



AGENDA

**SPECIAL MEETING OF
THE GOVERNING BODY
DECEMBER 01, 2020
4:00 PM
ATTEND VIRTUALLY**

SPECIAL PROCEDURES FOR SPECIAL 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 Special 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.

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 Discussion Agenda through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

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/92212721499?pwd=R0ZoZW5kM0traHNuRVNKSRTekdadz09>

Passcode: 827059

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: (346) 248-7799 or (669) 900-6833

Webinar ID: 922 1272 1499

Passcode: 827059



City of Santa Fe

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-
1. **CALL TO ORDER**
 2. **PLEDGE OF ALLEGIANCE**
 3. **SALUTE TO NEW MEXICO FLAG**
 4. **INVOCATION**
 5. **ROLL CALL**
 6. **APPROVAL OF AGENDA**
 7. **DISCUSSION/ACTION ITEMS**
 - a. Request to Authorize the City Manager to Sign an Amendment to the CARES Act-Funded Contract with Family Independence Initiative (FII) to Increase the Contract in an Amount up to Three-Million Dollars (\$3,000,000), to Administer and Provide Direct Economic Relief to Indigent City Residents Affected by COVID. (Kyra Ochoa, Director of Community Services, krochoa@santafenm.gov, 955-6603)
 - b. Request for Approval of Amendment #1 to the NMCEH Professional Services Agreement to Increase Compensation of CARES Act Funding by \$194,942 for a Total Contract Amount of \$556,169. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)
 - c. Request for Approval of an Amendment to Extend the Timeframe for Closing of the "Santa Fe Clay Building," Located on Parcel F-1 at 545 Camino De La Familia in the Santa Fe Railyard and to Require the Purchaser, Luna Capital, to Provide Earnest Money in the Amount of \$10,000.00, which Will Either Remit to the City if the Sale Does Not Close or Be Applied to the Purchase Price if Closing Occurs Before December 31, 2020. (Andréa Salazar, Assistant City Attorney, salazar@santafenm.gov, 955-6303 and Rich Brown, Director, Community & Economic Development, rdbrown@santafenm.gov, 955-6625).
 - d. **CONSIDERATION OF RESOLUTION NO. 2020_____.** (Mayor Webber) A Resolution Extending the State of Emergency as Proclaimed by the Mayor on November 30, 2020 by Sixty (60) Days, Pursuant to Section 20-1.3(C)



City of Santa Fe

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SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6961)

8. COMMUNICATIONS FROM THE GOVERNING BODY

9. 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.

RECEIVED AT THE CITY CLERK’S OFFICE	
DATE:	November 25, 2020
TIME:	9:01 AM

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Governing Body
December 1, 2020

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7. Discussion/Action Items		
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c) Clay Building Closure Extension	Approved as presented	4-5
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**Minutes of the
Special Meeting of the Governing Body
Tuesday, December 1, 2020
Virtual Meeting**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, December 1, 2020, 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 Rivera.

4. INVOCATION

The Invocation was led by Councilor Cassutt-Sanchez.

The Governing Body observed a moment of silence for Gilbert Holmes who died and for his grieving family.

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
Yolanda Y. Vigil, City Clerk
Jesse Guillen, Legislative Liaison
Andrea Salazar, Assistant City Attorney
Rich Brown, Economic Development Director
Kyra Ochoa, Community Services Director
Alexandra Ladd, Affordable Housing Director
Andrew Padilla, Santa Fe Police Department Chief
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

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

Against: None.

7. DISCUSSION/ACTION ITEMS

- a. Request to Authorize the City Manager to Sign an Amendment to the CARES Act-Funded Contract with Family Independence Initiative (FII) to Increase the Contract in an Amount up to Three-Million Dollars (\$3,000,000), to Administer and Provide Direct Economic Relief to Indigent City Residents Affected by COVID. (Kyra Ochoa, Director of Community Services, krochoa@santafenm.gov, 955-6603)

Ms. Vigil read the caption for this item.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the request for City Manager to sign the amendment as presented.

Discussion on the Motion:

Councilor Garcia asked Director Ochoa if the City anticipated hitting only the \$3 million target when we have \$5 million available.

Director Ochoa said the City will not exceed \$3 million, given our timing and not knowing if CARES Act funds are available to other departments. The first amendment for \$875,000 is being spent.

Councilor Garcia was grateful thanks to Director Ochoa and her team for getting money out the door. "Timing is not on our side. But you are working diligently on it."

Director Ochoa thanked Governing Body for condolences. Edith worked in Community Services a long time.

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 Amendment #1 to the NMCEH Professional Services Agreement to Increase Compensation of CARES Act Funding by \$194,942 for a Total Contract Amount of \$556,169. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

Ms. Vigil read the caption for this item.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the NMCEH PSA amendment to increase funding by \$194,942, as presented.

There were no questions or discussion on the motion.

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

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

Against: None.

- c. Request for Approval of an Amendment to Extend the Timeframe for Closing of the "Santa Fe Clay Building," Located on Parcel F-1 at 545 Camino De La Familia in the Santa Fe Railyard and to Require the Purchaser, Luna Capital, to Provide Earnest Money in the Amount of \$10,000.00, which Will Either Remit to the City if the Sale Does Not Close or Be Applied to the Purchase Price if Closing Occurs Before December 31, 2020. (Andréa Salazar, Assistant City Attorney, salazar@santafenm.gov, 955-6303 and Rich Brown, Director, Community & Economic Development, rdbrown@santafenm.gov, 955-6625).

Ms. Vigil read the caption for this item.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the closing extension for closing the sale of the Santa Fe Clay Building as presented.

Discussion on the Motion

Councilor Vigil Coppler asked if there was an escrow for it in the purchase document.

Ms. Salazar said there was no escrow.

Councilor Vigil Coppler asked why.

Ms. Salazar said the City does not normally require an escrow payment. She explained that they wanted to offer the earnest money in case they could not close before December 31, 2020.

Councilor Vigil Coppler commented that earnest money usually requires due diligence, and the buyer can lose it if they cannot perform. She was surprised no earnest money was already on the table. The seller can give back the earnest money. She was happy that the city is collecting earnest money now but with these large transactions, we should have earnest money on the table.

Councilor Garcia asked, if the purchaser is not able to complete the purchase by December 31, whether the City would keep the \$10,000 and go our separate ways.

Ms. Salazar agreed.

Councilor Garcia asked what the city's intention would for the building in the future as next steps.

Ms. Salazar said the City could potentially put it back on the market for lease or sale again.

Councilor Garcia suggested for the time invested in this project, the city might have invested more than \$10,000 to facilitate this process. Staff hours spent on it and potential dollar value could be more. If they had to spend an exorbitant time on it, we are in the hole on it. He asked if \$10,000 would cover that time spent.

Ms. Salazar clarified that Staff have done very little work on it other than communicating with the parties. All documents were done.

Councilor Garcia was taking into account the time before the ordinance was passed. It takes time to prepare the ordinance. We need to consider taking in earnest monies and if nothing comes from it, we should not forego that expense of Staff time.

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. CONSIDERATION OF RESOLUTION NO. 2020-43. (Mayor Webber)
A Resolution Extending the State of Emergency as Proclaimed by the Mayor on November 30, 2020 by Sixty (60) Days, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6961)

Ms. Vigil read the caption for this item.

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

Discussion on the Motion:

Councilor Vigil Coppler was unclear on the timing of the resolution. She got an email today that said Mayor Webber already signed the proclamation. She asked if the resolution wouldn't relate to that and asked what was wrong with approving the resolution first.

Ms. McSherry explained that the Mayor can proclaim an emergency and can only approve it for 34 days and the Governing Body can extend it for up to 30 days more. The initial proclamation was for seven days. This timing is only a one-day turnaround instead of three-day turnaround. It just happened to be one day after. Otherwise, the proclamation would have expired at end of three days.

Councilor Vigil Coppler asked if the three days were in addition to the 60 days.

Ms. McSherry said the proclamation is for 60 days from today.

Councilor Vigil Coppler said she got lots of emails yesterday and asked how many COVID cases there are in the City now.

Ms. McSherry said in the County, there are over 5,000 cases.

Manager LaPan Hill said three cases in the City were announced yesterday in an email. She has done individual notifications and now is starting to make all notifications in the City. In one email, multiple new cases were included. They are in real time.

Councilor Vigil Coppler thought there were more than three.

Councilor Villarreal agreed.

Manager LaPan Hill didn't have the City total but maybe could state that before the end of this meeting.

Councilor Vigil Coppler wanted to make sure we are doing everything possible and that safe practices are followed. There have been reports of noncompliance within City government. She wanted all supervisors to follow it and enforce it in their supervisees. Employees don't want to go above

their supervisors, but they should be able to go outside the chain of command.

Manager LaPan Hill agreed. Reports can be made anonymously. There is a lot of fear and confusion. “Did the person test positive in my department workspace?” But anyone that you come into contact with could be positive for the virus. It is a constant conversation. And it doesn’t matter if they are in the building or not. Contact tracking has helped keep our employees safe. Kudos to our small team for that.

Councilor Vigil Coppler said she had a communication from an employee that nothing was being enforced in their department. But in repercussion, they receive emails not to have communication with her. We need to do everything to enforce the policy. The important thing is to get compliance and they need to know what can happen if not. We have an opportunity to go “green” and our city population is part of that. She wanted the city to get to green.

Manager LaPan Hill said there were five cases yesterday.

Councilor Garcia said he got six emails yesterday on cases. He asked what has changed since the last proclamation. He didn’t see any changes in the new proclamation.

Ms. McSherry said the primary change was requiring the public to answer screening questions when entering a City building. No one without a mask can enter a City building. It also issued restrictions on grocery stores in the proclamation. And it mandates that City staff will participate in testing when requested.

Councilor Garcia asked next time to have the bullets in prime.gov to answer questions of the public. He asked why this is not imposing the same requirements on Staff as we do for the public.

Ms. McSherry did not understand.

Councilor Garcia referred to required screening for the public entering the building.

Ms. McSherry said that is required of Staff as well.

Councilor Garcia said asymptomatic carriers are around. We want to ensure we keep everyone safe.

Councilor Garcia pointed out that even with these protocols, we are not 100% sure there is no infected person in the building. We shouldn't leave that false impression with the public. Staff and public are being checked but it is not a guarantee of safety.

Councilor Cassutt-Sanchez asked if the screening included temperature checking.

Ms. McSherry said yes, where we are able to do that but in most cases, no Staff is available to do that.

Councilor Cassutt-Sanchez asked if the city has considered no-contact thermometers.

Mayor Webber was not aware of exploring that technology.

Manager LaPan Hill added that we thought that was important in the beginning, but fever is not an important symptom. Entry at City Hall is only by appointment and the questionnaire is considered more important.

Councilor Cassutt-Sanchez understood. She hoped people are being honest. Are staff confirming, with appointments, that they have reviewed the questionnaire - to specifically confirm those answers to be able to enter the building?

Ms. McSherry said it is just now being implemented.

Councilor Cassutt-Sanchez asked if the emails of those who tested positive were only with people in our facilities or everyone in the community.

Manager LaPan Hill said notifications are of any City employee whether in the building or at home.

Ms. McSherry added that we have the last date when the Staff member was in the building and whether they had any close contact.

Councilor Romero-Wirth pointed out that this is not creating an impenetrable bubble. And while we get notices on people testing positive, they are now sidelined but also whoever they had close contact, must also quarantine. So there is a greater impact to our team more than just testing positive. All reporting will get worse before it gets better, and the incidence potentially affects our ability to provide services to the public.

Councilor Garcia recommended all restaurants should log in names of those who enter and quickly notify those folks when positive cases are found. Without knowing, they can spread it to all of their family.

Councilor Rivera asked if our Police Department is enforcing our own orders and if there a number aside from 911 for COVID reports of noncompliance.

Manager LaPan Hill clarified the non-emergency number which is routed through RECC is the protocol.

Councilor Rivera asked Ms. McSherry if police officers are able to give citations.

Ms. McSherry agreed on state and city orders. Local citations go to Municipal Court and state citations go to Magistrate Court.

Councilor Romero-Wirth clarified that we are not implementing testing but are implementing screening.

Councilor Cassutt-Sanchez asked who keeps the names and numbers at City Hall.

Councilor Vigil Coppler understood from public communications that the citations are not a high priority. She asked Chief Padilla about it.

Chief Padilla agreed it is a low priority because it is not an immediate threat or injury. So reports of not wearing a mask are followed up only if an officer is in the area. That could pend for 3 to 30 minutes. His officers have issued 12 citations so far. Also, all officers carry additional face coverings to give to someone who is not wearing one.

Councilor Vigil Coppler asked what happens if the call is about not complying with the State order.

Chief Padilla replied that if a facility is over the maximum allowable occupants, we can issue a citation. But it could pend for 30 minutes to 3 hours. You probably have been to a store with a device to monitor the occupants and they are not logging customers for tracing.

Councilor Vigil Coppler reasoned that the police do have the authority to enforce and with Santa Fe County, the Sheriff does.

Chief Padilla agreed. There is no indoor dining at all and police would enforce the Governor's order.

Mayor Webber appreciated the thorough discussion on this. The second or third largest of CARES allocation is for safety devices, mostly through Director Wheeler's team. We should thank her and Director Ochoa for those efforts. We want them to stay safe on the job and when they go home. So we use technology as much as possible.

Mayor Webber said he just had conversation on outreach with AFSCME. It is not about which side of the table we are sitting. We are all working on the same side for keeping our folks safe. We are at a very serious point and he is listening to the experts who all indicate that where we are today. Until vaccines arrive is to bend the curve – stay home, use hand sanitizer. We are a red county now and should work hard to get to a green county. The responsibility is on our shoulders to bend this.

He noted that Mr. Holmes' death was a COVID death. This is our job right now. The vaccine will begin to restore us to health and safety.

Manager LaPan Hill reported 18 active cases, including the six notices yesterday.

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. COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Vigil Coppler gave thanks to Staff who hung the lights. It is amazing what they can do. Thanks to Joe Abeyta and Kristine Mihelcic for putting together the show of the lighting and to KSWV for adding the music. She watched it instead of going to the Plaza. Got many texts. Mr. Abeyta said there were over 6,000 viewing.

Councilor Rivera said the City crews that light on the plaza do an amazing job every year. He appreciated all city staff and for those who were able to drive by.

Councilor Romero-Wirth thanked City employees for their work in difficult times.

Councilor Lindell thought the Plaza is fantastic and fun to drive by at night. Stay safe.

Councilor Abeyta also thanked Staff. He watched it on the government channel. He thanked Director Ochoa for her work on the CONNECT program and expediting getting CARE funds out.

Councilor Villarreal also gave a shout out to staff Joe Abeyta and Kristine Mihelcic. KSWV is great to partner with and even make song requests. Even with the COVID numbers, some people cannot miss work and cannot leave for a day. Her mom had a scare from a dentist's assistant and had to quarantine because the assistant failed to disclose her status.

Councilor Garcia had the same sentiments to the City team for working tirelessly to Joe and Kristine for a great production. KSWV has awesome DJs. He was anxious to get beyond this pandemic so we can share meals together. It is challenging but we can get through it and keep more City members alive. Hopefully, everyone worked off Thanksgiving pounds .

Councilor Cassutt-Sanchez thanked all who worked on holiday lighting and for those who must work in these challenging times. She is excited to get down to the Plaza. She especially thanked the Finance Team for their work on all the contracts for CARES. Director Brown and the Land Use Department were on board. Thanks to all. The numbers are extraordinary right now, and it is scary, and we all need to stay home. We need to keep going for the light at the end of the tunnel. Take care of yourself which takes care of each other.

Mayor Webber noted it is the holiday season but not an ordinary holiday season. We need to stay safe. He related some of what he heard earlier today at the Conference of Mayors Zoom call.

We need to find a deep place of compassion for others and help put food on the table. The most powerful medicine is not a vaccine but love for each other and there is much we can do to share that love for others. Caregivers are doing far more to support people and only a community effort can stop COVID 19. Bring compassion, love and patience with each other. That will get us through it

9. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 5:17 p.m.

Approved by:

Mayor Alan Webber

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted by:

Carl G. Boaz, Council Stenographer