilor Garcia to clarify, asked when it comes back to the next Governing Body meeting, if it would reconvene with a motion to approve.

Ms. McSherry explained that our procedural rules do not keep a motion on the table. You can make a motion to approve at that time.

Councilor Garcia understood.

SECOND AMENDMENT TO THE AGENDA

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to amend the agenda and take up appointments as the next item of business.

He explained that he wanted to amend the agenda so Judge Vigil would not have to wait longer for the appointment she had 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.

18. APPOINTMENTS

a. Economic Development Advisory Committee

Ms. Bustos-Mihelcic read the Mayor's appointment: Mr. Ryan Salazar for a term expiring June 2022.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to approve the appointment of Ryan Salazar to the Economic Development Advisory Committee as recommended.

Discussion on the Motion:

Councilor Villarreal wondered about the gender percentages on the Economic Development Advisory Committee.

Director Brown thought the gender percentages were about equal.

Mr. Guillen said there are presently five women and three men plus the vacancy.

Councilor Villarreal thanked Mr. Guillen for the information.

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. Request for Approval of Appointment of Municipal Court Pro Tem Judge Pursuant to §2-3.4(C) SFCC 1987: Chad Chittim. (Judge Virginia Vigil, vmvigil@santafenm.gov, 955-5054)

Ms. Bustos-Mihelcic read the caption for this item to appoint Mr. Chad Chittim as requested by Judge Virginia Vigil.

Judge Vigil said this item is simple and some might not be aware that she no longer has a pool of pro tem judges per an IRS ruling. She was still looking for more experienced. Another experienced person is not available until April. It is not a matter that is unfamiliar to the City. She requested that Mr. Chittim be approved to serve.

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve the appointment of Mr. Chad Chittim as Municipal Court Pro Tem Judge as requested.

Discussion on the Motion:

Councilor Vigil Coppler asked if Mr. Chittim is not serving as DA.

Judge Vigil said no. He is a staff 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.

Mayor Webber apologized for making Judge Vigil wait.

Judge Vigil said, "I appreciate Councilor Rivera's motion. Thank you very much.

11, DISCUSSION/ACTION ITEMS (continued)

- c. Request for Approval of Amendment No. 3 to the Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Public Safety Radio Communications System Solutions Project for Implementation of Any Upgraded Communication System. This Amendment is to Extend the Term Date to December 31, 2020 to June 30, 2021. (Brian Moya, Assistant Chief, bjmoya@santafenm.gov, 955-3111)

COMMITTEE REVIEW:

Governing Body: 02/10/21

Ms. Bustos-Mihelcic read the caption for this item and said and Brian Moya was present for questions on the radio system upgrade.

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to approve the MOA Amendment No. 3 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 for Approval of Amendment #2 to Lease Agreement #20-0257 by and between the City of Santa Fe and Garson Studios, Ltd., to Extend the Term of the Lease by 18 Months or Until August 26, 2022. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

COMMITTEE REVIEW:

Governing Body: 02/10/21

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

Mr. Sam Burnett was present to answer any questions.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Cassutt-Sanchez, to approve the Lease Agreement Amendment #2 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.

- e. CONSIDERATION OF RESOLUTION NO. 2021-11. (Councilor Cassutt-Sanchez, Councilor Villarreal, Councilor Abeyta, Councilor Rivera, and Mayor Webber)

A Resolution Supporting Legislation at the New Mexico Legislature Adopting a Paid Sick Leave Act that Allows Employees to Accrue and Use Paid Sick Leave. (Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov, 955-6033; Jesse Guillen, Legislative Liaison: jbguillen@santafenm.gov 955-6518)

COMMITTEE REVIEW:

Governing Body: 02/10/21

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

Mr. Guillen was present to respond to questions.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Rivera, to support this legislation at the State Legislature as requested.

Discussion on the Motion:

Councilor Vigil Coppler asked Mr. Guillen, if this has been introduced in the session, what the number of the bill is.

Mr. Guillen didn't have it in front of him and said he could get the information for her.

Councilor Cassutt-Sanchez explained there were two bills, HB 20 and HB 37, and they were merged, and she was not sure which number they chose.

Councilor Villarreal said HB 20 was the merged number and it went through the House Labor Committee.

Councilor Garcia asked to be a cosponsor.

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.

- f. CONSIDERATION OF RESOLUTION NO. 2021-12. (Councilor Lindell, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Villarreal, and Mayor Webber)

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 Resulting From the COVID-19 Pandemic and to Maintain Funding at 2019-2020 Levels. (Julie Sanchez, Children and Youth Division Director, jjsanchez@santafenm.gov, 955-6678)

COMMITTEE REVIEW:

Governing Body: 02/10/21

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

Julie Sanchez was present to respond.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt-Sanchez, to approve the Resolution as presented.

Councilor Villarreal asked to be added as a cosponsor.

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

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry needed updates to the document and said she would come out with the chart that determined privileged motions in an order as on page 3 in one of the appendices of Robert's Rules of Order to clarify among the types of motions including what is debatable and what is not debatable and what is privileged. She was attempting to be consistent.

She recommended the Governing Body go into executive session for discussion of the matter shown 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, but not Limited to, a Discussion Regarding a Threatened Tort Claims Act Case. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to go into executive session for discussion of the matter listed 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.

Mayor Webber explained there are no other actions, but we must come back to open session before adjournment.

The Governing Body went into executive session at 8:13 pm and ended the executive session and reconvened in open session at 8:58 pm.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to return from executive session, stating for the record that discussion was limited to the item listed on the agenda.

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. MATTERS FROM THE CITY CLERK

Ms. Bustos-Mihelcic said one of her updates was going to be about CHART. The Website is up, and she will send that information out to the Governing Body. We have provided the update and it will go out Monday about the Chart process. There is an email sign up on that page for anyone interest to receive those updates automatically. She will skip over the other items.

Councilor Villarreal asked if the CHART process was on the website.

Ms. Bustos-Mihelcic said it is on the City of Santa Fe home page.

15. PUBLIC HEARINGS

There were no public hearings.

16. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 9:02 p.m.

Approved by:

Mayor Alan Webber

ATTESTED TO:

Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer

**GOVERNING BODY MEETING
EXECUTIVE SESSION
February 10, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on February 10, 2021 beginning at 8:18 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, but not Limited to, a Discussion Regarding a Threatened Tort Claims Act Case. (Erin K. McSherry, City Attorney, ekmcsherry@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)
Chris Ryan, Assistant City Attorney (Attended Virtually)
Jamie Sullivan – Contract Council (Attended Virtually)

There being no further business to discuss, the executive session adjourned at 8:56 p.m.


Kristine Mihelcic (Feb 19, 2021 13:08 MST)

Kristine M. Mihelcic, City Clerk






02-10-21 Executive Session

Final Audit Report

2021-02-19

Created:	2021-02-19
By:	Geralyn Cardenas (gfcardenas@ci.santa-fe.nm.us)
Status:	Signed
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"02-10-21 Executive Session" History

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GOVERNING BODY MEETING OF
February 10, 2021
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

EXHIBIT ONE

GB Feb 10, 2021

Mayor Alan Webber		
Co-Sponsors	Title*	Tentative Committee Schedule*
	AN ORDINANCE AMENDING SECTION 18-11.3 SFCC 1987 TO AMEND THE DEFINITION OF TAXABLE PREMISES TO MAKE IT CONSISTENT WITH STATE STATUTE AND TO ADD A DEFINITION FOR PERMANENT RESIDENT; AMENDING SECTION 18-11.8 TO MAKE THE SECTION CONSISTENT WITH STATE STATUTE; AND TO AMEND SECTION 18-11.17 TO CLARIFY THE DIFFERENCE BETWEEN THE OCCUPANCY TAX AND THE CONVENTION CENTER FEE, AND TO DEDICATE THE OCCUPANCY TAX COLLECTED ON THE THIRTY-FIRST AND SUBSEQUENT DAYS TO THE AFFORDABLE HOUSING TRUST FUND.	Occupancy Tax Advisory Board – 3/23/21 Quality of Life Committee – 4/7/21 Governing Body (request to publish) – 4/14/21 Finance Committee – 4/19/21 Governing Body (public hearing) – 5/12/21
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*
Councilor Chris Rivera		
Co-Sponsors	Title*	Tentative Committee Schedule*
Villarreal	A RESOLUTION UPDATING THE TERMS OF RESOLUTION NO. 2020-29 TO EXTEND THE DURATION OF THE COMMUNITY HEALTH AND SAFETY TASK FORCE THROUGH THE END OF CALENDAR YEAR 2021, ALLOW ADDITIONAL TASK FORCE MEMBERS, CHANGE THE TASK FORCE COMPOSITION, AND EXEMPT THE TASK FORCE FROM CERTAIN OPEN MEETING ACT REQUIREMENTS	Quality of Life Committee – 2/17/21 Governing Body – 2/24/21

Councilor Carol Romero-Wirth		
Co-Sponsors	Title*	Tentative Committee Schedule*
	A RESOLUTION DESIGNATING THE CITY OF SANTA FE, NEW MEXICO AS A BEE CITY USA AFFILIATE.	Public Works and Utilities Committee – 3/22/21 Quality of Life Committee – 3/3/21 Governing Body – 3/10/21
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title*	Tentative Committee Schedule*
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, jbguillen@santafenm.gov or Jeff Norris, 505-955-6692, jtnorris@santafenm.gov.