



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 8, 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 – April 24, 2019
9. PRESENTATIONS
 - a) Proclamation – Santa Fe High School NJROTC. (Councilor Abeyta)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 to Professional Services Agreement Item #19-0031, for On Call Roadway and Trails Construction Services in the Amount of \$120,000, Inclusive of NMGRT; GM Emulsion LLC. (Randy Lopez, Transmission & Distribution Operations Supervisor, rjlopez@santafenm.gov, 955-4246)
 - b) Request for Approval of Change Order No. 3 for POTW On-Call Repair, Replacement and Term Extension in the Amount of \$100,000, Inclusive of NMGRT; Subsurface Contracting, Inc. (Stan Holland, Engineer, tsholland@santafenm.gov, 955-4637)
 - c) Request for Approval of Amendment No. 1 to Intergovernmental Agreement for the Transfer of Funds in the Amount of 12,900, within Programs Only; NM State Department of Aging & Long Term Services. (Melanie Montoya, Program Administrator, mmmontoya@santafenm.gov, 955-4761)



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- d) Request for Approval of Change Orders #13, #14, and #15 for Cerrillos Road Reconstruction Phase IIC (RFB '16/13/B), for a Net Change to the Contract in the Amount of \$131,187.77; AUI Inc. (John Romero, Public Works Engineering Division Director, jjromero1@santafenm.gov, 955-6638)
 - 1) Request for Approval of Change Order #13 in the Amount of (\$8,339.04), Exclusive of NMGR.
 - 2) Request for Approval of Change Order #14 in the Amount of (\$34,615.17), Exclusive of NMGR.
 - 3) Request for Approval of Change Order #15 in the Amount of \$174,141.98, Exclusive of NMGR.
 - 4) Request for the Approval of the Budget Amendment Resolution (BAR).
- e) Request for Approval of a Professional Services Agreement Under RFP '19/28/P, in an Amount Not to Exceed \$125,000, Plus Gross Receipts Tax, for Engineering Services on As Needed Basis for FY19 through FY22; JoeB Engineering Inc. (Nick Schiavo, City Engineer, Land Use Department, nschiavo@santafenm.gov, 955-6641)
- f) Request for Approval of Amendment No. 6 to Professional Services Agreement Decreasing the Amount of Compensation in the Total Amount of (\$14,498.56), Plus Applicable Gross Receipts Taxes, for Professional Security Services; Universal Protection Service, LP/DBA Allied Universal Security Services. (David Silver, Emergency Manager, dmsilver@santafenm.gov, 955-6537)
- g) Request for Approval of Budget Amendment Resolution (BAR) to Re-Appropriate \$312,824 for Phase II of the Old Santa Fe Trail Bicycle Lane Project. (Michelle Martinez, PW Project Administrator, mrmartinez1@santafenm.gov, 955-6931)
- h) Request for Approval of Amendment No. 1 to Professional Services Agreement to Increase Compensation by \$43,000, as Approved by Children Youth Families Department (CYFD) - Juvenile Justice Advisory Committee (JJAC) for Educational Re-Engagement Services; YouthWorks. (Julie Sanchez, Planner Senior, jjsanchez@santafenm.gov, 955-6678)



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- j) Request for Approval of Amendment No. 1 to Professional Services Agreement to Decrease the Amount of Compensation by \$20 to Amend the Scope of Services to Include Service Delivery for Ortiz Middle School; Communities in Schools. (Julie Sanchez, Planner Senior, jjsanchez@santafenm.gov, 955-6678)
- k) Request for Review and Approval of Three Contract Amendments for the FY-2018-2019 Economic Development Portfolio as Awarded through RFP to Provide Workforce Development, Business Development, and Other Support for Economic Development in Santa Fe for a Total Funding Amount of \$75,000 as Identified. (Matt Brown, Economic Development Department Director, mpbrown@santafenm.gov, 955-6915)
 - 1) Professional Services Agreement, Amendment No. 4 – SCORE RFP '15/38/P in the Amount of \$5,000.
 - 2) Professional Services Agreement, Amendment No. 3 – Santa Fe Business Incubator RFP '16/38/P in the Amount of \$30,000.
 - 3) Professional Services Agreement, Amendment No. 3 – Youthworks RFP '16/37/P in the Amount of \$40,000.
- l) CONSIDERATION OF RESOLUTION NO. 2019____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth, Councilor Vigil Coppler, Councilor Rivera, Councilor Ives and Councilor Villarreal)
A Resolution Creating a Women's Commission to Identify Opportunities to Improve City of Santa Fe Programs and Policies and to Strengthen the Quality of Life of Women and Girls in Santa Fe so They Can Thrive, Personally and Professionally. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)



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11. Request for Approval to Publish Notice of Public Hearing on May 29, 2019:
 - a) **Bill No. 2019-9:** An Ordinance Amending and Repealing Various Sections of the Election Code, Section 9-1 SFCC 1987, to Accommodate Recent Changes in State Law 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. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
 - b) **Bill No. 2019-10:** An Ordinance Amending Sections 9-3.5, 9-3.8, and 9-3.9 SFCC 1987 Regarding the Public Campaign Finance Code, Adjusting the City's Qualification Process for Public Financing to Reflect Recent Changes in State Law. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
 - c) **Bill No. 2019-11:** An Ordinance Amending Section 9-2.4 to Remove Reference to a Repealed State Law; and Repealing Section 9-2.17. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
12. CONSIDERATION OF RESOLUTON NO. 2019-18. (Mayor Webber, Councilor Harris and Councilor Vigil Coppler)
A Resolution Repealing Resolution No. 2019-18 Adopted on April 10, 2019, and Adopting A Substitute Resolution to Correct the Address: Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planned Major Road Improvements and Adding "Sidewalk Improvements at 3240 Rufina Street" as an Eligible Project to Receive Road Impact Fees. (Lee Logston, Senior Land Use Planner, llogston@santafenm.gov, 955-6136)
13. Request for Approval of a Lease of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Kevin Kellogg, Asset Development Manager, kckellogg@santafenm.gov, 955-6213)
14. Management Plan for Weeds and Medians in the City of Santa Fe. (John Munoz, Parks and Recreation Department Director, jpmunoz@santafenm.gov, 955-2142; Shirlene Sittton, Environmental Services Division Director, sesittton@santafenm.gov, 955-2209) **(INFORMATIONAL ONLY)**



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15. PUBLIC HEARING:

- a) CONSIDERATION OF RESOLUTION NO. 2019-___. (Finance Committee)
A Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Annual Operating Budget and Organizational Chart. (Mayor Webber, Erik Litzenberg and Mary McCoy)

16. MATTERS FROM THE CITY MANAGER

17. 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 (7), Discussion of Threatened or Pending Litigation in Which the City is or May Become a Participant, Including but not Limited to *State of New Mexico v. Aamodt*, Case 6:66-cv-06639-WJ-WPL; *San Francisco v. Barr*; and *California v. Barr*; *High Summit v. City of Santa Fe*, No. A-1-CA-36914; and *Buckman Direct Diversion Board v. CDM Smith et al.*, D-101-cv-2018-01618. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

- 18. Authorizing the City to Join Amici Briefs Filed on Behalf of Local Governments in Appeals to *San Francisco v. Barr* and *California v. Barr* in the Ninth Circuit, Regarding Enforcement of the § 1373 Certification, Notice, and Access Conditions on the Byrne JAG Grant. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
- 19. Authorizing the City of Santa Fe to Join the City of Chicago, City of Los Angeles, City of Oakland and Other Local Governments in an Amicus Brief in Support of the Plaintiffs in Case *East Bay Sanctuary Covenant v. Trump* in the Ninth Circuit, Challenging the Validity of an Interim Final Rule Titled "Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims" and a Proclamation Titled "Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States". (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)



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20. Approval of an Agreement Pursuant to Section 611(g) of Title VI of the Claims Resolution Act of 2010, as Partial Settlement of *State of New Mexico v. Aamodt*, Case 6:66-cv-06639-WJ-WPL. (Marcos D. Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512)
21. Approval of Settlement, *High Summit v. City of Santa Fe*, No. A-1-CA-36914. (Marcos D. Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512)
22. MATTERS FROM THE CITY CLERK
23. COMMUNICATIONS FROM THE GOVERNING BODY

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
 - Economic Development Advisory Committee
- H. PUBLIC HEARING:
 - 1) CONSIDERATION OF BILL NO. 2019-6: ADOPTION OF ORDINANCE NO. 2019-___. (Councilor Romero-Wirth and Councilor Lindell)
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. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)



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- a) CONSIDERATION OF RESOLUTION NO. 2019-___. (Councilor Romero-Wirth and Councilor Lindell)
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. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

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:	5/3/19
TIME:	4:45 PM

SUMMARY INDEX

SANTA FE CITY COUNCIL May 8, 2019

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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 – April 24, 2019	Approved as presented	2
9. Presentations:	Santa Fe High NJROTC	2-3
10. Consent Calendar Listing	Listed	3-5
Consent Calendar Discussion		
a. GM Emulsion PSA Amendment 1	Approved	5-6
l. Resolution No. 2019-25	Approved with terms	6-9
11. Publish Notice of Public Hearings		
a. Election Code Ordinance Changes	Approved	9-10
b. Public Campaign Finance Code	Approved	10
c. Repealed sections of 9-2.4, 17	Approved	10
12. Impact Fee CIP resolution repeal	Approved	10-11
13. Garson Studio Lease	Approved	11-12
14. Median/Weeds Management Plan	Informational	12-17
15. City Budget & Org Chart Resolution	Approved	17-20
16. Matters from the City Manager	Comments	20
17. Matters from the City Attorney	Comments	20-21
18. Amici Briefs	Approved	27
19. Amicus Brief - Trump Challenge	Approved	27-28
20. State v. Aamodt Settlement	Postponed	28
21. High Summit Settlement	Approved	28-29
22. Matters from the City Clerk	None	21
23. Communications with Governing Body	Communications	21-22
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F. Petitions from the Floor	None	23
G. Appointments	Appointments postponed	23
H. Public Hearings		
1. Electric Scooter Definition	Approved	23-24
a. Electric Scooter Resolution	Approved	25-26
Executive Session	7:44 - 8:35	26-27
I. Adjournment	Adjourned at 8:41pm	29

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 8, 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, May 8, 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

John Muñoz, Acting City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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 Vigil Coppler pulled item 10 (I) for discussion.

Councilor Lindell pulled item 10 (a) for discussion.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve the Consent Agenda as amended with discussion on a and I.

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 – April 24, 2019

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the minutes of April 24, 2019 as presented.

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.

9 PRESENTATIONS

- a) Proclamation – Santa Fe High School NJROTC. (Councilor Abeyta)
(Councilor Villarreal)

Councilor Abeyta announced this is Santa Fe High School NJROTC's fourth consecutive State Championship and one of the cadets is 4th best in the nation. They won 122 trophies and medals.

Mayor Webber declared May 8 ,2019 as Santa Fe NJROTC Day.

Their sponsor accepted the certificate on the students' behalf and thanked the Governing Body for the recognition. They were recognized by the County Commission also.

10. CONSENT CALENDAR

- a) This item was pulled by Councilor Lindell.
- b) Request for Approval of Change Order No. 3 for POTW On-Call Repair, Replacement and Term Extension in the Amount of \$100,000, Inclusive of NMGR; Subsurface Contracting, Inc. (Stan Holland, Engineer, tsholland@santafenm.gov, 955-4637)
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- k) Request for Review and Approval of Three Contract Amendments for the FY-2018-2019 Economic Development Portfolio as Awarded through RFP to Provide Workforce Development, Business Development, and Other Support for Economic Development in Santa Fe for a Total Funding Amount of \$75,000 as Identified. (Matt Brown, Economic Development Department Director, mpbrown@santafenm.gov, 955-6915)
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 - 3) Professional Services Agreement, Amendment No. 3 – Youthworks RFP ‘16/37/P in the Amount of \$40,000.

CONSENT CALENDAR DISCUSSION

- a) Request for Approval of Amendment No. 1 to Professional Services Agreement Item #19-0031, for On Call Roadway and Trails Construction Services in the Amount of \$120,000, Inclusive of NMGRT; GM Emulsion LLC. (Randy López, Transmission & Distribution Operations Supervisor, rjlopez@santafenm.gov, 955-4246)

This item was pulled by Councilor Lindell.

Councilor Lindell asked how the City is going about the repairs and what guarantee there is on the repairs.

Mr. López's stand in said a one-year guarantee was required from the contractor.

Councilor Lindell hoped for a program where the City keeps very good track on where they are and when repairs were completed, to do an inspection. She saw many that failed right after they were repaired. The quality of these repairs is not what we expect sometimes. We should not take them on if they are not meeting the quality needed.

The Staff agreed to develop that.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the amendment to the PSA with GM Emulsion.

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.

- I) CONSIDERATION OF RESOLUTION NO. 2019-25. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth, Councilor Vigil Coppler, Councilor Rivera, Councilor Ives and Councilor Villarreal)
A Resolution Creating a Women's Commission to Identify Opportunities to Improve City of Santa Fe Programs and Policies and to Strengthen the Quality of Life of Women and Girls in Santa Fe so They Can Thrive, Personally and Professionally. (Kyra Ochoa, Community Services Department Director, krochoa@santafenm.gov, 955-6603)

Item I was pulled for discussion by Councilor Vigil Coppler.

She had a few items to raise re FIR. It only included the amount for overtime. We just got out of budget season. The other FIR came forward with intangibles and the Council has a large workload and this impacts with good work to be done. In the future, we should look at real costs. This is a brand new committee and it will take some staff time.

She thought it needs a higher level of organization. It crosses both internal and external organizations. It may not have the inherent authority to be really effective, considering businesses and other groups. Maybe it should be in the Mayor's Office. It is just too far down on the org chart.

She noted that in the very first draft, this seemed to imply they would get in there and accomplish their work and at that time, it had an expiration date. But without it sunseting, the impact on staff will be large.

Councilor Villarreal appreciate having this done. The work is crucial. We probably have never looked at gender equality. She was in full support and appreciated the amount of time devoted to it. She had an amendment to change the structure of the terms, making sure it is balanced and with time frame that would fit better.

Although she didn't remember any sunseting, she thought they should look for the time when they have completed their work and thought it would help to have it come sooner. She also agreed with Councilor Vigil Coppler about the need to put it at a higher level position. Community Services can staff this, but it should be higher in the org chart. "What if it was in Mayor's office - looking at pay equity and getting the data we need? There is more leverage in the Mayor's Office or Constituent Services.

Councilor Romero-Wirth suggested regarding the sunset date, that it would make sense to ask for a review of the Commission in a number of years at a certain time to see if it has been effective or still has work to do rather than having a hard sunset.

Secondly, she wondered about the language on page 6 of resolution, on lines 3-4 that says it is comprised solely of women. She thought they might want a man to serve on it and asked to take that language out.

She related that her daughter, who is graduating next week at Georgetown, texted her about it. We need men in these conversations and have them as allies rather than adversaries. We need to be inclusive. Those were her suggestions before final approval.

Councilor Harris said he had been bothered by the exclusionary nature of this commission as Councilor Romero-Wirth just addressed. This runs counter to diversity and inclusivity. "My daughter has the same opinion as hers. I hope we could approve that proposed amendment."

Councilor Vigil Coppler liked the review idea and should have it sooner - after one year. She would rather know it is not working out than to go past a year.

Councilor Villarreal said she would ask for the privilege - having men as allies - but with women as founding members. That is not to say men would not be included and groups folded in on the conversations on gender justice and policy work around that. But doing the work specifically by women is important. So she disagreed. Men always have spaces and the Commission doesn't need to have that. Men can be brought in for specifics.

Mayor Webber liked the conversation. "The Commission is long overdue and should have had it for women's opportunity and fairness. It is something we live with every day. The creation of this Commission is most significant. I'm comfortable with a review. It always takes time to get things going. We could have regular reports. Councilor Abeyta already talked about presentations. We could schedule annual presentations and I think three years is a reasonable time. I am not in favor of sunset. That work is never done. We will need more time for redress. As far as sequencing of service, I think rotation is preferred. I'm agnostic on only women for members. But I would start only with women to start. To get off on the right foot, the people to serve ought to be the people on the Commission, just as veteran's on the veteran's committee, youth on the Mayor's Youth Commission and disabled on the Mayor's Commission on Disabilities. It is past time to do this."

"Where to put it is interesting. It will take staff resources to work it out and I am happy to have it in the Mayor's office. But the person identified already will need to do the work. The number of people on this resolution tells me it will have priority for resources needed. I have no doubt they will have access to anything they want."

Councilor Romero-Wirth understood the Commission would be predominantly if not totally women. And the resolution outlines who will appoint them. Why not just take out the exclusionary language that would shut down consideration in the future of having a man on the Commission?

Mayor Webber did not think common sense dictates that with these other commissions.

Councilor Romero-Wirth noted this is not exactly parallel with the others.

Councilor Villarreal said the Board is not about educating although learning from each other. These women are committed. Educating is to the community. She did not think the education is happening within the Commission itself. She just had a problem with that. They are there to educate the public.

Councilor Vigil Coppler commented regarding composition, that this is an investigatory committee. The purpose is to represent various backgrounds of women who have experienced issues. And women experience more in the workplace than men. She had no problem including men down the road. We've already discussed that. She proposed one -year review. If this committee isn't getting what it needs, we need to take care of it right away. She proposed a life of at least two years.

Mayor Webber thought all agreed with no sunset. He asked if reporting to the Governing Body should be one, two, or three years.

Councilor Vigil Coppler wanted a report in one year.

Mayor Webber said the Council gets reports from all committees compared with their mandate. At what point will we know? Probably not at the end of the first year. It might take a year for full organization.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Ives, to add language to review the work of the Commission in three years.

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, and Councilor Villarreal.

Against: Councilor Vigil Coppler.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Harris, to strike the language on page six that specifically excludes men.

Councilor Ives proposed amending to say the Commission would always have five women on the Commission.

Councilor Romero-Wirth said that amendment was not friendly to the maker.

Councilor Romero-Wirth read the definition of woman again and said it would be better not to specify the number of women but just be silent about numbers.

VOTE: The motion failed on the following Roll Call vote:

For: Councilor Harris and Councilor Romero-Wirth

Against: Mayor Webber, Councilor Abeyta, Councilor Ives, Councilor Lindell, Councilor Rivera, Councilor Vigil Coppler and Councilor Villarreal.

The amendment to strike gender language failed.

MOTION: Councilor Villarreal moved, seconded by Councilor Ives, to approve the resolution with terms.

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 the Council and made more comments about it.

END OF CONSENT CALENDAR

11. Request for Approval to Publish Notice of Public Hearing on May 29, 2019:

- a) **Bill No. 2019-9:** An Ordinance Amending and Repealing Various Sections of the Election Code, Section 9-1 SFCC 1987, to Accommodate Recent Changes in State Law 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. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yvvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City

Attorney, mdmartinez@santafenm.gov, 955-6502)

- b) **Bill No. 2019-10:** An Ordinance Amending Sections 9-3.5, 9-3.8, and 9-3.9 SFCC 1987 Regarding the Public Campaign Finance Code, Adjusting the City's Qualification Process for Public Financing to Reflect Recent Changes in State Law. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)
- c) **Bill No. 2019-11:** An Ordinance Amending Section 9-2.4 to Remove Reference to a Repealed State Law; and Repealing Section 9-2.17. (Councilor Romero-Wirth) (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521; Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

Ms. Vigil explained the three items and said the hearing will be on May 29, 2019. She clarified that one motion could approve the notice to publish for all three.

Councilor Vigil Coppler said on 11 A, she was curious about the either/or in actually doing it.

Councilor Romero-Wirth clarified that is a matter to take up in the actual legislation, but this is just procedural.

MOTION: Councilor Lindell moved, seconded by Councilor Ives to approve the notice to publish **Bill No. 2019-9, Bill No. 2019-10 and Bill No. 2019-11.**

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. CONSIDERATION OF RESOLUTON NO. 2019-18. (Mayor Webber, Councilor Harris and Councilor Vigil Coppler)

A Resolution Repealing Resolution No. 2019-18 Adopted on April 10, 2019 and Adopting A Substitute Resolution to Correct the Address: Amending Table 80 of the Santa Fe Impact Fee Capital Improvements Plan 2020 Regarding Planned Major Road Improvements and Adding "Sidewalk Improvements at 3240 Rufina

Street” as an Eligible Project to Receive Road Impact Fees. (Lee Logston, Senior Land Use Planner, lrlogston@santafenm.gov, 955-6136)

MOTION: Councilor Rivera moved, seconded by Councilor Ives to approve Resolution No. 2019-18.

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 a Lease** of the Garson Studios of the Midtown Campus to Garson Studios Santa Fe, LLC. (Kevin Kellogg, Asset Development Manager, kckellogg@santafenm.gov, 955-6213)

Ms. Vigil explained the lease.

Councilor Lindell hoped next time the proposed lease would go to Finance first. She understood this is under time constraint. This calls for reporting and she asked at what frequency the reports would be made.

Mr. Kellogg said they would make monthly reports to the Asset Development Office and none to the Governing Body.

Councilor Lindell asked for quarterly report to Finance be included in the lease.

Mr. Kellogg agreed.

Councilor Harris thanked the Staff for their clarification on the operating expenses. It seems to be clear on who is responsible. He appreciated what Mr. Reuben did in the past and hoped for more.

MOTION: Councilor Harris moved, seconded by Councilor Ives to approve the lease of the Greer Garson Studios with one condition (report to Finance).

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.

- 14. Management Plan for Weeds and Medians in the City of Santa Fe.** (John Munoz, Parks and Recreation Department Director, jpmunoz@santafenm.gov, 955-2142; Shirlene Sitton, Environmental Services Division Director, sesitton@santafenm.gov, 955-2209) **(INFORMATIONAL ONLY)**

Mayor Webber said we all take seriously how the City looks. This winter was hard for the city. The medians are blossoming now, and the weeds are growing. This is a report on where we are on Santa Fe Beautiful and what is potentially going to happen in the future for Parks and Recreation and Santa Fe Beautiful.

Director Sitton said they are working together and presenting on median maintenance. There are about 400 medians in the City. The Parks Department is responsible for maintenance overall. She was present to address the assessment done. It is a 35-year old project. In 1985, Adopt a Median was created.

They wanted high visibility along Cerrillos Road and started with 11 medians on Cerrillos Road. Over the years, many more medians have been added. In the audit just completed, it shows 87 medians are adopted and all are still valid in 64 contracts. Some of them are in need but others are beautiful. Acknowledging the contracts is a good thing to do. She thanked people for the efforts they have made.

There were historical challenges in the past when there were no dedicated staff to this program. On top of that, too many medians were added to the program and there were no end dates in the contracts and no infrastructure for reporting their accomplishments. Historically, the City had no way to ensure maintenance was being done.

The weed control and maintenance of the medians was from April through October in the contract, but it is doubtful most volunteers have adhered to that schedule. And, on top of that, there were safety issues. The City Staff has safety equipment but that doesn't ensure that kind of safety for the volunteers. They contact the Parks Department to obtain the safety equipment. If all adopters were doing proper maintenance, it would be overwhelming to the Staff. There is also the problem that no skills are required among the volunteers. Guidelines are provided, but that is not any guarantee. Other than putting a sign in the median and the cost of the sign, no other sustaining funds are allocated to the program. Some volunteers do put finances into the median maintenance but no others.

The assessment is in process. We have located and assessed the condition of the adopted medians. Staff had to look at the appearance of the medians and took pictures of each one. So, we have updated the data on 83 medians. Staff is working on

removal of the old signs and contracting to terminate some active contracts and conducting GIS of adopted medians that shows where they all are and references to the approvals. Then they can add information on when contracts expire and manage it more accurately. But it won't happen overnight.

Next are the safety issues. We must address them and ensure volunteer safety. They will determine how many they can manage while moving forward rather quickly.

The alternative program is not ready to present yet, but the Santa Fe Beautiful Board is ready to move ahead into the future. But they cannot eliminate maintenance through volunteers. The City is still responsible. We need to simplify the maintenance of medians. She asked what they could do to change this picture. She suggested looking at the Development Code and asked if it could be changed with wide boulevards with medians that actually hurts building. She asked if we can hold developers more responsible or use the HOA or property management of a development. She also noted that some medians are not appropriate for landscaping.

Mr. Muñoz thanked his team for their long hours. Gary Varela and Nathan Saiz, team members, were present. They are working through Public Works as a good partner on some issues and to Santa Fe Beautiful for good work on medians. Maintenance is a problem for them. He contrast the activities of the past and what is planned for the future on their commitments, staffing and needs. There are 77 parks, over 100 miles of trails and 113 miles of medians. That is a lot of territory to cover. There are also about 400 events to cover each year.

Staffing happened toward mid-year and they are already behind the eight-ball and have had to add more members to the team. He is ensuring training and development with staff, especially the new hires. They are holding monthly safety meetings and making sure teams are properly attired for the jobs. Handling human waste and drug paraphernalia is difficult. He compared this year with previous years and found that claims are significantly down. Broken windows are also down.

But we have seen a decline in maintenance. The Implementation Plan has had proactive staffing months in advance - as early as February. They are dividing into districts. And although that is not a complete answer, it is helping them be more efficient and putting the right people in the right places. They are augmenting by contracting with vendors.

Some people lack the proper tools, and some brought tools from home. We are correcting those practices. The GIS mapping is progressing. They are done with parks and will be done soon with medians also.

The guiding principles include people first and user-friendly. We want to get more families to the parks.

Councilor Harris had three photos he took yesterday. He said, "This is the most frustrating thing in four years on Council. It is a failure to everyone when they drive into the City. The maintenance is not working. "I wish I had confidence in what you told me, but I don't. I see it as my failure because I could not effect any change. Cerrillos Road is horrible as are Zia Road and Rodeo Road." He showed photos of weeds almost four feet tall. The photos were taken yesterday. Dead trees have been on Zia for a couple of years.

"We don't want a plan but action. Do you have the money to do what you proposed for this year?"

Mr. Muñoz said he understood Councilor Harris' frustration. "It is frustrating, but our team does work hard to make positive results. The plan is to act and get results and the day will come when you will see the transformation. We do have budgets and as we get into the growing season, we are looking at a response team to work on the medians like the team working on potholes. Initially, there is \$6,000 to do remediation work in the medians. I don't make excuses and we will fix it."

Councilor Harris said a month ago, he asked about medians. \$89,000 is what they might have at hand. The FY 19 budget is pretty well expended.

Mr. Muñoz agreed.

Councilor Harris asked if \$89,000 would be enough through the end of the Fiscal Year. The expectations in District 4 are so low that almost anything will be better. He urged them to work hard and work smart.

Councilor Vigil Coppler said she had seen that picture of Yucca Street. She has a lot of confidence that they will be done. She was glad to have the plan and had faith in it. She said the City does not give Parks and Rec enough money to do what they are expected to do. "We had better pony up the money for those expectations for this kind of workload without funding them. Staff is out there doing what they can."

She saw in the report, that there are dead trees on Rodeo Road and Zia Road and asked if this plan addresses that.

Mr. Muñoz said it does.

Councilor Vigil Coppler asked if the median schedule is online.

Mr. Muñoz agreed that it is.

Councilor Vigil Coppler said the City needs to do a better job with sidewalk foliage overgrowing pedestrian access to remind the owners to clip that foliage so people can walk on the sidewalks. She got a complaint from an 80 year old woman who

walks with a cane because owners have blocked the sidewalk. The City needs to hold homeowners to the task. She commended Mr. Muñoz for coming forward. We will see how it all works out.

Councilor Ives pointed out that sidewalk ownership comes with responsibility. Many things were put aside in the Public Works Division on that issue. He did not know where it is, but we will be completing the budget and will take up the sidewalk issue to see if we understand where the City responsibility lies and where it is the responsibility of homeowners and business owners - not only for weeds but for the quality of the sidewalks as well. The City needs to do its part and he wanted to leverage that help in the process.

Councilor Abeyta noted that the medians on Cerrillos Road, are part of the state road. He asked if the City is responsible for them or the State.

Mr. Muñoz believed the agreement with the State is that the City is responsible for those medians.

Councilor Rivera asked Director Sitton regarding the assessment, if the City will have the median plan in place before they get beyond control.

Director Sitton said they are moving fast to maintain those medians into a rotation by parks. Some are maintained very well. The highest priority are for those medians not in the adoption program.

Councilor Rivera noted that for the program over the past eight years, the city has worked with two teams and making a loop. He asked if the Department is increasing the number of teams.

Mr. Muñoz agreed and explained the reorganization will have the first team cut, the second team picks up the garbage and third team trims the bushes and trees. That will allow for more rotation.

Councilor Rivera thought the teams are doing the best they can with what they have. He noted the management plan does not allow for spray or control of trees. We created it ourselves. Hopefully, they can keep up.

Councilor Romero-Wirth asked if some medians were installed as traffic calming measures.

Director Sitton thought they were traditionally.

Director Wheeler agreed. It is true that narrowing a lane does calm traffic and provides pedestrian refuge, so it is beneficial for traffic.

Councilor Romero-Wirth thought Santa Fe is not the only city with medians and looking for solutions should include finding out what others do to make it work.

Councilor Lindell asked if with this Santa Fe Beautiful program, every median has been adopted that could be adopted out.

Director Sitton agreed.

Councilor Lindell asked if they have all been contacted who have adopted.

Director Sitton said they have, and the City gives them a little time to respond and then remove signs from those not managed.

Councilor Lindell said nothing has happened in two months. She asked why the City would keep the adoptions where no one volunteers. She agreed with Councilor Harris on this. It is frustrating that we are talking about this in May since "the train has left the station for this year." The plan was not in place and oversight has gone back and forth from Parks to Santa Fe Beautiful. Talking to developers about the future is not helpful and we need to focus on what is here now. We need to do better. She hoped Santa Fe Beautiful would be able to complete that project in the next two weeks to a month.

Director Sitton said some adopters expressed they would improve the median, but they are not city employees. If they cannot get in there, we will ask them to take the sign away.

Councilor Rivera said he promised Mr. Saiz breakfast burritos last year. "You need to let me know. The offer is still there."

Mayor Webber thanked Director Sitton for coming tonight. This obviously at one level seems small. But, as Councilor Harris said, "This is a significant issue in Santa Fe to keep our promises. We are proud of how it looks, and it hurts when it doesn't look good."

"I can't remember hearing a serious plan before. While we are already struggling, I do give this team credit that if you don't plan, it will fail automatically. How you deploy, equip and train staff, the proof is in the performance. The idea has been presented and a promise to remedy mistakes and a structure for how teams are dispatched. We will hold the teams to their performance. If it a problem of money, we will bring that back. Are we doing it the right way, and not throwing good money after bad? They are stepping it up from dawn to rush hour and Councilor Harris's photos prove we are not keeping up with the weeds. We will ask for more updates and find out how well it delivers whether using our own crews or money from outside."

At 6:46, Mayor Webber suggested having the executive session at the end of the meeting. The Councilors agreed.

15. PUBLIC HEARING

- a) **CONSIDERATION OF RESOLUTION NO. 2019-26.** (Finance Committee)
A Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Annual Operating Budget and Organizational Chart. (Mayor Webber, Erik Litzenberg and Mary McCoy)

Ms. Vigil presented the resolution for the FY19-20 Budget and the Organizational Chart.

Mayor Webber opened the public hearing.

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

Councilor Abeyta thanked members of Finance Staff, other City Staff and members of the Governing Body for their participation in 26 hours of meetings and 60 items for Staff to get back on other information during those 26 hours and there are many more items we still need to get into discussion at Finance and Public Works Committees.

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to approve RESOLUTION NO. 2019-26, City budget for FY 2020 and Organizational Chart.

Discussion on the Motion:

Councilor Rivera wanted Council to think hard over this next year about the Special Events Coordinator. That person has to coordinate meetings with various departments and sometimes those outside the City - fire, parking, and police. He was not sure having a term employee would help that much. Need City Manager's Office to pull it all together - During summer events, we always see the events coordinator walking around doing her job. But we need other options.

Councilor Vigil Coppler would like to see Council continue to update our compensation plan so we can keep track of what we are doing. HR has the majority of the money in the budget. We need to work diligently on it and have that be identified in each budget, including FTE's per department, section, and unit, with each identified as classified/exempt, temporary, part-time or full-time and whether overfilled or underfilled. Without that, we are not controlling the majority of our budget as we should. She also wanted continued transparency, so Division Directors and Supervisors know where they

stand.

She would also like to develop a parking policy with known revenue and expense reports. She thanked Councilor Abeyta for all the shepherding on the hearings.

Councilor Villarreal commended the Finance Team and Staff at all levels to put it all together. There were aspects that worked very well and some that didn't work well. On Monday, we have different perspectives on what we do. There was a statement on Monday that we had never forecasted GRT, and actually did a forecast of GRT before so she wanted to correct that statement. It might be a different approach, but they did that.

She was concerned about Parks and Rec supervisory role.

She was also concerned in Public Works and understood we are moving into a new parking system plan. But she still had concerns about aspects of the engineering team. "If we eliminate those positions from Public Works, we need to ensure adequate staffing levels for support of services from streets and stormwater management and need to look at it each year.

She assumed Council will have mid-year budget review to see that we are on track.

Councilor Ives echoed the compliments to all who participated. It seems to be a Herculean effort each year and he hoped the budget comes to Council at the end of February next year. He did not think it was fair for the Governing Body to be held to read through complex financial issues while sitting here. We are part-time and have other jobs and everyone works hard to be prepared. It is an impossibility, quite frankly, and if we are going to have meaningful input, we need time to consider them.

One part of the budget he could not understand was the organizational chart. He went back to the Charter and looked at the powers of the City Manager, who is described as the chief administrative officer, who has the power to hire and fire all city employees except for the City Attorney and a few others that were assigned to the Mayor's office. Our org chart, in his mind, is fine to have the Mayor over the Municipal Clerk and City Attorney and City Manager but the City Manager is allocated out over everybody else.

The other issue is a box hanging out there in a "blurb of color" in an undefined space. We have direct responsibilities to the citizens of Santa Fe and, as a Governing Body, it is Mayor and Council that are responsible for all legislative actions and he was not sure that could be reflected in the org chart.

The Municipal Court is separately elected position and is the only one that should be offset in relationship since Council is still responsible for budget purposes.

He would love to see a few changes to the chart to reflect the actual structure of the government and to see a full org chart in years to come, including the org chart of various departments, with vacancy savings. Let's plan for contingencies - and not pretend to fill those vacancies if we are not going to bother to fill them.

Councilor Harris was glad to follow Councilor Ives because a little humor helps him find some balance. We still struggle on the org chart. The first version had the Governing Body "over there" and Councilor Ives's comments are spot on. We are still working on the new arrangement. The good news is that we have such a good group of nine on Council that we can talk it through and solve just about anything. He agreed on the information that should be there.

As critical as he had been with Parks and Rec, that as Judge Vigil was presenting on Municipal Court, he found the error in the documents for Parks and Rec for service contracts. It ended up being \$325,000. We need to have lead time for these mistakes. This was his fourth time on review of budget and felt this was by far the best. He felt very comfortable with where we stand on the City's finances.

He asked how we could adequately fund Midtown without taking away from the other work that needs to go on. Sorting out the priorities was an important job for Mr. Kellogg.

And, as was mentioned earlier, we have the classification compensation study. The third leg for employees is training and professional development that can advance them to the next level, and that is important. Safety we can talk about in the future. We know we will raise that bar considerably for everyone. He asked about the regular mid-year updates.

Mayor Webber said it would answer if we are meeting revenue targets and review other parts, like what we did last year. Director McCoy intends to do it on a quarterly basis and roll it forward on as-needed basis.

Councilor Harris thanked every Department Director and their staff who had a heavy lift on this. Everyone should know that all Council members appreciate that.

Councilor Romero-Wirth pointed out there is no Constituent and Council Services box on the org chart. Trying to draw a picture is not easy. It is not linear. It is hard to do a chart. And it goes to how we are structured. They are Council employees but who do they report to and who supervises them?

She also echoed the thanks to Finance Chair and all Division Directors, and especially to Mary McCoy and all who worked hard on the budget. She agreed the Councilors need information sooner and the ability to go deeper on the big jumps from last year. We didn't get into the program level of things to be done. As we go forward, if we have more time, it would be easier.

Councilor Lindell thought we passed a good budget. Our Finance Director is still standing. I'm definitely on her side. Compliments to Councilor Abeyta for an exceptionally good job this year.

Mayor Webber applauded this constructive group of people. "You solve problems and work collaboratively and make the City better. People saw a group of elected officials doing the work the right way. It is a tremendous tribute to you on how things were conducted. You found the mistakes and fixed them. Councilor Abeyta was an exceptional chair handling a lot of information on both small granular choices and larger choices."

"The ordinance and HR started their work months ago in cleaning up positions and examining every department and position to see where there were misallocations and filled but not budgeted positions. That took months of work while CAFR was being done. Three levels of budget was a significant undertaking, giving choices both now and under contingencies in the year ahead. And we continued the effort to get our house in order and make the city run like well-run operations. It keeps the promises made."

"We did fully fund the compensation and classification study; we promised an increase for police and provided a 10.15% increase. We funded the Southside Teen Center. Councilor Abeyta brought ten years of resolutions. It is in this budget. Broadband and infrastructure is in this budget. One step at a time. In developing the skills and delivering on our promises, each Councilor can take credit for that. I'm deeply grateful for you good ideas and support for that - for the budget and spirit."

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.

16. MATTERS FROM THE CITY MANAGER

Mr. Muñoz invited the Council and public to the CommUNITY Day this Saturday at the Plaza.

17. MATTERS FROM THE CITY ATTORNEY

The executive session was moved to the end of the meeting.

Ms. McSherry reported on the communications regarding Pak Mail on the fire lane designation at the alley behind their business. In January, the City offered for their truck to use the bus stop located on Guadalupe Street, but the City still receives complaints from a neighbor about delivering vehicles in the alley. Most recently, from the Attorney for Pak Mail, was a notice that they were unhappy with that fire lane designation. In April and follow-up yesterday, they sent an email elaborating on it. She offered them an opportunity to park on Guadalupe where there is a ramp.

22. MATTERS FROM THE CITY CLERK

Ms. Vigil had departed for Albuquerque.

23. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the bills and ordinances to be introduced is incorporated herewith to these minutes as Exhibit 1.

Councilor Romero-Wirth introduced a resolution concerning the NCRTD budget for funding the Mountain Trail 255 Route and direction Staff to submit the City's FY2020 Regional Transit Plan to the NCRTD Board for consideration and approval. She was also sorry to hear Councilor Ives would not be seeking a third term. She would look forward to working with him in next few months and afterward, he would be missed.

Councilor Harris said he thought he and Councilor Ives would take a beach vacation.

Councilor Ives joined as cosponsor to Councilor Romero-Wirth's resolution and also for Mayor Webber's resolution and looked forward to learning more on those from Councilor Abeyta. He said the time has flown by and it is hard to believe it has been that long. It has been a most fulfilling experience to serve the City and build its future. It has been a joy to work with all of you on Council. "I spent the first six months in 2012 learning how dedicated so many City employees were in their work and that perception has continued over the years. It has been a joy and there is much work to do before January 1, 2020."

Councilor Lindell said she has seven more months to sit beside Councilor Ives. "I will be thinking about that email and publish a statement later on."

Councilor Rivera announced no birthday this month to celebrate.

Councilor Abeyta is introducing an ordinance relating to changes in the Land

Development Code, Chapter 14, on the Summary Committee and introducing an ordinance regarding membership on Children and Youth Commission and a resolution creating and amending the Santa Fe Regional Juvenile Justice Board.

Councilor Vigil Coppler was also saddened to hear of Councilor Ives's departure. "Your email was cool. I look forward to hearing you sing at Cabaret."

Mayor Webber introduced a resolution on money and politics, and it would put us on record again to say that corporations are not people and the U.S. Constitution should be clarified about that issue.

He said he already has separation anxiety for the loss of Councilor Harris and Councilor Ives. He promised to do everything in his power to appoint them to boards and commissions. You will not go on a beach vacation; you will be working for the people of Santa Fe for the foreseeable future. There is no retreat and no surrender.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to suspend the remainder of afternoon agenda and specifically have the executive session at the end of the evening agenda.

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.

END OF AFTERNOON SESSION

EVENING SESSION – 7:28 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, May 8, 2019, at approximately 7:28 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

John Muñoz, Acting City Manager
Erin McSherry, City Attorney
Carl Boaz, Council Stenographer

F. PETITIONS FROM THE FLOOR

There were no petitions from the floor.

G. APPOINTMENTS

- Economic Development Advisory Committee

Mayor Webber nominated two people to serve on the Economic Development Advisory Committee, but a question arose about residence requirements.

MOTION: Councilor Ives moved, seconded by Councilor Lindell to postpone this appointment to the next Governing Body meeting.

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.

H. PUBLIC HEARING:

- 1) CONSIDERATION OF BILL NO. 2019-6: ADOPTION OF ORDINANCE NO. 2019-05.** (Councilor Romero-Wirth and Councilor Lindell)
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. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

- a) **CONSIDERATION OF RESOLUTION NO. 2019-27.** (Councilor Romero-Wirth and Councilor Lindell)
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. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

Mayor Webber opened the public hearing.

Ms. Linda Bunton, 451 Avenida Primera South, said these scooters can be a menace and it is a global problem. We visited Singapore and they had a serious scooter problem in Singapore. They are a menace. Singapore is a well-organized city and she was not sure where they are right now on that issue, but there was a lot of anger. She was glad the City is looking into it and what the problems could potentially be here.

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

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Ives to approve the ordinance change with the amendment that was included in the packet.

Discussion on the Motion:

Councilor Harris favored the proposed ordinance.

Councilor Romero-Wirth had one concern on how this would change the language to insert "except for purposes of pilot program" with the current language in the resolution. She explained that it says that having a pilot means we have dropped our ban. Just because we do a pilot does not mean lifting the ban. We might do a pilot, but the ban remains in effect for all other companies outside of the pilot and until lifted to allow scooters and establish rules.

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.

Councilor Harris agreed with the ordinance change but had many questions on the resolution.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal to approve Resolution 2019-27.

Discussion on the Motion:

Councilor Harris said too often when we start down a road, it gets a life of its own. He saw them in Denver and Oklahoma City and did not even want an evaluation. He didn't know the legality of it. Is the ordinance enough? What is the upshot? How enforceable is the ordinance without some sort of evaluation to see if it is even appropriate?

Ms. McSherry asked what kind of challenge he anticipated. She did not think there would be a reasonable challenge to that kind of ban.

Councilor Rivera noted on the page of the resolution if there were similar electric motorized personal mobility devices. He asked if that would be some kind of motorized wheelchair.

Councilor Romero-Wirth deferred to Director Wheeler on that question.

Director Wheeler said the technology is changing rapidly with motorized skateboards, segues, etc.

Councilor Rivera asked Ms. McSherry if there were problems with that.

Ms. McSherry said this is just rental of them. So it is specific.

Councilor Romero-Wirth said this is just a whereas because we don't have any rules on them. It is just making an observation.

Mayor Webber did not think it was a violation of the law but thought it was incumbent on us to do a serious evaluation of it and let people be heard on it. People not present may think it will be great to have people scooter around. He thought it is a useful activity to look at it. He thanked Councilor Romero-Wirth for her work on this issue when people are dropping scooters on us.

Councilor Romero-Wirth said one option is that the recommendation comes back that it is not a fit for Santa Fe. Maybe if we look just in a particular neighborhood and would have to look at that and do a pilot there. And then try it out and, based on the pilot, that people don't like it, the City would still have the ban in place. And if the pilot is a great success, then we could create rules for it in one segment part of town. There is

technology for geo-sense and that could keep them in one part of town. But we need rules. She related that she got criticism in allowing the pilot only for one year. This industry is changing quickly.

Councilor Abeyta commented regarding District 3 that there is a greater distance between home and grocery stores, and he was not saying this is the solution, but could be one of the transportation options for people in District 3 were there are distances.

Councilor Vigil Coppler said she has not received one single comment of people who support this. There was only one BTAC member who wanted it and the rest expressed concerns. No formal vote was taken but overall, they weren't favorable. She was not in favor of electric scooters at all.

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

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

Against: Councilor Harris and Councilor Vigil Coppler

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H), Subpart (7), Discussion of Threatened or Pending Litigation in Which the City is or May Become a Participant, Including but not Limited to *State of New Mexico v. Aamodt*, Case 6:66-cv-06639-WJ-WPL; *San Francisco v. Barr*, and *California v. Barr*; *High Summit v. City of Santa Fe*, No. A-1-CA-36914; and *Buckman Direct Diversion Board v. CDM Smith et al.*, D-101-cv-2018-01618. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

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

The Governing Body went into executive session at 7:44 p.m.

The executive session ended at 8:35 p.m.

MOTION: Councilor Rivera moved, seconded by Councilor Ives to come out of executive session, noting for the record that the discussion in executive session was limited to the matters 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.

18. Authorizing the City to Join Amici Briefs Filed on Behalf of Local Governments in Appeals to *San Francisco v. Barr* and *California v. Barr* in the Ninth Circuit, Regarding Enforcement of the § 1373 Certification, Notice, and Access Conditions on the Byrne JAG Grant. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry read the matter for the Council's consideration.

MOTION: Councilor Ives moved, seconded by Councilor Romero-Wirth to authorize joining the Amici Briefs 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.

19. Authorizing the City of Santa Fe to Join the City of Chicago, City of Los Angeles, City of Oakland and Other Local Governments in an Amicus Brief in Support of the Plaintiffs in Case *East Bay Sanctuary Covenant v. Trump* in the Ninth Circuit, Challenging the Validity of an Interim Final Rule Titled "Aliens Subject to a Bar on Entry Under Certain Presidential Proclamations; Procedures for Protection Claims" and a Proclamation Titled "Presidential Proclamation Addressing Mass Migration Through the Southern Border of the United States". (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry read this matter to the Council.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal to join this Amicus Brief 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.

20. Approval of an Agreement Pursuant to Section 611(g) of Title VI of the Claims Resolution Act of 2010, as Partial Settlement of *State of New Mexico v. Aamodt*, Case 6:66-cv-06639-WJ-WPL. (Marcos D. Martínez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512)

Ms. McSherry recommended to table this agreement until the May 29, 2019 Governing Body meeting when an updated settlement would be available.

MOTION: Councilor Ives moved, seconded by Councilor Vigil Coppler to postpone this matter to the May 29, 2019 Governing Body meeting.

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.

21. Approval of Settlement, *High Summit v. City of Santa Fe*, No. A-1-CA-36914. (Marcos D. Martínez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6512)

Mr. Martínez requested approval of the settlement of Case No. A-1-CA-36914.

MOTION: Councilor Vigil Coppler moved, seconded by Mayor Webber to approve the settlement of the case.

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.

I. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 8:41 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



GOVERNING BODY MEETING OF **EXHIBIT ONE**
May 8, 2019
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION URGING CONGRESS TO CLARIFY THAT THE RIGHTS PROTECTED UNDER THE UNITED STATES CONSTITUTION ARE THE RIGHTS OF HUMAN BEINGS AND NOT THE RIGHTS OF ARTIFICIAL ENTITIES, AND THAT GOVERNMENTS MAY AND SHALL REGULATE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO PROTECT THE PEOPLE FROM CORRUPTION AND UNDUE OR DISPROPORTIONATE INFLUENCE IN ELECTIONS AND GOVERNMENT; ASKING THAT CONGRESS PROPOSE A CONSTITUTIONAL AMENDMENT TO PROVIDE SUCH CLARIFICATION.	Finance Committee – 6/3/19 City Council – 6/12/19
Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE REPEALING SECTIONS OF THE LAND DEVELOPMENT CODE, CHAPTER 14, RELATING TO THE SUMMARY COMMITTEE, A SUBCOMMITTEE OF THE PLANNING COMMISSION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO PROVIDE CONSISTENCY IN THE LAND DEVELOPMENT CODE.	Planning Commission – 6/6/19 Public Works Committee – 6/10/19 City Council (Request to Publish) – 6/12/19 Finance Committee – 6/17/19 City Council (Public Hearing) – 7/10/19
	AN ORDINANCE AMENDING SUBSECTION 6-10.2 SFCC 1987 REGARDING THE MEMBERSHIP AND TERMS OF THE CHILDREN AND YOUTH COMMISSION.	Children and Youth Commission - 5/28/19 City Council (Request to Publish) – 5/29/19 Finance Committee – 6/3/19 City Council – 6/26/19
	A RESOLUTION REPEALING RESOLUTION NOS. 2000-47, 2003-18, AND 2010-68 CREATING AND AMENDING THE SANTA FE REGIONAL JUVENILE JUSTICE BOARD.	Regional Juvenile Justice Board – 5/22/19 Children and Youth Commission – 5/28/19 Finance Committee – 6/3/19 City Council – 6/12/19
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
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carol Romero-Wirth		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ENDORSING THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT'S FY2020 BUDGET PROPOSAL; APPROVING THE CITY OF SANTA FE'S FY2020 REGIONAL TRANSIT PLAN; FUNDING THE MOUNTAIN TRAIL 255 ROUTE; AND DIRECTING STAFF TO SUBMIT THE CITY'S FY2020 REGIONAL TRANSIT PLAN FOR FY2020 TO THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD OF DIRECTORS FOR CONSIDERATION AND APPROVAL.	Transit Advisory Board – 5/28/19 Public Works Committee – 5/28/19 Finance Committee – 6/3/19 City Council – 6/12/19
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
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.