

**SUMMARY INDEX**  
**Governing Body**  
**October 14, 2020**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 4:00 p.m.	1
2. Pledge of Allegiance	led by Councilor Romero-Wirth	1
3. Salute to the State Flag	led by Councilor Abeyta	1
4. Invocation	led by Councilor Villarreal	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Approval of Consent Calendar	Approved as amended	2-3
8. Approval of Minutes September 30, 2020	Approved as presented	3
9. Presentations	None	3
10. Consent Calendar Listing	Listed	4-5
a) Perez Rehab Amendment #2	Approved	5-6
g) Pete's Place Lease	Approved as amended	6-20
11. Discussion/Action Items		
a) HDRB Appeal #2020-002644	Approved as recommended	20-23
b) FII Contract for \$1.6 million	Approved as presented	23-25
c) Salvation Army Contract	Approved as presented	25-26
d) Envirco Iso-Clean Purchase	Approved as presented	26-27
e) MAP Coop Grant from NMDOT	Approved as presented	27-28
12. Matters from the City Manager	None	38
13. Matters from the City Attorney	None	38
Executive Session	8:52 – 9:21 pm	39-40
14. Matters from the City Clerk	None	38
15. Communications from Gov. Body	Communicated	39-41
Evening Session	7:20 pm	28
16. Roll Call	Quorum present	29
17. Petitions from the Floor	Petitions made	29-31
18. Appointments		
• Economic Dev Advisory Committee	Approved	31-32
19. Public Hearings		
a. Intl Fire Code Update Ordinance	Approved as amended	32-33
b. MRC Golf Rates Amendment	Approved	33-34
c. Sabino Vehicle Restrictions	Approved as presented	35-36
d. Sidewalk Alcohol Service Extension	Approved	36-37
e. Descartes Labs Construction	Postponed to Nov. 10, 2020	37
f. Descartes Labs Lease Loan	Postponed to Nov. 10, 2020	37
20. Adjournment	Adjourned at 9:23 pm	45

**Minutes of the  
Regular Meeting of the Governing Body  
Wednesday, October 14, 2020  
Virtual Meeting**

**AFTERNOON SESSION**

**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, October 14, 2020, at approximately 4:00 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 Cassutt-Sanchez

**4. INVOCATION**

The Invocation was led by Councilor Garcia.

The Governing Body observed a moment of silence for those who died and for 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 Christopher M. Rivera  
Councilor Carol Romero-Wirth

Councilor JoAnne Vigil Coppler  
Councilor Renee D. Villarreal

Members Excused

Councilor Signe Lindell (but arriving after the break)

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  
Sally Paez, Assistant City Attorney  
Bernadette Salazar, Human Resources Director  
Rich Brown, Economic Development Director  
Kyra Ochoa, Community Services Department Director  
Andrew Padilla, Chief, Santa Fe Police Department  
Paul Babcock, Chief, Santa Fe Fire Department  
Eli Isaacson, Land Use Department Director  
Regina Wheeler, Public Works Director  
Caryn Grosse, PW Projects Administrator  
Tom Graham, ADA Coordinator  
Geronimo Griego, Fire Inspector  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Romero-Wirth, 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 Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

**7. APPROVAL OF CONSENT CALENDAR**

Councilor Vigil Coppler requested discussion on item 10(a)

Councilor Villarreal requested discussion on item 10(g)

**MOTION:** Councilor Villarreal moved, seconded by Councilor Cassutt-Sanchez to approve the Consent Calendar as amended with 10(a) and 10(g) removed for discussion.

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

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

**Against:** None.

## **8. APPROVAL OF MINUTES:**

Regular Governing Body Meeting – September 30, 2020

**MOTION:** Councilor Garcia moved, seconded by Councilor Vigil Coppler, to approve the minutes of the regular Governing Body meeting on September 30, 2020 as presented.

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

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

**Against:** None.

## **9. PRESENTATIONS**

There were no presentations.

## **10. CONSENT CALENDAR LISTING**

a. Item a was pulled for discussion by Councilor Vigil Coppler.

b. Request for Addendum #7 in the Total Amount of \$67,783.80, 1 Year Maintenance Agreement ILS Support – Sole Source Term 07/01/20-

06/30/21 with Library Innovative Interfaces Inc. (Maria E. Tucker, Library Director, [metucker@santafenm.gov](mailto:metucker@santafenm.gov), 955-6788)

- c. Request for Approval of Inmate Confinement Agreement with Santa Fe County for the Incarceration, Care and Maintenance of Persons Charged with or Arrested for a Crime. Term of Agreement is Four (4) Years. Total Estimated Budgeted for Four. (4) Years is \$2,000,000 (Santa Fe County); (Ben Valdez, Deputy Chief of Police, [bpvaldez@santafenm.gov](mailto:bpvaldez@santafenm.gov), 955-5040)
- d. Request for the Approval of FY21 Police Vehicle Purchase Request. Total Amount is \$539,662.35 for the Vehicles, Equipment and Labor Costs Associated with Each Vehicle. (Ben Valdez, Deputy Chief of Police, [bpvaldez@santafenm.gov](mailto:bpvaldez@santafenm.gov), 955-5040)
- e. Request for Approval of a Budget Adjustment Resolution (BAR) to the Public Utilities Wastewater Division to Cover the Negative Balance in Professional Contracts 5000361.510300 in the Amount of \$70,000. (Mike Dozier, Wastewater Division Director, [mldozier@santafenm.gov](mailto:mldozier@santafenm.gov), 955-4642)
- f. Request Approval of a Budget Adjustment Resolution (BAR) for Public Utilities Department to Fund Vacant Positions through the 2020/2021 Fiscal Year in the Total Amount of \$2,940,219.85 Across 12 Public Utilities Sections. (Shannon Jones, Public Utilities Director, [swjones@santafenm.gov](mailto:swjones@santafenm.gov), 955-4267)
- g. Item g was pulled for discussion by Councilor Villarreal.
- h. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Highgarden Entertainment, LLC, for the Following: (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
  - 1. Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Jean Cocteau Cinema, 418 & 420 Montezuma Avenue, Santa Fe, which is within 300 Feet of the New Mexico School of the Arts, 500 Montezuma Avenue.
  - 2. Inter-Local Dispenser Liquor License #2626 with On-Premise Consumption Only and Patio Service from 418 & 420 Montezuma Avenue to 418 & 420 Montezuma Avenue (Expansion of Licensed Premises). This License will be Located at the Jean Cocteau Cinema, 418 & 420 Montezuma Avenue.

## CONSENT CALENDAR DISCUSSION

- a. Project Status Presentation and Request for Retroactive Approval of Amendment No. 2 to the Contract for Construction for CIP Project #503a (Salvador Perez Recreation Building – Structural and Building Envelope Rehabilitation), for the Purpose of an Increase of \$35,457.72 to the Contract Amount for Additional Deferred Maintenance Scope as Detailed in the Memo, the B&D Industries Cost Proposal and the Presentation Materials. (Anson Rane, PW Project Administrator, [aerane@santafenm.gov](mailto:aerane@santafenm.gov), 955-5935)

This item was pulled for discussion by Councilor Vigil Coppler.

Ms. Vigil read the caption for this matter.

Councilor Vigil Coppler pointed out that the Public Works Committee approved on May 26 and now it is October. The Finance Committee approved it on October 5, and she was curious about the delay since May and now asking for retroactive approval.

Director Wheeler said Anson Rane could answer it.

Mr. Rane said the approval would have been retroactive at that time (May) as well. It was work counted as on working on the project and needed to be addressed, as well. The delay from the time of the Public Works approval until the approval at Finance was due to the pandemic with changes in protocol, and it slipped through the cracks. The process was misunderstood. It has been working itself through with companies on-call.

Councilor Vigil Coppler read that some money was taken from money not spent on the City Hall roof repair. And she thought we already took credit when Council was cutting projects with John Romero to save money because the City did not have enough to cover all of it. So she asked why we are approving it since he already gave that money away.

Director Wheeler said those funds were largely for the fire station, but Councilor Vigil Coppler is correct. The funds were from the bond issue. Mr. Anson's use of the money came out before we allocated the rest. It was already encumbered only for use after the Salvador Perez money was reallocated.

Councilor Vigil Coppler did not recall that action was shared in the Public Works Committee meeting. She was not saying it was a bad use. But at the PWC meeting, we didn't know we had already given away part of it.

Next, she asked if the Salvador Perez Pool was supposed to open quickly instead of Ft. Marcy.

Manager LaPan Hill explained that there is no formal decision to open yet. The City extended the Bicentennial Pool use because of the nice weather. Those conversations are happening and with the virus. Currently, the statements we made are that neither would open before the end of year and have not decided whether to open either before end of year.

Councilor Vigil Coppler asked if the Bicentennial is closing now.

Manager LaPan Hill said it will stay open through the end of the month, which is a lot longer than normal.

Councilor Vigil Coppler felt the City should have some recreation open for the public and soon only the GCCC pool will be open. To serve the public, we should at least open Ft. Marcy at the time of Bicentennial closing. Not everyone can get a reservation at GCCC and Salvador Perez was only open for a while. It would be good to open Ft. Marcy – something good for the community.

Councilor Vigil Coppler/Councilor Villarreal to approve – unanimous.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal to retroactively approve Amendment No. 2 to the Contract for Construction at the Salvador Perez pool as presented.

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

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

**Against:** None.

- g. Request for Approval of a Lease Agreement between the City of Santa Fe and the Interfaith Community Shelter Group ("Pete's Place") Located at

2801 Cerrillos Road, for a Four (4) Year Term. (Rich Brown, Economic Development Director, [rdbrown@santafenm.gov](mailto:rdbrown@santafenm.gov), 955-6625 and Andrea Salazar, Assistant City Attorney, [asalazar@santafenm.gov](mailto:asalazar@santafenm.gov), 955-6303)

This item was pulled for discussion by Councilor Villarreal.

Ms. Vigil read the caption.

Councilor Villarreal wanted to show appreciation that it got through the committees after bringing up issues on things experienced and make sure it is following proper protocols for safety of the community. By now, the clients served by shelter staff and volunteers know the Council is supporting those most vulnerable to make sure we have consistent services available.

She and Councilor Lindell were proposing amendments. Amendment #1 is to add to the lease agreement that the lessee will hold at least two meetings per year with neighbors and businesses located within one-half mile radius of the premises of the shelter and the lessee will invite the City Councilors with the shelter's district in that radius and anyone else who would like to attend, and to provide a report to the City Manager so Councilors can keep updated on things that are working, making sure that the neighbors can be offered the eyes and ears for the shelter if any circumstances are happening and working alongside the Police Department and any other law enforcement or city services for public safety and public health that would be in the conversation.

She asked if the Governing Body needs to act on the amendments separately.

Councilor Romero-Wirth thought they should be done one at a time.

Ms. McSherry asked that the main motion be put on the floor first.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to approve the lease agreement as presented.

**Amendment to the Motion:**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Rivera, to amend the lease agreement to have the lessee hold at least two meetings per year with neighbors and businesses located within a half-mile radius to the premises and include the language she read earlier.



### **Discussion on the motion to amend:**

Councilor Romero-Wirth asked Ms. Salazar if this kind of requirement was in any other leases.

Ms. Salazar said she was not aware of any lease that has this requirement but added that she was not aware of all the leases in the City currently.

Councilor Romero-Wirth was struggling with where the burden was placed. How would a lessee know or have the information or find out who was in a half-mile radius? The City does it in traffic calming programs. City staff go out and find out and send out notices but that is specific technology that she doubted a shelter would have. How would a nonprofit access that information? They would not have a database.

Councilor Garcia observed that in the committee meetings, it was stated the City and Interfaith were partners and he did not see why the City could not provide that information.

Councilor Romero-Wirth reasoned that the burden should then be on the City to call the meeting and notify Councilors. Councilors can convene meetings. We have done it in District 2 when constituents were concerned about the high level of crimes in the district. She and Councilor Ives called that meeting and talked about neighborhood watch and other kinds of protections. We also did it in the Railyard area when businesses were concerned about homelessness there. She was concerned about putting the burden on the lessees when the City knows how to do it better and what staff should be involved. She thought the amendment places the burden in the wrong place.

Councilor Villarreal did not see it as a burden and the onus is on the shelter. In her experience, when she got on Council, and staff did not want to do it, it was a struggle. The shelter is committed to have them and they can work with the City to get the data. That is what a partnership is. She didn't think it should fall on the City always, but on those most affected at the shelter neighborhood. The shelter has a role to play.

Councilor Vigil Coppler noted that the purpose of meeting is missing in the amendment. She was not in favor of any meeting without a purpose. We need to have a clear written purpose for the meeting.

Secondly, there is two half-miles here. She was assuming her district would qualify since it is across the street. All councilors should be invited. We all have a stake in working with the homeless population. Why put restrictions

on it? She asked if we don't hear those updates unless we are within half-mile of the shelter.

Thirdly, Pete's Place is renting City space and she understood some neighbors were upset, but Pete's Place is playing an important role in serving the homeless. So in having these meetings and their concern about workload and the cost of notification, she wondered who would pay for that. They don't have money for that. They are doing something good for the City and if we start micromanaging and having them be responsible, we might be biting the hand that feeds. This City needs to tackle the big piece of homelessness. We should have had this discussed in the Public Works Committee last night. This is the first she has seen it. She didn't want to postpone the lease again. We need to give Pete's Place assurance. She did not want to micromanage a lease amendment. It is a good-hearted measure and she understood it, but we have the power to call these meetings and can do it regardless of this amendment.

Councilor Cassutt-Sanchez said the Governing Body does not have the time to massage the amendment. She supported the idea of having meetings but agreed with Councilor Romero-Wirth on the responsibility to make them happen. She would be more supportive if organized by the City. She was in favor of having that as an amendment in the lease that says the City would host the meeting. That would be good for surrounding neighbors and businesses. She would like to work that out in support of the meetings. She asked if Councilor Villarreal was open to changing the amendment to say that. Pete's does provide a service to the City and that resources be allocated for it.

Councilor Abeyta wondered about the shelter's position on this.

Councilor Romero-Wirth noted this has been through three committees and the amendment could have been worked out at any of them. From a process standpoint, we find ourselves amending on the fly which is dangerous.

Mayor Webber said Councilor Abeyta's question should go to someone representing the Shelter. He asked Ms. Salazar about who would be present.

Director Brown said Dan Yohalem was invited and is present.

He and the ICS Director were unmuted.

Mr. Yohalem said they were never informed about this. They have attended all meetings and the City has called those meetings. He said the burden on this nonprofit to notify and find a space is burdensome. ICS is opposed to the amendment. We have had many, many meetings with neighbors over the year. And regarding the purpose of the meeting, he goes to them and take in the venting of neighbors. He approached Councilor Villarreal many times and asked for action to be taken by the City. He has laid out things we have done in an email this morning to Councilors and described what we have asked the City to do what they promised to do, and it has not been done yet. It is another unfunded mandate.

Mayor Webber asked him if the City called the meetings, he gathered that Interfaith Shelter would attend and participate as in the past. He saw that the Shelter is not objecting to meetings but to the responsibility to call and set them up.

Mr. Yohalem said, "Absolutely." They would attend; they would participate and be constructive, as they always are.

Councilor Abeyta asked for Councilor Cassutt-Sanchez to restate her amendment to the amendment.

Councilor Cassutt-Sanchez said she didn't have it down and the Council is again amending things verbally. She said it was that the City hold two meetings per year, or the other suggestion was the lessee and the City hold two meetings per year with businesses and neighbors located within a half-mile radius of the premises. The meeting will include City Councilors, the City Manager, and the Chief of Police, to discuss safety and said she could wordsmith it further.

Councilor Romero-Wirth thought maybe instead of singling out the Chief of Police, it should say "appropriate staff." And again, she had to complain about doing this here at this moment after three committee meetings.

Councilor Villarreal responded that this had been discussed in committee. Councilor Lindell could not be here, but she did formulate the amendment language and it did not make it to the PWC meeting. She thought the reason was that Legal had not reviewed it yet. So it is unfair to say this was not brought up. It was brought up. It is tough to word smith and we all have to do it and she supported Council Cassutt-Sanchez' addition.

Ms. McSherry suggested voting on this and then go to the next.

Mayor Webber said, "While Councilor Cassutt-Sanchez is drafting it, I second what Councilor Romero-Wirth said. Sometimes we get too prescriptive and saying appropriate staff is better and any Councilor, should they wish to attend rather than being narrow in our drafting. And we have often not put things literally into a lease but have agreed to a directive rather than having it formally in the lease, itself."

Councilor Garcia had the same feelings as Councilor Villarreal. It should be a partnership with the Shelter and the onus does not fall totally on the City. The City has the best resources, but the shelter should be a co-host in convening the neighborhood around the shelter. So just add the City so it would fall on both. It should also strike just the Councilors and should be all City Staff to address community concerns and priorities." The City can be the conductor, but the Shelter should cohost and not have it solely on the City. He thought that was more appropriate. He wordsmithed it further.

Mayor Webber thought the City Attorney's suggestion should be followed – to take the amendment that is on the floor and if it were not to pass, it could be redrafted while the Governing Body looks at the second amendment.

**Motion to amend was withdrawn:**

Councilor Villarreal suggested considering the revised version and if not, she will withdraw her motion for now. Councilor Garcia withdrew his second.

Councilor Cassutt-Sanchez asked Ms. McSherry if it is acceptable to email her amendment to the Councilors and read it out loud.

Ms. McSherry asked that it be sent to her and she read it out loud.

Councilor Villarreal clarified that the reason why it did not say invite all Councilors was because that is a violation of the Open Meetings Act.

Ms. McSherry clarified it would be a public meeting, but the Governing Body could do that with notice.

Councilor Villarreal knew there were other questions on the lease, and it might inform that amendment.

Ms. McSherry stated that all we have on the floor is our main motion.

Councilor Rivera said Chief Babcock was at PWC dealt with inspections on how they do them.

Chief Babcock said he was still working on it and had conversation with a representative from the State Fire Marshall's Office, and he promised to get the documentation later. So the State Fire Marshal will do that.

Chief Babcock said the State has provided some documentation on annual inspections.

Councilor Rivera asked him, when he got all of it, to please let him know.

Chief Babcock agreed.

Councilor Villarreal noted there has been a commitment from our Police Department to use the vice team to patrol that area regularly, starting mid-October through mid-January.

Chief Padilla agreed. They begin this Friday through January 9. And after that time, we will have better knowledge on the location and when we pull officers out, it will be the responsibility of the normal officer for that area on their regular shifts. If neighbors want a neighborhood watch or a clean-up of needles day, that works for all, we can do that with proper equipment provided and spruce up the neighborhood. The Police Department and constituent services will organize it – Operation Tranquility. If anyone is interested, he asked for an email to me and he will notify them of the Saturday we are doing it.

Councilor Villarreal addressed Director Ochoa, pointing out that Chief Padilla brought up security which is already a contract at our facilities and wondered if this facility could be included in that contract and if that contract is moving forward.

Director Ochoa agreed. The contract amendment is being reviewed by Legal now and that location, plus Midtown are included.

Councilor Villarreal asked if Council will see the specifics on that change – with time frames, frequency, etc.

Director Wheeler thought it was 7 pm to 7 am on seven days each week. She had worked with them at Midtown and we can be more specific with them. They have done great job at Midtown and are very responsive to us.

Councilor Villarreal thanked her.

## **Second Amendment:**

Mayor Webber asked for her second amendment, then go back to the first one as written down, and then go back to the main motion.

Councilor Villarreal said the second proposed amendment was cosponsored by Councilor Lindell, Councilor Rivera, and Councilor Garcia.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Rivera, to amend the lease agreement terms to have an initial two-year lease term with an optional additional two one-year terms, for a total of four years. And for the lessee to make the renewal requests in a letter sixty days before end of term and demonstrate in the letter that they met all of the conditions in Section 4 and it would go to the Governing Body for consideration.

## **Discussion on the Second Amendment:**

Councilor Rivera said he supported this amendment wholeheartedly. He noted that some of the meetings with neighbors and nearby businesses have not gone well. With the semi-annual meetings and hopefully improve relations, it would allow us to find a better place for the shelter – one with a bigger space to house families or single women in a different area than the men. It shows where our values are when the animal shelter is bigger and better. If we go two years and then extend another two, it will give us more opportunity to find another place.

Councilor Villarreal thought with a two-year lease, the meetings could take place and determine whether the facilities are adequate for the clients and that what is required is being provided. We could make sure we are connected and communicating with the shelter as community partners and the Shelter and the City are being responsible.

Councilor Romero-Wirth agreed completely this is a partnership. And we heard from Pete's Place at the three committee meetings that it is. And we also heard that stability of a lease, knowing they have four-years with funding was very important to them. So this would destabilize that as an assured place for the homeless. She understood wanting to do better and if two meetings a year does it, fine. We have heard during those meetings that we are going to help the neighborhood. But the issue of homelessness is larger. Some of the people making trouble are not wanted at Pete's Place. Our mental health system was completely decimated by the previous Governor and the services are not there because they were demolished. She understood the desire to have a better place somewhere

else. That will take time to find. She did not see that happening in two years, given the economy and pandemic we are still in. We need what Pete's Place provides and some of what is happening there is not Pete's Place's fault.

We also heard the site was picked because it is on the transit line and will help give the occupants a chance to get the resources they need. There are communities who had to move shelters out of town, and it caused difficulty for the shelter residents. She was not in favor of this amendment.

The effort to end homelessness is just getting off the ground, led by Director Ochoa, and with CARES Act money to buy a motel to be in our continuum of services. We are doing all these things and that should help this neighborhood also. She was very opposed to changing the terms of the lease.

Councilor Abeyta asked to hear a response from the Shelter Board.

Mr. Yohalem agreed with all that Councilor Romero-Wirth said and did not think the Board would approve the lease if the term were amended this way, and the shelter services would end. He pointed out that there have been no complaints about the quality of service they have provided on this property. He commented that the shelter's location would have to be in somebody's district, and it happens to be here. This amendment felt like they were being punished. We cannot operate, raise money, or hire staff on a two-year lease.

Councilor Abeyta asked if the renewal of the lease would have to come back to the Governing Body after two years.

Councilor Villarreal said it was her understanding but asked Legal to confirm that. It doesn't mean things will end but as a check-in for meeting the requirements in Section 4.

Ms. Salazar explained, the lessee would submit a letter at the end of the two-year period, stating they met all requirements under Section 4 and the Governing Body would send a letter granting another year or denying it.

Councilor Vigil Coppler agreed with Councilor Romero-Wirth's point and went back to Mr. Yohalem's response. She pointed out the terms for termination with 30-days' notice in the lease. And that works both ways. She did not believe his testimony was a threat but was real. She, herself, wouldn't take a two-year lease but was not minimizing the discussion. We police Pete's Place far more than Midtown, although there have been horror

stories from Midtown. But we are still operating it because we need it. What has been happening there is worse than this. And will have these issues, no matter where we put them. We are micromanaging the lease with more to lose than we have to gain. And she did not believe the City is prepared to pick up the slack with homeless in 30 days or less. The Council has the right to terminate with 30 days' notice. She was embarrassed that the Council is proposing these measures with an organization that is helping the City this way.

Councilor Garcia said we have stressed how important their service is. The purpose of this amendment is to look at this from the neighborhood's perspective. He asked if the neighborhood should have to continue facing the challenges there without having the City intervene. The intention was not to micromanage but to ensure we are not lessening the quality of life. Some of the problem is not done by residents of the shelter. But we must acknowledge if the shelter were not at that location, probably most of the challenge would disappear. So the City must work with the shelter in addressing those problems. He had signed on to this to deal with those challenges. We want to see the shelter services be successful. Shorter terms will permit helping them to improve their services. He wanted to learn more about the funding predicament. He didn't believe the renewal request would be denied.

Councilor Cassutt-Sanchez followed up on Councilor Vigil Coppler's statements. He understood they would determine in two years if the requirements had not been met. In Section 4a there was not a requirement that addressed the community and asked Ms. Salazar about that.

Ms. Salazar agreed.

Councilor Cassutt-Sanchez pointed out that the City could terminate the lease at any time it was known they were not meeting any provision in Section 4a.

Councilor Cassutt-Sanchez asked how the City would know if it was not met.

Director Ochoa noted that was addressed at the Finance Committee meeting for this and other leases. The City is working to establish a lease team for review and evaluation in one department.

Councilor Cassutt-Sanchez found this to be a challenging amendment because of how it could affect the shelter's funding. She considered this a good response to something that is broken. The Shelter is providing service



that is needed and is a sign of a system that is broken. She did not anticipate the city would ever get to a time when a program like Pete's Place was no longer needed and favored using the money to reduce the need for shelter services. She asked if there was information about which was best – one large facility or many smaller facilities.

Director Ochoa did not have any quantitative data on which is better. There are pros and cons to both approaches. She believed all homeless people could be helped.

Councilor Cassutt-Sanchez was not supportive of the amendment and acknowledged we have another way to enforce the lease if requirements are not met. And it is still a partnership. Since that is already in place, we need not worry about the negative response to this one.

Councilor Villarreal thought their Board should be more concerned about the 30-day notice to terminate provision. Breaking up the lease into two-year segments with ability to extend brings it back to the Governing Body makes sure the right people are on the premises and not using drugs; that staff a parking where they should be, etc. All provisions of ra are important to monitor. It also gives time to ask questions about how things are going. And the city gives them \$150,000 to run the operations.

Mayor Webber said the concerns about continuation of the shelter had his support and was also sympathetic to neighborhood concerns. We owe the Councilors and particularly when Councilor Rivera moved to remand it back to committees for review. It aired an important issue to address a way to end chronic homelessness in Santa Fe. And has been propelled forward quickly with the pandemic and that it could be a danger to the community without opening a shelter. At two years in, we are seeing evolution of a coordinated approach to end homelessness in Santa Fe. Complaints about Pete's Place and adjacent neighborhood has done a lot of good. The situation now is different than in the past. This is a real systemic approach for the first time with cooperation and outreach and creation of a health and safety department is a game changer. He admired Chief Padilla for standing up on the patrol of the neighborhood and applauded the role of the Police Department in our community with more social services in the midst of a philosophy change in law enforcement. It is a change from each shelter operating on their own. Ending homelessness is our new goal. And Councilor Romero-Wirth is right. The previous mental health system was decimated and now is slowly building back up. These are real human beings with real needs. The State has not stepped up and the County has not stepped up and the City is. We need more services and more outreach. Seeing the holes in the safety net, we need more housing all along the

spectrum. We are on our way to a much different approach in that neighborhood and greater partnership with the shelter and collaboration around ending homelessness.

**VOTE:** The motion on the second amendment failed on a tie Roll Call vote:

**For:** Councilor Abeyta, Councilor Garcia, Councilor Rivera, and Councilor Villarreal.

**Against:** Mayor Webber, Councilor Cassutt-Sanchez, Councilor Romero-Wirth, and Councilor Vigil Coppler.

#### **Discussion on first amendment:**

Councilor Cassutt-Sanchez forwarded her written proposed amendment to Ms. McSherry and Ms. McSherry forwarded to all City Council members.

Councilor Cassutt-Sanchez read aloud, "The City, in partnership with Lessee will hold at least two meetings per year with businesses and neighbors located within a half-mile radius of the premises. The City and lessee will invite all Governing Body members, the City Manager, and appropriate City Staff. Notice of the meeting will state the purpose of the meeting" (to allow for flexibility on issues that come up but have a stated purpose). If we decide not to have an Open Meeting Act apply, participation would be limited to no more than four members of the Governing Body.

Mayor Webber preferred one or the other chosen as the amendment.

**MOTION:** Councilor Cassutt-Sanchez moved, seconded by Councilor Romero-Wirth, to approve an amendment that said, "The City, in partnership with Lessee will hold at least two meetings per year with businesses and neighbors located within a half-mile radius of the premises. The City and lessee will invite all Governing Body members, the City Manager, and appropriate City Staff. Notice of the meeting will state the purpose of the meeting." [later added "for community concerns and priorities."]

#### **Discussion on the revised amendment:**

Councilor Romero-Wirth asked, when we had meetings at the Railyard regarding issues by surrounding businesses with homeless people camping out on properties, if the Councilors were all invited. Does anyone remember who was invited? Not all Councilors can always attend the

meetings. Sometimes just by scheduling, we cannot all be there, and she was leaning on the Railyard example to see how it would work. She asked if Mayor Webber remembered.

Mayor Webber said he did attend and there was never a quorum. Ms. McSherry may want to correct him, but if it has a quorum, it will be noticed as such.

Ms. McSherry agreed.

Councilor Romero-Wirth favored that approach. She might find it important to attend.

Councilor Villarreal thanked Councilor Cassutt-Sanchez for the language. She liked it but thought it should start "The lessee and City in partnership ..."

Mayor Webber asked Ms. McSherry about that.

Ms. McSherry thought the onus is more on the City the way it is written but is not just one party's responsibility.

Councilor Villarreal asked the maker if she would switch it.

Councilor Cassutt-Sanchez struggled with the OMA part.

Councilor Romero-Wirth did not support that change as the seconder.

Councilor Cassutt-Sanchez felt the OMA made it a City meeting officially although the lessee is a cohost.

Councilor Vigil Coppler commented the discussion earlier was the City has the responsibility to call the meeting so it should say the Lessor in partnership with the Lessee should hold ..."

She went back to last line of the amendment and said the notice of the meeting shall state the purpose of the meeting which, to her, meant the agenda. She would not attend without it. But she asked why the City is micromanaging the contract to formalize a mandatory meeting twice per year without saying the purpose. We have to say why we want this. She was not in support without a purpose stated.

Councilor Romero-Wirth replied that she had offered the language to leave it open. She agreed the purpose for the meeting should be stated but over

the time of four years, the purpose could be different, depending on the current problem (and listed a few examples) so we need to be flexible. She agreed it is important to set a purpose and maybe an agenda over the course of the lease.

Councilor Vigil Coppler said it could even be something as general as operational issues. That is open ended and is some kind of rationale. It is very open-ended so satisfying that might mean we don't accomplish anything.

Councilor Cassutt-Sanchez recalled that Councilor Garcia had suggested a purpose as "community concerns and priorities." That would allow for more focus. She understood the concern for more information on why we are doing it. She thought City and Lessor were interchangeable.

Ms. McSherry agreed.

Ms. Salazar said in the first paragraph, it could be City or Lessor.

Councilor Rivera asked Ms. McSherry, if we do notice it and not all Councilors attend if that mean no meeting.

Ms. McSherry said the meeting would take place, but no actions would be taken, if those were on the agenda.

Mayor Webber added that the Railyard meeting was called by the Constituent Services Director and two Councilors were invited.

Councilor Villarreal asked if Councilor Cassutt-Sanchez was adding that to her amendment.

Councilor Cassutt-Sanchez said yes. She added "for community concerns and priorities."

The maker and seconder agreed to it and Councilor Cassutt-Sanchez read it again as amended.

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

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

**Against:** Councilor Vigil Coppler.

The Question was called and approved unanimously by roll call vote.

**VOTE:** The main motion as amended was approved on the following Roll Call vote:

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

**Against:** None.

Councilor Garcia in explaining his vote, thanked Mr. Yohalem and the Shelter Board. "We absolutely recognize those services are critical for all members of the community. Please understand we want you to succeed. Thanks to all your volunteers too. We will get there."

Councilor Villarreal in explaining her vote, said, "My commitment is to you and the work of the shelter. My amendments were not to contradict that. I just want us to be more cognizant in how everyone plays a role and what happens right outside your gate with people who create not only danger for clients in the shelter but those who work around the shelter. You who don't live in the area don't hear the complaints we get from businesses and neighbors about how they live in fear there. We all need to make sure everyone is safe. The meetings should not just be complaint meetings but also for solutions proposed. Councilor Lindell has the same concerns but could not be here."

Mayor Webber asked for suggestions on agenda changes.

Councilor Garcia suggested moving the Executive Session to the end of the meeting and continue with this agenda.

#### 11. **DISCUSSION/ACTION ITEMS**

- a. Decision to Accept or Reject the City Attorney's Office's Recommendation for Appeal #2020-002644-APPL, Concurring with the Land Use Director's Determination that an Appeal Filed by Stefanie Beninato and John Eddy (Appellants) of the Historic Districts Review Board's Decision in Case #2020-002357-HDRB, which Approved Remodeling at 203 East Santa Fe Avenue, Should be Dismissed without a Public Hearing because Appellants Failed to Timely Serve Notice of the Appeal on the Property Owners, as

Required by the Santa Fe City Code Section 14-3.17(D)(2). (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov), 955-6501).

Ms. Vigil read the caption.

Ms. Paez and Director Isaacson were present for this item.

Ms. Paez presented the matter to the Governing Body with a recommendation from the City Attorney's Office on the appeal of the HDRB decision. Although it addresses a LUD appeal, it is not a public hearing item. It is an appeal on procedure and not on merits of the underlying issues. So, it is not to change a decision of the HDRB but to change mandatory requirements. The one at issue is the requirement that the appellant must notify other parties within three days.

In this case, the appellants did not notify other property owners as required by code. The code does require a review by the City Attorney's Office to determine if the requirements were met and if not, the Code says the City Attorney will draft recommendations for the Governing Body to consider.

She determined that the notice was not timely to property owners. The last exhibit does include all that she got from parties. The appellants are asking the Governing Body to waive the three-day rule.

Mr. Wayne Lloyd told her the owners do not agree to waive the 3-day notice. She emphasized that even if parties agreed, this is the Governing Body's legal requirement to determine whether to hear the case despite the late notice or not.

She summarized how courts generally handle this issue. They consider the requirement mandatory and will not hear an appeal even if not met. So for us, it is mandatory to decide and provides some prejudice to owners if not noticed timely. In most circumstances it is important to consider the time limit. Any unusual circumstances are typically outside the parties' ability.

There are circumstances and this one is unusual, and discretion is with the Governing Body. But in most decisions, it is important to hold to the procedural requirements which is why she recommend denial.

The Governing Body can approve or deny the recommendation. It makes sense to look at it through that lens and evaluate it. If the Governing Body follows the recommendation, it would not be heard. If the Governing Body denies the recommendation, it will be set it for public hearing.

Councilor Romero-Wirth asked, since we have not done this before if Mayor Webber wanted a motion first.

Mayor Webber asked for a motion followed by discussion.

Ms. McSherry noted this is the third example in two years. It is a very infrequent occurrence.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to accept the recommendation of the City Attorney's Office to not waive the three-day requirement for delivery.

**Discussion on the Motion:**

Councilor Vigil Coppler heard Ms. Paez say it was the agent for the owners who said the owners did not accept the waiver. She asked what kind of agent that was.

Ms. Paez said under our Land Use Code, almost all applications are filed by an agent representing the owner. They are often private managers like an architect. Mr. Lloyd is their architect and the main agent and the owner's designated person to speak to those matters.

Councilor Vigil Coppler asked Ms. McSherry, if this were appealed to District Court, whether Mr. Lloyd would have a legal right to speak for them.

Ms. Paez said he does have the legal right, but the court could decide whether to accept that or not.

Councilor Vigil Coppler said in what she read, there was a question whether one of the owners accepted the notice of appeal and later Mr. Lloyd said they do not agree with it. What is the vulnerability here? Does Mr. Lloyd have the legal right to speak for them or at least one of them? Maybe one owner didn't understand what it was.

Ms. Paez opined that it doesn't matter whether the owners discussed it or not. A copy was delivered to the property owner, but no service of process is required by the City – just that it be delivered timely and doesn't specify whether through a representative or not.

Her perspective was that it is the Governing Body's decision. She still would recommend denial on insufficiency to meet the requirements.

Councilor Vigil Coppler said there was a lot to read in all of this. She asked if there was any doubt in the language of the ordinance that the appellant must give owners notice within that three-day period with no wiggle room.

Ms. Paez agreed. The language is a mandatory requirement. And she read that they “shall hand-deliver in person or mail.”

Councilor Vigil Coppler asked then how they could prove they gave notice if it is hand-delivered.

Ms. Paez said she would rely on the parties. In this case, there is no factual dispute. The appellants stated they did not deliver within three days. Using the USPS with date stamp would be preferred. But our ordinance provides for either way.

Councilor Vigil Coppler did not see they stated how it was required.

Ms. Paez suggested it would be better to have it specified in the ordinance.

Councilor Vigil Coppler reasoned that there is no proof of delivery.

Ms. Paez agreed. And the Governing Body can decide whether to waive that requirement or not.

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

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

**Against:** Councilor Villarreal.

- b. Request to Authorize the City Manager to Sign a CARES Act-Funded Contract with Family Independence Initiative (FII) in the Amount of 1.6 Million Dollars to Administer and Provide Direct Economic Relief to Indigent City Residents Affected by COVID as Part of the Governing Body’s Budgeted 3.6 Million for the Connect Program. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)

Ms. Vigil read the caption for this item.

Director Ochoa said this is a proposal to expedite a contract as part of Connect Funding from CARES Act funding. We are in the process of



encumbering \$2 million and this is the program in which rent payments by a third party is made. This allows them to connect where third party payments don't work or when landlords don't accept third party payments which have a paper trail. It is for those who are not eligible for federal funding or unemployment and those with work shutdowns per Governor's orders with lost wages. Also, there are some who are excluded from eviction protections. This is a 20-year-old nonprofit that has successfully handled such funding in Chicago and San Antonio to make them eligible to receive the funding and use direct deposits in their checking accounts. We believe this will go a long way, although not far enough, in addressing this need but it is a contribution to the need.

Mayor Webber understood we are looking for a vote approve it or not.

**MOTION:** Councilor Garcia moved, seconded by Councilor Villarreal, to authorize the City Manager to sign the contract with the Family Independence Initiative as presented.

**Discussion on the motion:**

Councilor Villarreal was in support of this contract and knew how important it is. The local partners will help with their members and constituents. She asked Director Ochoa if there was an individual not connected with local partners and how we would connect with those not connected locally or who were asking through other departments. She asked how the Governing Body can be assured it would happen. She was surprised that utilities did not know about it.

Director Ochoa said with Chainbreaker, there would be outreach to make people aware of the fund and help them connect. There are also sandwich boards that advertise their website and phone numbers. She found it is not difficult to go through them.

Councilor Villarreal thanked her and would like the City Manager to go through the City departments, so we are all very aware of what we are providing.

Councilor Cassutt-Sanchez was happy to see this item and for going through Chainbreaker. She asked if those going through eviction will be helped to get housing.

Director Ochoa said the good thing about this way of funding, is that it is flexible on how they can use it. Tomás Rivera from Chainbreaker is present and he can talk about an average amount. He said it was \$18,000. So the

\$3,000 she mentioned is not adequate. But potentially it provides a way to mitigate things with the landlord.

Mr. Rivera noted the complexity of existing funding. Director Ochoa said it well. Chainbreaker is trying to figure out how to spread it around to all who need it and continue our partnership. This part of the funding is not enough but is a step in the right direction. They will be able to use some of it to prevent homelessness.

Councilor Cassutt-Sanchez was anxious to find out how far it is going and continuing to face the reality of the situation. As well as for public listening to these meetings and just getting through this pandemic.

Mr. Rivera knew there was not enough money, but we will help as much as possible and working with Alex on the potential policy recommendations that might come out of this. We expect that by the end of November.

Mayor Webber added that it will go to the Quality of Life Committee on these related issues and the band-aid offer. Much of it was unnoticed for years, not only from infrastructure but human stories and how to prevent homelessness from poverty, low paying jobs, and unemployment. We clearly need help from DC and it appears not to be happening. Our intent is to help those who are most vulnerable. 304 enormous crises. Thanks to all from nonprofit sector for their help and to Director Ochoa for working quickly on it.

Director Ochoa thanked Marcela Diaz for her strong leadership with the family initiative on this.

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

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

**Against:** None.

- c. Request to Authorize the City Manager to Sign a Contract with The Salvation Army in the Amount of Two Hundred Twenty-Five Thousand Dollars to Operate a Cold-Weather Shelter from November 1, 2020 to March 31, 2020 for Indigent City Residents Affected by COVID, to be Funded with \$90,000 from the Governing Body's Budgeted \$400,000 for the Midtown Emergency Shelter and \$135,000 from the Community

Services Department Administration Budget. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)

Ms. Vigil read the caption for this item.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to authorize the City Manger to sign a contract with the Salvation Army as presented.

Councilor Cassutt-Sanchez was curious if, based on normal occupancy experienced at the current locations, if keeping the allocation as is, was the way we normally operate.

Director Ochoa said the City would normally have about 100 people over the winter and we have 60 at Midtown and 20 at St E's and add 25 at the Salvation Army, it would exceed that number. We would also have a motel room for some people. She thought they were getting close to the need, but it is hard to predict actual need.

Councilor Cassutt-Sanchez thanked her for her work in putting this together.

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

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

**Against:** None.

- d. Request for Approval of Purchase Order to Utilize CARES Act Funding in the Total Amount of \$321,887.00 for Enviroco Iso-Clean Portable HEPA/UVC Air Filtration Systems; Grainger. (Caryn Grosse, Project Administrator, [clgrosse@santafenm.gov](mailto:clgrosse@santafenm.gov), 955-5938)

Ms. Vigil read the caption for this case.

Ms. Grosse was present

**MOTION:** Councilor Cassutt-Sanchez moved, seconded by Councilor Abeyta, to approve the purchase order as requested.

Ms. Grosse reported the City Facilities Department got \$437,000 of CARES Act funds for PPE and facility modifications to make our facilities safer and identified five areas to prioritize. The filters, air purifiers, temperature scanners, disinfecting equipment and added plexiglass shields. Most is for air purifiers and the manufacturer can get them to us in five weeks and she wanted to move forward on it.

There were no questions.

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

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

**Against:** None.

- e. CONSIDERATION OF RESOLUTION NO. 2020-39. (Councilor Rivera, Councilor Lindell, and Councilor Villarreal)  
A Resolution Repealing Resolution No. 2020-36; and Accepting a Municipal Arterial Program ("MAP") Cooperative Grant From the New Mexico Department of Transportation ("NMDOT") Identified as Control Number L500429 for the Planning, Design, and Construction of Agua Fria Street and South Meadows Road Intersection Improvements. (Tom Graham, ADA Coordinator, [tmgraham@santafenm.gov](mailto:tmgraham@santafenm.gov), 955-6654)

Ms. Vigil read the caption for this item.

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, to approve the resolution as presented.

**Discussion on the Motion:**

Mr. Graham gave an overview. The resolution will allow Staff to correct an error in the control number needed by NMDOT for more accurate documents in acceptance of the cooperative grant. We replaced the control number. You have already seen it and the resolution came here directly with the correct control number.

Councilor Rivera said everyone has seen it. It is just to correct the control numbers.

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

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

**Against:** None.

### **AGENDA AMENDMENT**

Councilor Villarreal asked to postpone rest of afternoon session and go to the evening session now since it is more than an hour later than the scheduled start.

Mayor Webber agreed.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Copper, to amend the agenda to have the remaining afternoon agenda items placed in the Evening Session after Petitions From the Floor and other items after the Public Hearings.

### **Discussion on the Motion:**

Councilor Garcia felt the communications at end of the agenda – we have very concerning matters and thought constituents want to hear from Councilors. He just got a text that the Cross of the Martyrs has been vandalized. We should not force constituents to wait until midnight to hear from Councilors. He understood we are behind schedule.

Councilor Cassutt-Sanchez asked if we could also take a 5-minute break.

Mayor Webber thought so.

Councilor Villarreal clarified that it was not to try to avoid communications from the Governing Body, but that people have been waiting and we just need to go into petitions from the floor now.

Councilor Cassutt-Sanchez added that we also have public hearings.

Councilor Garcia reminded Councilors that we talked about this when we changed the start time. We really need to consider how to make these agenda to provide the community ample time to participate. We are still an hour behind after moving it all up one hour. We need to have Council

meetings every week if we have this much business and not have everyone waiting online until all hours of the night.

Mayor Webber thought we just need to be as expeditious as possible.

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

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

**Against:** Councilor Garcia

**BREAK.**

At 7:12 pm, the Governing Body took a break until 7:20 pm.

Councilor Lindell joined the meeting during the break.

#### **EVENING SESSION - 7:20 P.M.**

17. **ROLL CALL**

The roll call was skipped.

18. **PETITIONS FROM THE FLOOR**

Mayor Webber gave each one a one-minute time limit. He explained this is not for comments on public hearings.

Tiago Arrals asked if the shelter topic was okay. He thanked the Governing Body for voting in favor of extending the lease. He was concerned when he heard Councilors considering relocating. One neighbor mentioned the quality of life. He was glad the Governing Body voted to continue the shelter there.

Cynthia Paxton – residing in District 4, spoke about the Plaza events. She said it is yet another example of the Council's never-ending desire to bring whatever is worst without any thought or follow through. the Mayor bears the responsible for the events that happened. "It was your word and your actions with Councilor Vigil Coppler that got us to the place that we are now" She said the rest of the

Councilors were accountable because they don't hold the Mayor accountable. "Start by holding him accountable. Where was he when the Plaza was overrun? Why does he believe the officers had to leave to avoid violence? Are they not trained in de-escalation?" she asked why he chose not to enforce the law. He is no better than the Sheriff who chose not to enforce the mask. He endangered the community and must resign. If he refuses to resign, the Governing Body needs to take action. Councilor Lindell was right. We should all be afraid.

Mary Ann Flores said she was a registered member of district 4 and a lifelong resident of Agua Fria Village. Throughout her adult life, she has volunteered to serve her community on issues of water, law enforcement, affordable housing and social health, solid waste, and children. She raised two children. She works for the State downtown. When the changing the Entrada happened, she knew we were in trouble because our long-standing traditions are under attack. She has kept herself informed and was amazed at how wonderful our understaffed police force had worked. The destruction in the Plaza was so awful. Chief Padilla is responsible for dereliction of duty. Whoever created the violence does not care about our community.

Mayor Webber said the Governing Body will take this up later.

Rick Martinez said he knew a big issue is the Northwest Quadrant through the Land Grant and he would like to see the City take it off the market. It belongs to the Hispanic and Native American people of Santa Fe and putting it on the market is using a long-time asset to solve a short-term problem.

Stefanie Beninato said she felt so bad for the decision on the appeal and about the mandatory requirement in unusual circumstances that originally never happened. There were conflicting opinions of the HDRB. It is a horrible standard. So it was a conflict within the Board's decision and a pathetic standard of hardship. Also there is ex parte, ...

One person was unmuted but did not speak.

Miguel Gabaldon spoke about the crime that took place on Monday in the Plaza and how unfortunate it is that people come in from out of town as shown in the video - white persons who were "privileged persons" as a lady called herself to do things against our City and were responsible. That crime needs to be taken care of. There were some misinformed Native Americans, he believed, who were in a lot of the videos. And there were a lot of videos. They need to be brought to face consequences of their hideous act that is almost a hate crime. Their claim that it was for Native people is far from the truth. The Mayor and Governing Body needs to research everything to find out the true history of New Mexico and stop listening to the people that go around spray painting buildings.

Lydia Clark living in District One and a longtime resident, said the Governing Body has waited until the eleventh hour to address many issues. It is a tactic used by many politicians to avoid addressing the public in a huge way. It has resulted in a very unfortunate with mob mentality on the Plaza. “Mayor Webber, you postponed action on this matter concerning statues and monuments many times. And Councilors, why did you not prioritize this issue. You have shirked your responsibility for accountability. Councilor Garcia is correct. You should be holding weekly meetings. Are we not important enough to you to give us more time during this unprecedented time of pandemic and economic struggle? Decisions made at the eleventh hour are not well thought out and often careless. You are abandoning the citizens of Santa Fe. ...

Rachel Thompson said how much she appreciate your decisions to put human rights above property the last few days. She didn’t know all the details, but it has been so painful to see people shot and hurt otherwise when weapons are floating around. Thanks.

Aaron read his Facebook post from yesterday. “Mayor, your response yesterday to incidents on the Plaza – you urged people to come behind you to condemn the violence that happened. How do you suppose this happened? It would be impossible to come behind someone with their head in the sand while our culture is being denigrated. Your failure to exhibit any form of leadership on this issue lead me to believe you have allowed vandals to do your bidding, while you sit by idly and force the police to stand down. You are very much aware of what was going on and chose to ignore it or allowed someone else to do your dirty work or else you are so incompetent that you made no arrangements to stop what was happening and clearly coming on Monday. It is time for your term to come to an end so the people of Santa Fe can recover from your betrayal and build itself up again.

There were no other petitions from the floor.

## 19. **APPOINTMENTS**

- Economic Development Advisory Committee

Mayor Webber requested the following appointments to the Economic Development Advisory Committee be approved by the Governing Body:

Ryan Cordova	reappointment	term ending 6/2021
John Feins	reappointment	term ending 6/2022
Kate Kennedy	reappointment	term ending 6/2021



Robert Lurcott	reappointment	term ending 6/2022
Melissa Coleman	fill unexpired	term ending 6/2021
Victoria Murphy	fill unexpired	term ending 6/2021
Johanna Nelson		term ending 6/2022
Meghan McGarrity		term ending 6/2022

Councilor Vigil Coppler said this is a great committee and these reappointments are great. She is looking forward to work with the new members. She noted that some of the members continued to sit on this committee long after their term ended to keep a quorum.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the appointments 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

## 20. PUBLIC HEARINGS

- a. CONSIDERATION OF BILL NO. 2020-27. ADOPTION OF ORDINANCE NO. 2020-26 (Councilor Rivera and Councilor Vigil Coppler)  
An Ordinance Amending 12-2.1 SFCC 1987 to Update the Version of the International Fire Code Adopted by the City of Santa Fe. (Geronimo Griego, Fire Inspector II, [gggriego@santafenm.gov](mailto:gggriego@santafenm.gov), 955-3310) (Postponed September 30, 2020)

Ms. Vigil read the caption.

### **Staff Presentation:**

Inspector Griego presented this proposed ordinance to adopt the most recent International Fire Code. As City Fire Inspector, he requested approval along with Exhibit A and amendments to City Code, Chapter 12, for this update.

### **Public Hearing:**

Stefanie Beninato said she wanted to speak to the next item, and she complained about the variation of number of seconds people were allowed to speak.

The Public Testimony portion was closed.

### **Discussion and Questions from the Governing Body**

**MOTION:** Councilor Rivera moved, seconded by Councilor Vigil Coppler, to approve Ordinance No. 2020-26 as presented.

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

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

**Against:** None

- b. CONSIDERATION OF BILL NO. 2020-23. ADOPTION OF ORDINANCE NO. 2020-27. (Councilor Lindell and Councilor Vigil Coppler)  
An Ordinance Amending Section 23-7.4 Relating to Golf Rates at the MRC. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840) (Postponed September 30, 2020)

Ms. McDonald urged support for these rates. She noted that Santa Fe does 37,000 rounds of golf each year. The proposed rates are \$2 for residents and \$5 for out of town. She stood for questions.

### **Public Hearing:**

There were no speakers from the public regarding this hearing and the public hearing portion was closed.

### **Discussion and Questions from the Governing Body**

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Ordinance No. 2020-27 as presented.

Councilor Vigil Coppler was surprised to hear Ms. McDonald's voice on this. The Councilors never get staff change announcements. She asked what position Ms. McDonald holds now.

Director Wheeler said she is Acting Parks Division Director. She thanked Melissa for her work and Councilor Vigil Coppler for asking.

Councilor Vigil Coppler noted it is always appropriate to provide employee recognition and would like the City Manager to give those updates in writing because we may be calling the wrong people. Ms. McDonald is a very talented human being and very talented employee. Our last one did an excellent job, and his departure was not announced either.

**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. CONSIDERATION OF BILL NO. 2020-26. ADOPTION OF ORDINANCE 2020-28. (Councilor Villarreal and Councilor Lindell)

An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Certain Vehicles From Traveling on a Portion of Sabino Street Running East/West between St. Francis Drive and DeVargas Mall. (Ladd Lucero, Traffic Technician, [llucero@santafenm.gov](mailto:llucero@santafenm.gov), 955-6637)

Ms. Vigil read the caption.

Mr. Guillen offered to answer questions. He clarified that Sabino has a 2½ block section through a residential neighborhood.

**Public Hearing:**

Stefanie Beninato apologized and said she had no comment on this item.

**Discussion and Questions from the Governing Body**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Lindell, to approve Ordinance No. 2020-28 as presented.

Councilor Vigil Coppler said she didn't know there were two Sabino Streets. She asked if the issue was with delivery trucks taking a short cut to the mall.

Councilor Villarreal and Councilor Lindell both nodded in agreement.

**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 BILL NO. 2020-28. ADOPTION OF ORDINANCE 2020-29. (Mayor Webber and Councilor Lindell)

An Ordinance Amending Section 23-6.2 SFCC 1987 to Extend the Time Period for which Establishments that Have Obtained an Obstruction Permit from the City and a Temporary Change/Expansion of the Liquor License Premises from the New Mexico Alcoholic Beverage Control Division May Serve Alcohol on City Sidewalks, Streets, Rights-of-Way, or Other Property that has Been Specifically Authorized for Temporary Use Due to the COVID-19 Public Health Emergency and its Effects. (Randy Randall, TOURISM Santa Fe Director, rrandall@santafenm.gov, 955-6209 and John Romero, Acting Public Works Director, jjromero1@santafenm.gov, 955-6638)

Ms. Vigil read the caption.

**Staff Presentation:**

Director Randall was present.

Director Randall presented this proposed ordinance to the Governing Body. He thanked them for hearing it and explained that since the Governing Body enacted the original approval of liquor sales on sidewalks, several merchants have done so, and he was pleased that the State has extended their approval of expanded footprints for at least six months. He

hoped tourists will be able to enjoy that next year and the State person is considering that.

Director Randall said he has received a lot of approvals from Governing Body members on it.

### **Public Hearing:**

Stefanie Beninato wondered about this ordinance because the sidewalks are so narrow, and people are sitting down there without any advance warning to pedestrians. Those customers are without masks on and we are having our highest caseloads (584) now. She asked how he was helping other members of society at these restaurants while COVID is increasing. She had a lot of concerns about public safety and our citizens, many of whom cannot afford to go to these restaurants downtown.

There were no other speakers from the public and the public hearing portion was closed.

### **Discussion and Questions from the Governing Body**

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Lindell to approve Ordinance 2020-29 as presented.

Councilor Vigil Coppler saw the background and summary said service on city-owned property and thought that could be the Convention Center.

Mr. Randall said it means streets and sidewalks.

Councilor Vigil Coppler didn't want anyone to understand we were moving them into city facilities.

Mr. Randall added that it must be contiguous to licensed premises.

Councilor Vigil Coppler hoped these restaurants that serve alcohol know they must shut down at 10 pm.

Councilor Villarreal asked to be cosponsor.

Ms. Vigil asked for clarification on the Fire code added amendment.

Ms. McSherry said the motion should be made as Ms. Vigil suggested.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Lindell to approve Ordinance 2020-29 as amended with the International Fire code amendment.

**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 BILL 2020-11. ADOPTION OF ORDINANCE NO.2020-\_\_\_\_. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell and Councilor Vigil Coppler)

An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement between the City of Santa Fe and Descartes Labs, Inc. for Design, Development and Construction of Tenant Improvements; and Lease Payments for Expansion of a New World Headquarters Facility, a Local Economic Development Project. (Fabian Trujillo, Office for Business Growth Manager, [ftujillo@santafenm.gov](mailto:ftujillo@santafenm.gov), 955-6912) **(Postponed to November 10, 2020)**

- f. CONSIDERATION OF BILL 2020-12. ADOPTION OF ORDINANCE NO. 2020-\_\_\_\_. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell, and Councilor Vigil Coppler)

An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for an Economic Development Loan Project for Lease Payments to Provide Assistance for the Negative Financial Impacts of COVID-19. (Fabian Trujillo, Office for Business Growth Manager, [ftujillo@santafenm.gov](mailto:ftujillo@santafenm.gov), 955-6912) **(Postponed to November 10, 2020)**

## **AGENDA AMENDMENT**

**MOTION:** Councilor Garcia moved, seconded by Councilor Vigil Coppler, to hold the executive session until the end of 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

12. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

13. **MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

14. **MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

*[A copy of the Bills and Resolutions Scheduled for Introduction is incorporated herewith to these minutes as Exhibit 1.]*

Councilor Lindell had nothing to communicate.

Councilor Vigil Coppler had no prepared remarks but expressed her sadness about what transpired on the Plaza and was hopeful the Police Department will carry out high-level investigation to apprehend anyone who broke the law and get them to serve the penalties placed on them in the court. As a Hispanic growing up here, she was disheartened and in retrospect knew we could plan better but she hoped we will learn from the problems we have in procrastination and how we prioritize things. We spent a hell of a lot more on reorganization and she has not seen any fruit. That was a big waste of time and Council should be prioritizing those things

that really matter to the City. She was depending on the leader to do something and we know nothing happens without Mayor Webber's blessing and a great deal of respect by getting reconciliation together. We will talk about the commission and want to see it succeed. She didn't know what the Mayor is going to call it, but we need to make sure the bones of that is organized and set up. We don't want something so important to fail.

When you set up a group that is so large, you will have problems coming to consensus. The structure being representative of all the groups we can think of and bring diverse ideas on the complex issues to have it structured completely. We can get that through the public process but need to be careful how it is structured. Many Councilors may individually be working on things, but we don't know it. She wanted to be as involved as possible in it and has a stake in this. It is important to her, growing up here and being on the Fiesta Court in her lifetime. We have traditions and the sentiment of many people who contacted her is that they feel their heritage has been destroyed and no one stood up for it. She had pictures taken at the Cross of the Martyrs and heard it was forwarded to Chief Padilla. Maybe reports from Chief Padilla would be in order. She thought the standards for the Governing Body would be weighed for what we think is a priority and what reporting back we want for all things of City government. We do get emails and they might or might not be on point. We can do a better job. She still has some reservations about the future. But she was hopeful we can work it all out. We do need a step up on leadership.

Councilor Garcia noted behind him were awesome murals that he used to drive by. It reinforces why we are doing this work for a better future for our youth and make a brighter future for them. We need to lead by example. Voting has started and it will be over in three weeks. Lastly, COVID numbers are rising with record number today. Please be safe. We need to keep each other safe, our loved ones, and the community. We need to do everything we can do for their safety.

What happened this week is a perfect example how Truth and Reconciliation and community need to be engaged. We have a complicated history in this City and sometimes not so proud to respond to our past. We need to address that, and it is one of the things that will keep bringing up unfortunate events and tonight the vandalism at the Cross of the Martyrs is a good example. We need to educate ourselves on what our history is and our monuments and what we celebrate. There might be false statements. Stand up and correct somebody who shares what is not true. He was told that Hispanics erected that monument, but we know that is not the case. Falsehood spreads like wildfire and we need to stand up and correct them. The adoption of Truth and Reconciliation or whatever it is



called to help us come together - it is critical of us to do that. It is not fun work, but future generations would thank us. Tensions are high with mean and hateful words and actions spread in our community. Let us care for one another. We are one community and all in this together. I know we can do it.

Councilor Villarreal had two introductions. She introduced a resolution urging the New Mexico State Legislature to establish a State Public Bank owned by and for the people of New Mexico during the 2021 Legislative Session. The second was a resolution establishing the city of Santa Fe Legislative Priorities for consideration by the New Mexico State Legislature during the 55<sup>th</sup> Legislature – first session, 2021. It was cosponsored by Councilor Rivera.

Listening to her colleagues, she already said what she believed on Monday. Regarding statue removal, tearing it down is not a solution and not a form of healing. What she wanted to convey to those involved, is they need to think about being invested. Are they really invested in the community to help youth, or affordable housing? She has a hard time with people who just show up and then disappear and not deal with the consequences. She has been struggling with it and the education of people who are new here or who grew up here. It is not black and white. We need to make sure there are different ways, and some have had long term repercussions. As we form the commission, she wants to make sure we have a trained historian in it so people can understand.

Councilor Rivera shared a lot of the same feelings from colleagues. There was a press conference with Chief Padilla that left more questions. That left the community in danger without police presence. That is a frightening thing and to have what happened take place. It appears we are not going to do anything about it and not care about it. He was not sure we can use it as a hate crime. He felt it was a hate crime just like at India Palace. They broke in and did bad things there. There are a lot of questions and they will come forth in the next couple of weeks.

Councilor Cassutt-Sanchez thanked for those words of her colleagues. Many people have mentioned the complexity of the situation. As more and more people move into their corner and people are misinformed and some talk of a grand conspiracy. It is uncomfortable but we must explore validity with difference of opinions. All the people she has spoken with come down on both sides and have valid concerns, opinions and worries. It is a challenging place to be but an important exercise for all of us to take. She had a wonderful talk with a constituent today on our individual responsibility as members of the community. That is not to say there is not a place for us

to take position as a body. But the conversation was very uplifting. People do see what is happening. They talked about an incident that seemed so small, but they are little pieces of community we see every day to do what is best for their family and community. We also see it among ourselves as Council. She urged her colleagues to think about the aspect of humanity and being in the uncomfortable position to see where other people are coming from. Regardless of what you think about the obelisk and what is sad is that a lot of people wanted to have a conversation. The underlying issues are still there even if the obelisk isn't. She is grappling with the complexity. We must continue this work and lead the community better.

Councilor Romero-Wirth introduced a resolution urging the Legislature to repeal the statutory provisions preempting stricter county and municipal regulation of the sale of cigarettes, tobacco products and electronic smoking devices.

Councilor Abeyta addressed the events and police situation on the Plaza. He pointed out that for months we have talked about defunding the police and need for a change. So they pulled back and now people want the police there to stop. The public could have been hurt. But a lot of people getting hurt would have been from police shooting. He agreed with the police reaction. We lost an obelisk but not a life. As for people tearing them down, they are diminishing their message and behaving like what they are protesting.

As far as the Truth and Reconciliation Committee, he is looking forward to participating. The resolution must go through committee process, but we put in a lot of whereas's in it and be it resolved clauses. We need to make sure it is constructed for honest dialogue and changes allowed as we learn more about our history and different points of view. There are no action steps now. We need to appoint knowledgeable people and stay open and empower these people to have honest dialogue. It is not something the Governing Body can resolve but the community can resolve it. We could ultimately end up replacing the obelisk with something that represents all of us.

Councilor Romero-Wirth said she spoke on Monday about how she felt with events on the Plaza. It was disheartening to see the destruction and it isn't who we are. She looked forward to creating a structure to hear from the community and share our history, our culture and find ways to value all our place here in the community and what we bring so that we celebrate diversity and find ways to be inclusive. She thanked Councilor Cassutt-Sanchez for introducing the resolution.

She wanted to make a pitch for water issues. A community survey is now available on the city water web site. It is a public engagement survey to bring a process in concert with the county. There are important meetings coming up with overview webinars at 2-hour sessions that can be joined. She gave the schedules. She urged people to go there and look for the opportunity to discuss water issues in our community.

Mayor Webber introduced a resolution hosting community conversations and establishing a special City committee on cultures, histories, art, reconciliation and truth. It will go through the community process.

Regarding COVID and the election, COVID covers and colors everything. We had the best record and now it is out of control. We passed an ordinance saying we are all going to wear masks. What are we going to do to uphold it? It is important as we see numbers go into highest levels, to double down on our commitment. The Governing Body has put its stamp on it to reduce exposure. We must work together to stop COVID and to turn out the vote. The election has enormous consequences at every level. And we need to make sure all cast their votes.

During this summer, we have been through a lot and at the Plaza on Indigenous People's Day. The summer has had people speaking up for those who were oppressed, ignored, and minimized. They have had peaceful demonstrations and spoke up. Demonstrations for Black Lives Matter, Cowboys for Trump and militia showing up. Until Monday, our protests were peaceful, and the Police did not have to use force. We have been very fortunate, but the bonds of trust only held until Monday. And then they were broken, not by Police or Governing Body but by people replacing with their own brand of justice and instead of advancing justice, they set it back. It is happening all over America. It is a choice not just for the few but for every member of Santa Fe. He asked if we are going to get small and angry and descend on each other and divide into factions, or if we are going to get big and expand our hearts and support inclusion on the path to peace. The commission he introduced is not the solution but is a venue that will lead to a solution. The solution is in every home and heart and around the kitchen table on the love going back to the 1600's and reflect on those history lessons. The value of this Task Force is to give voice to the entire community with ongoing steps. This is not something that will be solved in one year or with one group. It is ongoing.

He recalled the reconciliation document signed on Sept 11, 2018 asking forgiveness for the past and learning from the past and envisioning the future. That proclamation is alive in our hearts and is what we need to build

on in the midst of our sadness. We want to be a community as large and great as Santa Fe.

Councilor Vigil Coppler and Councilor Villarreal wanted to sign on to the resolution.

Councilor Villarreal said Mayor Webber forgot one introduction

Mayor Webber introduced a resolution urging the Legislature to establish a State Public Bank owned by and for the people of New Mexico during the 2021 Legislative Session.

Councilor Cassutt-Sanchez wanted to sign on to both Truth and Recreation and Public Bank resolutions.

Councilor Romero-Wirth signed onto the Truth and Reconciliation resolution.

Councilor Lindell signed on to Truth and Reconciliation and Public Bank resolutions.

Mayor Webber said the resolution will take weeks and during those weeks, he welcomed comments from all members of the committee on how it should be structured and who wanted to be members and get ideas on how to move to truth and reconciliation starting now.

## **EXECUTIVE SESSION**

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Discussion of a Matter of Threatened Litigation Against the City that Has Not Been Filed. (Erin K. McSherry, City Attorney; [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)

Ms. McSherry asked the Governing Body to go into Executive Session on litigation threatened but not filed pursuant to the Open Meetings Act, NMSA 1978, Section 10-15-1, Part (H)(7), Discussion of a Matter of Threatened Litigation Against the City that has not been filed..

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth, to go to executive session to discuss matters 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

The Governing Body went into closed executive session at 8:52 p.m. and it ended at 9:21 p.m.

**MOTION:** Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to come out of executive session, stating for the record that the only matters discussed were those 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

16. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 9:23 p.m.

Approved by:

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

ATTESTED TO:

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

Respectfully submitted by:

  
\_\_\_\_\_  
Carl G. Boaz, Council Stenographer

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
October 14, 2020

The Governing Body of the City of Santa Fe met in an executive session duly called on October 14, 2020 beginning at 8:54 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), Discussion of a Matter of Threatened Litigation Against the City that Has Not Been Filed.

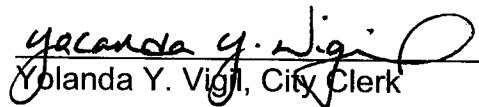
PRESENT

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)  
Yolanda Y. Vigil, City Clerk (Attended Virtually)  
Christopher Ryan, Senior Assistant City Attorney (Attended Virtually)  
Jamie Sullivan, Brennan & Sullivan, PA (Attended Virtually)

There being no further business to discuss, the executive session adjourned at 9:20 p.m.

  
Yolanda Y. Vigil, City Clerk