



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 10, 2019
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – March 27, 2019
9. PRESENTATIONS
 - a) Proclamation -- Santa Fe Indian School Boys and Girls Varsity Basketball Teams. (Councilor Ives)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 in the Amount of \$1,035,909.12, (Paid in 96 Installments) for the Compressed Natural Gas (CNG) Fueling Facility Design, Build, Operation and Maintenance (RFP '18/01/P); Clean Energy. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223 and Shirlene Sitton, Environmental Services Division Director, sesilton@santafenm.gov, 955-2209) (Postponed on February 27, 2019) (Postponed on March 13, 2019) **(Postponed on March 27, 2019)**
 - b) Request for Approval to Procure from New Mexico State Price Agreement 60-000-15-0008AY for 18 Tablets, in the Amount of \$81,038.16; Enchanted Technology Solutions, LLC. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
 - c) Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$81,000 for FY2018 Children and Youth Fund Grantees; Children and Youth Commission. (Julie Sanchez, Planner Senior, jsanchez@santafenm.gov, 955-6678)



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- d) Request for Approval of Amendment No. 1 to the Agreement between Owner and Architect for Professional Design Services in the Amount of \$188,491.50, Inclusive of NMGR, to Provide Additional Services Associated with CIP Project #333, New Fire Station #2, as Detailed in the Memorandum, AOS Cost Proposal and Presentation Materials; Atkin, Olshin, Schade Architects, Inc. (AOS.) (Jason Kluck, Public Works Project Administrator, jmkluck@santafenm.gov, 955-9537)
 - 1) Request for Approval of Budget Amendment Resolution (BAR).
- e) Request for Approval of Amendment No. 1 to FY2018-2019 Nutrition Service Incentive Program (NSIP) Agreement No. 2018-19-60026 in the Total Amount of \$83,393.47, for the Purchase of Raw Food from North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging for the Period of October 16, 2018 through June 30, 2019. (Yvette Sweeney, Nutrition Program Administrator, yasweeney@santafenm.gov, 955-4739)
 - 1) Request for Approval of Budget Amendment Resolution (BAR).
- f) Request for Approval of Fiber Connect Service Order Modifying the CenturyLink Loyal Advantage Colocation Agreement (COLO) in the Total Amount of \$18,250.00; CenturyLink. (Larry Worstell, ITT Infrastructure Manager, lfworstell@santafenm.gov, 955-5580)
- g) Request for Approval of a Contract for Goods in the Total Amount Not to Exceed \$93,243, for Solar-Powered Compacting Trash Bins; Big Belly Solar, Inc. (Caryn Grosse, Public Works Project Administrator, clgrosse@santafenm.gov, 955-5938)
- h) Request for Final Approval to Demolish Two Existing Buildings Located at 922B and 922C Shoofly Street in the Baca Railyard District per Resolution 2017-73; Santa Fe Railyard Community Corporation (SFRCC). (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)
- i) Request for Approval of Amendment No. 1 to State of New Mexico Audit Contract in the Amount of \$20,000, plus NMGR, for Transit Agency's Accounting System and Financial Data Compliance and Audit per Independent Auditor Statement for Financial Data (IAS-FD); CliftonLarsonAllen, LLP. (Debra Harris-Garmendia, Controller, daharrisgarmendia@santafenm.gov, 955-6530)



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- j) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law on Appeals of Decisions from the Public Works Department, Planning Commission, and Historic Districts Review Board. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
- (1) Denying the Appeal by Allen Holmes of the Public Works Department's Decision to Deny Permit Application #18-10-20, which Sought Access to a Public Right-of-Way at 924 Agua Fria Street.
 - (2) Denying Land Use Appeal No. 2019-12 without a Public Hearing, by Accepting the City Attorney's Office's Recommendation Concerning Case #2018-57, Concurring with the Land Use Director's Determination that the Greater Callecita Neighborhood Association's Appeal of the Planning Commission's Approval of a Final Subdivision Plat for Estancias del Norte, 702 Hyde Park Road, Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied without a Public Hearing.
 - (3) Granting the Appeal in Land Use Appeal No. 2019-14, Overturning the Historic Districts Review Board's Decision in Case #H-19-005 to Deny a Proposal to Construct a Carport at 211 Delgado Street.
- k) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Lindell, Councilor Vigil Coppler and Councilor Villarreal)
A Resolution Requesting the United States Postal Service Postmaster General Support the Issuance of a Postage Stamp Commemorating the Fiftieth Albuquerque International Balloon Fiesta. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)
- l) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Abeyta and Councilor Villarreal)
A Resolution Recognizing the Importance of a Computer Science Education for 21st Century Students; and Directing the City Manager to Identify Opportunities to Increase Computer Science Education in City of Santa Fe Afterschool and Summer Programs. (Richard Demella, Youth and Family Services Division Director, rndemella@santafenm.gov, 955-6630)
- m) CONSIDERATION OF RESOLUTION NO. 2019-____. (Mayor Webber, Councilor Vigil Coppler, Councilor Villarreal, Councilor Lindell and Councilor Romero-Wirth)
A Resolution Supporting Congresswoman Deb Haaland's Call for a National Investigation of Missing and Murdered Indigenous Women and Girls. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)



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- n) CONSIDERATION OF RESOLUTION NO. 2019-____. (Mayor Webber and Councilor Harris)
A Resolution Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planned Major Road Improvements and Adding "Sidewalk Improvements at 3420 Rufina Street" as an Eligible Project to Receive Road Impact Fees. (Lee Logston, Senior Land Use Planner, llogston@santafenm.gov, 955-6136)
- o) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Ives and Councilor Romero-Wirth)
A Resolution Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planner Major Road Improvements and Adding "Median Widening at 543 Rodeo Road" as an Eligible Project to Receive Road Impact Fees. (Margaret Ambrosino, Senior Land Use Planner, mkambrosino@santafenm.gov, 955-6656)
11. Request for Approval to Suspend Governing Body Procedural Rule I.B(3) to Recognize Introduction of the Resolution Below at the April 3, 2019 Public Utilities Committee Meeting.
- a) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Ives)
A Resolution Authorizing the Sale and Consumption of Beer, Cider and Wine at the Santa Fe Railyard Park During the Santa Fe Institute's Interplanetary Festival on June 14-16, 2019, Pursuant to Section 23.6.2(B) SFCC 1987. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
12. Stormwater Management
- a) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Ives, Mayor Webber, Councilor Harris and Councilor Lindell)
A Resolution Adopting the Stormwater Management Strategic Plan as City Policy to Guide Stormwater Program Development and Watershed Drainage Planning for the City of Santa Fe. (John Romero, Engineering Division Director, jromero1@santafenm.gov, 955-6638; Melissa McDonald, River & Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)
- b) Request for Approval of Amendment No. 1 to Professional Services Agreement, in the Amount of \$413,200, for Professional Engineering Services; Tetra Tech, Inc. (John Romero, Engineering Division Director, jromero1@santafenm.gov, 955-6638; Melissa McDonald, River & Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)



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13. Request for Approval of Two Subleases and a Sublease Amendment Between the Santa Fe Boys and Girls Club, Inc., and the Turquoise Trail Charter School, for (1) A Partial Tenancy of the Zona del Sol Building; and (2) Exclusive Use of Land Adjacent to the Zona del Sol Building. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512; Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)
14. Request for Approval to Publish Notice of Public Hearing on May 8, 2019:
Bill No. 2019-6: An Ordinance Adding a Definition of "Electric Scooter" to the Uniform Traffic Ordinance; and Prohibiting the Use of Rented Electric Scooters in the Public Right-of-Way. (Councilor Romero-Wirth) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)
 - a) A Resolution Directing the City Manager to Evaluate the Suitability of Shared Electric Scooters in the City of Santa Fe; and Directing the City Manager to Recommend Whether or Not the City Should Develop a Pilot Program Unique to Santa Fe. (Councilor Romero-Wirth) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)
15. Request for Approval of a Lease of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213)
16. Request for Approval of Procurement of 4 Paratransit Vehicles Using New Mexico State Price Agreement #60-000-15-00015, for a Total Amount of \$276,164.24; Creative Bus Sales, Inc. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)
17. MATTERS FROM THE CITY MANAGER
18. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H), Subpart (5) Discussion of Collective Bargaining Strategy with AFSCME, POA and IAFF. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

19. MATTERS FROM THE CITY CLERK
20. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Santa Fe Film & Digital Media Commission
 - Mayor's Committee on Disability
 - Arts Commission
 - Forward Look on Water Task Force (FLOW Task Force)
- H. PUBLIC HEARINGS -- NONE
- I. 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: April 5, 2019
TIME: 4:08 PM

SUMMARY INDEX

SANTA FE CITY COUNCIL April 10, 2019

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1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as amended	1-2
7. Approval of Consent Calendar	Approved as amended	2
8. Approval of Minutes – March 27, 2019	Approved as amended	2-3
9. Presentations:	Indian School Basketball	3
10. Consent Calendar Listing	Listed	3-5
Consent Calendar Discussion		
10(a) CNG Fueling Facility	Approved	6
10(g) Compacting Trash Bins	Approved	7
10(h) Baca Railyard Building Demolition	Approved	7-8
10(j) 1 Holmes Appeal Denial FF/CL	Approved	9-10
10(j) 2 Callecita NA Appeal Denial FF/CL	Approved	10-11
11. Procedural Rule Suspension	Approved	11
a. Interplanetary Festival Liquor Sales	Approved	11-12
12. a) Stormwater Management Plan	Approved	12-13
b) Tetra Tech PSA Amendment #1	Approved	14
13. Turquoise Trail Charter School Lease	Postponed	14-18
14. Electric Scooter Resolution & Notice	Approved	18-19
15. Garson Studio Lease	Deleted	19
16. Paratransit Vehicles(4) Purchase	Approved	19
17. Matters from the City Manager	Comments	19-20
18. Matters from the City Attorney	Recommendation	20
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19. Matters from the City Clerk	Announcement	21
20. Communications with Governing Body	Communications	21-23
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F. Petitions from the Floor	Petitions Made	23-25
G. Appointments	Appointments made	25-27
H. Public Hearing	None	27
Return to Executive Session	From 7:38 to 9:06	27-28
I. Adjournment	Adjourned at 9:08 pm	28

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 10, 2019**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

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, April 10, 2019, at approximately 5:00 p.m., in Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor Alan Webber
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Roman "Tiger" Abeyta
Councilor Mike Harris
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Others Attending

Erik Litzenberg, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Councilor Abeyta disclosed his need to recuse himself for item #13.

Ms. Vigil asked to remove #15 which is on the Public Works meeting agenda on April 22, 2019.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the agenda as amended.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

7. APPROVAL OF CONSENT CALENDAR

Councilor Harris pulled items a and h for discussion.

Councilor Rivera pulled item g from Consent for discussion.

Councilor Vigil Coppler pulled item j 1 for discussion.

Councilor Ives pulled item j, explaining that he was not present for that meeting where item j 2 was considered and would abstain from voting on that.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to approve the Consent Agenda as amended with Items 10 (a), (g), (h), and (j-1&2) pulled for discussion.

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

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

Against: None.

8. APPROVAL OF MINUTES:

Regular City Council Meeting – March 27, 2019

Councilor Vigil Coppler requested amendments to the minutes:

1. Under item 9, Presentation, the name of the coach is Coach Cole;
2. On page 26, second paragraph, in the comments she made it should say, "the Assistant City Attorney" rather than "She."
3. On page 27, last paragraph under discussion of that item, she did say, "Sometimes the H Board members don't have the qualifications; they are political appointees." And at the end, it should say, "I'm not afraid of it and I

won't rubber-stamp it."

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the minutes of March 27, 2019 as amended.

VOTE: The motion was approved on a unanimous 9-0 voice vote with Mayor Webber, Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

9. PRESENTATIONS

a) Proclamation – Santa Fe Indian School Boys and Girls Varsity Basketball Teams. (Councilor Ives)

Councilor Ives, Councilor Villarreal, and Mayor Webber came forward.

Councilor Ives said it is always a pleasure to celebrate accomplishments of our youth in Santa Fe and have had a remarkable athletic season at a number of them this year and tonight we celebrate Santa Fe Indian School men and women basketball teams.

Councilor Villarreal congratulated the Lady Braves, Braves, coaches and parents and families for an amazing season. "You are role models for your peers, your school and our community and yours. Winning the championship is not the biggest thing but the growth that happens from this season is."

Councilor Ives read the whereas statements as all members and coaches came forward, holding their trophies in front.

Mayor Webber proclaimed Wednesday, April 10, 2019, as Santa Fe Indian School Basketball Day.

10. CONSENT CALENDAR LISTING

- a) This item was pulled for discussion by Councilor Harris.
- b) Request for Approval to Procure from New Mexico State Price Agreement 60-000-15-0008AY for 18 Tablets, in the Amount of \$81,038.16; Enchanted Technology Solutions, LLC. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- c) Request for Approval of a Budget Amendment Resolution (BAR) in the Total Amount of \$81,000 for FY2018 Children and Youth Fund Grantees;

Children and Youth Commission. (Julie Sanchez, Planner Senior, jjsanchez@santafenm.gov, 955-6678)

- d) Request for Approval of Amendment No. 1 to the Agreement between Owner and Architect for Professional Design Services in the Amount of \$188,491.50, Inclusive of NMGRT, to Provide Additional Services Associated with CIP Project #333, New Fire Station #2, as Detailed in the Memorandum, AOS Cost Proposal and Presentation Materials; Atkin, Olshin, Schade Architects, Inc. (AOS.) (Jason Kluck, Public Works Project Administrator, jmkluck@santafenm.gov, 955-9537)
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 - 1) Request for Approval of Budget Amendment Resolution (BAR).
- f) Request for Approval of Fiber Connect Service Order Modifying the CenturyLink Loyal Advantage Colocation Agreement (COLO) in the Total Amount of \$18,250.00; CenturyLink. (Larry Worstell, ITT Infrastructure Manager, lfworstell@santafenm.gov, 955-5580)
- g) This item was pulled for discussion by Councilor Rivera.
- h) This item was pulled for discussion by Councilor Harris.
- i) Request for Approval of Amendment No. 1 to State of New Mexico Audit Contract in the Amount of \$20,000, plus NMGRT, for Transit Agency's Accounting System and Financial Data Compliance and Audit per Independent Auditor Statement for Financial Data (IAS-FD); CliftonLarsonAllen, LLP. (Debra Harris-Garmendia, Controller, daharrisgarmendia@santafenm.gov, 955-6530)
- j) Subsections 1 and 2 of Item j) were pulled for discussion by Councilor Ives and Councilor Vigil Coppler.
- j) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law on Appeals of Decisions from the Public Works Department, Planning Commission, and Historic Districts Review Board. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

- 3) Granting the Appeal in Land Use Appeal No. 2019-14, Overturning the Historic Districts Review Board's Decision in Case #H-19-005 to Deny a Proposal to Construct a Carport at 211 Delgado Street.
- k) **CONSIDERATION OF RESOLUTION NO. 2019-15.** (Councilor Lindell, Councilor Vigil Coppler and Councilor Villarreal)
A Resolution Requesting the United States Postal Service Postmaster General Support the Issuance of a Postage Stamp Commemorating the Fiftieth Albuquerque International Balloon Fiesta. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)
- l) **CONSIDERATION OF RESOLUTION NO. 2019-16.** (Councilor Abeyta and Councilor Villarreal)
A Resolution Recognizing the Importance of a Computer Science Education for 21st Century Students; and Directing the City Manager to Identify Opportunities to Increase Computer Science Education in City of Santa Fe Afterschool and Summer Programs. (Richard Demella, Youth and Family Services Division Director, rmdemella@santafenm.gov, 955-6630)
- m) **CONSIDERATION OF RESOLUTION NO. 2019-17.** (Mayor Webber, Councilor Vigil Coppler, Councilor Villarreal, Councilor Lindell and Councilor Romero-Wirth)
A Resolution Supporting Congresswoman Deb Haaland's Call for a National Investigation of Missing and Murdered Indigenous Women and Girls. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)
- n) **CONSIDERATION OF RESOLUTION NO. 2019-18.** (Mayor Webber and Councilor Harris)
A Resolution Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planned Major Road Improvements and Adding "Sidewalk Improvements at 3420 Rufina Street" as an Eligible Project to Receive Road Impact Fees. (Lee Logston, Senior Land Use Planner, llogston@santafenm.gov, 955-6136)
- o) **CONSIDERATION OF RESOLUTION NO. 2019-19.** (Councilor Ives and Councilor Romero-Wirth)
A Resolution Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planner Major Road Improvements and Adding "Median Widening at 543 Rodeo Road" as an Eligible Project to Receive Road Impact Fees. (Margaret Ambrosino, Senior Land Use Planner, mkambrosino@santafenm.gov, 955-6656)

CONSENT CALENDAR DISCUSSION

- a) Request for Approval of Amendment No. 1 in the Amount of \$1,035,909.12, (Paid in 96 Installments) for the Compressed Natural Gas (CNG) Fueling Facility Design, Build, Operation and Maintenance (RFP '18/01/P); Clean Energy. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223 and Shirlene Sitton, Environmental Services Division Director, sesitton@santafenm.gov, 955-2209) (Postponed on February 27, 2019) (Postponed on March 13, 2019) **(Postponed on March 27, 2019)**

Councilor Harris invited introductory remarks from Mr. Keith Wilson.

Mr. Wilson said this was heard at Finance Committee and Public Works Committee. There were questions about the change order. They worked for 6-8 weeks on it, dealing with the questions Councilor Harris had. There were four major questions and Staff met with Councilor Harris on Monday to determine that we had them covered.

Councilor Harris said he has been very involved with Mr. Wilson and Mr. Martínez in the Transit Division and he was comfortable with the technical and financial considerations. The City will save \$84,000 right now and more technical considerations may increase the savings. The City and Clean Energy have a much better understanding of what is to be built. This is a collaboration between Transit and Environmental Services (Public Utilities). We were able to draw on the internal expertise of Mr. Isaacson and Mr. López. and Jason Kluck provided a lot of support on the foundational issues. Javier Martínez helped in looking at earth work issues.

He said Brad Fluetsch looked at financial issues and made it a much better contract. With the money saved, we will have On-Call Engineering for monitoring and inspection.

This is a critical facility which we heard how inefficient the operation has become for trash trucks and buses.

MOTION: Councilor Harris moved, seconded by Councilor Ives, to approve Amendment No. 1 as presented.

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

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

Against: None.

Mayor Webber thanked Councilor Harris for flagging and bringing it to Council's

attention.

- g) Request for Approval of a Contract for Goods in the Total Amount Not to Exceed \$93,243, for Solar-Powered Compacting Trash Bins; Big Belly Solar, Inc. (Caryn Grosse, Public Works Project Administrator, clgrosse@santafenm.gov, 955-5938)

Councilor Rivera said a couple of years ago, the City wanted to get recycle bins on the Plaza. This went before both the H Board and the State. He asked for the status.

Mr. Sam Burnett said he could not answer that but would get a response as soon as possible.

Councilor Rivera asked if there was any reason for Council to approve this now.

Mr. Burnett explained that they need to process the contract to use the grant funds. Time is of the essence.

Councilor Rivera pointed out that SWAN Park would love to have it if it needs to be moved.

Mr. Burnett said the locations have received approval to place them there but there is room to revisit locations, if necessary.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the Contract for Goods as presented.

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

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

Against: None.

Mayor Webber said he had checked with John Muñoz beforehand and he is trying to find other locations around the city.

- h) Request for Final Approval to Demolish Two Existing Buildings Located at 922B and 922C Shoofly Street in the Baca Railyard District per Resolution 2017-73; Santa Fe Railyard Community Corporation (SFRCC). (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

Councilor Harris addressed Richard Czoski with his concerns about various expressions of support for not demolishing those two units and mentioned (from the minutes) that there were three adjacent property owners who objected and complained about the lack of creativity. This project is creative, but it involves tearing down both buildings. He asked if that was correct.

Mr. Czoski said the shed with the corrugated metal roof would definitely be demolished, but the other one might be salvageable. The former resolution approved demolition of both because at this point, he was not sure they could use the adobe structure, which was not heated. They might be able to use two walls, but it might need to go.

Councilor Harris asked Mr. Czoski, in his role as CEO of the Railyard, how much flexibility there is in the negotiation.

Mr. Czoski said they have a standard template to start with in every lease negotiation and can make changes for any number of reasons. So it has quite a bit of flexibility. He noted that they do have financial obligations to the City on them.

Councilor Harris recalled what was proposed before had 26 units of housing and this has live/work and commercial space. He asked if the same terms were offered to this group as before.

Mr. Czoski said it was generally the same on the main points, but there were some differences which he would not discuss. The aesthetics are different in each building.

Councilor Harris asked if creativity entered into those negotiations.

Mr. Czoski agreed. The units that were to be built by Mr. Boyd with three affordable units and it would comply with the ordinance. There was a reduction to 18 from 26 units and those two buildings were no longer on the parcel Mr. Boyd was going to develop. The Railyard looks at the use and has to factor in any number of issues at the Board.

Councilor Harris thanked him.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve the demolition request as presented.

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

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

Against: None.

- j) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law on Appeals of Decisions from the Public Works Department, Planning Commission, and Historic Districts Review Board. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
- 1) Denying the Appeal by Allen Holmes of the Public Works Department's Decision to Deny Permit Application #18-10-20, which Sought Access to a Public Right-of-Way at 924 Agua Fria Street.

Councilor Vigil Coppler said she had two reasons to pull this item. One was to register her dissenting vote and also a thought that occurred to her after that public hearing was closed. There was a question she asked of Staff if there was any discussion about any kind of creative solution to this. And the answer was "No, we don't do that" or something like that.

She said, "In the spirit of becoming the friendliest city in America, I'd like to offer that if we are going to be the friendliest city in America, it applies to this Governing Body in how we approach and discuss matters such as this - the items in any appeal. And it seems to me, it would be a good thing to encourage alternative resolution - encourage coming to some creative solution - certainly better within the Code I think that would be a good way to resolve many of these problems, rather than just black and white. Maybe we don't have Staff time to do this, but it is in the spirit of what we would like Santa Fe to be. And these are our residents that we are dealing with. Back when the late Chief Judge Steve Herrera was alive, he proposed, and all the district judges around New Mexico agreed, that future courthouses should have more conference rooms rather than court rooms. And the reason for that is to have opposing parties come together to resolve their issues. And they would do so in the conference rooms of the courthouses in the state. And that became alternative dispute resolution, which is major in our judiciary across the land here in New Mexico. So, I feel like, as a quasi-judicial body, that is something we should embrace, and I am hopeful that during my term here in office we can see more of that."

Councilor Ives said he would abstain from voting on this as well.

Ms. McSherry clarified that in these three items, consideration is whether or not the Findings of Fact and Conclusions of Law in the packet reflect the decision of the Governing Body accurately, and not whether or not the Councilors voted in favor or against the appeal.

Councilor Vigil Coppler said, "I totally get that but, in the spirit of what the City Attorney just said, I voted no and that is my reflection. Granted, the Governing Body approved it, but I have the right to dissent. So I will."

Mayor Webber agreed she could vote no, but her vote was not whether or not she liked the project but whether the Findings of Fact are accurate.

Councilor Villarreal said, The Findings do not include our vote so, in effect, it says the Governing Body approves or denied. So it doesn't actually reflect our vote. So I agree with my colleague.

Ms. McSherry said, "If you think it was not a majority vote, that would be a reason to vote no here. But the majority was not in opposition here. Any majority vote would be accurate.

Councilor Villarreal understood, but explained that it doesn't reflect how each Councilor voted but that the whole Board voted for it. If someone read the Findings of Fact, it would show that the whole Board voted for it.

Mayor Webber noted that the minutes do show what the actual vote was, as well as the alternative dispute resolution that she brought up, as well. We talked about it after the hearing was over.

Councilor Vigil Coppler said, "I was, in another appeal before the Governing Body, registered my no vote and I agree with my colleague that the matter, the last statement in the Findings of Fact imply consensus and I want to register my dissent. If it is good enough for the U. S. Supreme Court, the Court of Appeals, it is good enough for us.

Mayor Webber thought there was already a motion and second on this matter and asked Ms. Vigil to call the roll. [No motion had been made.]

VOTE: The Roll Call vote was (6-2-1):

For: Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Lindell, Councilor Rivera, and Councilor Romero-Wirth.

Against: Councilor Vigil Coppler and Councilor Villarreal.

Abstained: Councilor Ives.

- 2) Denying Land Use Appeal No. 2019-12 without a Public Hearing, by Accepting the City Attorney's Office's Recommendation Concerning Case #2018-57, Concurring with the Land Use Director's Determination that the Greater Callecita Neighborhood Association's Appeal of the Planning Commission's Approval of a Final Subdivision Plat for Estancias del Norte, 702 Hyde Park Road, Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied without a Public Hearing.

MOTION: Councilor Abeyta moved, seconded by Councilor Harris, to approve the Findings of Fact and Conclusions of Law denying Appeal No. 2019-12. as presented.

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

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

Against: Councilor Villarreal.

Abstained: Councilor Ives.

END OF CONSENT CALENDAR

11. Request for Approval to Suspend Governing Body Procedural Rule I.B(3) to Recognize Introduction of the Resolution Below at the April 3, 2019 Public Utilities Committee Meeting.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler, to approve the request as presented.

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

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

Against: None.

- a) **CONSIDERATION OF RESOLUTION NO. 2019-20.** (Councilor Ives)
Resolution Authorizing the Sale and Consumption of Beer, Cider and Wine at the Santa Fe Railyard Park During the Santa Fe Institute's Interplanetary Festival on June 14-16, 2019, Pursuant to Section 23.6.2(B) SFCC 1987. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

A copy of a proposed amendment to Resolution 2019-20 by Councilor Ives is incorporated herewith to these minutes as Exhibit 1.

Ms. Vigil explained this resolution was requested because of the quick time deadline of June 14-15. The next meeting of the Governing Body would be too late because it has to be considered sixty days in advance.

Councilor Ives said Ms. Vigil explained clearly the process for why it is here tonight. It was a wonderful celebration last year and this is to allow the same this year.

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

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

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

Against: None.

12. Stormwater Management

- a) **CONSIDERATION OF RESOLUTION NO. 2019-21.** (Councilor Ives, Mayor Webber, Councilor Harris and Councilor Lindell)
A Resolution Adopting the Stormwater Management Strategic Plan as City Policy to Guide Stormwater Program Development and Watershed Drainage Planning for the City of Santa Fe. (John Romero, Engineering Division Director, jjromero1@santafenm.gov, 955-6638; Melissa McDonald, River & Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)

Ms. McDonald noted this has been discussed thoroughly in the committees. She called to their attention the fact that it had to be pulled before because of an inadvertent typo on the amount which in the Finance packet said \$413,000 and should have been \$413,200.

Councilor Ives said it is a delight to have this measure finally before the Governing Body for approval. It has been under preparation of at least four years and we have seen and experienced the real need to change our attitudes toward stormwater and the challenges that become greater and greater with flooding and the like. It speaks to a change in attitude toward stormwater itself. It created a channel to get it out of sight quickly but now we understand better how stormwater can recharge our aquifer and try to ensure the greatest use of stormwater which the New Mexico laws allow, to slow it down to infiltrate. It is a topic of ongoing discussion, so this is a delight.

Councilor Harris agreed with Councilor Ives. It has been a long time coming but is a valuable effort and now we should be mindful how to implement it. We had a problem at Martínez Park with parking spaces. It is a busy place and three parking spaces were removed for rain gardens there. "Rain gardens do in a small way what is being proposed

and I didn't know it was coming and many neighbors didn't either. How did that happen? We know why it happened. But is this the right place to do it? So we need to be mindful about how we go about our business and remember that we have constituents and neighbors that are watching us."

Councilor Vigil Coppler offered a little more insight on this When they are ripping up parking at that park, the street ends up with cars on both sides and bad things could happen. Removing parking is a travesty. It was a good reason and a beautiful thing to do but not at expense of parking.

Mayor Webber said the timing could not be better. "We are committed to a sustainability plan that puts Santa Fe in a leadership position on an issue that faces the city, the state and the country and the world. And this does provide relief in an important and thoughtful way. As we look at Santa Fe having a sustainable future not only as the friendliest city in the country but the most eco-friendly in the nation, investments of this exact kind, done correctly and implemented with great consideration - once again speak to Councilor Harris's earlier comment to take positions that reflect our concerns for the environment, for our City's water and development future. I continue to be impressed by the work you are doing and appreciate it, as well."

Mayor Webber asked the City Clerk to call the roll [no motion or second was made.]

VOTE: Roll Call vote was by roll call:

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

Against: None.

Councilor Villarreal asked to be a co-sponsor.

Mayor Webber asked if there was a motion. Mr. Boaz indicated there was not.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the resolution as presented.

VOTE: Roll Call vote was by roll call:

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

Against: None.

- b) Request for Approval of Amendment No. 1 to Professional Services Agreement, in the Amount of \$413,200, for Professional Engineering Services; Tetra Tech, Inc. (John Romero, Engineering Division Director, jjromero1@santafenm.gov, 955-6638; Melissa McDonald, River & Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)

MOTION: Councilor Abeyta moved, seconded by Councilor Rivera, to approve the Amendment No. 1 as presented.

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

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

Against: None.

13. Request for Approval of Two Subleases and a Sublease Amendment Between the Santa Fe Boys and Girls Club, Inc., and the Turquoise Trail Charter School, for (1) A Partial Tenancy of the Zona del Sol Building; and (2) Exclusive Use of Land Adjacent to the Zona del Sol Building. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512; Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)

Councilor Abeyta recused himself from consideration of this item and left the room.

Mr. Ed Vigil said this request, on behalf of the Boys and Girls Club, is to lease an existing tract of land to them to use as a local charter school extension.

Councilor Lindell asked the Council to consider postponing this. "In my opinion, this should go through Finance first. There is a lot of information on it including a lot in the last 24 hours. It was turned around very quickly. Some of it came this afternoon that I've not had the opportunity to study. I'd to be comfortable with it. Why didn't this go through Finance Committee?

Ms. McSherry replied, first of all, that it would have no impact on the City. It was first scheduled for Public Works Committee and Finance and had to get land use approval. It is between two parties but not with the City. She had no information on the timing issue and would defer to the school on that.

Mr. Floyd Trujillo was present from the Turquoise Trail Charter School and said it needed to be considered now in order to have enough time to prepare the land for the fall school year in August.

Councilor Lindell asked when the next Council meeting is scheduled.

Ms. Vigil said it is on April 24.

Councilor Lindell asked if that would impact the school.

Mr. Trujillo said it would.

Councilor Lindell asked how.

Mr. Trujillo said there are many permits required at the City and the State and work on the property yet to be done. A traffic study must be undertaken processes and we need to get into final approval to ensure the premises are safe and ready by start of school.

Councilor Lindell noted, "That puts lots of pressure to give you the outcome you would like to have. We got a fair amount of information this afternoon that was requested. It came at 4:15 p.m.

Ms. McSherry clarified that there is not a Finance Committee meeting between now and April 24, the next Council meeting date.

Mayor Webber asked if going through Finance really would change the time table.

Councilor Harris pointed out that, as member of Public Works Committee, there were many questions remaining. Councilor Abeyta recused himself and we started to see some of the answers. Unlike what we heard earlier - even though there was an interplanetary festival last year. This is important for using city property and the liabilities it would raise. What was delivered at 4:15 started to answer some problems. He favored postponing it to April 24. He could not support it tonight.

Councilor Vigil Coppler said, "I had questions at the Public Works Committee and thought we would get more than we did and earlier than this. I'm concerned that we did not get the appraisal and the appraisal is from 2015. That appraisal is no longer valid. Usually validity is six months long. We are not making any money on it and it is not that we should, but we are using old data and the Boys & Girls Club services provided and the rental is based on 2015 appraisal. We have some fiduciary responsibility. This is not good management. Would you want to sell a house based on a 2015 appraisal? The City should know the current appraisal on which the rent is to be based. I would ask for a new one.

"The other question I have is how a non-profit can make money on land owned by the City. I don't think this contract is arm's length enough for my comfort. I don't feel comfortable. I gave some examples to the City Attorney about my own business. So I would have to recuse myself on that. Why do we have this here at the last minute?

"We have space galore at SFAUD. If there is an alternative resolution, maybe that would be an option. We could use that money to pay off the debt. And the traffic study is already done. There are options. I'm sure there are many options. I'm sympathetic but have more questions than answers now."

Councilor Villarreal said they did have lots of discussion and questions at Public Works Committee. "I think what is still remaining is clarity in communication with multiple partners. It will affect the sub-lease in place now. It was not too clear. Maybe there is not contradictory language. She asked if they were using another building presently.

Mr. Trujillo agreed.

Councilor Villarreal said she read in the document about exclusive access. "Once you bring in the portables, most of the school would be there plus common space of kitchen and gym. She was confused about exclusive use of the Zona Building because that includes the office spaces.

Ms. McSherry said her understanding was that "they would use all of the parts of the building in addition to the exterior portions. The amendment would just extend their current usage inside. The second lease, for exclusive use of the exterior area is nil."

Councilor Villarreal asked Mr. Trujillo to clarify that.

Mr. Trujillo said they worked out the appropriate use of space with current tenants and with that, they worked out the access issues.

Councilor Villarreal asked about support while going through the transition.

Mr. Trujillo said they have an office portable to use.

Councilor Villarreal felt the communication piece is key with a lot of different organizations there. Even though you have delineated your area, there are other spaces that are open for other tenants to use.

Mr. Trujillo said they absolutely agree about communication. We met with Earth Care, e.g. and they are very interested in having us make maximum use of the property. And for the portables and exclusive use. But we can make them accessible to the community if needed.

Councilor Villarreal said there are still a lot of questions about the master lease. She asked who the entity is for that.

Ms. McSherry said she was not sure about the evaluation.

Mr. Trujillo understood the Boys & Girls Club hires an outside auditor to do that each year.

Councilor Villarreal said it would be helpful to fully understand that. This is more about community impact on the lease agreement. "I was curious because you will integrate a new community. What will you do in recruiting in your neighborhood?"

Mr. Trujillo said they have already met with some organizations and will continue to reach out to the community. As a public charter school, Turquoise Trail is required to accept anyone who wants to attend the school.

Councilor Villarreal didn't want people to miss out and would encourage reaching out in Spanish too.

Councilor Ives said he had not been aware of the new information provided at 4:15. "I appreciate the supplemental information. Some of it is in response to questions raised at Public Works Committee and this raises other questions such as the Development Plan in the lease agreement. The response was that you have met with several groups and that is complies with the Master Development Plan. I know in the past there was a single sheet labeled Master Development Plan. That was totally inadequate and was why the City moved in another direction. I don't know if that plan moved through any committee review like the Planning Commission. I'm happy to move it forward as quickly as possible but postponing to next meeting would be best to get everything answered. It should be provided well in advance of the meeting to get answers."

Councilor Harris said Councilor Villarreal just pointed out the reason why postponement is needed. He would like to clarify, if we postpone it, how to go about this. It is important for all stakeholders and he would like to know how we are going to proceed. What do we think is appropriate?

Ms. McSherry suggested that further communication with Director Johnson is important.

Councilor Harris thought it would be important to have one point of contact. He also had questions about the development plan like Councilor Ives. If the contact is the City Attorney's office, that would be great.

Councilor Rivera pointed out this is important for our community. "I respect all of you and hope this could be heard two weeks from now and not delay it further."

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to postpone this matter to a date certain of April 24, 2019.

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

For: Mayor Webber, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

Councilor Abeyta was not present for the vote, having recused himself.

Mayor Webber thanked Mr. Trujillo for appearing and was sure next time, we can make an informed decision.

Councilor Ives noted on the process that it would be great to have all information to the City Attorney by Friday.

Ms. McSherry said the appraisal and other land use data is needed.

Mayor Webber said it also gives us some information on appropriate phasing on the decision on the lease and the decision on the land use plan. He encouraged Mr. Trujillo to get everything in early.

Councilor Harris read from 6 F about the master lease and noted that it represents a deduction of value of our services of the state grant and also is important to document all exclusions that were drawn to the Boys & Girls Club and just needs verification.

Councilor Abeyta returned to the bench after the matter was concluded.

14. Request for Approval to Publish Notice of Public Hearing on May 8, 2019:
Bill No. 2019-6: An Ordinance Adding a Definition of "Electric Scooter" to the Uniform Traffic Ordinance; and Prohibiting the Use of Rented Electric Scooters in the Public Right-of-Way. (Councilor Romero-Wirth) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

- a) A Resolution Directing the City Manager to Evaluate the Suitability of Shared Electric Scooters in the City of Santa Fe; and Directing the City Manager to Recommend Whether or Not the City Should Develop a Pilot Program Unique to Santa Fe.(Councilor Romero-Wirth) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

Ms. Vigil read the request to publish notice and the accompanying resolution.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to approve the publishing of notice and the resolution as presented.

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

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

Against: None.

15. Request for Approval of a Lease of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Sean Moody, Asset Development Manager, sxmoody@santafenm.gov, 955-6213)

This item was removed from the agenda in order to be considered at the Public Works Committee meeting on April 22, 2019.

16. Request for Approval of Procurement of 4 Paratransit Vehicles Using New Mexico State Price Agreement #60-000-15-00015, for a Total Amount of \$276,164.24; Creative Bus Sales, Inc. (Keith Wilson, Transit Division Director, kpwilson@santafenm.gov, 955-2223)

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

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

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

Against: None.

17. MATTERS FROM THE CITY MANAGER

Mr. Litzenberg spoke to the horrible event at the Convention Center and appreciated that Council included the remembrance. It was horribly tragic. Many people are keeping Toby Williams and his family in our thoughts and prayers. What we do from here should ensure nothing like this happens again in a city workplace. We had immediate response of care for Mr. Williams and immediately, realized we had to secure the area and collect evidence and notified the Convention Center to stop all electrical work. We did internal and external investigations. We met with OSHA and yesterday had a close-out meeting with OSHA and what to expect. It was erroneously reported in the newspaper that there were findings. That was not true although we could expect any findings that might be made in two months. We looked at workers comp to make sure Mr. Williams

and family were taken care of. We provided counseling to those immediately involved at Convention Center and will continue that as long as any staff need it.

We also spent time together, sharing stories and remembrances. It is a very emotional time and creating a path for senior staff to put safety first. That must be built to our culture and our actions and safety procedures. We were advised to do regular weekly safety meetings and work with our consultant. What can we all learn from this? To make sure it doesn't happen again. OSHA was complimentary of our staff.

So we will have a workplace safety committee to make necessary changes. We identified funding for an outside evaluator across the City to put us in line with industry standards. You will see our proposal in a couple of weeks and what we propose. We will propose a safety office and officer and amend the budget. You should expect us to have a top-down safe workplace.

I understand how emotional it is - It has been a tough couple of weeks. I've heard numerous rumors and is hard to address all of them while an active investigation is going on and won't compromise. I wish I could stop the rumors. The vast majority of them are not based on fact. I hope never to experience something like this again.

Two other less emotional issues:

We are blessed with the rain and snowfall and that comes with weeds and potholes. I appreciate the feedback from you about potholes and we are doing a similar thing about weeds and should expect a staff plan soon about that.

Lastly, a reminder on budget. The staff has been working hard. We decided to not do the first week schedule but to continue the rest of the schedule. We understand how important that is to get it to you quickly.

18. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry requested a motion for an executive session for discussion of an agreement with all city unions.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H), Subpart (5) Discussion of Collective Bargaining Strategy with AFSCME, POA and IAFF. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Governing Body go into executive session to discuss the matters

listed on the agenda as recommended by the City Attorney.

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

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

Against: None.

Mayor Webber apologized in advance, knowing that the evening session won't start at 7:00 and the executive session might take quite a bit of time. We won't be finished by 7:00.

Councilor Villarreal asked to break up the executive session so as not to make the evening session too late for petitions and appointments.

Ms. McSherry said Council could do that.

Mayor Webber said they would work that way.

The Governing Body went into closed executive session at 6:38 p.m.

The Governing Body ended the Executive Session at 7:13 p.m. and returned to Council Chambers.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to return to open session, stating for the record that during the executive session, the Council discussed only the items listed on the agenda.

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

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

Against: None.

19. MATTERS FROM THE CITY CLERK

Ms. Vigil reported that the candidate packet for the November election will be released on May 5. She listed the offices that would be up for election.

20. COMMUNICATIONS WITH THE GOVERNING BODY

A copy of the bills and ordinances scheduled to be introduced is incorporated herewith to these minutes as Exhibit 2.

Councilor Villarreal introduced a resolution amending Resolution 2018-48 relating to an extension of time until December 31, 2019 for the Municipal Drug Strategy Task Force to complete its work as set forth in Resolution 2017-77.

Councilor Romero-Wirth introduced an ordinance amending and repealing various sections of the Election Code, Section 9-1 SFCC 1987, to accommodate recent changes in State Statute governing local elections and enacting a new provision of the election code to authorize either the City Clerk or the Ethics and Campaign Review Board to adopt rules applying the Code. She also is introducing an ordinance amending Sections 9-3.5, 9-3.8 and 9-3.9 SFCC 1987 regarding the public campaign finance code to adjust the qualification process for public financing to reflect recent changes in State Statute. - regarding public campaign code.

Councilor Harris asked to be a co-sponsor of Councilor Villarreal's resolution.

Councilor Ives asked to join as a cosponsor also and asked that the election code come to the Public Works Committee, if possible.

Ms. Vigil agreed to have it heard at Public Works Committee.

Councilor Vigil Coppler -requested that those resolutions be attached to the candidate's packet coming out on May 9, 2019.

Councilor Ives introduced an ordinance that in properties covered by both the South-Central Highway Corridor and the Midtown Link, that the Midtown Link shall supersede and control.

Councilor Lindell introduced an ordinance amending Section 11-13 to increase transparency regarding competitive sealed proposals and competitive sealed qualifications-based proposals and to amend citations to State Statutes so Council can avoid going into executive session.

Councilor Rivera asked to be a cosponsor to that ordinance.

Mayor Webber introduced an ordinance granting to Public Service Company of New Mexico (PNM), a New Mexico Corporation, a franchise to furnish electricity within the City of Santa Fe, Santa Fe County, New Mexico, and granting to PNM the right to use any public highway, street, alley, road or other public place within the present or future municipal limits of the City of Santa Fe.

He also introduced an ordinance authorizing the execution and delivery of a loan agreement by and between the City of Santa Fe and the New Mexico Finance Authority, evidencing a special, limited obligation of the City to pay a principal amount not to exceed \$23,800,000 for the purpose of defraying the cost of refunding, paying, and refinancing the 2009 loan agreement dated September 14, 2009 with the New Mexico Finance Authority (College of Santa Fe Acquisition); providing for the payment of the loan agreement from certain Gross Receipts Tax Revenues distributed to the City; providing that the loan agreement will constitute a subordinate lien upon the pledged Gross Receipts Tax Revenues; providing for the distributions of Gross Receipts Tax Revenues from the Taxation and Revenue Department to be redirected to the New Mexico Finance Authority or its assigns pursuant to an intercept agreement for the payment of principal and interest due on the loan agreement; delegating authority to the Mayor or, in the Mayor's absence, the City Manager or Finance Director, to approve the final principal amount, interest rates and other details of the loan agreement within the parameters set forth in this authorizing ordinance, and to execute and deliver a pricing certificate reflecting the final terms of the loan agreement; ratifying actions heretofore taken; repealing all action inconsistent with this ordinance; and authorizing the taking of other actions in connection with the execution and delivery of the loan agreement and intercept agreement.

Mayor Webber gave a brief update on Short-term rentals in what he considered to be a corollary housing issue on how to deal with Short-term rentals and the concerns on the Governing Body and community on what Short-term rentals imply for our neighborhood. To that end, Kelly O'Donnell was contracted on size, scale and impact on housing staff in Santa Fe, including trends in rentals and rental rates. He reported 781 short-term rental licenses have been renewed and another 100 will need to be renewed by April 15 or lose them. The Land Use Department is preparing a method of improving enforcement. 15 notices of violations have been issued and if councilors have concerns, he asked them to- please contact James Martinez or Christine in that office. The staff members are using websites to determine those that not licensed.

The City issued an RFP for web scraping to determine violations and the City has been getting assistance from Charleston on their best practices. He added that there are a number of steps to update and address our housing crisis for both more units to rent and occupy and the impact on neighborhoods of short-term rentals.

END OF AFTERNOON SESSION

EVENING SESSION – 7:26 P.M.

A-E. CALL TO ORDER AND ROLL CALL

The regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called back to order for the evening session by Mayor Alan Webber, on Wednesday,

April 10, 2019, at approximately 7:26 p.m., in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe.

Present at the evening session were:

Members Present

Mayor Alan Webber
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Roman "Tiger" Abeyta
Councilor Mike Harris
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Others Attending

Erik Litzenberg, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

F. PETITIONS FROM THE FLOOR

Rick Martínez invited Councilors to the Great American Clean-up Day on Saturday with registration 7-9 and picnic afterward. There will be lots of food. In getting people out to care about our community and Amnesty Day also for big items to dump.

Ruby López, a Chainbreaker member, said Chainbreaker is a membership-led economic and environmental justice organization with over 700 due-paying members, most of whom are low-income people of color. Last August, I was here with dozens of Chainbreaker members like myself as you voted to move forward with development of the former University of Art and Design property with amendments proposed by Councilwoman Villarreal. That night, we heard acknowledgments of current and historic equity problems in our City from the Governing Body. In your unanimous vote, we saw a commitment to taking concrete steps toward healing those divisions and a promise of an equitable process that centers the people who will be most affected by it. We left that night with a deep sense of appreciation and optimism for the future of our people and our city.

Chainbreaker leaders spoke that night as well. In our statement, we also acknowledged the divisions, segregation and housing and equity problems our city faces. But we focused on building bridges and healing those divisions. We promised to engage the community members in this process and center the people who live the housing equity and displacement crisis every day.

In the ongoing spirit of healing and bridge-building, we are here this evening to announce the launch of our campaign to make good on that promise. "Nuestro corazón: Respecting the Lane, Helping Our People, Transforming our Future" begins today. Over the next several months, we will knock on thousands of doors, gather thousands of testimonials from impacted community members, host a series of panels and workshops to deep dive into the complexities of the issues and organize a people's assembly. We have built an alliance of organizations who are also committed to this campaign including NM Coalition to End Homelessness, Health Equity Partnership, EarthCare, LifeLink, St. Elizabeth's Shelter, Adelante, Little Globe, Communities in Schools, Need and Deed, Somos Un Pueblo Unido, NM Dreamers in Action and the list continues to grow. Many of our partners sent representatives here tonight.

We know the City has already begun putting plans in motion to fulfill your own commitments. We are looking forward to continuing to work together to develop a plan that respects the lane, helps our people and transforms our future. This property, these people and this process truly represent the heart of Santa Fe. Thank you for being part of it."

Stefanie Beninato said it was distressing to hear about web scraping now. It was supposed to have happened last year and there were lots of delays in IT. You and I have a difference of opinion. I think it is uncivil when people don't tell the truth. I waited six weeks to get a meeting with you. Mary told me that you considered me uncivil and refused to meet with me. I am requesting a meeting with you. There are files being kept on me and one other woman I know of. It appears to be fascist New Mexico. I would like the defamation by LUD to stop and Mayor, you could help me with that.

Also at the Board of Adjustment, Daniel Werwath refused to recuse himself and on the next night at Planning Commission advocated for the issue heard at the Board of Adjustment. Usually you have those issues with conflicts at the first of the meeting.

And another thing before the meeting that was even more serious - I can't even believe he is on that Board because he has so many conflicts of interest.

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

G. APPOINTMENTS

- Santa Fe Film & Digital Media Commission

Mayor Webber appointed:

Deborah Potter, Doug Acton, David Aubrey, Michael Becker, Anna Darrah, Kirk Ellis, Elias Gallegos, James D. Gollin, Chris Jonas, James Lujan =, David Manzanares, Andrea Medith, Jacques Paisner, Pamela A. Pierce, Frank Ragano, Milton C. Riess, Adam Shaening-Pokrasso, Jilian Spitzmiller and Lee David Zlotoff with the terms as listed in the packet with a few amendments by Ms. Vigil.

Councilor Vigil Coppler wanted to see the resumes of those who want to serve. She knew we have those for the members who are renewed.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the appointments to the Santa Fe Film & Digital Media Commission as presented.

VOTE: The motion was approved on a unanimous 9-0 voice vote with Mayor Webber, Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

- Mayor's Committee on Disability

Mayor Webber appointed Aurore Bleck, Victor Hughs, Elisa Meriam Jawhar, Hope Reed, Michael D. Wirtz, Pam J. Parfitt, Angelique Montoya-Chávez and Kendra Garcia to the Committee according to the terms listed in the packet.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the appointments to the Mayor's Committee on Disability as presented.

VOTE: The motion was approved on a unanimous 9-0 voice vote with Mayor Webber, Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

- Arts Commission

Mayor Webber appointed Alex Hanna, Bernadette Ortiz Peña, Exilda Trujillo de Martínez, Jorge L. Bernal, Andrea Hanley, and David Scheinbaum along with their terms of office in the packet.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the appointments to the Arts Commission as presented.

VOTE: The motion was approved on a unanimous 9-0 voice vote with Mayor

Webber, Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

- Forward Look on Water Task Force (FLOW Task Force)

Mayor Webber announced that these members shall serve until they complete their duties and responsibilities or until December 31, 2019, whichever comes first.

He appointed Councilor Rivera, Councilor Romero-Wirth, Shannon Jones, Brian Snyder, Douglas J. Howe, Maya Swiss, and Heather Kemp to the Task Force.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the appointments to the Forward Look on Water Task Force as presented.

VOTE: The motion was approved on a unanimous 9-0 voice vote with Mayor Webber, Councilors Abeyta, Harris, Ives, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

There were no public hearings.

Executive Session (continued)

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Governing Body go into executive session to discuss the matters listed on the agenda as recommended by the City Attorney.

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

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

Against: None.

The Governing Body went into executive session at 7:38 p.m. and ended the executive Session at 9:06 p.m.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to return to open session, stating for the record that during the executive session, the Council discussed only the items listed on the agenda.

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

For: Mayor Webber, Councilor Abeyta, Councilor Harris, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal. Councilor Ives was not present for the vote.

Against: None.

I. ADJOURNMENT

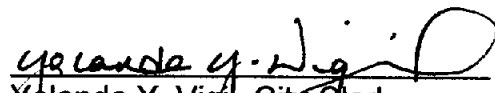
Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 9:08 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2019-__
InterPlanetary Festival Alcohol Approval

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2019-__:

1. On page 3, line 1 *delete* "Special Dispenser Permit" and *insert* "Public Celebration Permits" in lieu thereof

Respectfully submitted,

Peter N. Ives, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk



CITY COUNCIL MEETING OF

April 10, 2019

**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

EXHIBIT 2

Council April 10, 2019

Mayor Alan Webber

Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE GRANTING TO PUBLIC SERVICE COMPANY OF NEW MEXICO ("PNM"), A NEW MEXICO CORPORATION, A FRANCHISE TO FURNISH ELECTRICITY WITHIN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO, AND GRANTING TO PNM THE RIGHT TO USE ANY PUBLIC HIGHWAY, STREET, ALLEY, ROAD OR OTHER PUBLIC PLACE WITHIN THE PRESENT OR FUTURE MUNICIPAL LIMITS OF THE CITY OF SANTA FE.	Public Utilities Committee – 5/1/19 Public Works Committee – 5/6/19 City Council (request to publish) – 5/8/19 Finance Committee – 5/20/19 City Council (public hearing) – 6/12/19
	AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$23,800,000, FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING, AND REFINANCING THE 2009 LOAN AGREEMENT DATED SEPTEMBER 14, 2009 WITH THE NEW MEXICO FINANCE AUTHORITY (COLLEGE OF SANTA FE ACQUISITION); PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING THAT THE LOAN AGREEMENT WILL CONSTITUTE A SUBORDINATE LIEN UPON THE PLEDGED GROSS RECEIPTS TAX REVENUES; PROVIDING FOR THE DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES FROM THE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS PURSUANT TO AN INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; DELEGATING AUTHORITY TO THE MAYOR OR, IN THE MAYOR'S ABSENCE, THE CITY MANAGER OR FINANCE DIRECTOR, TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE LOAN AGREEMENT WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE, AND TO EXECUTE AND DELIVER A PRICING CERTIFICATE REFLECTING THE FINAL TERMS OF THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT.	Public Works Committee – 4/24/19 City Council (request to publish) – 4/24/19 Finance Committee – 4/29/19 City Council (public hearing) – 5/29/19

Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	AN ORDINANCE AMENDING SECTION 11-13 TO INCREASE TRANSPARENCY REGARDING COMPETITIVE SEALED PROPOSALS AND COMPETITIVE SEALED QUALIFICATIONS BASED PROPOSALS, AND TO AMEND CITATIONS TO STATE STATUTES.	

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carol Romero-Wirth		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF THE ELECTION CODE, SECTION 9-1 SFCC 1987, TO ACCOMMODATE RECENT CHANGES IN STATE STATUTE GOVERNING LOCAL ELECTIONS, AND ENACTING A NEW PROVISION OF THE ELECTION CODE TO AUTHORIZE EITHER THE CITY CLERK OR THE ETHICS AND CAMPAIGN REVIEW BOARD TO ADOPT RULES APPLYING THE CODE.	City Council (request to publish) – 4/24/19 Finance Committee – 4/29/19 City Council (public hearing) – 5/29/19
	AN ORDINANCE AMENDING SECTIONS 9-3.5, 9-3.8, AND 9-3.9 SFCC 1987 REGARDING THE PUBLIC CAMPAIGN FINANCE CODE TO ADJUST THE QUALIFICATION PROCESS FOR PUBLIC FINANCING TO REFLECT RECENT CHANGES IN STATE STATUTE.	City Council (request to publish) – 4/24/19 Finance Committee – 4/29/19 City Council (public hearing) – 5/29/19

Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
Harris	A RESOLUTION AMENDING RESOLUTION 2018-48 RELATING TO AN EXTENTION OF TIME UNTIL DECEMBER 31, 2019 FOR THE MUNICIPAL DRUG STRATEGY TASK FORCE TO COMPLETE ITS WORK AS SET FORTH IN RESOLUTION 2017-77.	
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title	Tentative Committee Schedule

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