



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 29, 2019  
CITY COUNCIL CHAMBERS

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## **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 – May 8, 2019
9. PRESENTATIONS
  - a) Proclamation – St. Michael's High School Pony Express Dance Team. (Councilor Rivera, Councilor Abeyta and Councilor Romero-Wirth)
  - b) Proclamation – Sevastian Gurule. (Erik Litzenberg)
10. CONSENT CALENDAR
  - a) Request for Approval for Amendments No. 1 and No. 2 from the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging, to Increase the Contract Amount by \$171,508. (Gino Rinaldi, Senior Services Director, [earinaldi@santafenm.gov](mailto:earinaldi@santafenm.gov), 955-4710)
  - b) Request for Approval of FY19-20 Children Youth & Families Department Contract Agreement 20-690-300-16738 for \$197,580, for Alternative to Detention Programs. (Julie Sanchez, Program Manager, [jjsanchez@santafenm.gov](mailto:jjsanchez@santafenm.gov), 955-6678)
  - c) Request for Approval of Human Services Committee Funding Recommendations, in the Total Amount of \$1,900,000, for FY 2019-2023; Various Local Non-Profit Organizations. (Julie Sanchez, Program Manager, [jjsanchez@santafenm.gov](mailto:jjsanchez@santafenm.gov), 955-6678)



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- d) Request for Approval and Recommendation of Award for Professional Services Agreement in the Amount of \$108,183.72, Exclusive of NMGRT, for the Airport Road Traffic Signal Optimization/Progression Analysis; Lee Engineering. (John Romero, PW Engineering Division Director, [jjromero1@santafenm.gov](mailto:jjromero1@santafenm.gov), 955-6638)
- e) Request for Approval of Amendment No. 1 in the Amount of \$25,122, Inclusive of NMGRT, for Payment of Audit Certification Fees Associated with Ameresco's Scope of Work to the New Mexico Energy, Minerals and Natural Resources Department (CIP #646A, Energy Conservation Measures (ECM'S) and Associated Work Project; Ameresco, Inc. (Jason M. Kluck, PW Project Administrator, [jmkluck@santafenm.gov](mailto:jmkluck@santafenm.gov), 955-9537)
- f) Request for Approval of Construction Services Contract Using New Mexico State Price Agreement #50-000-15-00072 in the Amount of \$329,781.21, Inclusive of NMGRT, for Parking Lot Rehabilitation Using GRT Funds Appropriated by Council in 2018 for Work at Genoveva Chavez Community Center; GM Emulsions, LLC. (Curt E. Temple, Public Works Project Administrator, [cetemple@santafenm.gov](mailto:cetemple@santafenm.gov), 955-5935)
- g) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$53,883.57, Including Gross Receipts Tax, for Annual Inspection, Cleaning and Repair of Structural Firefighting Personal Protective Equipment - Turnout Gear; Fire W.I.R.E. (Brian Moya, Health and Safety Officer, [bjmoya@santafenm.gov](mailto:bjmoya@santafenm.gov), 955-3511)
- h) Request for Approval of Professional Services Agreement, in the Amount of \$1,600,000, for Advertising Agency of Record with Vladimir Jones. (Randy Randall, TSF Executive Director, [rRANDALL@santafenm.gov](mailto:rRANDALL@santafenm.gov), 955-6209)
- i) Request for Approval of Professional Services Agreement in the Amount of \$100,000 for Marketing Services, \$50,000 to be Funded by Santa Fe County; Northern New Mexico Air Alliance (NNMAA). (Randy Randall, TSF Executive Director, [rRANDALL@santafenm.gov](mailto:rRANDALL@santafenm.gov), 955-6209)
- j) Request for Approval of Professional Service Agreement, in the Amount of \$150,000, for CRM Software; Tempest/iDSS Global LLC. (Randy Randall, TSF Executive Director, [rRANDALL@santafenm.gov](mailto:rRANDALL@santafenm.gov), 955-6209)



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- k) Request for Approval of Amendment No. 1 for a Term Extension, for Developing a Plan in Santa Fe for the 21st Century Library System; Godfrey's Associates, Inc. (Jeffery Donlan, Interim Library Division Director, [jpdonlan@santafenm.gov](mailto:jpdonlan@santafenm.gov), 955-6788)
- l) Request for Approval of Advertising Services Contract in the Amount of \$74,027.38, Inclusive of NMGR, for Advertising Services for the Environmental Services Division; Hutton Broadcasting. (Michaela Beggins, Program Manager, [mkbeggins@santafenm.gov](mailto:mkbeggins@santafenm.gov), 955-2227)
- m) Request for Approval of Change Order No. 2 in the Amount of \$536,585.85, Inclusive of NMGR and Term Extension, for the Wastewater Management Division Anaerobic Digester Project—CIP #950; Bradbury Stamm Construction. (Alan MacGregor, Engineering Supervisor, [asmacgregor@santafenm.gov](mailto:asmacgregor@santafenm.gov), 955-4623)
- n) Request for Approval of Amendment No. 3 for an Increased Amount of \$50,000, Exclusive of NMGR and Term Extension, for Field and Drafting Services; Louie Cordova, LLC. (Dee Beingessner, Engineer, [dabeingessner@santafenm.gov](mailto:dabeingessner@santafenm.gov), 955-4231)
- o) Request for Approval of Amendment No. 1 in the Amount of \$500,000, Exclusive of NMGR and Term Extension, for On-Call Engineering Services for Utility Projects; AECOM Technical Services, Inc. (Bill Schneider, Water Resources Coordinator, [whschneider@santafenm.gov](mailto:whschneider@santafenm.gov), 955-4203)
- p) Request for Approval of Amendment No. 2 in the Amount of \$172,758, Exclusive of NMGR and Term Extension, for FY 19/20 Phase I Engineering and Permitting/Preliminary Design Evaluation for Reuse Pipeline from Paseo Real Waste Water Treatment Plant to Rio Grande; Carollo Engineers, Inc. (Bill Schneider, Water Resources Coordinator, [whschneider@santafenm.gov](mailto:whschneider@santafenm.gov), 955-4203)
- q) Request for Approval of Change Order No. 2 in the Amount of \$1,626,562.50, Inclusive of NMGR and Term Extension, for the Priority Line Replacements Project – CIP #3054 for FY 19/20; Sub Surface Contracting, Inc. (Bill Huey, Engineer, [bchuey@santafenm.gov](mailto:bchuey@santafenm.gov), 955-4273)



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- r) Request for Approval of Amendment No. 3 in the Amount of \$216,625, Inclusive of NMGR and Term Extension, for FY 19/20 City Wide Water Utility Pavement Restoration; TLC Plumbing & Utility, Inc. (Bill Huey, Engineer, [bchuey@santafenm.gov](mailto:bchuey@santafenm.gov), 955-4273)
- s) Request for Approval of Amendment No. 1 in the Amount of \$189,765.63, Inclusive of NMGR and Term Extension, for FY 19/20 Emergency Repair for Operations and Maintenance – CIP #956; Alpha Southwest, Inc. (Bill Huey, Engineer, [bchuey@santafenm.gov](mailto:bchuey@santafenm.gov), 955-4273)
- t) Request for Approval of Amendment No. 1 in the Amount of \$100,000, Exclusive of NMGR; Office of Archaeological Studies. (Paul Duran, Archaeologist, [paduran@santafenm.gov](mailto:paduran@santafenm.gov), 955-4234)
- u) Request for Approval of Amendment No. 2 in the Amount of \$1,763,023.50, Exclusive of NMGR and Term Extension, for Security Services for the Water Division, Utility Billing Division and Parks & Recreation Department; Chavez Security. (Rick Carpenter, Interim Water Division Director, [rrcarpenter@santafenm.gov](mailto:rrcarpenter@santafenm.gov), 955-4206)
- v) Request for Approval of Amendment No. 1 in the Amount of \$700,000, Exclusive of NMGR and Term Extension, for Database, Development and Training & Support Services; Mountain River Consulting. (Kathy Valdez, Interim Utility Billing Division Director, [ktvaldez@santafenm.gov](mailto:ktvaldez@santafenm.gov), 955-4348)
- w) Request for Approval of Amendment No. 2 in the Amount of \$148,000, Exclusive of NMGR and Term Extension, for FY 19/20 Financial Services; Financial Consulting Solutions Group, Inc. Formerly JMA Municipal Advisors, Inc. (Shannon Jones, Public Utilities Department Director, [swjones@santafenm.gov](mailto:swjones@santafenm.gov), 955-4267)
- x) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law in Case #2019-29, in which the Governing Body Approved the Application by Richard Martinez of Martinez Architecture Studio PC, Agent, for Tracie and David Jansen, Owner, for a Development Plan for the Consignment Warehouse on 0.67 Acres at 1728 Camino Carlos Rey. (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov), 955-6501)



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- y) CONSIDERATION OF RESOLUTION NO. 2019\_\_\_. (Finance Committee)  
Request for Approval of a Budget Amendment Resolution for the Quarter Ending March 31, 2019 (Third Quarter). (Andy Hopkins, Finance, Senior Budget Analyst, [ajhopkins@santafenm.gov](mailto:ajhopkins@santafenm.gov), 955-6177)
- z) CONSIDERATION OF RESOLUTION NO. 2019-\_\_\_. (Councilor Ives)  
A Resolution Approving the Design and Installation Plan for Banners Along Guadalupe Street Between Paseo De Peralta (South) and West Alameda. (Liz Camacho, Economic Development and Communication Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 955-6042)
- aa) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Owl's Liquor for a Transfer of Ownership of Liquor License No. 0402, with Package Sales Only, from Yoon Investments, Inc. to Lenagom Investments, LLC. This License will Remain at Owl's Liquor, 913 Hickox Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- bb) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Tourism Santa Fe for a Waiver of the 300-Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine for the Canyon Road Art and Wine Stroll to be Held on July 17, 2019 With Wine Service from 4:00 p.m. to 6:00 p.m. The Event will be Held on Canyon Road Between Delgado and Camino del Monte Sol (Road Closure). Portions of this Area are Within 300-feet of the Santa Fe Monthly Meeting of Friends (Quakers), 630 Canyon Road. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- cc) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Tres Colores Restaurant, LLC, for a Restaurant Liquor License (Beer and Wine), With On-Premise Consumption Only and Sunday Sales by the Drink to be Located at Tres Colores, 101 W. Marcy Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- dd) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Lucky Goat for the following:
  - 1) Pursuant to §60-6B-10 NMSA 178, Consideration of a Waiver of the 300-Foot Location Restriction to Allow the Sale of Alcohol at Lucky Goat, 500 Sandoval Street, Which is Within 300-Feet of the Santa Fe Jewish Center Chabad, 230 W. Manhattan Avenue. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)





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- 2) If the Waiver of the 300-Foot Location Restriction is Granted, Consideration of a Restaurant Liquor License (Beer and Wine), With Patio Service and On Premise Consumption Only, to be Located at Lucky Goat, 500 Sandoval Street, Santa Fe. (Yolanda Y. Vigil, City Clerk, [yvigoil@santafenm.gov](mailto:yvigoil@santafenm.gov), 955-6521)
  - ee) Request for Approval to Publish Notice of Public Hearing on June 26, 2019:
    - 1) **Bill No. 2019-13:** An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Councilor Abeyta) (Julie Sanchez, Program Manager, [jisanchez@santafenm.gov](mailto:jisanchez@santafenm.gov), 955-6678)
    - 2) **Bill No. 2019-15:** 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 Lindell, Councilor Villarreal and Councilor Rivera) (Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
    - 3) **Bill No. 2019-16:** 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. (Mayor Webber) (Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
  11. Request for Approval to Suspend Governing Body Procedural Rule I.B(3), Per Resolution No. 2016-64
    - 1) Request for Approval of the Memorandum of Understanding with New Mexico Office of the State Engineer for Access to City of Santa Fe Facility in Order to Monitor Irrigation Deliveries to Acequia del Llano. (Alan G. Hook, Water Resources Coordinator, [aghook@santafenm.gov](mailto:aghook@santafenm.gov), 955-4205)
  12. Revised Santa Fe Homes Program (SFHP) 2019 Pricing Schedule. (Alexandra Ladd, Director, Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 955-6346)  
**(INFORMATIONAL ONLY)**



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13. MATTERS FROM THE CITY MANAGER

14. 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 New Mexico v. Aamodt, Case 6:66-cv-06639-WJ-WPL and an Offer to Settle a Financial Dispute with the City that is Not Yet Filed as Litigation. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)

15. 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](mailto:mdmartinez@santafenm.gov), 955-6512)

16. MATTERS FROM THE CITY CLERK

17. 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
- Santa Fe Film and Digital Media Commission
- Santa Fe River Commission



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REGULAR MEETING OF  
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## H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2019-4: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Councilor Romero-Wirth)  
An Ordinance Amending Section 25-4.3 SFCC 1987 Regarding the Commercial Water User Rebate Program to Ease the Application and Rebate Administration Process, and to Clarify Certain Sections of the Code. (Andrew Erdmann, Water Resource Coordinator, [paerdmann@santafenm.gov](mailto:paerdmann@santafenm.gov), 955-4204)
- 2) CONSIDERATION OF BILL NO. 2019-8: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Mayor Webber)  
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. (Bradley Fluetsch, Cash & Investment Officer, [bfluetsch@santafenm.gov](mailto:bfluetsch@santafenm.gov), 955-6885)





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- 3) CONSIDERATION OF BILL NO. 2019-9: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Councilor Romero-Wirth)  
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. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521; Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
- 4) CONSIDERATION OF BILL NO. 2019-10: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Councilor Romero-Wirth)  
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. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521; Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
- 5) CONSIDERATION OF BILL NO. 2019-11: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Councilor Romero-Wirth)  
An Ordinance Amending Section 9-2.4 to Remove Reference to a Repealed State Law; and Repealing Section 9-2.17. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521; Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
- 6) CONSIDERATION OF BILL NO. 2019-7: ADOPTION OF ORDINANCE NO. 2019-\_\_\_. (Councilor Ives and Councilor Vigil Coppler)  
An Ordinance Relating to the Land Development Code, Chapter 14, SFCC 1987: Amending Subsection 14-6.3(D)(1) to Permit On-Street Parking to Meet Parking Requirements for Accessory Dwelling Units, to Impose Limits on the Height and Setback for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Primary Dwelling Unit and Accessory Dwelling Unit Except for Short Term Rental Unit, Voiding Existing Restrictive Covenants Set Forth in Ordinance 2008-5; and Making Such Other Stylistic or Grammatical Changes as are Necessary. (Carol Johnson, Land Use Department Director, [crjohnson@santafenm.gov](mailto:crjohnson@santafenm.gov), 955-6617) **(Postponed to June 26, 2019)**



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## 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.

## SUMMARY INDEX

### SANTA FE CITY COUNCIL May 29, 2019

ITEM	ACTION	PAGE
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 presented	2-3
8. Approval of Minutes – May 8, 2019	Approved as presented	2
9. Presentations:	St. Michael's Dance Team	2-3
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10. Consent Calendar Listing	Listed	4-9
11. Suspension of Procedural Rule I B 3	Approved	9-10
a. MOU with State Engineer	Approved	9-10
12. Santa Fe Homes Program Report	Informational	10-12
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15. State v. Aamodt Settlement	Postponed	14
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23. Communications with Governing Body	Communications	14-15
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F. Petitions from the Floor	One petition	16-17
G. Appointments	Appointments made	17-18
H. Public Hearings		
1. Loan Agreement for SFAUD debt	Approved	18-20
2. Commercial Water User Rebate	Approved	20-23
3. Election Code Amendment	Approved	23-24
4. Public Campaign Code Amendment	Approved	24
5. Repealed State Law Reference	Approved	24-25
6. ADU Ordinance	Remained postponed	25
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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 29, 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 29, 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**

Ms. Vigil requested on page 6, at item 10 (ee), to remove #2 because it did not get approval from the Finance Committee or the Public Works Committee.

Councilor Ives asked if Item #11 could be moved up before consideration of the consent items. He explained he needed to depart early in order to honor a longstanding friend in a Trust for Public Lands ceremony.

Ms. Vigil also requested that item H-2, #1, be flipped so #2 is heard first and H-1 would become H-2.

Ms. McSherry requested an agenda change since the amici brief is not ready for a vote and will not be part of the executive session. Therefore, Item 15 should be tabled (postponed) to the next Governing Body meeting.

Councilor Rivera noted that item 10 (dd) regarding the Hearing Officer's approval being subject to approval of #1 would mean it needed to be pulled for discussion.

Ms. Vigil said there is no need to pull it.

Councilor Romero-Wirth asked if the executive session is going to discuss other things.

Ms. McSherry agreed.

**MOTION:** Councilor Rivera 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**

No items were pulled for discussion.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Villarreal, to approve the Consent Agenda as amended 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.

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

### **Regular City Council Meeting – May 8, 2019**

Councilor Vigil Coppler requested a change on page 14, 3<sup>rd</sup> paragraph from bottom, 3<sup>rd</sup> line to add to her sentence, “She got a complaint from an 80-year-old woman who walks with a cane **in the streets because owners had blocked the sidewalk.**”

Councilor Villarreal asked for a change on page 7, 3<sup>rd</sup> paragraph, to say that she would ask for people to acknowledge the privilege.

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to approve the minutes of May 8, 2019 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.

## **9. PRESENTATIONS**

- Proclamation – St. Michael’s High School Pony Express Dance Team. (Councilor Rivera, Councilor Abeyta and Councilor Romero-Wirth)

Councilor Rivera noted the Governing Body has done this many times for the St. Michael’s High School Pony Express Dance Team. This Pony Express missed the National Championship by .02 percentage points. Other coaches have asked for pointers from the Pony Express to help them and Coach Sanchez was always more than glad to do so. This is a great accomplishment for St. Mikes. Congratulations.

Councilor Abeyta read the first section of whereas statements. Councilor Romero-Wirth read the rest of them. Mayor Webber proclaimed May 29, 2019 as St. Mike’s Pony Express Dance Team Day.

Lydia Sanchez (Coach for 30 years) thanked the City for the recognition and praised Loren Abbey, who volunteered and worked with the girls every morning at 5:30 a.m. She introduced the two members of the dance team who were present and explained that the rest of them were out of town.



- Proclamation – Sevastian Gurulé.

Councilor Villarreal said in his honor that Sevastian has been here many years and been a mentor for her by helping her understand what he knew about the City. She thanked very much for helping her when she became a Councilor and for stressing how important our roots and our cultural heritage inside ourselves are.

Councilor Rivera thanked Sevastian on a personal level when he was Fire Chief and said, "Our families go back a long time. He has always been a great friend. He sang when I retired. I wish I could sing. Thanks for being a great friend. You are always available for questions. And the greatest thing is how well you treated La Gente here in Santa Fe. The way you touched the gente here." He invited Sevastian and his family to come forward.

Councilor Rivera read the proclamation in English and some in Spanish. Sevastian, in July 1991, came to work at the City as a letter carrier. He became the first Constituent Services Division Director and was first in the City for Emergency Management. He wrote the CRM RFP and secured funding for the new CRM system. He created a surplus in the Parking Division for the first time ever.

Councilor Villarreal said Sevastian was Employee of the Month three different times and received a Muchas Gracias award several times. His official retirement date is November 1, 2019.

Mayor Webber said everyone is happy to see Sevastian healthy and taking care of himself and spending more time with his family. He proclaimed May 29, 2019 as Sevastian Gurulé Day.

Mr. Gurulé thanked his wife and children for putting up with him in his life at City Hall. He thanked his father for giving him a strong sense of culture. He thanked his mom, who died in December 2017 for helping him stand up for what is right. He said none of his accomplishments would have happened without the strong support and work of all city employees. Everyone applauded him for his service to the City of Santa Fe and wished him well.

## **10. CONSENT CALENDAR LISTING**

- a) Request for Approval for Amendments No. 1 and No. 2 from the North Central New Mexico Economic Development District, Non-Metro Area Agency on Aging, to Increase the Contract Amount by \$171,508. (Gino Rinaldi, Senior Services Director, [earinaldi@santafenm.gov](mailto:earinaldi@santafenm.gov), 955-4710)

- b)** Request for Approval of FY19-20 Children Youth & Families Department Contract Agreement 20-690-300-16738 for \$197,580, for Alternative to Detention Programs. (Julie Sanchez, Program Manager, [jsanchez@santafenm.gov](mailto:jsanchez@santafenm.gov), 955-6678)
- c)** Request for Approval of Human Services Committee Funding Recommendations, in the Total Amount of \$1,900,000, for FY 2019-2023; Various Local Non-Profit Organizations. (Julie Sanchez, Program Manager, [jsanchez@santafenm.gov](mailto:jsanchez@santafenm.gov), 955-6678)
- d)** Request for Approval and Recommendation of Award for Professional Services Agreement in the Amount of \$108,183.72, Exclusive of NMGRT, for the Airport Road Traffic Signal Optimization/Progression Analysis; Lee Engineering. (John Romero, PW Engineering Division Director, [jjromero1@santafenm.gov](mailto:jjromero1@santafenm.gov), 955-6638)
- e)** Request for Approval of Amendment No. 1 in the Amount of \$25,122, Inclusive of NMGRT, for Payment of Audit Certification Fees Associated with Ameresco's Scope of Work to the New Mexico Energy, Minerals and Natural Resources Department (CIP #646A, Energy Conservation Measures (ECM'S) and Associated Work Project; Ameresco, Inc. (Jason M. Kluck, PW Project Administrator, [jmkluck@santafenm.gov](mailto:jmkluck@santafenm.gov), 955-9537)
- f)** Request for Approval of Construction Services Contract Using New Mexico State Price Agreement #50-000-15-00072 in the Amount of \$329,781.21, Inclusive of NMGRT, for Parking Lot Rehabilitation Using GRT Funds Appropriated by Council in 2018 for Work at Genoveva Chavez Community Center; GM Emulsions, LLC. (Curt E. Temple, Public Works Project Administrator, [cetemple@santafenm.gov](mailto:cetemple@santafenm.gov), 955-5935)
- g)** Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of \$53,883.57, Including Gross Receipts Tax, for Annual Inspection, Cleaning and Repair of Structural Firefighting Personal Protective Equipment - Turnout Gear; Fire W.I.R.E. (Brian Moya, Health and Safety Officer, [bjmoya@santafenm.gov](mailto:bjmoya@santafenm.gov), 955-3511)
- h)** Request for Approval of Professional Services Agreement, in the Amount of \$1,600,000, for Advertising Agency of Record with Vladimir Jones. (Randy Randall, TSF Executive Director, [rrandall@santafenm.gov](mailto:rrandall@santafenm.gov), 955-6209)
- i)** Request for Approval of Professional Services Agreement in the Amount of \$100,000 for Marketing Services, \$50,000 to be Funded by Santa Fe County; Northern New Mexico Air Alliance (NNMAA). (Randy Randall,

TSF Executive Director, [rRANDALL@santafenm.gov](mailto:rRANDALL@santafenm.gov), 955-6209)

- j) Request for Approval of Professional Service Agreement, in the Amount of \$150,000, for CRM Software; Tempest/iDSS Global LLC. (Randy Randall, TSF Executive Director, [rRANDALL@santafenm.gov](mailto:rRANDALL@santafenm.gov), 955-6209)
- k) Request for Approval of Amendment No. 1 for a Term Extension, for Developing a Plan in Santa Fe for the 21st Century Library System; Godfrey's Associates, Inc. (Jeffery Donlan, Interim Library Division Director, [jDONLAN@santafenm.gov](mailto:jDONLAN@santafenm.gov), 955-6788)
- l) Request for Approval of Advertising Services Contract in the Amount of \$74,027.38, Inclusive of NMGRT, for Advertising Services for the Environmental Services Division; Hutton Broadcasting. (Michaela Beggins, Program Manager, [mKBEGGINS@santafenm.gov](mailto:mKBEGGINS@santafenm.gov), 955-2227)
- m) Request for Approval of Change Order No. 2 in the Amount of \$536,585.85, Inclusive of NMGRT and Term Extension, for the Wastewater Management Division Anaerobic Digester Project–CIP #950; Bradbury Stamm Construction. (Alan MacGregor, Engineering Supervisor, [asmacgregor@santafenm.gov](mailto:asmacgregor@santafenm.gov), 955-4623)
- n) Request for Approval of Amendment No. 3 for an Increased Amount of \$50,000, Exclusive of NMGRT and Term Extension, for Field and Drafting Services; Louie Cordova, LLC. (Dee Beingessner, Engineer, [dABEINGESSNER@santafenm.gov](mailto:dABEINGESSNER@santafenm.gov), 955-4231)
- o) Request for Approval of Amendment No. 1 in the Amount of \$500,000, Exclusive of NMGRT and Term Extension, for On-Call Engineering Services for Utility Projects; AECOM Technical Services, Inc. (Bill Schneider, Water Resources Coordinator, [whSCHNEIDER@santafenm.gov](mailto:whSCHNEIDER@santafenm.gov), 955-4203)
- p) Request for Approval of Amendment No. 2 in the Amount of \$172,758, Exclusive of NMGRT and Term Extension, for FY 19/20 Phase I Engineering and Permitting/Preliminary Design Evaluation for Reuse Pipeline from Paseo Real Waste Water Treatment Plant to Rio Grande; Carollo Engineers, Inc. (Bill Schneider, Water Resources Coordinator, [whSCHNEIDER@santafenm.gov](mailto:whSCHNEIDER@santafenm.gov), 955-4203)
- q) Request for Approval of Change Order No. 2 in the Amount of \$1,626,562.50, Inclusive of NMGRT and Term Extension, for the Priority Line Replacements Project – CIP #3054 for FY 19/20; Sub Surface Contracting, Inc. (Bill Huey, Engineer, [bCHUEY@santafenm.gov](mailto:bCHUEY@santafenm.gov), 955-4273)

- r) Request for Approval of Amendment No. 3 in the Amount of \$216,625, Inclusive of NMGRT and Term Extension, for FY 19/20 City Wide Water Utility Pavement Restoration; TLC Plumbing & Utility, Inc. (Bill Huey, Engineer, [bchuey@santafenm.gov](mailto:bchuey@santafenm.gov), 955-4273)
- s) Request for Approval of Amendment No. 1 in the Amount of \$189,765.63, Inclusive of NMGRT and Term Extension, for FY 19/20 Emergency Repair for Operations and Maintenance – CIP #956; Alpha Southwest, Inc. (Bill Huey, Engineer, [bchuey@santafenm.gov](mailto:bchuey@santafenm.gov), 955-4273)
- t) Request for Approval of Amendment No. 1 in the Amount of \$100,000, Exclusive of NMGRT; Office of Archaeological Studies. (Paul Duran, Archaeologist, [paduran@santafenm.gov](mailto:paduran@santafenm.gov), 955-4234)
- u) Request for Approval of Amendment No. 1 in the Amount of \$100,000, Exclusive of NMGRT; Office of Archaeological Studies. (Paul Duran, Archaeologist, [paduran@santafenm.gov](mailto:paduran@santafenm.gov), 955-4234)
- v) Request for Approval of Amendment No. 1 in the Amount of \$700,000, Exclusive of NMGRT and Term Extension, for Database, Development and Training & Support Services; Mountain River Consulting. (Kathy Valdez, Interim Utility Billing Division Director, [ktvaldez@santafenm.gov](mailto:ktvaldez@santafenm.gov), 955-4348)
- w) Request for Approval of Amendment No. 2 in the Amount of \$148,000, Exclusive of NMGRT and Term Extension, for FY 19/20 Financial Services; Financial Consulting Solutions Group, Inc. Formerly JMA Municipal Advisors, Inc. (Shannon Jones, Public Utilities Department Director, [swjones@santafenm.gov](mailto:swjones@santafenm.gov), 955-4267)
- x) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law in Case #2019-29, in which the Governing Body Approved the Application by Richard Martinez of Martinez Architecture Studio PC, Agent, for Tracie and David Jansen, Owner, for a Development Plan for the Consignment Warehouse on 0.67 Acres at 1728 Camino Carlos Rey. (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov), 955-6501)
- y) CONSIDERATION OF RESOLUTION NO. 2019-27. (Finance Committee) Request for Approval of a Budget Amendment Resolution for the Quarter Ending March 31, 2019 (Third Quarter). (Andy Hopkins, Finance, Senior Budget Analyst, [ajhopkins@santafenm.gov](mailto:ajhopkins@santafenm.gov), 955-6177)

- z)** CONSIDERATION OF RESOLUTION NO. 2019-28. (Councilor Ives)  
A Resolution Approving the Design and Installation Plan for Banners  
Along Guadalupe Street Between Paseo De Peralta (South) and West  
Alameda. (Liz Camacho, Economic Development and Communication  
Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 955-6042)
- aa)** Request for Approval of Liquor Hearing Officer's Recommendation to  
Approve the Request from Owl's Liquor for a Transfer of Ownership of  
Liquor License No. 0402, with Package Sales Only, from Yoon  
Investments, Inc. to Lenagom Investments, LLC. This License will  
Remain at Owl's Liquor, 913 Hickox Street, Santa Fe. (Yolanda Y. Vigil,  
City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- bb)** Request for Approval of Liquor Hearing Officer's Recommendation to  
Approve the Request from Tourism Santa Fe for a Waiver of the 300-Foot  
Location Restriction and Approval to Allow the Dispensing/Consumption  
of Wine for the Canyon Road Art and Wine Stroll to be Held on July 17,  
2019 With Wine Service from 4:00 p.m. to 6:00 p.m. The Event will be  
Held on Canyon Road Between Delgado and Camino del Monte Sol  
(Road Closure). Portions of this Area are Within 300-feet of the Santa Fe  
Monthly Meeting of Friends (Quakers), 630 Canyon Road. (Yolanda Y.  
Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- cc)** Request for Approval of Liquor Hearing Officer's Recommendation to  
Approve the Request from Tres Colores Restaurant, LLC, for a  
Restaurant Liquor License (Beer and Wine), With On-Premise  
Consumption Only and Sunday Sales by the Drink to be Located at Tres  
Colores, 101 W. Marcy Street, Santa Fe. (Yolanda Y. Vigil, City Clerk,  
[yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- dd)** Request for Approval of Liquor Hearing Officer's Recommendation to  
Approve the Request from Lucky Goat for the following:
- 1) Pursuant to §60-6B-10 NMSA 178, Consideration of a Waiver of the  
300-Foot Location Restriction to Allow the Sale of Alcohol at Lucky  
Goat, 500 Sandoval Street, Which is Within 300-Feet of the Santa Fe  
Jewish Center Chabad, 230 W. Manhattan Avenue. (Yolanda Y. Vigil,  
City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
  - 2) If the Waiver of the 300-Foot Location Restriction is Granted,  
Consideration of a Restaurant Liquor License (Beer and Wine), With  
Patio Service and On Premise Consumption Only, to be Located at  
Lucky Goat, 500 Sandoval Street, Santa Fe. (Yolanda Y. Vigil, City  
Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)

ee) Request for Approval to Publish Notice of Public Hearing on June 26, 2019:

1) **Bill No. 2019-13:** An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Councilor Abeyta) (Julie Sanchez, Program Manager, [jjisanchez@santafenm.gov](mailto:jjisanchez@santafenm.gov), 955-6678)

2) ~~**Bill No. 2019-15:** 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 Lindell, Councilor Villarreal and Councilor Rivera) (Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)~~

This item was removed from the agenda under Approval of Agenda.

3) **Bill No. 2019-16:** 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. (Mayor Webber) (Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)

## END OF CONSENT CALENDAR

11. Request for Approval to Suspend Governing Body Procedural Rule I.B(3), Per Resolution No. 2016-64

a) Request for Approval of the Memorandum of Understanding with New Mexico Office of the State Engineer for Access to City of Santa Fe Facility in Order to Monitor Irrigation Deliveries to Acequia del Llano. (Alan G. Hook, Water Resources Coordinator, [aghook@santafenm.gov](mailto:aghook@santafenm.gov), 955-4205)

Mr. Alan Hook said this request was brought to provide equipment at Nichols Reservoir for Acequia de Llano. It helps us as a City and parcientes can observe the delivery and the burden of the accounting and furthers our relationship with the State Engineer. The contractor is trying to spend the money before the end of the FY and thanks to Ms. McSherry for helping to get this on the agenda.



Councilor Ives thanked Mr. Hook for bringing it forward. He was interested to know that the city has the capacity to understand how its water is used and measured so we can act appropriately for protection of that important resource. This would be the first of four acequias to receive monitoring and he hoped the City can do that with the three other acequias and to understand how water is being used. We have a court decree mandating delivery of certain amount of water to the acequias to fulfill.

From his perspective, it is a win-win because the State Engineer has the resources to help make it happen. And we can appropriately plan for future use of that resource.

**MOTION:** Councilor Ives moved, seconded by Councilor Villarreal to approve the procedural rule suspension and the MOU with the State Engineer.

**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. Revised Santa Fe Homes Program (SFHP) 2019 Pricing Schedule. (Alexandra Ladd, Director, Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 955-6346) (INFORMATIONAL ONLY)**

Director Ladd presented the report. She explained the report is presented each year after the annual meeting on the income data and adjusting of the charges accordingly and reassess what is affordable for rent. It is well explained in the report, but she could answer questions.

She reported their incomes went up this year which was a healthy matter. It pushes up the pricing of the homes but this year, interest rates went up, so it suppressed costs and is a little lower than last year. That is good news because more people could become eligible to buy a home.

For rentals, the report describes how they determine the affordability gap and what an affordable rent for each bedroom size would be and is the basis for the fee in lieu amount established for market-rate projects with entitlements being built.

This year, because Santa Fe is a high-cost area, they were able, for the first time ever, to use 10% higher for eligibility.

She noted that we have to wait until April for this data and that is frustrating for the developers. Everyone is given a 30-day grace period, so they don't have to be recertified.

Homewise and the Housing Trust are under contract with the City and they are both very good at getting people closed within the grace period limit.

Councilor Villarreal appreciated the calculation for fee in lieu. She asked if the 10% increase was a standard for every city with high cost of living.

Director Ladd explained that is the number HUD allows.

Councilor Villarreal asked if it is also the fee established by HUD.

Director Ladd said we did that in a calculation with a formula that made sense on the difference of what they could afford with the standard fee.

Councilor Villarreal was curious whether the affordability gap should be higher. There is no way to actually get the adjusted rents if costs go up. Is there a way to calculate it into the future that we could account for?

Director Ladd said once the check is written, it is hard to go back and ask for more money. She thought perhaps they could build in an inflation factor. She explained that when they came up with the methodology, she could base the amount on an external source. So it does fluctuate over time and it has gone down slightly. The other issue is that the owner does not end up being the operator of the project.

Councilor Villarreal asked if the 15% is a fixed percentage.

Director Ladd agreed; that is the required percentage in the ordinance.

Councilor Vigil Coppler asked if that 15% have a sunset clause.

Director Ladd said that is a required percentage in the ordinance - What does expire is the fee in lieu provision. The developer had to justify it to Council. That provision will sunset on December 31, but they are getting close to a new draft to replace it for affordable housing in Santa Fe. The developer would be restricted to rent affordability for ten years and it is not a one-size-fits-all.

Councilor Vigil Coppler asked if that would come to Council later.

Director Ladd agreed. They will have several stakeholder meetings first and come up with a draft ordinance that will go through the Planning Commission,

Community Development, and EDRC with a public hearing at Council.

Mayor Webber commented on the language of affordability and the variety of items on our strategy platform to address housing. The HUD definition of affordability is driven by income. We have a specific Affordable Housing program whether it is rental fee or Accessory Dwelling Unit or Short Term Rental reevaluation. He asked if she could help us use better terminology for what is within HUD's definition.

Director Ladd said that is an interesting point. The standard across the industry is that the cost, plus utilities, should not be more than one-third of the participant's income. It is a standard rule of thumb. Still, we have to create clunky formulas that will not be real for people in that income range. The common comment is, "It is not affordable to me."

They start with an individual income and the participant is to pay 1/3 of income and vouchers are to make up the difference. The nonprofits do a great job when placing people with a home-buying opportunity and finding another subsidy source, so their cost is within their range.

Mayor Webber understood there are different strategies to make costs in Santa Fe more affordable to people. But at the moment, our vacancy in rentals is essentially zero. So vouchers are needed to help cover the gap. And that affects costs overall in Santa Fe.

Director Ladd agreed. That is a great way to address it. If we can make a home affordable for a senior so she didn't have to leave, it helps a lot. And if someone is in danger of being evicted, catching up on past-due utilities, etc., they can be kept on their feet to stay in their home. There is also a strong economic development component in the equation with job training for the younger work force and keeping more highly skilled people here.

Councilor Vigil Coppler was very thankful for all the information provided. Director Ladd was a wonderful presenter to the Santa Fe Board of Realtors. Some realtors don't understand the program and that makes them unable to help in a productive way.

Mayor Webber thanked Director Ladd for the presentation.

### **13. MATTERS FROM THE CITY MANAGER**

Mr. Litzenberg had nothing to report.

#### **14. MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry said the New Mexico Supreme Court denied our cert on DWI vehicle forfeiture which is preempted by the Vehicle Forfeiture Act. There are options for Council to consider. It could be repealed so there is no confusion and look at the NM Forfeiture Act. It is a very different kind of program. There is one-half million from prior sales under our ordinance that could be used for further treatment and prevention of DWI.

She is working with IT to create a portal for issuing RFPs, etc., and will alert the Council for opportunities to use it.

Lastly, Ms. McSherry recommended the Governing Body go into executive session.

#### **EXECUTIVE SESSION**

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal to go into executive session for the purposes listed on the agenda as amended.

**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.

**Against:** None. Councilor Ives was not present for the vote, having been excused earlier.

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 an Offer to Settle a Finance Dispute with the City that is Not Yet Filed as Litigation. (Erin K. McSherry City Attorney. [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov). 955-6512)

The Governing Body went into executive closed session at 5:55 p.m.

The executive session ended at 6:37 pm.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Lindell, 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 as amended.

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

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

**Against:** None. Councilor Ives and Councilor Rivera were not present for the vote.

15. 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](mailto:mdmartinez@santafenm.gov), 955-6512)

This item was tabled to the next meeting under Approval of the Agenda.

#### 16. MATTERS FROM THE CITY CLERK

Ms. Vigil had no matters.

#### 17. 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 Vigil Coppler** appreciated the Public Works Staff for being there and on time to hang veterans' banners and getting good feedback. Especially, the veterans are very happy about this. We will be coming back and asking for more placement. They make an impact but not a big impact with only 20 banners on that long stretch.

Councilor Vigil Coppler also shared her remembrance of her brother, Jerry, who was killed 50 years ago on the last day of school coming back from E. J. Martínez on his bicycle when he was killed by a hit and run driver. As Chair of BTAC, it brings the importance of bicycle safety. There were no helmets in those days. It would have been nice to have had that person stop and render aid but didn't, so it is an important day for her and her family.

**Councilor Lindell** gave her condolences to Councilor Vigil Coppler. She wanted to encourage Councilors and public that this Saturday at 7 a.m. is "Clean Up the Plaza Day" and in the afternoon is the fishing derby. A couple of years ago she and Maria painted the bridge and became friends with others who were there. The camaraderie and fellowship was good.

**Councilor Harris** introduced an ordinance amending Section 11-14.5 to allocate the proceeds from the sale of lease of the Santa Fe Estates to the General Fund. He also asked to cosponsor Mayor Webber's resolution on the 2018 audit.

**Councilor Romero-Wirth** gave Councilor Vigil Coppler condolences and had nothing further.

**Mayor Webber** introduced a Resolution accepting and approving the Fiscal Year 2018 Audit; A Resolution readopting and supplementing a Fee Schedule for Permits issued by the Land Use Department; and A Resolution calling for a regular local election to be held on November 5, 2019 for the purpose of electing one City Councilor from each Council District and one Municipal Judge at-large and notifying the Santa Fe County Clerk of the positions to be filled. He announced for fun things to do, that tomorrow night is opening night for the Santa Fe Fuego baseball team and he happens to be throwing out the first pitch. It was a pleasure to shake hands with the team yesterday. The General Manager is a very talented woman to guide it forward. They are a great deal of fun for everyone in the festivities at the game. And it is baseball.

Councilor Harris asked if he would pitch from the pitcher's mound.

Mayor Webber said they don't allow that. Civilians are not allowed on the pitcher's mound. Also, there are still a dozen players looking for housing. If anyone knows someone who can provide free housing, great way to support the team. He also gave condolences to Councilor Vigil Coppler. There are so many tragedies and reminders of how fragile life can be.

## **END OF AFTERNOON SESSION**

### **EVENING SESSION – 7:00 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 7:00 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 Christopher M. Rivera  
Councilor Carol Romero-Wirth  
Councilor JoAnne Vigil Coppler  
Councilor Renee D. Villarreal

**Members Excused**

Councilor Peter N. Ives

**Others Attending**

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

**F. PETITIONS FROM THE FLOOR**

Stefanie Beninato talked about recreation. "It seems the City is trying to lessen the recreation opportunities now. There are only two pools open and we are told there are not enough lifeguards to open the third pool with regular hours." The city continues to get revenue by the extra fee at Bicentennial. She also spoke to a problem at 1008 Don Cubero and why they were having trouble with Carol Johnson. She showed a picture of the controversial property that sticks out into the alley and violated all kinds of different things. The City red tagged it and then took away the red-tag without requiring even what was on the permit.

Ms. Beninato gave the Stenographer a statement on her objection to Carol Johnson.

*A copy of Ms. Beninato's statement is incorporated herewith to these minutes as Exhibit 2.*

She related that when a neighbor asked what was going on with the permit, Ms. Johnson said (as she quoted), "The permit was reissued on February 7, 2019. A construction permit is considered a final action by the Land Use Director. And, as such, the time for appeals is 15 days." However, the actual ordinance says that the final

action of the Land Use Director, or in the case of building permits, the date of the posting of the permit, not the issuance. And that is 14-17 (C) 4a. So this is a misstatement that should be obvious. And, given this controversial property, one would think Ms. Johnson would be a little more careful. And again, just want to show the photos showing the permits. She pointed out the permit for 1008 and you cannot see anything on it. On the other two they are fully written in with date and owner and permit #. But there is no date even on this other one. How could anyone consider it valid when it has no date on it?

The City needs to start date-stamping them so they can say on this date it was posted.

There were no other speakers from the public regarding Matters from the Floor the public portion was closed.

## **G. APPOINTMENTS**

- **Economic Development Advisory Committee**

Mayor Webber appointed Kim C. Abeyta-Martínez and Ryan J. Cordova to fill unexpired terms.

Councilor Abeyta said this appointment was postponed at the last meeting and both candidates reside in District 4 within the City. It is a nine-member committee, and this would at least give two residents from the south side an opportunity to serve on the committee.

Councilor Vigil Coppler asked what interests these two candidates have expressed. Their resume is not applicable for what a member should have. She would just like to know if they have outside interests in helping the City grow. She was happy to know they reside in District 4 but wanted to know why they would want to serve on this Committee.

Mayor Webber said he did not meet with them personally, but they are highly regarded by their references. They were self-nominated and do have business backgrounds. They stepped up and said they wanted to serve.

Councilor Vigil Coppler noticed that one of them has only one month to serve.

Ms. Vigil said after serving one month, the member could be reappointed for another term.

Councilor Vigil Coppler asked which of the two serves one month.

Ms. Vigil said it is listed on the memo as Ryan Cordova.

Councilor Harris said he has done a lot of business with his brother Ricardo Cordova and his father, Dick Cordova. And based on that familiarity, I would be supportive.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Lindell to approve these appointments to the Economic Development Advisory Committee.

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

- **Santa Fe Film and Digital Media Commission**

Mayor Webber appointed as an alternate, Alexandra Bombach, to the Santa Fe Film and Digital Media Commission to a term ending 3/2020.

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

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

- **Santa Fe River Commission**

Mayor Webber appointed Phillip J. Bové, Susan Coulter, Commissioner Anna C. Hansen, Zoe R. Isaacson, Heidi Klingel, Rachel Kullman, Frederick Emile Sawyer, Vanessa Springer, and Andrew E. Black to serve on the Santa Fe River Commission.

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Santa Fe River Commission as presented.

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

## H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2019-8: ADOPTION OF NO. 2019-27.  
(Mayor Webber)  
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. (Bradley Fluetsch, Cash & Investment Officer, [bfluetsch@santafenm.gov](mailto:bfluetsch@santafenm.gov), 955-6885)

Mr. Fluetsch provided a handout to the Councilors regarding this loan agreement.

*A copy of the handout is incorporated herewith to these minutes as Exhibit 3.*

Mr. Fluetsch said the ordinance is to refinance SFAUD debt and the handout is a summary of the transaction. He noted that as of this morning on the news, given the turmoil with China, the Treasury rate was at its lowest point in the past 20 months and the City will lock in at that lowest rate in the last 20 months which is well below 4% and total savings will be over \$3 million. The agreement will extend the maturity by three years to minimize cash outflow while redeveloping the property. This reduces the cash outflow by \$180,000 for each of the first 17 years. That will reduce debt service from \$2.2 million to \$1.7 million.

Councilor Lindell thanked Mr. Fluetsch for his nice work. "It does take pressure off of us. You have done a terrific job. I know other staff worked on it also."

Councilor Harris also very much appreciated the work done. Luck is on our side. He asked Mr. Fluetsch to talk about the call feature on this transaction.

Mr. Fluetsch said he sought the refinance now because muni bonds have typically a ten-year call and these were issued in 2009. This savings also includes a cost. NMFA put a call feature in this. When they went to the market, the market said they didn't want it so NMFA did it in-house. As a result, the City can call the bond or portion of it at any time. So we could sell part and put that against the debt in any year going forward. So whatever redevelopment we want, we won't be saddled with this debt.

Councilor Harris pointed out that without that flexibility, the costs associated in buying out early would be exorbitant, so it not only saves money but has flexibility built in.

Councilor Rivera asked Mr. Fluetsch what the 10 bps would mean.

Mr. Fluetsch said it would be \$23,000.

#### Public Hearing.

Mayor Webber opened the public hearing.

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

**MOTION:** Councilor Lindell moved, seconded by Councilor Harris, to approve Ordinance 2019-07 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, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

Councilor Villarreal and Councilor Rivera asked to be cosponsors.

Mayor Webber thanked Mr. Fluetsch again.

- 2) **CONSIDERATION OF BILL NO. 2019-4: ADOPTION OF ORDINANCE NO. 2019-08. (Councilor Romero-Wirth)**  
**An Ordinance Amending Section 25-4.3 SFCC 1987 Regarding the Commercial Water User Rebate Program to Ease the Application and Rebate Administration Process, and to Clarify Certain Sections of the Code. (Andrew Erdmann, Water Resource Coordinator, [paerdmann@santafenm.gov](mailto:paerdmann@santafenm.gov), 955-4204)**

Mr. Erdmann presented the proposed ordinance and explained that it makes a simpler process.

Councilor Romero-Wirth reported that it passed unanimously at the Public Utilities Committee and Finance Committee.

Councilor Vigil Coppler recalled one concern and the PUC was from page 3 at the top where it discusses if the applicant is not the owner of the commercial building, but the owner actually gets the rebate with a promise to give it to the tenant who saved the water. She asked what the City would use to enforce that transfer to the tenant.

Mr. Erdmann said the intention is that within 30 business days, that amount would be reduced from the rent. Or, the applicant could address it by paying the reduced amount for rent. The Water Department will do the administrative procedures to accomplish that and decided not to include it in the ordinance.

Councilor Vigil Coppler commented that in such conflicts, we often say, "go to court" and here, she would not think that would be worth the cost and effort of going to court. She said the City should not put the onus on the tenant to get the money back but there are unscrupulous landlords.

Mr. Erdmann said they will be careful to do that.

Councilor Rivera pointed out that it is designed to extend the grace period for the one who saved the money for six-months, during which time the City will offer the rebate.

Councilor Harris did not know why it was so difficult, but in the FIR, there were no applicants in the budget. He asked what the rebate budget would be.

Mr. Erdmann said it is \$150,000 for the budget through the Water Dept.

Councilor Harris asked if that was for residential and commercial.



Mr. Erdmann agreed, and it is less than in previous budgets.

Councilor Rivera noted on page 4 was Councilor Romero-Wirth's amendment. He asked if she could explain the amendment.

Councilor Romero-Wirth asked for Mr. Guillen to speak to it.

Mr. Gillen read the amendment on page 2, #3. He explained that 13 and 14 are stricken.

Councilor Rivera thanked him.

### Public Hearing

Glenn Schiffbauer, Executive Director for the Green Chamber of Commerce, said they have worked for the past year on the restaurant packet. And for what this will do, the potential is expansive. As they visited with restaurant owners, they are trying to replace aerators, and other equipment. In particular, the audit portion helps them decide to monitor and to attend next year's water summit for commercial audits. We are just starting with restaurants and then with hotels.

Ms. Beninato said Councilor Vigil Coppler's point is well taken. There should be some way to monitor if the applicant actually gets the rebate and it should be clearly stated how the business could be sure to get it.

There were other speakers from the public regarding the other cases later on.

Ms. Vigil said these are all related to changes in State Law she and recommended one public hearing for all three.

Councilor Rivera disclosed that he and Councilor Villarreal are running for re-election and could run into conflict with this.

Ms. McSherry explained that most are just technical changes to be in compliance with State Law. "If it benefits you, you could recuse. But if not, you could vote. It is not inherently a conflict."

Councilor Villarreal recalled there were candidates who voted for rank-choice voting so she thought they could handle this one.

Mr. Marcos Martínez said the proposed changes are in your packets and all three are just to conform our ordinances to recent changes in State Law and avoid conflicts in what was repealed. It cleans up inconsistencies where they were found, and

he could address any questions.

Councilor Vigil Coppler asked about item 3, which she was trying to find. The title says enacting a new provision for either City Clerk of Ethics Committee Chair to make changes. She asked if that could be a conflict.

Mr. Martínez hoped there were never any conflicts with Ethics and Campaign Review Board and the City Clerk. The rules would deal with notice, etc. but ECRB would adopt those related to the purview of that Board which is to review campaign practices and complaints. He would be hard pressed to imagine any conflicts.

The City Clerk could make rules without convening the ECRB. The Governing Body could choose to only have the City Clerk make them, but he could recall the Clerk having questions and working with the City Attorney's Office for help on those rules.

Councilor Vigil Coppler said, "You have a great deal of trust. Thank you."

Jim Harrington, Common Cause State Chair, said Common Cause wholeheartedly supports these three bills. He referred to a memo which was included in the packet. The memo says the three items really are needed to comply with state law and that our public campaign program will keep working despite the changes.

He added that if anyone had any question for him, he would be in the audience.

Stefanie Beninato felt it was not clear who does what between the Ethics and Campaign Review Board and the City Clerk for the public campaign act, No one wants to step on anyone else's toes and any changes should at least have review by the City Attorney and then be published on the web page.

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 Villarreal -

**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.

**Against:** None.

Councilor Villarreal requested to be listed as a cosponsor.

- 3) **CONSIDERATION OF BILL NO. 2019-9: ADOPTION OF ORDINANCE NO. 2019-09.** (Councilor Romero-Wirth)  
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. (Yolanda Y. Vigil, City Clerk, [yvigor@santafenm.gov](mailto:yvigor@santafenm.gov), 955-6521; Mr. Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Harris, to approve Ordinance No. 2019-09 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, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 4) **CONSIDERATION OF BILL NO. 2019-10: ADOPTION OF ORDINANCE NO. 2019-10.** (Councilor Romero-Wirth)  
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. (Yolanda Y. Vigil, City Clerk, [yvigor@santafenm.gov](mailto:yvigor@santafenm.gov), 955-6521; Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Harris, to approve Ordinance No. 2019-10 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, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.

- 5) **CONSIDERATION OF BILL NO. 2019-11: ADOPTION OF ORDINANCE NO. 2019-11.** (Councilor Romero-Wirth)  
An Ordinance Amending Section 9-2.4 to Remove Reference to a Repealed State Law; and Repealing Section 9-2.17. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521; Marcos Martínez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Harris, to approve Ordinance No. 2019-11 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, Councilor Vigil Coppler and Councilor Villarreal.

**Against:** None.


- 6) **CONSIDERATION OF BILL NO. 2019-7: ADOPTION OF ORDINANCE NO. 2019-\_\_.** (Councilor Ives and Councilor Vigil Coppler)  
An Ordinance Relating to the Land Development Code, Chapter 14, SFCC 1987: Amending Subsection 14-6.3(D)(1) to Permit On-Street Parking to Meet Parking Requirements for Accessory Dwelling Units, to Impose Limits on the Height and Setback for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Primary Dwelling Unit and Accessory Dwelling Unit Except for Short Term Rental Unit, Voiding Existing Restrictive Covenants Set Forth in Ordinance 2008-5; and Making Such Other Stylistic or Grammatical Changes as are Necessary. (Carol Johnson, Land Use Department Director, [crjohnson@santafenm.gov](mailto:crjohnson@santafenm.gov), 955-6617) (**Postponed to June 26, 2019**)

This item remained postponed to the June 26, 2019 City Council meeting.

## **I. ADJOURNMENT**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 7:40 p.m.

Approved by:

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

ATTESTED TO:

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

Respectfully submitted by:

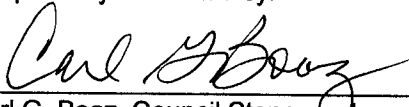
  
\_\_\_\_\_  
Carl G. Boaz, Council Stenographer



EXHIBIT 1

**GOVERNING BODY MEETING OF**  
**May 29, 2019**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

**Mayor Alan Webber**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	<b>A RESOLUTION ACCEPTING AND APPROVING THE FISCAL YEAR 2018 AUDIT.</b>	Finance Committee – 6/3/19 Public Works Committee – 6/10/19 City Council – 6/12/19
	<b>A RESOLUTION READOPTING AND SUPPLEMENTING A FEE SCHEDULE FOR PERMITS ISSUED BY THE LAND USE DEPARTMENT.</b>	Public Works – 6/24/19 Finance Committee – 7/1/19 City Council - 7/10/19
	<b>A RESOLUTION CALLING FOR A REGULAR LOCAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 FOR THE PURPOSE OF ELECTING ONE CITY COUNCILOR FROM EACH COUNCIL DISTRICT AND ONE MUNICIPAL JUDGE AT-LARGE AND NOTIFYING THE SANTA FE COUNTY CLERK OF THE POSITIONS TO BE FILLED.</b>	City Council – 6/12/19

**Councilor Roman Tiger Abeyta**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

**Councilor Mike Harris**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	<b>AN ORDINANCE AMENDING SECTION 11-14.5 SFCC 1987 TO ALLOCATE THE PROCEEDS FROM THE SALE OR LEASE OF THE SANTA FE ESTATES TO THE GENERAL FUND.</b>	Public Works Committee – 6/24/19 Economic Development Advisory Committee – 6/26/19 Finance Committee – 7/1/19 City Council (request to publish) – 7/10/19 City Council (public hearing) – 8/14/19

**Councilor Peter Ives**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

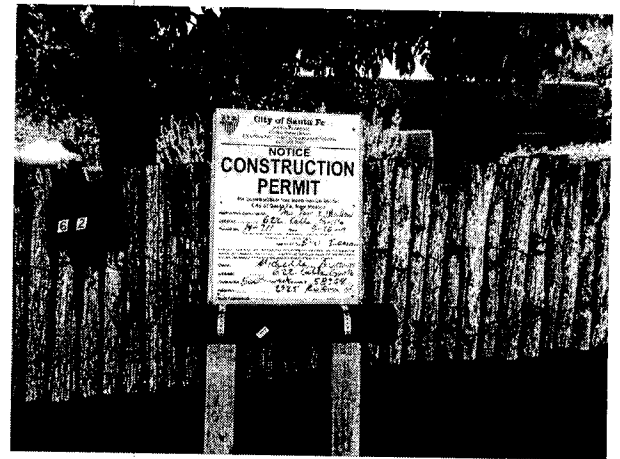
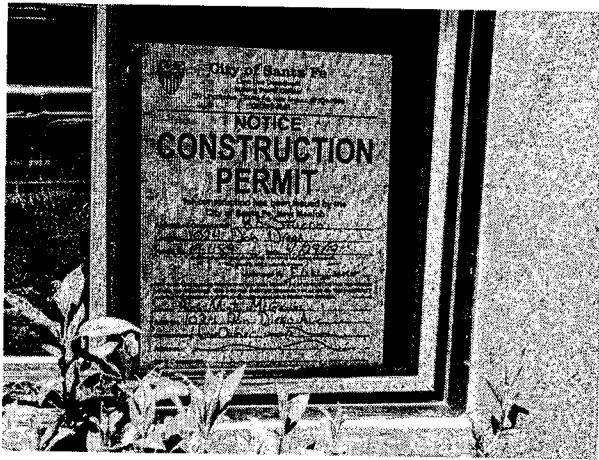
**Councilor Signe Lindell**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carol Romero-Wirth</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Renee Villarreal</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor JoAnne Vigil Coppler</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

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](mailto:jbg Guillen@santafenm.gov).

# EXHIBIT 2





Objection to Carol Johnson's  
Representation of Permit  
at 1008 Don Cubero.

The permit was reissued on February 7, 2019. A construction permit is considered a final action by the Land Use Director, and as such the time for appeal is 15 days from date of issuance. In this instance the appeal deadline was February 22, 2019.

**Carol R. Johnson, AICP**

Land Use Director

**City of Santa Fe**

200 Lincoln Avenue

Santa Fe, NM 97504

O: 505-955-6617

C: 505-629-2888

E: [cjohnson@santafenm.gov](mailto:cjohnson@santafenm.gov)

**From:** Jo Ann Ward <[joannedewingward@yahoo.com](mailto:joannedewingward@yahoo.com)>  
**Sent:** Monday, March 4, 2019 2:34 PM  
**To:** JOHNSON, CAROL R. <[cjohnson@santafenm.gov](mailto:cjohnson@santafenm.gov)>  
**Cc:** Monica Montoya <[monica@mntya.com](mailto:monica@mntya.com)>  
**Subject:** 1008 Don Cubero

Hi Carol,

I see that the red tag is off the Don Cubero house and that construction has restarted. Can you tell me the date of the permit and how many days we have to submit an appeal if we choose to?

Thank you.

Jo Ann Ward

Stefanie Bennett  
PO Box 1601  
Santa Fe NM 87504

For final actions of the land use director, the date of issuance of any written order (including a decision, letter, permit or other document) granting or denying relief or in the case of building permits, the date of the posting of the permit; o

4/2/19

## City of Santa Fe

### Refunding of 2009 Financing to Acquire Santa Fe University of Art and Design (Formerly College of Santa Fe)

#### Effects of Refunding:

- Lower interest rates from current 5.32% - 6.07% to achieve debt service savings through 2036
- Extends final maturity from 2036 to 2039 to further reduce annual debt service from 2020-2036

#### Projected Savings:

- \$3,869,611 total net debt service savings
- Present value savings 16.92% of \$23.325 million refunded principal
- \$522,773 average annual savings through 2036 = 23.5% of existing annual debt service

#### Sale of Issue:

- Issue purchased by NMFA
  - Interest rates to be set 5/30, based on precommitted spread to Treasury rates
- Callable/Prepayable any time after issuance, in whole or in part
  - Enables change in use or disposition of property

**Santa Fe, NM**  
**2019 City of Santa Fe Refunding Loan**  
**Projected Savings<sup>(1)</sup>**

<b>FYE</b>	<b>Prior Debt Service</b>	<b>Refunding Debt Service</b>	<b>Total Savings</b>
2020	\$ 2,220,993	\$ 1,614,951	\$ 606,042
2021	2,220,773	1,702,324	518,449
2022	2,223,159	1,699,412	523,747
2023	2,222,885	1,700,073	522,812
2024	2,224,951	1,699,693	525,258
2025	2,224,091	1,702,480	521,611
2026	2,223,675	1,698,426	525,249
2027	2,224,411	1,701,602	522,809
2028	2,221,003	1,697,631	523,372
2029	2,223,451	1,701,066	522,385
2030	2,221,163	1,701,466	519,697
2031	2,221,934	1,699,293	522,641
2032	2,222,242	1,699,467	522,775
2033	2,221,783	1,697,342	524,441
2034	2,225,255	1,697,873	527,382
2035	2,222,049	1,700,822	521,228
2036	2,222,167	1,701,642	520,525
2037	-	1,699,606	(1,699,606)
2038	-	1,699,659	(1,699,659)
2039	-	1,701,545	(1,701,545)
	<u>\$37,785,978</u>	<u>\$33,916,366</u>	<u>\$ 3,869,611</u>

<b>PV of savings from cash flow</b>	\$ 4,074,987
<b>Less: Prior funds on hand</b>	\$ 130,000
<b>Plus: Refunding funds on hand</b>	\$ 1,072
<b>Net PV Savings</b>	\$ 3,946,059

**Percentage of Refunded Bonds:** 16.92%

<sup>(1)</sup> Preliminary/Subject to Change.

**Santa Fe, NM**  
**2009 Loan Agreement**  
**Prior Bond Debt Service**

FYE	Principal	Interest Rates	Interest	Total Debt Service
2020	\$ 850,000	5.32%	\$ 1,370,993	\$ 2,220,993
2021	895,000	5.32%	1,325,773	2,220,773
2022	945,000	5.32%	1,278,159	2,223,159
2023	995,000	5.32%	1,227,885	2,222,885
2024	1,050,000	5.32%	1,174,951	2,224,951
2025	1,105,000	5.92%	1,119,091	2,224,091
2026	1,170,000	5.92%	1,053,675	2,223,675
2027	1,240,000	5.92%	984,411	2,224,411
2028	1,310,000	5.92%	911,003	2,221,003
2029	1,390,000	5.92%	833,451	2,223,451
2030	1,470,000	6.07%	751,163	2,221,163
2031	1,560,000	6.07%	661,934	2,221,934
2032	1,655,000	6.07%	567,242	2,222,242
2033	1,755,000	6.07%	466,783	2,221,783
2034	1,865,000	6.07%	360,255	2,225,255
2035	1,975,000	6.07%	247,049	2,222,049
2036	2,095,000	6.07%	127,167	2,222,167
	<u>\$23,325,000</u>		<u>\$14,460,978</u>	<u>\$37,785,978</u>

**Santa Fe, NM**  
**2019 Refunding Loan Agreement**  
**Projected Refunding Debt Service**  
**Based on 5/24 Treasury Rates Plus 10 Basis Points<sup>(1)</sup>**

FYE	Principal	Interest Rates	Interest	Total Debt Service
2020	\$ 820,000	2.51%	\$ 867,588	\$ 1,687,588
2021	860,000	2.56%	859,497	1,719,497
2022	885,000	2.66%	835,761	1,720,761
2023	915,000	2.70%	810,450	1,725,450
2024	945,000	2.82%	783,640	1,728,640
2025	975,000	2.92%	755,007	1,730,007
2026	1,010,000	3.12%	724,489	1,734,489
2027	1,045,000	3.22%	690,856	1,735,856
2028	1,085,000	3.37%	655,013	1,740,013
2029	1,125,000	3.52%	616,170	1,741,170
2030	1,170,000	3.62%	574,207	1,744,207
2031	1,215,000	3.72%	529,396	1,744,396
2032	1,260,000	3.77%	481,647	1,741,647
2033	1,310,000	3.82%	431,499	1,741,499
2034	1,365,000	3.87%	378,706	1,743,706
2035	1,420,000	3.87%	323,014	1,743,014
2036	1,480,000	3.92%	265,078	1,745,078
2037	1,540,000	3.97%	203,954	1,743,954
2038	1,605,000	4.02%	139,582	1,744,582
2039	1,675,000	4.07%	71,690	1,746,690
	<u>\$23,705,000</u>		<u>\$10,997,237</u>	<u>\$34,702,238</u>

**True Interest Cost (TIC): 3.720%**

**Call Date: Any date after Issuance**

<sup>(1)</sup> Preliminary/Subject to