



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 26, 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 – June 12, 2019
9. PRESENTATIONS
 - a) Proclamation -- Santa Fe Prep Boys and Girls Swim Teams. (Councilor Romero-Wirth)
 - b) Introduction of Poet Laureate Elizabeth Jacobson. (Mayor Webber)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 7 for Professional Security Services, in the Total Amount of \$930,694.98, Plus Applicable Gross Receipts Tax; Universal Protection Service, LP/DBA Allied Universal Security Services. (David Silver, Emergency Manager, dmsilver@santafenm.gov, 955-6537)
 - b) Request for Approval of Change Order No. 2 for FY 19/20 City Wide Water Utility Construction & Repair – CIP #953, in the Amount of \$542,187.50, Inclusive of NMGR and Term Extension; Sub Surface Contracting. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)
 - c) Request for Approval of Change Order No. 1 for FY 19/20 PRV Replacement Project – CIP #3053A, in the Amount of \$250,000, Exclusive of NMGR and Term Extension; A.A.C. Construction, LLC. (Bill Huey, Engineer, bchuey@santafenm.gov, 955-4273)



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- d) Request for Approval to Continue Procurement Contracts Under RFB '18/2/B for Thirty (30) Professional Service Agreements for Supplies, Parts, Towing and Services. These are Four (4) Year Contracts and Will Expire on December 30, 2021. The Remaining Available Funding is \$8,091,700. (Lawrence Garcia, Project Administrator, lmgarcia@santafenm.gov, 955-2241)
 - 1) Request for Approval to Spend Over \$60,000 within FY 18/19 and FY 19/20.
 - 2) Request for Approval to Allow the Entire City of Santa Fe to Utilize this Procurement Source.
 - 3) Request for Approval of Amendment No. 1 for Change of Ownership Via an Acquisition from Drive Train Industries to Inland Truck Parts & Service. Funding Amount and Scope of Work will Remain the Same.
- e) Request for Approval of Amendment No. 2 for Time Extension through August 31, 2019, for the Nichols/McClure Reservoir Electrical and Security Improvement; Great Western Electrical Inc. (Alex Gamino, Automation and Security System Administrator, aegamino@santafenm.gov, 955-4375)
- f) Request for Approval of Amendment No. 2 for Time Extension through August 31, 2019, for the Nichols to McClure Reservoir Utility Extension Project; Public Service Company of New Mexico. (Alex Gamino, Automation and Security System Administrator, aegamino@santafenm.gov, 955-4375)
- g) Request for Approval of Amendment No. 1 for FY 19/20 Security System Maintenance On-Call Services in the Amount of \$21,867.50, Plus NMGR T and Term Extension; Intraworks. (Alex Gamino, Automation and Security System Administrator, aegamino@santafenm.gov, 955-4375)
- h) Request for Approval of Amendment No. 8 for FY 19/20 Lease Located at the Tesuque Peak Site, in the Amount of \$9,582.14, Exclusive of NMGR T; XCell Towers, LLC. (Alex Gamino, Automation and Security System Administrator, aegamino@santafenm.gov, 955-4375)



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- i) Request for Approval of Amendment No. 4 for Time Extension Through October 18, 2019, for Engineering Services Related to the Design of Erosion and Drainage Control Measures on the Buckman Pipeline Right-of-Way (ROW); Molzen Corbin & Associates. (Kristin Johansen, Engineer, kgjohansen@santafenm.gov, 955-4279)
- j) Request for Approval of Amendment No. 1 for FY 19/20 Polymer, in the Amount of \$50,000; Polydyne, Inc. (Aaron Rand, Source of Supply Operations Manager, arrand@santafenm.gov, 955-4376)
- k) Request for Approval of Amendment No. 1 for FY 19/20 Hi-Grade Evaporated Salt, in the Amount of \$57,600; Univar USA, Inc. (Aaron Rand, Source of Supply Operations Manager, arrand@santafenm.gov, 955-4376)
- l) Request for Approval of Professional Services Agreement for On-Call Electrical Services for the Water Division Source of Supply Facilities and the Wastewater Treatment Plan Facilities for Four (4) Years, in the Amount of \$160,000, Exclusive of NMGRT; Great Western Electric, Inc. (Kenneth Espinoza, Wastewater Management Plant Supervisor, krespinoza@santafenm.gov, 955-4618)
- m) Request for Approval of Amendment No. 4 for FY 19/20 Public Relations Services for the Water Division, in the Amount of \$80,000 and Term Extension, Exclusive of NMGRT; PK Public Relations. (Christine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4519)
- n) Request for Approval of Amendment No. 1 for FY 19/20 Santa Fe Municipal Watershed Management Program Community Education and Outreach, in the Amount of \$31,300, Exclusive of NMGRT and Term Extension; Santa Fe Watershed Association. (Christine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4519)
- o) Request for Approval of Amendment No. 4 for the Wastewater Treatment Plant Anaerobic Digesters Project – CIP #950, in the Amount of \$223,385, Exclusive of NMGRT and Time Extension; HDR Engineering, Inc. (Alan MacGregor, Engineering Supervisor, asmacgregor@santafenm.gov, 955-4623)



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- p) Request for Approval of Amendment No. 3 for Stormwater Management Educational Public Outreach Via the Utility Bill Inserts in the Amount of \$20,000, Exclusive of NMGR; Valli Information Systems, Inc. dba Postal Pros Southwest. (Melissa McDonald, River and Watershed Coordinator, mamcdonald@santafenm.gov, 955-6840)
- q) City of Santa Fe, the Santa Fe Railyard Community Corporation and WPOI III, LLC (500 Market, LLC). (Kevin Kellogg, Asset Development Manager, kckellogg@santafenm.gov, 955-6213)
 - 1) Request for Approval of Amendment No. 2 to the Amended and Restated Ground Lease Between the City of Santa Fe, the Santa Fe Railyard Community Corporation and WPOI III, LLC (500 Market, LLC).
 - 2) Request for Approval of Amendment No. 1 to the Market Station Condominium Declaration.
- r) Request for Approval of Grant Award and Agreement for Division of Senior Services' Foster Grandparent Program, Retired Senior Volunteer Program and the Senior Volunteer Program, in the Amount of \$304,000; State of New Mexico Aging and Long Term Services Department. (Melanie Montoya, Program Administrator, mmmontoya@santafenm.gov, 955-4761)
- s) Request for Approval of a Memorandum of Understanding for Santa Fe Civic Housing Authority to Act as Project Manager for the Balance of the General Obligation Bond, Project A16-5093, in the Amount of \$80,900; Santa Fe Civic Housing Authority. (Gino Rinaldi, Senior Services Director, earinaldi@santafenm.gov, 955-4710)
- t) Request for Approval of Santa Fe Regional Juvenile Justice Board Funding Recommendations for Alternatives to Detention Programs, in the Total Amount of \$197,580; Various Local Non-Profit Organizations. (Julie Sanchez, Program Manager, jisanchez@santafenm.gov, 955-6678)
- u) Request for Approval of a Lease for Office Space in the Amount of \$80,640; SF Animal Shelter. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- v) Request for Approval of a Lease for Office Space in the Amount of \$73,620; Solace Crisis Treatment Center. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)



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- w) Request for Approval of a Professional Services Agreement for Domestic Violence and Sexual Assault Coordinator, in the Amount of \$285,120; Solace Crisis Treatment Center. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- x) Request for Approval of Agreement for Reimbursement of Overtime for One (1) Santa Fe Police Department Detective, in the Amount Up To \$18,400; Santa Fe County and Sub-Recipient of the Region III High Intensity Drug Trafficking Areas (HIDTA) Funding. (Andrew Padilla, Chief of Police, aapadilla@santafenm.gov, 955-5163)
- y) Request for Approval of Amendment No. 1 for DWI Rehabilitation School Instruction Services, Facility Rental and Validation Fee, in the Amount of \$95,360.16; Kathleen Lawicki DBA Santa Fe DWI School LLC, and NM Traffic Safety Bureau. (Andrew Padilla, Chief of Police, aapadilla@santafenm.gov, 955-5163)
- z) Request for Approval of Amendment No.1 to Allow for Continued Use of Existing Utility Hookup and Compensation for Such Use at 201 W. Marcy Street; Verizon Wireless (VAW), LLC. (Edward Vigil, Land Use Property Manager, evigil@santafenm.gov, 955-6226)
- aa) Request for Approval of Professional Services Agreement (PSA) for Proprietary Visual Marketing Platform in the Amount of \$83,200 for Four (4) Years; CrowRiff Inc. dba CrowdRiff. (Randy Randall, TSF Director, rrandall@santafenm.gov, 955-6209)
- bb) Request for Approval of Two (2) Professional Services Agreements (PSA) to Provide Homebuyer/Homeowner Counseling Services, Assist in the Implementation of the Santa Fe Homes Program (SFHP) and Provide Support to the City for its Affordable Housing Policies. (Alexandra Ladd, Affordable Housing Director, agladd@santafenm.gov, 955-6346)
 - 1) Homewise - \$190,000
 - 2) The Housing Trust - \$100,000
- cc) Request for Approval of Amendment No. 2 for Term Extension; Santa Fe Housing Trust – Soleras Station. (Jacqueline Beam, Affordable Housing Planner, jybeam@santafenm.gov, 955-6574)
- dd) Request for Approval of Services Contract Utilizing New Mexico State Price Agreement #50-000-15-00072 for Silicone Roof Rehabilitation at City Hall Building, in the Amount of \$112,832.66, Inclusive of NMGRT; Commercial Roofing, LLC. (Curt Temple, Public Works Project Administrator, cetemple@santafenm.gov, 955-5935)



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- ee) Request for Approval of Services Contract Utilizing New Mexico State Price Agreement #50-000-15-00072 for Roof Rehabilitation at Main Library, in the Amount of \$150,712.81, Inclusive of NMGRT; Commercial Roofing, LLC. (Curt Temple, Public Works Project Administrator, cetemple@santafenm.gov, 955-5935)
- ff) Request for Approval of Professional Services Agreement (PSA) for the Relocation of the Tract O Gas Line on the Midtown Campus, in the Amount of \$82,593.59, Inclusive of NMGRT; B & D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)
- gg) Request for Approval to Enter into an Agreement for the Rental of Seventeen (17) Reserved Parking Spaces on a Monthly Basis at the Water Street Municipal Lot, in the Amount of \$80,325, Plus Applicable GRT; Hotel St. Francis. (Noel Correia, Parking Division Director, npcorreia@santafenm.gov, 955-6611)
- hh) Request for Approval of Professional Services Contract Utilizing Cooperative Educational Services (CES) for Montezuma Avenue and Sandoval Street Intersection Improvements Engineering Design Services, in the Amount of \$73,990, Exclusive of NMGRT; Wilson & Company. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)
- ii) Request for Approval of Amendment No. 1 for Guadalupe Street Reconstruction Project to Increase Compensation for Design Services, in the Amount of \$47,909.39, Plus Applicable GRT; Wilson & Company. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)
- jj) Request for Approval of Professional Services Contract Utilizing Cooperative Educational Services (CES) for Design Engineering Traffic Improvements Related to the Southside Transit Center, in the Amount of \$221,738.70, Exclusive of NMGRT; Souder, Miller & Associates. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)
- 1) Request for Approval of Budget Amendment Resolution (BAR).



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- kk) Request for Approval of Renewal for Fiscal Year 2019/2020 Comprehensive Insurance Program Coverages, in the Amount of \$2,723,016.15 for Annual Premiums; AJ Gallagher. Barbara Boltrek, Risk & Safety Manager, bcboltrek@santafenm.gov, 955-5627)
- 1) Request for Approval of Budget Amendment Resolution (BAR).
- ll) Request for Approval of Amendment No. 4 for Time and Attendance Software Subscription, in the Amount of \$109,700.30, Excluding NMGRT, and a Term Extension of One (1) Year; ImmixTechnology, Inc. (Juan Blea, Project Manager, jmblea@santafenm.gov, 955-6595)
- mm) Request for Approval of Amendment No. 4 to Increase Compensation and Extend the Term of the Administrative Services Agreement for the City of Santa Fe Employer Sponsored Health and Life Insurance Benefits, in the Amount of \$113,706; Cigna Health and Life Insurance Company. (Bernadette Salazar, HR Director, bjsalazar@santafenm.gov, 955-6591)
- nn) CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Ives)
A Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Capital Budget. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6626)
- oo) CONSIDERATION OF RESOLUTION NO. 2019-_____. (Councilor Vigil Coppler)
A Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Parking Facilities Equipment Project Approval to the New Mexico Finance Authority. (Bradley Fluetsch, Finance Planning and Reporting Manager, bfluetsch@santafenm.gov, 955-6885)
- pp) Request for Approval to Publish Notice of Public Hearing on July 31, 2019:
- Bill No. 2019-14:** An Ordinance Amending Section 14-5.5(D) Regarding the Midtown Local Innovation Corridor Overlay District to Specify that the Provisions of the Midtown Local Innovation Corridor Shall Supersede the Provisions of any Other Overlay District(s), Including, But Not Limited To, the South Central Highway Corridor Protection District as Set Forth in Subsection 14-5.5(A); and Amending Table 14-5.5-4 to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall within the Midtown Local Innovation Corridor Overlay District. (Carol Johnson, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)



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- qq) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Canyon Road Contemporary for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Consumption of Alcohol (Wine) at Canyon Road Contemporary, 622 Canyon Road, Which is Within 300 Feet of the Santa Fe Meeting of Friends (Quaker House), 630 Canyon Road and Acequia Madre Elementary School, 700 Acequia Madre. The Request is for the Following Artist Receptions, With Alcohol Service from 5:00 p.m. to 7:00 p.m.: (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
- July 5, 2019
 - August 30, 2019
 - September 6, 2019
 - September 20, 2019
 - September 27, 2019
 - October 18, 2019
 - December 13, 2019
- rr) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from the Santa Fe Children's Museum/New Mexico Children's Foundation for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Consumption of Alcohol at the Parking Lot of the Children's Museum, 1050 Old Pecos Trail, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail. The Request is for a Fundraising Gala to be held on Saturday, September 14, 2019, With Alcohol Service from 5:30 p.m. to 10:00 p.m. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
11. Request for Approval of Whole Agreement – July 1, 2019 through June 30, 2019 - Year 1 of Whole Agreement; Santa Fe Police Officer's Association. (Andrew Padilla, Police Chief, aapadilla@santafenm.gov, 955-5163)
12. Request for Approval of Amendment No. 2 to the Agreement between the City of Santa Fe and AFSCME Local 3999. (Bernadette Salazar, HR Director, bsalazar@santafenm.gov, 955-6591)
13. CONSIDERATION OF RESOLUTION NO. 2019-____. (Councilor Rivera)
A Resolution Directing the City Manager to Send a Letter on Behalf of the City of Santa Fe to the New Mexico Delegation in Support of the CCM-Care Act of 2019 that Would Increase Care Facilities and Research on Cavernous Angioma; and Transmitting a Copy of This Resolution to the Directors of the NIH, FDA, and CDC Urging Them to Provide Necessary Resources to Research Potential Treatments for CCM. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)



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14. Pursuant to Resolution #2011-56 and Section 1-7.11 SFCC 1987, Review of City of Santa Fe Ethics Ordinance, New Mexico Governmental Conduct Act, New Mexico Open Meetings Act, and Inspection of Public Records Act. (Gabriel Smith, Assistant City Attorney, gasmith@santafenm.gov, 955-6512; Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)
15. Request for Approval of Amendment No. 1 for Term Extension of the Professional Services Agreement between the City of Santa Fe and Yolanda Y. Vigil, City Clerk. (Mayor Webber, amwebber@santafenm.gov, 955-6590)
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, Subsection 10-15-1(H), Parts (7) and (8): Attorney-Client Privileged Discussion Regarding Litigation in Which the City of Santa Fe Is or May Become a Participant, Including Settlement of a Financial Dispute Not Yet Filed as Litigation and Discussion of Disposition of Property, Specifically Disposition of between 5 and 10 City-Owned Parcels Pursuant to a Request for Proposals for the Purpose of Developing Affordable Housing. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

18. Approval of Settlement Agreement. Approval of an Agreement to Settle a Financial Dispute between CCSF-599, LLC and the City of Santa Fe. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)
19. 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) (Postponed on May 29, 2019) (Postponed to July 10, 2019)
20. MATTERS FROM THE CITY CLERK
21. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER



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CITY COUNCIL CHAMBERS

- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) 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, 955-6617) (Postponed on May 29, 2019)
 - 2) CONSIDERATION OF BILL NO. 2019-16: ADOPTION OF ORDINANCE NO. 2019-___. (Mayor Webber)
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. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)
 - 3) CONSIDERATION OF BILL NO. 2019-13: ADOPTION OF ORDINANCE NO. 2019-___. (Councilor Abeyta)
An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Julie Sanchez, Program Manager, jsanchez@santafenm.gov, 955-6678) (Postponed to August 14, 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.

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: June 21, 2019
TIME: 2:57 PM

SUMMARY INDEX

SANTA FE CITY COUNCIL June 26, 2019

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5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as presented	1-2
7. Approval of Consent Calendar	Approved as amended	2
8. Approval of Minutes – June 12, 2019	Approved as presented	2
9. Presentations:	Santa Fe Prep Swim Team	2
	Poet Laureate Jacobson	2-3
10. Consent Calendar Listing	Listed	3-10
(a) Universal Security PSA Amendment	Approved	10
11. Santa Fe POA Whole Agreement	Approved	11-12
12. AFSCME Agreement Amendment	Approved	12-13
13. CCM-Care Act Support	Approved	13
14. Government Conduct Act Review	Informational	13-15
15. City Clerk Contract Extension	Approved	15
16. Matters from the City Manager	Comments	15
17. Matters from the City Attorney	Comments	15
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18. CCSF-500 LLC Settlement	Approved	17
19. State v. Aamodt Settlement	Remained postponed	17
20. Matters from the City Clerk	Announcement	17
21. Communications with Governing Body	Communications	17-18
Evening Session at 7:14	Quorum Present	18
F. Petitions from the Floor	Petitions made	18-19
G. Appointments	None	20
H. Public Hearings		
1. ADU Ordinance	Approved as amended	20-46
2. PNM Franchise Agreement	Approved as amended	46-49
3. Children and Youth Commission	Postponed	49-50
I. Adjournment	Adjourned at 10:55 pm	50

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 26, 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, June 26, 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

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

6. APPROVAL OF AGENDA

MOTION: Councilor Ives 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, 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 Rivera requested discussion on 10 (a) for clarification.

MOTION: Councilor Abeyta moved, seconded by Councilor Ives, to approve the Consent Agenda as amended with (a) removed for discussion.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

8. APPROVAL OF MINUTES: Regular City Council Meeting – June 12, 2019

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve the minutes of June 12, 2019 as presented.

VOTE: The motion was approved on a voice vote with Mayor Webber and Councilors Abeyta, 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 Prep Boys and Girls Swim Teams. (Councilor Romero-Wirth)

Councilor Romero-Wirth welcomed the Santa Fe Prep students on the swim teams. She read the first part of the resolution; Councilor Harris read the second part; and Mayor Webber gave the proclamation.

Coach Tim Caldwell, 2018 Coach of the Year, thanked the City for the swim facilities the teams used to win the trophies.

- b) Introduction of Poet Laureate Elizabeth Jacobson. (Mayor Webber)

Mayor Webber introduced Ms. Elizabeth Jacobson and invited her to read.

Ms. Jacobson read her poem "Lay Hold of Me." She said the highway in the poem is State Highway 14.

10. CONSENT CALENDAR LISTING

- a) This item was pulled for discussion by Councilor Rivera.
- b) Request for Approval of Change Order No. 2 for FY 19/20 City Wide Water Utility Construction & Repair – CIP #953, in the Amount of \$542,187.50, Inclusive of NMGR and Term Extension; Sub Surface Contracting. (Bill Huey, Engineer, bhuey@santafenm.gov, 955-4273)
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 - 2) Request for Approval to Allow the Entire City of Santa Fe to Utilize this Procurement Source.
 - 3) Request for Approval of Amendment No. 1 for Change of Ownership Via an Acquisition from Drive Train Industries to Inland Truck Parts & Service. Funding Amount and Scope of Work will Remain the Same.
- e) Request for Approval of Amendment No. 2 for Time Extension through August 31, 2019, for the Nichols/McClure Reservoir Electrical and Security Improvement; Great Western Electrical Inc. (Alex Gamino, Automation and Security System Administrator, agamino@santafenm.gov, 955-4375)
- f) Request for Approval of Amendment No. 2 for Time Extension through

August 31, 2019, for the Nichols to McClure Reservoir Utility Extension Project; Public Service Company of New Mexico. (Alex Gamino, Automation and Security System Administrator, agamino@santafenm.gov, 955-4375)

- g) Request for Approval of Amendment No. 1 for FY 19/20 Security System Maintenance On-Call Services in the Amount of \$21,867.50, Plus NMGR and Term Extension; Intraworks. (Alex Gamino, Automation and Security System Administrator, agamino@santafenm.gov, 955-4375)
- h) Request for Approval of Amendment No. 8 for FY 19/20 Lease Located at the Tesuque Peak Site, in the Amount of \$9,582.14, Exclusive of NMGR; XCell Towers, LLC. (Alex Gamino, Automation and Security System Administrator, agamino@santafenm.gov, 955-4375)
- i) Request for Approval of Amendment No. 4 for Time Extension Through October 18, 2019, for Engineering Services Related to the Design of Erosion and Drainage Control Measures on the Buckman Pipeline Right-of-Way (ROW); Molzen Corbin & Associates. (Kristin Johansen, Engineer, kjohansen@santafenm.gov, 955-4279)
- j) Request for Approval of Amendment No. 1 for FY 19/20 Polymer, in the Amount of \$50,000; Polydyne, Inc. (Aaron Rand, Source of Supply Operations Manager, arand@santafenm.gov, 955-4376)
- k) Request for Approval of Amendment No. 1 for FY 19/20 Hi-Grade Evaporated Salt, in the Amount of \$57,600; Univar USA, Inc. (Aaron Rand, Source of Supply Operations Manager, arand@santafenm.gov, 955-4376)
- l) Request for Approval of Professional Services Agreement for On-Call Electrical Services for the Water Division Source of Supply Facilities and the Wastewater Treatment Plant Facilities for Four (4) Years, in the Amount of \$160,000, Exclusive of NMGR; Great Western Electric, Inc. (Kenneth Espinoza, Wastewater Management Plant Supervisor, kespinoza@santafenm.gov, 955-4618)
- m) Request for Approval of Amendment No. 4 for FY 19/20 Public Relations

Services for the Water Division, in the Amount of \$80,000 and Term Extension, Exclusive of NMGR; PK Public Relations. (Councilor Riveratine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4519)

- n) Request for Approval of Amendment No. 1 for FY 19/20 Santa Fe Municipal Watershed Management Program Community Education and Outreach, in the Amount of \$31,300, Exclusive of NMGR and Term Extension; Santa Fe Watershed Association. (Councilor Riveratine Chavez, Water Conservation Manager, cychavez@santafenm.gov, 955-4519)
- o) Request for Approval of Amendment No. 4 for the Wastewater Treatment Plant Anaerobic Digesters Project – CIP #950, in the Amount of \$223,385, Exclusive of NMGR and Time Extension; HDR Engineering, Inc. (Mayor Webber MacGregor, Engineering Supervisor, asmacgregor@santafenm.gov, 955-4623)
- p) Request for Approval of Amendment No. 3 for Stormwater Management Educational Public Outreach Via the Utility Bill Inserts in the Amount of \$20,000, Exclusive of NMGR; Valli Information Systems, Inc. dba Postal Pros Southwest. (Melissa McDonald, River and Watershed Coordinator, mmcdonald@santafenm.gov, 955-6840)
- q) City of Santa Fe, the Santa Fe Railyard Community Corporation and WPOI III, LLC (500 Market, LLC). (Kevin Kellogg, Asset Development Manager, kkellogg@santafenm.gov, 955-6213)
 - 1) Request for Approval of Amendment No. 2 to the Amended and Restated Ground Lease Between the City of Santa Fe, the Santa Fe Railyard Community Corporation and WPOI III, LLC (500 Market, LLC).
 - 2) Request for Approval of Amendment No. 1 to the Market Station Condominium Declaration.
- r) Request for Approval of Grant Award and Agreement for Division of Senior Services' Foster Grandparent Program, Retired Senior Volunteer Program and the Senior Volunteer Program, in the Amount of \$304,000; State of New Mexico Aging and Long Term Services Department. (Melanie Montoya, Program Administrator, mmmontoya@santafenm.gov, 955-4761)

- s) Request for Approval of a Memorandum of Understanding for Santa Fe Civic Housing Authority to Act as Project Manager for the Balance of the General Obligation Bond, Project A16-5093, in the Amount of \$80,900; Santa Fe Civic Housing Authority. (Gino Rinaldi, Senior Services Director, grinaldi@santafenm.gov, 955-4710)
- t) Request for Approval of Santa Fe Regional Juvenile Justice Board Funding Recommendations for Alternatives to Detention Programs, in the Total Amount of \$197,580; Various Local Non-Profit Organizations. (Julie Sanchez, Program Manager, jlsanchez@santafenm.gov, 955-6678)
- u) Request for Approval of a Lease for Office Space in the Amount of \$80,640; SF Animal Shelter. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- v) Request for Approval of a Lease for Office Space in the Amount of \$73,620; Solace Crisis Treatment Center. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- w) Request for Approval of a Professional Services Agreement for Domestic Violence and Sexual Assault Coordinator, in the Amount of \$285,120; Solace Crisis Treatment Center. (Robert Vasquez, Deputy Chief of Police, rvasquez@santafenm.gov, 955-5163)
- x) Request for Approval of Agreement for Reimbursement of Overtime for One (1) Santa Fe Police Department Detective, in the Amount Up To \$18,400; Santa Fe County and Sub-Recipient of the Region III High Intensity Drug Trafficking Areas (HIDTA) Funding. (Andrew Padilla, Chief of Police, apadilla@santafenm.gov, 955-5163)
- y) Request for Approval of Amendment No. 1 for DWI Rehabilitation School Instruction Services, Facility Rental and Validation Fee, in the Amount of \$95,360.16; Kathleen Lawicki DBA Santa Fe DWI School LLC, and NM Traffic Safety Bureau. (Andrew Padilla, Chief of Police, apadilla@santafenm.gov, 955-5163)

- z)** Request for Approval of Amendment No.1 to Allow for Continued Use of Existing Utility Hookup and Compensation for Such Use at 201 W. Marcy Street; Verizon Wireless (VAW), LLC. (Edward Vigil, Land Use Property Manager, evigil@santafenm.gov, 955-6226)
- aa)** Request for Approval of Professional Services Agreement (PSA) for Proprietary Visual Marketing Platform in the Amount of \$83,200 for Four (4) Years; CrowRiff Inc. dba CrowdRiff. (Randy Randall, TSF Director, randall@santafenm.gov, 955-6209)
- bb)** Request for Approval of Two (2) Professional Services Agreements (PSA) to Provide Homebuyer/Homeowner Counseling Services, Assist in the Implementation of the Santa Fe Homes Program (SFHP) and Provide Support to the City for its Affordable Housing Policies. (Alexandra Ladd, Affordable Housing Director, aladd@santafenm.gov, 955-6346)

 - 1) Homewise – \$190,000
 - 2) The Housing Trust - \$100,000
- cc)** Request for Approval of Amendment No. 2 for Term Extension; Santa Fe Housing Trust – Soleras Station. (Jacqueline Beam, Affordable Housing Planner, jbeam@santafenm.gov, 955-6574)
- dd)** Request for Approval of Services Contract Utilizing New Mexico State Price Agreement #50-000-15-00072 for Silicone Roof Rehabilitation at City Hall Building, in the Amount of \$112,832.66, Inclusive of NMGRT; Commercial Roofing, LLC. (Curt Temple, Public Works Project Administrator, c temple@santafenm.gov, 955-5935)
- ee)** Request for Approval of Services Contract Utilizing New Mexico State Price Agreement #50-000-15-00072 for Roof Rehabilitation at Main Library, in the Amount of \$150,712.81, Inclusive of NMGRT; Commercial Roofing, LLC. (Curt Temple, Public Works Project Administrator, c temple@santafenm.gov, 955-5935)
- ff)** Request for Approval of Professional Services Agreement (PSA) for the Relocation of the Tract O Gas Line on the Midtown Campus, in the Amount of \$82,593.59, Inclusive of NMGRT; B & D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager, sburnett@santafenm.gov, 955-5933)

- gg) Request for Approval to Enter into an Agreement for the Rental of Seventeen (17) Reserved Parking Spaces on a Monthly Basis at the Water Street Municipal Lot, in the Amount of \$80,325, Plus Applicable GRT; Hotel St. Francis. (Noel Correia, Parking Division Director, nocorreia@santafenm.gov, 955-6611)

- hh) Request for Approval of Professional Services Contract Utilizing Cooperative Educational Services (CES) for Montezuma Avenue and Sandoval Street Intersection Improvements Engineering Design Services, in the Amount of \$73,990, Exclusive of NMGR; Wilson & Company. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)

- ii) Request for Approval of Amendment No. 1 for Guadalupe Street Reconstruction Project to Increase Compensation for Design Services, in the Amount of \$47,909.39, Plus Applicable GRT; Wilson & Company. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)

- jj) Request for Approval of Professional Services Contract Utilizing Cooperative Educational Services (CES) for Design Engineering Traffic Improvements Related to the Southside Transit Center, in the Amount of \$221,738.70, Exclusive of NMGR; Souder, Miller & Associates. (Sarah Anderson, Public Works Engineer Supervisor, smanderson@santafenm.gov, 955-6672)
 - 1) Request for Approval of Budget Amendment Resolution (BAR).

- kk) Request for Approval of Renewal for Fiscal Year 2019/2020 Comprehensive Insurance Program Coverages, in the Amount of \$2,723,016.15 for Annual Premiums; AJ Gallagher. Barbara Boltrek, Risk & Safety Manager, bcboltrek@santafenm.gov, 955-5627)
 - 1) Request for Approval of Budget Amendment Resolution (BAR).

- ll) Request for Approval of Amendment No. 4 for Time and Attendance Software Subscription, in the Amount of \$109,700.30, Excluding NMGR, and a Term Extension of One (1) Year; Immix Technology, Inc. (Juan Blea, Project Manager, jblea@santafenm.gov, 955-6595)

- mm)** Request for Approval of Amendment No. 4 to Increase Compensation and Extend the Term of the Administrative Services Agreement for the City of Santa Fe Employer Sponsored Health and Life Insurance Benefits, in the Amount of \$113,706; Cigna Health and Life Insurance Company. (Bernadette Salazar, HR Director, bsalazar@santafenm.gov, 955-6591)
- nn)** CONSIDERATION OF RESOLUTION NO. 2019-33. (Councilor Ives)
A Resolution Adopting the City of Santa Fe Fiscal Year 2019/2020 Capital Budget. (Regina Wheeler, Public Works Department Director, rwheeler@santafenm.gov, 955-6626)
- oo)** CONSIDERATION OF RESOLUTION NO. 2019-34. (Councilor Vigil Coppler)
A Resolution Authorizing and Approving Submission of a Completed Application for Financial Assistance and Parking Facilities Equipment Project Approval to the New Mexico Finance Authority. (Bradley Fluetsch, Finance Planning and Reporting Manager, bfluetsch@santafenm.gov, 955-6885)
- pp)** Request for Approval to Publish Notice of Public Hearing on July 31, 2019:
Bill No. 2019-14: An Ordinance Amending Section 14-5.5(D) Regarding the Midtown Local Innovation Corridor Overlay District to Specify that the Provisions of the Midtown Local Innovation Corridor Shall Supersede the Provisions of any Other Overlay District(s), Including, But Not Limited To, the South Central Highway Corridor Protection District as Set Forth in Subsection 14-5.5(A); and Amending Table 14-5.5-4 to Remove References to Structures that Fall Within the South Central Highway Corridor Protection District that Also Fall within the Midtown Local Innovation Corridor Overlay District. (Carol Johnson, Land Use Department Director, cjohnson@santafenm.gov, 955-6617)
- qq)** Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Canyon Road Contemporary for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Consumption of Alcohol (Wine) at Canyon Road Contemporary, 622 Canyon Road, Which is Within 300 Feet of the Santa Fe Meeting of Friends (Quaker House), 630 Canyon Road and Acequia Madre Elementary School, 700 Acequia Madre. The Request is for the Following Artist Receptions, With Alcohol Service from 5:00 p.m. to 7:00 p.m.: (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yvigil@santafenm.gov), 955-6521)

- July 5, 2019
- August 30, 2019
- September 6, 2019
- September 20, 2019
- September 27, 2019
- October 19, 2019
- December 13, 2019

- rr)** Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from the Santa Fe Children's Museum/New Mexico Children's Foundation for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Consumption of Alcohol at the Parking Lot of the Children's Museum, 1050 Old Pecos Trail, Which is Within 300 Feet of St. John's United Methodist Church, 1200 Old Pecos Trail. The Request is for a Fundraising Gala to be held on Saturday, September 14, 2019, With Alcohol Service from 5:30 p.m. to 10:00 p.m. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yvigil@santafenm.gov), 955-6521)

CONSENT CALENDAR DISCUSSION

- a)** Request for Approval of Amendment No. 7 for Professional Security Services, in the Total Amount of \$930,694.98, Plus Applicable Gross Receipts Tax; Universal Protection Service, LP/DBA Allied Universal Security Services. (David Silver, Emergency Manager, dsilver@santafenm.gov, 955-6537)

Councilor Rivera wished his wife a happy 26th anniversary today. He explained that the minutes said he was absent for the vote, but he was present, and he did vote for it on page 29.

MOTION: Councilor Rivera moved, seconded by Councilor Abeyta, to approve Amendment No. 7 for Professional Security Services.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

END OF CONSENT CALENDAR

11. Request for Approval of Whole Agreement – July 1, 2019 through June 30, 2019 - Year 1 of Whole Agreement; Santa Fe Police Officers' Association. (Andrew Padilla, Police Chief, apadilla@santafenm.gov, 955-5163)

Chief Padilla presented the agreement with the Santa Fe Police Officers' Association.

Councilor Rivera asked Chief Padilla to highlight the changes in this contract with the police union.

Chief Padilla thanked the police officers for their patience during the process and several others along with the President of the Union. He said they came to agreement for the first full pay period with raises that were well deserved. He explained that the group medical insurance is now aligned. Section 16 was a great classification study with a front end load for the officers among those we have been losing. They will go from an hourly rate of \$19.11 to \$22 after probation. Detectives go up to \$30/hour and Sergeants with seven years' experience to \$33/hour. Non-sworn aides, technicians, and other personnel are receiving a 4% increase or raises up to the minimum pay range, with the Governing Body's endorsement.

Councilor Vigil Coppler asked how the clothing and uniform allowance works.

Chief Padilla explained they get a \$500 IOU and the requests go through purchasing and a purchase order.

Councilor Vigil Coppler was curious about it being a taxable item.

Chief Padilla clarified that it is the City's HR policy.

Councilor Rivera thanked Chief Padilla for his force and those who have not jumped ship to go elsewhere. "The new agreement speaks volumes, so thank them as well."

Councilor Harris echoed those comments. "It reflects my own feelings and everyone who has made it work. One question on vehicle use. Is that policy unchanged? Will it remain as is?"

Chief Padilla agreed. They did not change it. Officers are allowed up to 45-mile radius to take their car home now.

Mayor Webber pointed out a valedictorian in the most recent graduation class.

Chief Padilla agreed. And we will have a new class graduating close to end of year.

We are definitely recruiting and testing every second Saturday of the month. Hopefully

with passage of the POA, we will have higher rates.

Councilor Villarreal asked about group medical language that was removed.

Deputy Chief Robert Vasquez said the medical insurance reflects current policy for non-sworn employees that affects the copays of non-union employees. It will be \$15 copay up from \$10 and prescriptions have a \$5 increase. The language removed makes it compliant with the city's plan as a whole.

Mayor Webber thanked Chief Vasquez for leading the negotiating team.

Councilor Abeyta congratulated Tony Trujillo, Union president, who led their negotiations.

Mayor Webber echoed Councilor Abeyta's comment. It was really a coming together.

MOTION: Councilor Ives moved, seconded by Councilor Harris, to approve the Whole Agreement with the Santa Fe Police Officers' Association as presented.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

12. Request for Approval of Amendment No. 2 to the Agreement between the City of Santa Fe and AFSCME Local 3999. (Bernadette Salazar, HR Director, bsalazar@santafenm.gov, 955-6591)

Director Salazar said Amendment #2 includes the recommendations from the classification plan and the AFSCME equity pay plan. Both parties made sure we were within budget and able to come to this agreement.

Mayor Webber added that the City has union ratification as of Monday night.

Director Salazar agreed.

Mayor Webber said it takes two to come together on this \$409,000 item carried forward and that set the stage for a productive discussion on the equity plan. He was pleased that they were able to conclude it in a timely and equitable way. Pay packages

will reflect those increases as we start this fiscal year.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve Amendment No. 2 with AFSCME as presented.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

13. **CONSIDERATION OF RESOLUTION NO. 2019-35. (Councilor Rivera)**
A Resolution Directing the City Manager to Send a Letter on Behalf of the City of Santa Fe to the New Mexico Delegation in Support of the CCM-Care Act of 2019 that Would Increase Care Facilities and Research on Cavernous Angioma; and Transmitting a Copy of This Resolution to the Directors of the NIH, FDA, and CDC Urging Them to Provide Necessary Resources to Research Potential Treatments for CCM. (Jesse Guillen, Legislative Liaison, jguillen@santafenm.gov, 955-6518)

Councilor Rivera read from the CCM that it is a disease few have heard about and causes brain blood leaks. There is a 50% chance of passing it on to one's children. He thanked Karen Heldmeyer for bringing it up. June is CCM Month.

Mayor Webber thanked him for that history.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve Resolution 2019-33 as presented.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

Councilor Villarreal and Councilor Ives asked to be listed as co-sponsors.

14. Pursuant to Resolution #2011-56 and Section 1-7.11 SFCC 1987, Review of City of Santa Fe Ethics Ordinance, New Mexico Governmental Conduct Act, New

Mexico Open Meetings Act, and Inspection of Public Records Act. (Gabriel Smith, Assistant City Attorney, gasmith@santafenm.gov, 955-6512; Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

This item was informational only.

Ms. McSherry introduced Gabe Smith, who also teaches at Improv Santa Fe.

Ms. McSherry spoke about the code. It specifies only complaints against the State must be reviewed once a year and that is what Santa Fe is doing. Annual disclosures are made in July in which all Councilors and all executive officers disclose memberships, occupations, etc.

Ms. McSherry clarified regarding Conflicts of Interest, the details for the definition of "official act" that includes a provision when there is no quorum otherwise, that a person with a conflict can still vote in the emergency but otherwise must recuse themselves. There is a broad swath of conflicts. Family is defined and official act is defined.

The next was improper gifts and then improper transactions with the City. The Government Conduct Act does also apply, and violations could result in a 4th degree felony. Up to \$250 can be allowed for certain benefits in performance of your duty like the Mayor's Ball.

The Act also covers workplace bullying by Governing Body members. She also reviewed the personnel restrictions related to the Code of Conduct. She explained that the ECRB Role includes questioning individuals regarding their conduct and the City Attorney can refer upon a finding of probable cause.

Ms. McSherry turned to Mr. Smith for IPRA.

Mr. Smith said IPRA has a broad definition for public records. In a recent case they used "documents" rather than records. Drafts are included as well as personal emails. IPRA gives us up to 15 days to respond. He made several comments on law enforcement aspects of IPRA.

Councilor Vigil Coppler was curious on page 8 of item K of ethics which addresses bullying but not Councilors against each other.

Ms. McSherry replied there may be overarching provisions that make it not a good idea.

Councilor Vigil Coppler asked if the State Act deals with it. She did not see anything on sexual harassment and asked if that is under another category.

Ms. McSherry said it is. Some could be criminal under EEOC or other provisions.

Councilor Vigil Coppler said she got a gift when the Regal Six theater opened. She had assumed it was not for her. The Donor may have IRS obligations, but we can receive gifts.

Ms. McSherry suggested she could bring that gift to the City Manager.

Councilor Harris asked to what extent it can go with the City Manager.

Ms. McSherry said they must be very careful. A disciplinary matter could arise quickly if their status is affected by politics. She advocated to check with the City Manager and suggested caution about specific facts or comparing city employees.

Councilor Harris asked about questions on performance of a city employee. He thought that should go to the City Manager instead of the Mayor.

Ms. McSherry said she is available for specifics or other conversations about it.

- 15.** Request for Approval of Amendment No. 1 for Term Extension of the Professional Services Agreement between the City of Santa Fe and Yolanda Y. Vigil, City Clerk. (Mayor Webber, amwebber@santafenm.gov, 955-6590)

MOTION: Councilor Ives moved, seconded by Councilor Abeyta, to approve the extension of the PSA with Yolanda Vigil as City Clerk.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

16. MATTERS FROM THE CITY MANAGER

Mr. Jones announced that part one of the ERP is set to go live on July 1 and a few training sessions have been set up and all Councilors are invited to attend.

17. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry said all Councilors will get an email regarding the portal for viewing proposals submitted. Just sign in with our email name and password. If needed, we will have a study session on it.

Secondly, she announced new staff member, Andrea Felberg, who came from Cuddy McCarthy most recently. She was glad to have her here.

Finally, she requested an executive session to deal with two matters as shown on the agenda, for discussion on litigation and city-owned parcels.

MOTION: Councilor Rivera moved, seconded by Councilor Ives, that the Governing Body go into executive session for the purposes 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.

At 6:13 p.m., the Governing Body went into executive session.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Subsection 10-15-1(H), Parts (7) and (8): Attorney-Client Privileged Discussion Regarding Litigation in Which the City of Santa Fe Is or May Become a Participant, Including Settlement of a Financial Dispute Not Yet Filed as Litigation and Discussion of Disposition of Property, Specifically Disposition of between 5 and 10 City-Owned Parcels Pursuant to a Request for Proposals for the Purpose of Developing Affordable Housing. (Erin K. McSherry, City Attorney, ekmsherry@santafemn.gov, 955-6512)

The executive session ended at 7:00 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

Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

18. Approval of Settlement Agreement. Approval of an Agreement to Settle a Financial Dispute between CCSF-599, LLC and the City of Santa Fe. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry agreed to answer questions.

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to approve the settlement agreement 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.

19. 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) (Postponed on May 29, 2019) (Postponed to July 10, 2019)

20. MATTERS FROM THE CITY CLERK

Ms. Vigil announced the next City Council meeting will be on July 10 at Midtown Tipton Hall, 1600 St. Michael's Drive, starting at 5:00 p.m.

21. COMMUNICATIONS WITH THE GOVERNING BODY

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

Councilor Harris introduced an ordinance repealing the 2003 building code and adopting the 2015 building codes. He is also introducing the 8th annual food drive, using

city vehicles. On July 2 at 6 pm at GCCC is the kickoff for the Arroyo Chamiso Crossing Study.

Councilor Lindell asked him to send the notice to everyone and Councilor Harris agreed.

Councilor Lindell hoped for no war with Iran and that current tensions be reflective. She drew the Council's attention to Resolution 2012-15 from May 2012, petitioning President and Congress to no strike on Iran. The fear of loss of life is great and it is time for heightened awareness.

Councilor Vigil Coppler noted the graduation tomorrow of 11 fire cadets and Councilor Rivera is the keynote speaker. She introduced a resolution on design for added banners for veterans and also execution of the loan agreement with NMFA on parking improvements.

Councilor Abeyta asked Shannon Jones to keep us updated on watering at MRC.

Councilor Rivera signed on as cosponsor to the neighbor to neighbor food drive and the added banners. He introduced an Ordinance on the Office of Emergency Management for expanded hours. He also wished his wife happy 26th anniversary, happy birthday to his daughter in July and Councilor Villarreal on July 4.

Councilor Villarreal signed on to Councilor Harris' ordinance on codes and the 8th annual food drive. She also reminded the public about lots of celebrations starting this week with Pride and the parade on Saturday. We were invited to be on stage to read the proclamation in recognition of Pride.

Councilor Lindell announced the Pride Parade starts at the PERA parking lot at 11:00 and wished Councilor Rivera happy anniversary today. She said she and Marian are celebrating 24 years together. She commented that the partners of everyone on this Council are patient.

Mayor Webber announced the Southside Summer is in full swing. Check the website for music, art or film.

END OF THE AFTERNOON SESSION

EVENING SESSION – 7:14 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, June 26, 2019, at approximately 7:14 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

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

F. PETITIONS FROM THE FLOOR

Mayor Webber invited petitions for things not on the agenda.

Stefanie Beninato asked why the City is considering closing Ft. Marcy before Perez is reopened.

She was upset that the Land Use Director, through the Planning Commission, is recommending more studies to increase density and hire more employees including deputy directors. The job is contracted out and the ordinance says the Land Use Director can interpret any land code and she said any staff can waive setbacks. And on controversial projects there are massive errors and mistakes.

Tom Montoya said, "The urgency of my comment can't wait. Thanks for efforts at Church of the Holy Faith. I'm frustrated by lack of courage for what we believe. There is a crisis of leadership in government. Human rights and this issue of abortion is difficult.

We can't wait for a more convenient time, if we want to make life quality. God bless you."

There were no other petitions from the floor.

G. APPOINTMENTS - None

H. PUBLIC HEARINGS

Mayor Webber reminded the audience that we don't permit applause or boos. He asked everyone to please remember that and treat each other with respect.

- 1) **CONSIDERATION OF BILL NO. 2019-7: ADOPTION OF ORDINANCE NO. 2019-03. (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, crichneon@santafenm.gov, 955-6617) (Postponed on May 29, 2019)

This consideration began with a presentation from Director Johnson.

Director Johnson clarified this is an amendment to Chapter 14 where all standards for accessory uses including ADU are found. She highlighted changes in six standards - parking - option to get credit for parking space on the street in front, if the street is at least 35 feet wide and parking is allowed. It changes the way size is measured. The footprint is divided by lot area which is not the usual way. So we change to gross floor area at 1,500 square feet.

Height is limited to 14', based on the premise that only detached structures are a casita. But this allows a second floor addition like over a garage if all other standards are met.

There are other regulations that apply, so not all properties are eligible to apply.

The next change to the design requirements is that it has to be compatible. But instead of matching a poor design, it should meet district standards.

The most controversial is on use. Two separate households are currently not allowed unless the owner lives on-site. The proposed change would now allow two different households on the lot.

Covenants - If the owner is not required to live on site, that covenant would be removed. It does not change that rule if that owner must live on site.

New changes now -

1 – We have a new vendor who will sweep the web site - covering 54 sites for rental and will do it three times per week and give list for us to follow up with enforcement.

Training will take place on Monday. Once we are more proactive, we believe the remaining ADU permits of 250 will all be subscribed, and we can more aggressively pursue unregistered rentals.

The State of New Mexico has addressed collection of GRT and Lodgers' Tax. Air BnB will start collecting the GRT for their properties.

She made a drawing to show regulations on various options: Main house or primary dwelling and a casita or ADU. This will allow more options - but with case-by-case review.

Option 1 - main and casita; 2 is main and casita on second floor' 3 - over a garage and 4 – a main with casita within the main house.

Specific terms - typically 7 feet - There are 5' yard setbacks on side.

Over 14' means added 15' setback and always 15' setback in rear.

40% max lot coverage.

We did estimate # of lots at 14,000 throughout the City without any added analysis. But lots of other development standards apply. That is an overview and will stand for questions.

Councilor Harris noted the enforcement language in the existing ordinance is Certificate of Occupancy.

Director Johnson said it is in Section D-1-k and read it. It indicated possible revocation.

Councilor Harris asked what that meant.

Director Johnson said it would have to be restricted to non-habitable use.

Councilor Harris asked how often that has happened.

Director Johnson said they have not had a revocation yet.

Councilor Harris asked if there were any other penalties.

Director Johnson said there are, primarily as STR. And the City would pursue enforcement under those provisions.

Councilor Rivera said we talked about contracting out the enforcement for sweeping web sites.

Director Johnson agreed. It is proactive enforcement with all web platforms before getting any complaints about possible violations and collect the data where it resides and take screen shots and then we follow up.

Councilor Rivera asked about day-to-day enforcement of parking, etc.

Director Johnson said they reorganized into six districts so that staff will know the areas better.

Councilor Rivera asked about enforcement on evenings, nights, and weekends.

Director Johnson said they are only staffed from 8 to 5 on weekdays right now but she could offer overtime for a party complaint.

Councilor Rivera asked who would approve the four options.

Director Johnson said all that are in historic districts would go through HDRB first. We don't have architecture points, but the zoning review person would look to the architecture conformance with administrative review.

Director Johnson said the building permit is posted with a 51-day appeal period.

Councilor Rivera understood an appeal would be after the administrative approval.

Director Johnson said yes. It is not a discretionary process. The construction would be on hold until the issue is dealt with.

The Board of Adjustment deals with the building permits.

Councilor Rivera asked if there are any plans for enforcement on evenings, and weekends.

Director Johnson said it is not budgeted but we can look at it for the next cycle.

Councilor Vigil Coppler realized it is not in the budget but asked if she could implement modified work hours to change the work week so it would not incur overtime but at times have observations on evenings and weekends. That is where you can really see people home and cars and. I would suggest that, if there is no other basis for allowing it in contracts.

Director Johnson explained that the union considers any weekend or flex hours - as overtime as the contract exists and all enforcement personnel are union.

Councilor Harris heard the staff estimate of available sites at 14,0000. Has there been a calculation about how many ADUs exist now?

Director Johnson said no. The County has footprint calculations, but we don't know if the accessory structure is ADU.

Councilor Harris assumed we don't know how they are being used, or that one unit would be long term. Or whether they are used for STR.

Director Johnson agreed. We don't have data to show conclusively how they are used for STR. We know those 35 are specifically registered. About 40% are unregistered.

Councilor Harris noted that over the last 10 years about 93 permits have been issued. You said six are being processed right now. So we don't know how many or if they are in compliance but a relatively small number over ten years.

Director Johnson agreed. And current regulations require free-standing casitas. The lower cost of new regulations might increase the number.

Councilor Romero-Wirth was curious on the certificates of occupancy standards.

Director Johnson said the certificate of occupancy has to do with building code.

Councilor Romero-Wirth asked if the City has no occupancy standards.

Director Johnson said the standard is no more than two people per room. On enforcement, if you have an existing ADU, they would not need any kind of building permit and can just start renting, if we pass this bill. And we would not have to check to

see if parking is permitted. And you wouldn't know if they met the parking regulations. For long term rental that is true but STR requires inspections.

Councilor Romero-Wirth asked what a person could do if a neighbor complains that a casita is rented long term and there is no parking.

Director Johnson said they would first search for any permit history and what parking regulations exist there. It could be a nonconforming use that was permitted. If in violation, they would have to comply with the ordinance. She outlined the process and noted it could lead to a criminal complaint in district court where the judge sets the fine for up to \$250 per day.

Councilor Romero-Wirth thought that is a clunky process for compliance. Do other cities have civil compliance to write tickets without going to court.

Director Johnson -said some do. Civil action could be done with judgment running with the land.

Councilor Romero-Wirth assumed with an ADU owned by an LLC, the City could not use criminal proceedings to get compliance.

Director Johnson deferred to the City Attorney.

Ms. McSherry said we have not had a case, but she thought a criminal process would apply there. That was her initial impression.

Councilor Romero-Wirth asked if that is true for STR also.

Ms. McSherry said she is looking at STRs, but long term could be considered also.

Councilor Romero-Wirth thought this is something we should be doing if we move this policy forward. She got an email on how the department will decide if parking on-street is available. Will you send inspectors out or Google it?

Director Johnson said there is no existing database with actual street widths. We would ask owners to measure the street width as an affidavit.

Councilor Romero-Wirth received emails from people on a little dead end street and parking on both sides narrows the street. Would that come into the analysis?

Director Johnson said many streets are less than 35'. Those streets would not qualify for parking in front.

Councilor Romero-Wirth was concerned with absentee landlords and degradation of property. She asked what the City currently has in place for properties not kept up.

Director Johnson said junk, trash and debris and weeds over six inches high is a potential violation. There are things we don't have outside the historic district to require maintaining your property. Other jurisdictions have maintenance standards and national code has that also.

Councilor Romero-Wirth understood, if an owner doesn't live on the property - and lets the property go, we must have a standard to enforce.

Director Johnson said most of our complaints are with owner-occupied properties. A much larger policy discussion is needed.

PUBLIC HEARING

Mayor Webber asked how many wanted to speak to begin the public hearing portion. A very large number of people raised their hands.

Mayor Webber asked that everyone making a statement speak clearly and state their name and address. He assured everyone they would be heard and have one minute. He asked that they not repeat what had already been stated.

Pat Lillis, 2119 Conejo Drive, stated she was opposed. She understood the need to rent, having rented for 16 years in Santa Fe. Her hope was that cost would be lower not higher as housing became more abundant with the construction of additional apartments and homes, in combination with the needed STR reform that had decimated the long-term rental housing stock. She wanted it to become easier for Santa Feans to buy a home, not harder.

She said housing is a primary way to make money, so how could anyone believe that removing the protection put into place in 1981 could be a good idea for local residents. She asked councilors to consider not removing the restriction that prevents the rental of the main house and guest house. It would only invite property speculation and the people would buy but not live in Santa Fe. Instead develop an exemption process to allow both units as rentals under special circumstances.

Angela Lambert at 1233 Lujan Street noted she was born in Santa Fe but worked in the Bay Area and moved back in January. It took her six months to find a home and she applied for multiple places that usually had 20 or 30 other applicants. She and her boyfriend spent months trying to build relationships to find a home to rent. She asked that City Council consider helping youth come back to Santa Fe and have a place to live.

Beth Stevens, 2412 San Patricio Plaza, president of the Santa Fe Association of Realtors spoke on the Association's behalf, with over 900 realtors and 100 affiliated organizations. She spoke in support of the proposed ADU ordinance amendments. There is great demand for all types of housing throughout the City and encouraging ADU development is an important step in addressing the growing rental housing needs. The ordinance provides a good balance between the housing needs of Santa Fe and protecting neighborhoods. They urged councilors to support the ordinance as introduced.

Rob Morlino, 2909 Pueblo Pintado, stated that population distribution by age is almost universally recognized by the economist as a primary indicator of a city's financial health and success. A population pyramid is the most popular way to visualize that. It should be bottom loaded with younger people reaching prime earning potential and therefore covering the revenue requirements of a city. Mr. Morlino showed a pyramid for Austin Texas, Bentonville Arkansas, Provo Utah, as compared to Santa Fe. Santa Fe looked like a rectangle rather than a pyramid.

He thought Santa Fe is what happens when the land use code does not encourage financial health and growth of the city. Santa Fe needs to encourage policies that allow better distribution of the population.

Pen LaFarge, spoke as president of the Old Santa Fe Association (OSFA) board, which supports the attempts to create affordable housing and the programs for additional rental housing. The Association was impressed with the first programs, however, that the initiative selected on the ADU ordinance amendment offered the fewest units for rental housing. And the ordinance has the greatest negative impact on the neighborhoods. The dismissal of the requirement that a property owner must live in one of the two units promotes both local and foreign investors. The Homewise Housing Report states the City's top 15 hosts accounts for 381 active STRs, which is over one quarter of the Santa Fe market. If the owner was limited to long-term rentals only, there would be no temptation to turn neighborhood houses into short-term units.

It is essential and critical that the City enforce its ordinances, including what is decided tonight on rentals.

Mike Loftin, Executive Director of Homewise asked the councilor process to support the proposal because it would improve the way casitas are built in Santa Fe. You would not have to tear down your yard for parking if parking is available on the street and if current zoning allowed building two stories. In the current law that allows only the rental of the main house and guest house to someone who could afford both. That would get the City out of the business of determining who a person could rent to and out of evicting young Santa Feans and sending the message that there is no room in Santa Fe for young people.

What the proposal does not do is change lot coverage requirements, set back requirements, zoning, or allow more STRs, and in fact discourages them. The proposal will not cause an influx of slumlords and is a modest way to contribute to affordable housing while being sensitive to the neighborhood.

Barbara Frick, 1801 Camino Cruz Blanca, thanked Councilors Romero-Wirth and Rivera for their questions and insightfulness. She is against the ordinance. She found it ironic that suddenly the councilor was going to hire a host compliance after a number of years without enforcement, including the Don Cubero fiasco. She said money talks, whether Homewise, the builders, contractors of all sorts that will make a lot of money. Instead of Santa Fe taking responsibility for building affordable housing they were suddenly asking to do that. The homeowners are the backbone of the City and should not be held responsible for doing what the City was asked to do.

Shannon Murphy, 106 Mesa Vista Street, is the administrator and moderator of an on-line parent's group with 1500 members. She has 15 stories from members that she wanted to read that she was only given a minute to. She explained as a working parent she sees her children 2 1/2 to 3 hours a night during the week and decided she would not see them tonight in order to bring city council 15 stories from mothers whose rent has been raised 30%; who are paying between \$2,000-\$3000 a month for a mortgage, more than 40% of their income. Many are either considering moving to the outskirts of Santa Fe or considering moving to Albuquerque and commuting.

She thought if they had asked all who were present tonight who were the parents with young families, there would be less than the average 40% who have children at home. She indicated she would email the stories to the councilors and ask that they read them.

Sky Tolnon, 108 Sicamoro, thanked Councilors Vigil and Coppler for introducing the proposal. He thought it important to recognize that much of the language in opposition is thinly veiled classicism and racism. A fear of renters coming into the City and threatening the quality of life of wealthy neighborhoods. He thought the history of single-family zoning was worth recognizing as largely a history of segregation. Voting against the ordinance would be a statement of support for economic and to some degree racial segregation in Santa Fe. They should not stand for that.

They could loosen the parking restrictions but could get past the need for more dense housing if there was no need to drive. The Council passed a resolution for Santa Fe to be carbon neutral by 2040, but that would not happen if they keep growing in the County.

Alisha Abbott, 1315 Morelia is a 20-year homeowner in District 2 and has been astonished that the homeowners in Santa Fe, the long-term neighborhood owners, are vilified. Their concerns have been trivialized and they have been called inhumane, anti-affordable housing, anti-youth, NIMBYs, racists and supporters of segregation. She said that they were not wealthy and would not deny housing to people and support of

affordable housing. They are the people the City Council needs to get this ordinance through their constituents. They are mostly the long-term homeowners who made the neighborhoods that the youth want to move into. She said they appreciate their needs, but the City would destroy what homeowners have built and 20 years has value.

Zane Fisher, 2879 All Trades Road, said a healthy housing ecosystem is fundamental for shelter, but its costs and availability also impact economic activity, tax revenue, talent retention/attraction. The manner in which they build and manage land use going forward is critical to achieving the 2040 climate goals. There will always be those who fear change and warn that the sky will fall if they adopt new policies. That very obstruction has led them to the current crisis in housing supply and costs. He said this body holds the accountability to choose stasis and fear or choose smart equitable policies and a future of vitality. He asked them to lead the captivity toward equity and economic opportunity and environmental responsibility. Those who do not change direction are liable to end up where they are headed.

Rick Martinez asked to address the Santa Fe Housing Coalition. They distributed something that stated they had heard from a lot of well-organized, connected NIMBY groups whose activism helped to create the housing crisis. He said, "Wow. The neighborhoods in Santa Fe helped to create this housing crisis?" Financial institutions had nothing to do with it? Real estate speculators and the recession had nothing to do with it? Urban planning officials had nothing to do with it? STR had nothing to do with it? Fee in lieu had nothing to do with it?"

He noted there were over 2000 in lieu of fee units approved with not one affordable unit. He said talking about NIMBYism, people do not want them living in those units. He suggested they think about why they keep the *fee in lieu*. They should look at single-family homes in Santa Fe. They are losing them because they are being turned into rentals and the single-family home is then gone forever.

He supported affordable housing, but once they lose the single-family homes they will be lost.

Barbara Fix stated she has been a Baca neighborhood resident most of her life. The neighborhood was affordable and mostly working-class families. She asked council to do what they could to maintain that neighborhood. She agreed ADUs and casitas have been a traditional use, but her neighborhood has been flooded with speculation and illegal STRs. The depiction of enforcement action reality is that the City has been complaint driven rather than proactive. This is an experiment and that is good but to do an experiment well the City should know what would be accomplished. The goal is to increase housing supply, not to increase investment opportunities.

She asked that variances be put on second stories and to avoid making irrevocable changes when they did not know what would be accomplished.

Fletcher Catron, 1062 Encantado Drive sectors concerns were mostly for neighborhoods and parking. There are reasons people moved to Santa Fe and like Santa Fe and they did not want to see that destroyed. He thought the ordinance would destroy neighborhoods. He talked about cycling through Kitty Hawk North Carolina, another tourist driven city. He was told there were no single-family homes left there and rentals are very expensive. He thought the ordinance would not bring any prices down. Also, as a bicyclist trying to cycle on 35' roads with parking on both sides, it would be dangerous.

Stephanie Beninato stated she is opposed to the ordinance because it would not produce what they are saying. Most of the new options are already happening and houses have been caught up and made into rental units. Lot coverage will be increased, and only historic districts will have design protection. The non-historic neighborhoods would find the only after the fact once the permit was posted. The City is supposed to post permits in 24 hours but that is not a guarantee. She stated that Ms. Johnson misspoke. Land use permits can only go to court if the land-use director decides to send it to the Board of Adjustment. That meant there was only 15 days to find someone to represent them and would be costly.

She appreciated Councilors Romero-Wirth, Harris and Rivera's comments and thought enforcement should be in place before things are changed.

Miguel Chávez, at 1615 Camino Porvenir stated he left a letter with the Mayor and the stenographer with many of his comments and concerns. he does support affordable housing and as a citizen and a nonpaid volunteer, he was one of first board members of the Tierra Contenta Corporation that helped many people over the last 30 years find housing. That mixed income development has worked well and could be used as a model. They also pride themselves in their neighborhoods, especially in the historic district. They rely heavily on tourism economy and have many accessory dwelling units that are now STR and are not part of the affordable housing inventory. He asked that the Council please read his letter.

Nancy Fey, 728 Mesilla Road stated she has been before the Council and the Planning Commission many times to defend and support affordable housing, but tonight she opposed the ordinance. She stated that the Supreme Court ruled on the constitutional basis of zoning. Justice Brandeis for the majority wrote that zoning laws must be for the benefit of all public welfare.

There is a strong basis to continue to challenge this bad idea that does not specifically lead to affordable housing, and they will win. If the Council prevailed, they would be in disputed, unsettled legal territory and it would be difficult to obtain mortgages and building loans. Risk management would not like this; lenders make profits reselling mortgages. She asked who would underwrite this knowing it was likely to be overturned. And if the City put up ADUs that were uninsured they would not have a lot of value if their lip shifts with fire, mold, water damage, roof leaks, it was not a good bet.

Joyce Roberts at 738 Camino Francisca said she represented the Santa Fe Estates Neighborhood Association. The Association voted and the majority of members opposed the ordinance. There were two things they considered most important: 1) This should be implemented on a neighborhood by neighborhood basis and 2) the rules need to be enforced. There should be new rules implemented for long-term rentals. They were not even sure what a long-term rental is but assumed it would be anything over 31 days. The Association suggested a period from 90 days to six months for rentals.

Danica Padilla, at 202 Enya? Place said this is personal for her and her family. She has worked in Santa Fe for a year and a half but only lived here for a few months. She was living in Albuquerque because they could not find a rental and wants to build her life in Santa Fe and have a family here. She said it was not just personal, but important to businesses in the future. They talked about the future of Santa Fe and a place they love. They need to make sure they are looking at ADU as well as other housing options and is important to take the steps now before moving forward.

Daniel Werwath, at 1611 Camino Porvenir stated he has been standing at the podium talking about affordable housing issues for 15 years, before all of the councilors were on the dais. He was frustrated at the lack of around affordable housing and is happy to see the crowds present. He recognized that some people had to leave because of their obligations to their families. He thought the conversation appeared to say because the City did a terrible job regulating one type of housing, they could not have any more housing. Housing supply short-term or otherwise eases the crisis and they really need to focus on issues of building two-story and on the next steps.

Sharon Henderson, 624 Agua Fria Street stated she is a Native American and native New Mexican and grew up north of Española. She went away to college and lived in New York City but came back to Santa Fe. She cannot live with her parents the rest of her life. She came back to her home and brought her daughter with her and this crisis needs to be fixed for people who want to come back. They would be like the trees of heaven, they are not going to get rid of them, so, help them.

Kurt Hill at 610 Paseo Corto said he has been on almost every affordable housing committee in town and this was their low hanging fruit to kick start their effort. He fully supported the ordinance and was thrilled to see people show up in support. This is NIMBYism, Yes in My Back Yard. They need this modest change in the ordinance. He had an ADU that helped him get pay his mortgage with young children. The ordinance is a great thing.

Jim Siebert, 915 Mercer, said his son visited him recently, who had moved away to find a job elsewhere. His son made the observation, "Gee dad, everybody looks just like you, they're all old". He thought although it is a small step is a step that is needed and was a good step if they could do anything to bring youth back to Santa Fe.

Alisha Shaw at 530 West Alameda stated she will probably never be a homeowner because of student loan debt. Affordable rental housing is crucial, and it is a lifeline for many who on the verge of being pushed out of the community. They need courageous answers and to try every strategy and she implored the Council to do that. She had seen numerous affordable housing proposals presented to this governing body that were shot down because of repeated concerns over increased traffic, crime, parking and preserving the historic character of the neighborhood. To her that read as code for not wanting poor people, working people, people of color and young people in their backyards. She hoped they could move past that and come up with comprehensive housing solutions. This proposal could be the first step. There are scores of people, working people who struggle to show up to the meetings because of work and family obligations. She hoped the Council understood that and listened to them and makes changes to ensure a diverse and inclusive community.

Meghan McCue, 1834 Hopi Road stated her recommendations for the housing crisis: Ban Air BnB. She has seen what it has done and what STR has done to San Francisco and Denver. Create tiny home communities; keep the communities rentable and affordable as well as architecturally significant. Use the space they have, there is so much space. Give investors and landowners huge tax benefits to bring tiny home communities to fruition, along with other housing communities. Give second homeowners more incentives to rent to the families. Give benefits to homeowners to build in-law suites in their backyards, without too many restrictions, including 15-foot setbacks.

Sophia Howard stated she shares a house on Camino del Bosque. There are no young people in Santa Fe because they cannot afford to live here. She is blessed that she works full-time for a company that pays a living wage, but she is one of the few from her graduating class that still remains in the state. She is one of the few in her graduating class that still lives in Santa Fe. She wants to contribute to the place that is her home. She lived for about two years in a very under managed, neglected way overpriced apartment, and every day walked to Cross of the Martyrs. She was always shocked at the insane amount of vacation rental homes owned by people who do not live or contribute to Santa Fe, their culture or society. The homes sit empty and that is not okay when there are 3000 units less than what the City should have for working families.

Toby Hertzlick at 119 La Joya Road wanted to tell her story. She has lived in Santa Fe for 32 years and spent the first half saving for a mortgage. She tried eight times before she got one and leveraging the equity in her house and with help from family, later bought a second home. That has been a rental house for about 15 years and the family just moved out. She refinanced her house to remodel the house and has a number of people waiting to move in. She will break ground next week on a guest house that has been permitted and is investing in her neighborhood. She wants to do that for her community and to make two more long term rentals available.

Nate Downey at 1104 Don Gaspar thought this is a great idea that should be passed. He said each time a new development comes along and a lot of people from neighborhoods complain, often the governing body chickened out. This is an opportunity that would help everyone throughout the City and there is clearly a huge amount of support and the right thing to do. He hoped there would be more opportunities like this in the future.

Patrick Finley, 1801 Camino Cruz Blanca said in three years the Council might claim that the ordinances adverse effects were unintended consequences. Legislators typically use that term to describe adverse effects that are due to poor planning, draftsmanship, deafness to opposing views, attachment to special interests or indifference they had failed to identify before passing a proposal. He asked the council to tell them now what adverse effects they would later argue were unintended.

He had many objections to the proposal but due to the limited time asked for two changes related to an absentee owner. 1) Limit to 25 the number of absentee owners and 2) allow only one leasing permit per owner. The City could evaluate the consequences later and make reasonable adjustments to the regulations.

He was instructed to give his two-minute talk he wanted to present to the City Clerk who would ensure it was included in the record.

Alexander Dzurik, 422 Greg Avenue thought it interesting so many were concerned about the quality of their neighborhood that would be adversely affected by the adoption of the ordinance. He indicated some of the greatest neighborhoods in Santa Fe, Canyon Road and San Francisco Street, were developed because the people who own the land added a room when new family members came into being and added new house in the back when a family member moved back into town. They added housing diversity before zoning, regulations etc.

He noted that what was being discussed now would make it easier to do what is already an approved accepted use for all the weird Santa Fe lots. The ordinance would allow homeowners to derive additional income, provide additional tax base and jobs by construction, and additional rental properties to diversify their housing stock. He urged City Council to adopt the ordinance if they agreed with him that economic development and diversity in their housing is important.

Karen Heldmeyer, 325 East Berger spoke for the Neighborhood Network. She said they should not be here in this manner. The idea has been kicked around for almost 3 years with very little discussion. There had been discussions of parts of the ordinance at invitation-only meetings, but as a whole the community had not been involved. She thought it may have been they may have been able to incorporate some of the ideas heard from the speakers tonight. She thought the bottom line was that people did not trust the City to do enforcement. Her neighborhood had a lot of long-term rentals when

she moved there and hardly any remain- all were turned into short-term rentals. Most of them are not registered and most of them are not enforced. If the City had taken time to consider the issues and what works rather than what looks good and is symbolic, they would not be here in the same way. She hoped they would be a real discussion in the future.

Molly Norton at 718 Old Santa Fe Trail grew up in Santa Fe and went to college in San Francisco and then lived in Washington DC, both high rents. She moved back to Santa Fe and found a nice rental for \$800 a month where she lived for about five years, but that unit is now Air BnB and rents at \$8000 a week. She moved in with a friend who could not afford their mortgage. Her brother teaches at Santa Fe Prep and he and his girlfriend share a one-bedroom house with a friend. She could barely afford her rent with a college degree and no children and pays \$1000 a month for a house in shambles. She thought the situation was unfortunate.

Jamie Durfey, 862 Don Cubero Avenue stated people should not have the privilege to say who can and cannot live in their neighborhoods. Santa Fe is getting to a point where some individuals could make a living and should have a right and the ability to live in a desirable place, like South Capitol neighborhood where she currently resides. Housing options in these neighborhoods is crucial to retain the generation of individuals that want to contribute to the core community.

She pointed out on a personal note that an unfortunate consequence of the ordinance was the owner/tenant occupancy. She had been bullied by the older generation in her neighborhood since she moved into her casita in 2017. The landlord does not reside on the property and has utilized the current city code to try to force her out, which they successfully did to someone before. Her vehicle and property were vandalized and intrusive photos of her coming and going were taken. The behavior is unacceptable, and she hoped for a change that would prevent that in the future. She wanted everyone to support the ordinance not just for people and situations similar to hers, but for progress. She was thankful the new owner allows her to remain in the casita at the same rent.

Kelly McReynolds said she is a mortgage lender with First National Bank (FNB) and helps a lot of people buy property in the City. She thought to say this would start a speculation rampage is inaccurate because it was already happening. That would not change but it would not accelerate rapidly because of the ordinance. The ordinance would allow people to live and build income producing property at their home.

Someone also mentioned that lenders didn't not like ADU, but she would say in most cases, mortgages allow for additional buildings. They have no problem with someone increasing the value of their home. In most cases, building ADU would not nullify the mortgage or create issues for lending in the future. She pointed out Ms. Johnson's point on dilapidated housing being owner occupied is an important point because that happens a lot in Santa Fe.

Matthew Morrow at 615 1/2 Cortez Street has lived in Santa Fe for 13 years and who would like to one day buy a home. He would not be able to if he could not continue to afford living in Santa Fe. He supported the proposal and would probably support most affordable housing proposals in the future.

Jennifer Gruver, the director of Mod Geo Organization for Peace building has lived in Santa Fe for a year and runs the hostel on Cerrillos Road. She thought the group who spoke was amazing and had articulated positions but appeared was too much to swallow to approve or to deny the ordinance at that time. She suggested going back to the table to consider some of what was heard. They could have a phased approach and to avoid speculative investment, require occupancy in the initial building stage. She thought there were many possibilities and Santa Fe had an opportunity to learn from Seattle and San Francisco and Boston and do things differently.

Vicki Ortega, a Santa Fe native was in favor of the affordable housing, but she opposed the ordinance. She asked them to consider that building more casitas that would rent for \$1000 or more a month and Air BnB's in short-term rentals were not the solution to the problem.

Barbara Chatterjee at 228 Alta Vista noted the city clerk had a copy of her comments. She thought they were still making changes to the document and should pause the process to have more community input that would produce a better ordinance and allow for additional information. Things like a survey of the on-street parking in the neighborhood and an analysis of the additional costs to the City for the ADU and potential tax implications. She agreed with the concern for the owner/occupant requirement which could have unintended consequences. She asked that they pause and get more information.

Grant Alexander at 2327 Calle Tranquillo agreed with the idea of incremental growth, adding to your property when the family situation changed was how northern New Mexico evolved and the older East side of town. ADU's can be the catalyst to make newer parts look more like the older parts and adding one housing unit per lot would not profoundly change anything. That is an incremental step in the right direction that would add flexibility for homeowners and give more control over their property. He wondered how many people against the ordinance had looked for rental housing in Santa Fe and realized how ridiculous the market was. Adding an ADU should increase the value and attractiveness of neighborhoods in addition to adding needed rental units.

Fran Marie, 72 Feather Catcher Road was born and raised in Santa Fe but lives in Pojoaque because she could not afford to live in Santa Fe. She is concerned when she hears people say they do not want the rentals, about gentrification, Air BnB, and things becoming inaccessible. She also feels that she is one of those people who are grandfathered in that people do not want in their backyard and that makes her sad. She is an educator and artist and a community advocate and saw a dynamic to play a

respectability politic to get access to housing, naming their degrees and their right to be there, etc. She wants those who are invested in the cultural integrity of Santa Fe to be able to exist in Santa Fe. She is sad that she feels alienated by her community.

Juan Trujillo, 133 W. Houghton Street wanted to address health transportation relates to housing. Younger kids do not drive as much, and parking is not as much of an issue. Kids ride their bikes and walk more. He thought people had developed into a culture of being afraid of "otherness" and change. They have to change. There is an environmental crisis that is severe and a possible war soon and all for oil. We need to support our mass transportation system and not cater to people who do not want someone to park in their spot.

Chloe Rikell said she used to reside at 307 Montoya Street until her landlord decided to sell and she moved to Santa Fe County because she could not afford to live in the City. She was born and raised in Espanola New Mexico and when people bring up growth as an answer to Santa Fe's concern with housing, not addressed was the inequality to taxpayer funded access to bus stops, parks, good schools. Those are concentrated on the north side and she was frustrated when people said she should move to the south side because they do not have those resources. She does not see that happening.

Elizabeth West at 318 Sena Street echoed the importance of working toward reasonable housing for all. She is a landlord and believes a long-term rental should be six months or more. Her rental had been used by someone for 11 years; 30 days is not a long-term rental. She wanted the Council to consider that in the next steps should the ordinance go forward. She also strongly believed that one dwelling should be occupied by the owner/manager. That would protect neighborhoods and is a weak part of the ordinance she would like to be pulled and worked on.

Mary Schruben at 2119 Rancho Siringo Road stated the proposed ordinance was not ready for a vote. She has lived in a small composite neighborhood in Santa Fe almost 30 years that has single-family homes, multi-family units, condos and HOA's. Some are owned, some rented with present and absent landlords and full-time and part-time residents. She said they need enforcement. The current safety and building codes have to be enforced. Landlords either present or absent, must post a bond to cover utilities and carry liability insurance on their buildings. City utilities must be separated for each unit for both water, sewer and solid waste to protect the City from lost revenue and to collect fees for hookups and conservation from each unit, so all residents are paying equally. They must keep the Summary Committee, so each unit has access to a method to participate for change in the neighborhood.

Patrick Genderin, 1617 Avenida de Luna in the Estrella's community said someone spoke earlier but did not represent everyone. The only reason he is a homeowner is because of Homewise. He feared they were getting so tribalistic and divided and that was dangerous. Bold change was needed around housing and that would take a lot of time and coming together. This is a small incremental step in the right direction. Santa

Fe has a lot of older people but not a lot of youth and they need to encourage younger people to come Santa Fe and they should be able to afford to live here. That would benefit the older generation as well because the younger generation provides volunteer work. If the older people are not able to help Santa Fe be sustainable the City would not be sustainable in the future. He asked them to support the ordinance.

Bill White at 112 Bianco Dr. thought it obvious they need to do something about Air BnB rentals. He lives in an area with a HOA and they discussed changing their covenants because they did not address short-term rentals. They plan to change their covenant to prevent Air BnB type rentals. He stated he had not clear if the ordinance changes would abide by the HOA restrictions if they were more restrictive.

John Urbanoski at 4449 Dancing Ground Road moved to Santa Fe from Portland Oregon, a city with ADU liberality for over 10 years. When he moved to Portland, there were about a million people and now about 8,000 people a month are moving in. He moved to Santa Fe to escape a city now approaching 3 million. His neighborhood was rezoned many times and he saw his equity decimated and his quality of life and property taken apart to allow fourplexes on every lot. His home was torn down to put in substandard housing. He opposed the ordinance but would like to see it revised so the neighborhoods could maintain quality of life.

Charlene Ortiz at 651 Chávez Place said in 1929 her grandfather began one of the first apartment complexes in Santa Fe and she and her father have owned and operated them. She noted when you increase density in an area you will end up with more crime and more violence and she had seen that in her neighborhood. Also, when one tenant rents, often they bring in others and they are not just renting to one person. That brings in a second car and possibly a third. She told of a duplex that created problems for the whole neighborhood with over 13 cars parked there.

Ms. Vigil stated she had letters from Marilyn Bane and Susan Shiller to enter into the record because they could not be present.

Kathy Enns on Gildersleeve Street said as an old person, she would like to see children in her neighborhood. She lives near the Wood Gormley School and there is no one under 100 on the hill and it was not good for the City. She thought if everyone in town was allowed to build a one-bedroom casitas, they would raise the cost of every house in town, which meant fewer people with families would be able to buy them. Casitas around her have been there many years and start around \$1000 for a garage. Enforcement does not happen, the sidewalks are a disgrace and dangerous, the trees are falling. The City ordinance is that the owners are supposed to maintain sidewalks and trees etc., but no one does. She hoped the council would consider the reverse of what might actually happen.

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

Council Discussion

Mayor Webber said, before turning to members of the Council, that a specific question was raised. He asked Director Johnson to address an HOA having its own restrictions.

Director Johnson said there are existing regulations in the STR section that anyone applying must acknowledge the covenants or restrictions that apply to them and that short-term rentals are allowed by their HOA. Covenants are self-policed throughout the City and are civic matters. This proposed amendment does not affect those.

Councilor Ives noted that for years, our City has recognized that we have a housing crisis and during the years I have been on Council, we have not tackled it as aggressively and straightforward as we need to. You have heard how we lose our young people because they cannot live here. Over 50% of our workforce lives outside Santa Fe for that reason. The impacts are significant.

A Homewise study in 2008 showed we are losing money because people have to live elsewhere. We need to do everything we can to solve the problem. It is not just a matter of ADUs or another complex, but each is another step in the solution. The proposal here does not change zoning. It is fairly modest to solve issues we have.

To be honest - rather than pause, let's move forward and see what happens - for those who suggest great negative effects, but there is no evidence for that. People have been allowed to build casitas for years and only 93 in last ten years have been done.

So by stimulation with this amendment - homeowners can become part of the solution. That is the reason I sponsored this to address that critical issue. And help keep us sustainable and vital.

Councilor Vigil Coppler noted that everyone did state their point with grace and were very articulate. That is always appreciated. We have had an ADU ordinance for many years and this is only one small change. It increases the availability of housing and not intended as a panacea, but a small step. Enforcement is key and she suggested our Governing Body support Planning and Land Use even more next time. I believe the fears about enforcement are real. We need more people for enforcement - boots on the ground and spying on neighborhoods, etc. We need a contingency of enforcement officers working various hours. This is important.

The bottom line is that human beings need housing. I was born in the Drury Hotel (when it was St. Vincent's Hospital). I'm invested in this community and lucky to be here.

The Railrunner is our vehicle to Affordable Housing and we ride it to Rio Rancho and come back here to work during the day.

I have a Millennial in my life and there is nowhere for him to live here.

Las Soleras has a 100% rental complex and already is fully rented with a waiting list.

I hope you are cognizant and will alert people with grace for our rents. We won't get that opportunity without these options. There are many people out there who don't have a place to live.

We, as the Governing Body, won't be here forever. We need a sustainable community here. Where are our children or grandchildren living? Don't be afraid of us. It is important for our community.

We do need a place to live whether we rent or buy. The whole thing will be worked on by this Governing Body, and I hope it will happen soon. I support this amendment.

Councilor Abeyta said, "I was one of the original sponsors although not listed here. We have a housing crisis and an Air BnB/ STR problem. This ordinance takes those into consideration. In my 20s and 30s it was about home ownership and we moved to Rio Rancho, but it has changed. One young person talked about student debt and she is right. We didn't have that debt so we could buy a home. We need ordinances like this for home rental."

Councilor Villarreal thanked to all who came. We got a considerable number of emails with hundreds for it and some against. I read every single email but cannot answer each of them. We have to realize our neighborhoods have had a lot of stress with displacement of people for decades. At first I was confused because I could not separate ADUs from STRs. I was trying to figure out how to incentivize for those with ADUs to choose longer term instead of STR.

She asked Director Johnson to address the flexible ADU with stricter STR regulations. She also wanted to extend what we consider long term renter as 31 days or more and wanted it to be at least 90 days. How can we extend that? Why that doesn't work with ADUs, on paper or in my mind, it sounds great. We would have to go in and look at every single rental agreement.

Director Johnson clarified that across the country, 30 days is typically the definition of transient lodging and anything longer than 30 days is considered long term. It is a planning definition. And what as Americans we agree is the difference.

That is the difficulty in legislating longer minimums. And we would have to have some kind of rental registry and preapprove every lease to make sure it is followed.

It would be hard to accomplish. We have to be cognizant of our resources to enforce the regulation. I appreciate the community believing we have not sufficiently accomplished that in the past and to defend myself, being here less than a year, to have a company like post compliance that was in process for a long time. And having to review every rental agreement, it would be next to impossible to accomplish.

Councilor Villarreal understood but we need to do better. Perhaps we could create a fund for this option and create an AH fund for ADU and have to rent to folks experiencing homelessness or low income qualification. It is a constant struggle. I feel this option might have things we don't anticipate. I think there are factors we cannot anticipate, and some might be positive, and we won't know until we try. It is incremental but we need to take a step.

We do have lots of vacant casitas and houses not used for the majority of the year. That is a state restriction we cannot change, and Ms. Romero should look at that at the state level.

Enforcement of STRs is key and we will be on that with our staff. All of us will be watching to make sure. We also need more staff to support it. We need to do better. And look forward to the next step.

Councilor Harris pointed out this would have been better to have been considered before STRs were developed. My point of view on what the whole issue of housing means and what is being done. I point to the FIR that was attached. When it first came up, it said the bill would create a lot more housing. We know that is not true with only 93 over ten years and only six now being done.

But the bill eases restrictions on long term rental without scale of new developments. That is wrong. We absolutely need large scale developments, like Las Soleras. I asked for Pulte Group to give us a report. What they said is 70 homes per year since 2016. Average size of 3,138 square feet - about \$123/sq. ft. which is not affordable for a lot of folks. But for some already in District 4. Had it not been for these large scale developments, we would not have had the 89 AH units. It came from a fee in lieu of calculation but people will start moving into them in the next few months.

There are a lot of things being proposed and for young people showing up here, it will have an impact on what needs to happen. As far as this amendment, I will vote in favor and is a small step and won't produce lots of AH. We do have Bellamah with larger lots and a possibility there - and they have 35' wide streets. We need to go well beyond this conversation and need to think big.

Councilor Rivera recalled that one person spoke about bicycle lanes. In the amendment, does 35' consider bike lanes?

Director Johnson said 35' allows a parking lane on both sides and two driving lanes. It doesn't not include a dedicated bike lane, but the bikes would share the driving lane with cars. But that width would not require swerving for bicyclists.

Councilor Rivera said on Don Gaspar, there is parking and one driving lane.

Councilor Rivera asked if 15 days is enough time for appeals, or for someone to find out a neighbor wants to build a two-story ADU next to them.

Director Johnson said the appeal has to be to the planned addition being in violation in setbacks. It is not a discretionary approval and notices must be posted within 24 hours of issuance.

After they file their appeal, she has 7 days to decide if it meets the criteria and consults with City Attorney's Office on whether her analysis is correct. It is then scheduled for a hearing date. With appellant, It is 15 calendar days.

Councilor Rivera said we have so many people who cherish their neighborhood. He asked about Neighborhood Network and OSFA and why they were not included.

Director Johnson said the chronology includes open community conversations and not specific notices to specific groups since March of last year.

Councilor Rivera asked how many showed up.

Director Johnson said she did not have sign-in sheets and she was not the sponsor of those events.

Councilor Rivera noted there are many who are afraid of enforcement and you said enforcement is only Monday through Friday from 8 to 5. We need to figure out enforcement on nights and weekends when the complaints come up.

Director Johnson said most complaints are about not being registered and not as many are about noise. Parking is always an issue that can be seen and enforced. High turnover such as one every seven days, or more than one room being rented out simultaneously. They can be captured in proactive fashion.

Councilor Rivera thought we must be proactive on all of those.

Director Johnson agreed. Not just related to STR but for peace and quiet of our neighborhoods, regardless.

Councilor Rivera thanked everyone for being here and civility of the discussion. It is a tough issue. Thanks to the sponsors for bringing it. And the decision will move us forward. We have to figure out more housing, no matter how this goes and more than just ADUs.

Councilor Lindell thanked all who came. In listening to everyone, the interesting thing is that I heard as much about STRs than I did about ADUs. It is the next tough issue for Council to handle. This ordinance was never about Affordable Housing. This is just about housing. And it is important to clarify that.

I appreciate that Councilor Heldmeyer had a sheet for us with things to do now and things to do later and almost all of them have to do with STRs. We kicked it around pretty well tonight. This was a nice discussion tonight and I appreciate it. I got lots of emails and tried to answer them all. It was a busy email day.

Councilor Romero-Wirth echoed the thank you and it is nice to see the variety of faces - old or young. We need everybody. It sounds like the votes are here, so I may be an outlier here. Start with objection. It was heard only by Public Works but wasn't referred to Finance so this is the first time I've heard this bill and first time that I could make changes.

I actually have a couple of amendments to suggest and know they are better done at committee level, but I did not hear it at the committee level.

We heard the notion tonight about people struggling with housing in this community. The STR study said new ADUs as long term rental will help with housing supply but only make a dent and must be part of a larger package.

It is one small piece of a bigger set of policies. I would like to support this policy but there have been concerns raised here tonight that we are not even trying to solve. We might need to send it back to a committee for further discussion. It is unfortunate this is the one we chose to start with.

I have had several meetings to develop a blank ordinance and looking at how we look at derelict homes. We have just begun to enforce STR. And the contract for the sweep just signed this week. Also the issue of speculators. Can we limit owners to one property where both are rented? Perhaps we cannot create a rental registry.

These are things that need more conversation. Should we limit absentee landlords. We are not addressing these head on.

We will be more successful if we don't legislate retroactively. We need to address them head on. I believe in addressing our housing issues and I campaigned on them. Just not sure this bill is ready. It will be hard to do the big things if we don't do the small ones well.

We got out ahead of electric scooters and bought the time for a thoughtful policy. We did not get out in front of STRs. And it might not work. We have 871 that are permitted and know there are more that operate in this City. We need to look at that. Many of our neighborhoods have covenants restricting STRs. I would like to see us limit property owners who are going to rent both units. It would be fairly easy to have a trial period and revisit in six months to a year and for as many as five years. What we are ignoring tonight. There are things that will take more time.

I'm not talking about more years but referring this back to a committee. I think we need civil penalties and a less clunky process to enforce. We need to look at occupancy standards. How many people can live there?

We should have a blight ordinance to deal with derelict houses. We can't fix those tonight and we are not dealing with those things that were brought up tonight.

Mayor Webber said this has been an instructive evening. I too salute everyone who came and those who spoke at the Planning Commission and meetings of Mike Loftin's task force and the two meetings that came when we postponed this for a month. It is clear to me as it was when I ran for mayor that housing is a number one issue here.

As Mike Loftin said on Sunday, we decided last year that adding housing and creating more livable neighborhoods can be done together. We need to practice sustainability and friendliness of our neighborhoods - so not an ordinance but a strategy - it went back a very long time. We have been very slow to build more housing and consequently there is frustration on both sides.

It has become an adversarial discussion, pitting interests against each other that are not necessary. The strategy starts with need for all kinds of housing with more options for people. It expands options to more people in more parts of the city. But it comes with other actions on the survey - which says we have not done a good job with STRs. Those need to be disentangled. We look at the Kelly O'Donnell report and have a list of things to do.

The first is make enforcements of violations our highest priority and make it more effective. The enforcement will be in place by June 30.

We can find out if they are following the rules and can also determine when we hit 1000 permits for people to wait. And can shift compliance mechanism. Rather to a system to issue citations comparable to speeding violation with a strict penalty - you either lose your permit or in the penalty box for one year if at all. That will drive more to long-term rentals. Also redesign the application for more important information with CRS numbers and correct tax code and limit the application to one per customer.

We are actively prepared to change the way property tax works on second homes. It came too late last session to be adopted. Another in the Senate to deal with owner occupied and non-owner occupied. Those are all on the list. They are not the same as trying to expand the long term rental supply.

We are also looking at a bigger housing agenda because this is only one element in the strategy. It begins with the work Director Johnson is doing in the ERP system, so we are equipped with 21st century technology for decision making to build more houses in Santa Fe.

We will crack down on STRs and encourage Long Term Rentals - and do it in all parts of Santa Fe. And explore the same with county, state and school districts. And more housing at Tierra Contenta, recognizing changes in standards there and which will be much more neighborhood-oriented and continue the Midtown campus with a residential component.

We are paying attention and the point about the noise ordinance is already being researched by constituent services.

It is a hard thing to do to begin a conversation on such a big subject with such a small change. This ordinance is a step in the right direction for coming to terms with the housing problem but not the end of the work we need to do. All staff are committed to the intertwining issues of housing affordability and sustainability. That summarizes for me why this is the right place to start.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to amend to add on page 2 of the Bill in line 25, after “restrictions” to insert a sentence to read “Accessory dwelling units located on residentially zoned properties, are exempt from the density restrictions set forth in chapter 14 provided however, only one accessory dwelling unit may be submitted per legal lot of record and provided further that nothing here is intended to supersede private covenants or other restrictions. And that the property owner can only have one property where both structures where accessory dwelling units are rented. She further added a section that says, Property owners, for the purposes in subsection 14-6.3 D 1 means an individual or fractional interest of any kind or any type of corporate entity holding title to the property.

Mayor Webber understood the proposal - the idea is that the ADU mission would be limited to one person who has a property, can only do this one time.

Councilor Romero-Wirth agreed. They cannot have five properties.

Councilor Villarreal asked if she could do one at a time. One amendment at a time.

Councilor Romero-Wirth said the second just defines a property owner with legal language to deal with properties owned by a corporate entity.

Councilor Ives wondered if it is permissible to impose that limitation.

Ms. McSherry thought probably someone already has more than one, but she would want to look at it more.

Director Johnson suggested that is a reason for referring it back to a committee. Some of the concerns need to be heard and considered.

Councilor Abeyta did not support the amendment. We've been listening for years and years to one side rather than the other.

Councilor Ives did not think it is that people have not been listening. I think there has been consideration of these changes extensively and the discussions over 12-24 months that these issues have been considered and reflects some of the best thinking in the community. I'm probably in favor of a two-year review to see the impact but would oppose the amendment.

Councilor Romero-Wirth suggested, to clarify, that we are not addressing the idea of speculators and absent landlords. We need some provision to counter those problems that do occur already and adding more potential for them, without countering.

Mayor Webber said the issues he takes seriously are speculation. A lot of what goes on in speculation is in large cities where properties have been foreclosed. That is happening in Detroit and others with distressed properties. And that is not the case here. And owners are under no obligation to sell. Third - we have a compact small market for real estate. If you legislate what is a market issue, it creates more problems than it solves.

What people look for in long term rental is not 30 days but a year's lease.

What will happen with this ordinance on the issue of speculation, he has researched a lot. Individual choice on the market will solve the issue. And the other matter that we wrestle with is whether we are being good neighbors. Are absentee landlords worse or better than a present homeowner. And Director Johnson gave a good answer.

Councilor Romero-Wirth said the members are overstating it. Some keep up their properties and some don't. We make the laws to deal with those who don't.

Mayor Webber understood and was trying to deal with how much can be done through legislation. Taking care of one's property is not in this ordinance.

Councilor Romero-Wirth said we need the civil penalties for ADUs as well as STRs.

Mayor Webber said it doesn't need to be tucked into this ordinance. Councilor Romero-Wirth and I wish we had done those other concerns before this amendment. We are not doing what we can to guard against them. It is harder to go backwards. That's where I am. Generally, I support this ordinance. It is a small piece of a much bigger issue. There are other real concerns that I'm not sure we are addressing tonight.

Councilor Villarreal agreed. Without knowing the legal ramifications, it is hard to know what it is like. I am concerned about corporate owners of STRS. If we go forward with this now and look at it with a legal lens, would it preclude an amendment later on?

Councilor Romero-Wirth said the Governing Body can always amend what we do. This is the first time this bill is in front of me where I could do something about it. I've read the paper articles and gotten emails. But we cannot have a rolling quorum and decide on a few parts.

Councilor Harris said, from four years on Council and 4.5 on Planning Commission, when I hear speculator and absent landlords, it used to be developer. We have had years of obstructionist behavior. I believe we have to move forward and all the enforcement issues we need to continue to work on. We don't need to demonize developers; we need them to invest in this City. By 2020, Pulte will have invested \$95 million.

Councilor Abeyta asked, if the second is withdrawn, does the amendment go away? The second was to the amendment.

Mayor Webber said we are voting on the amendment.

VOTE: **The amendment failed on a roll call vote of 2-7 with Councilor Romero-Wirth and Councilor Rivera voting in the affirmative and Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Vigil Coppler, Councilor Villarreal and Mayor Webber voting against.**

MOTION: **Councilor Ives moved, seconded by Councilor Abeyta, to approve the Ordinance amendment as proposed with the amendment in the packet about parking and with a two year review of the impact of this amendment.**

VOTE: **The motion passed on the following Roll Call vote:**

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

Against: Councilor Romero-Wirth.

- 2) CONSIDERATION OF BILL NO. 2019-16: ADOPTION OF ORDINANCE NO. 2019-12. (Mayor Webber)
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. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry said this is one of many franchise ordinances we want to update. Not much different other than the fee itself which is increased to generate more dollars. And a couple of amendments are on the table.

Councilor Abeyta asked, regarding when it came through committees was the term "plant." Without removing it, PNM could put a plant in the ROW. Is that the case - or is there another process to do that?

Ms. McSherry said it is the required process for any infrastructure improvement. She understood the City would be involved in that process.

Councilor Abeyta said PNM preferred to keep "plant" in there and this would not change regulations or procedures.

Ms. McSherry pointed out that it is in a statute, so we don't see that changing.

Councilor Vigil Coppler had a question on the FIR. It says it allows them to use any public ROW or public place within municipal boundaries. Could that be a park? I don't know who wrote it but there is a different angle to it. I know PNM would have to go through the procedures. I did not see "public place" in the ordinance. I brought it up as an amendment because we need to think about what it means. I see the south side being the owner of a new plant some day and that worries me. That is the reason I brought it up to know what it is we are approving.

Ms. McSherry said it is in the ordinance itself. It is standard language from the statute.

Councilor Abeyta understood. But in the scenario, if PNM waves the franchise in front of us, then we have to do it.

Ms. McSherry explained that this still must follow the approved procedure.

PUBLIC HEARING

Ms. Jamie Aranda, Public Relations Manager for PNM, said this is a standard practice for PNM and it can be confusing. It is an agreement that allows PNM access to public areas under the ordinance. Currently you are operating under a franchise fee and all this one does is adjust the fee. But PNM is, has been, and will be able to access our equipment and make sure we can have reliability.

Ms. Mary Schruben said an issue for the sustainability plan was to assure that all streetlights are replaced with LED lights and she would like them shut off when traffic is not present. She wanted to make that comment and note that it will be presented at the Public Works Committee.

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

Council Discussion

Councilor Ives said he spoke with the local government representative from PNM about that and a process started with a letter from the City for the cost of converting to LED lights. I'm not sure when it will come back and is a matter of putting out a proposal and putting it out for bids. He understood the cost is sometimes lower than the PNM cost estimate.

Ms. Jamie Aranda, PNM Rep., said PNM has been working on that and can provide it to you.

Councilor Ives asked if the amendment would be acceptable.

Ms. Aranda said she would have to check.

Mayor Webber thought it is good for a data assessment to make decisions and if we could gather that from energy sector - it would be a tremendous asset. Maybe a separate agreement.

Ms. Aranda said she was perfectly happy to provide that data on energy use.

Councilor Ives was grateful, and sector by sector would be important as part of sustainability efforts.

Councilor Villarreal thanked Councilor Abeyta for adding the amendment on timing. She asked if there were just two amendments; Councilor Vigil Coppler's and Councilor Abeyta's. She asked if they go together.

Councilor Abeyta asked Ms. Aranda if removing the word "plant" was problematic.

Ms. Aranda said it refers to any operational infrastructure required to provide electricity. So it could be a problem to remove that word.

Councilor Vigil Coppler asked if the word "construct" would also be a problem to remove - to construct a plant.

Ms. Aranda said removing it would not be recommended because it could impair our ability to provide electricity. It is not our intent to build a gas facility in a right-of-way and we are subject to the state statute. We would still need to go through the regulation.

Councilor Vigil Coppler recalled Mr. Marcos Martinez had said PNM would not have to go through regulation.

Ms. McSherry clarified that the agreement does not go through regulation but many of these are regulated by the New Mexico PRC.

Councilor Vigil Coppler asked what PNM will pay us for would be \$826,000 to the City and how do you provide electricity if the franchise is not in place. What are you paying for?

Ms. Aranda said PNM would have to go through any regulation the City would require. It could delay repairs to restore electricity.

Councilor Vigil Coppler said she was willing to withdraw her amendment request to delete "plants" and obviously it is worth that \$826,000 but she was leery of having a new electric plant.

MOTION: Councilor Abeyta moved, seconded by Councilor Rivera for approval with his amendment.

DISCUSSION ON THE MOTION:

Councilor Ives wondered if a modifier there would make sense, like after public highways and reasonably within places or grounds of the City. I do share that concern about the concern of Councilor Vigil Coppler.

Ms. McSherry understood. She would have to review the City's ordinances to respond to that request. She did not know what already might be in place.

Councilor Ives thought part could come down to the permitting process and any work PNM proposes to do. Does that provide enough of a backstop?

Ms. McSherry said it is difficult to speak in such abstractions without a specific example, and if they are not strong enough, we can strengthen them.

She said Ms. Aranda could speak to that.

Ms. McSherry understood that PNM is not open to negotiate the statute language.

Mayor Webber asked how long this exact language has been in place. The only thing we are changing is the financial part.

Councilor Villarreal said plant is also a substation.

Ms. Aranda agreed that it could be.

Mayor Webber asked if it is any capital component that allows electricity to function - wires and boxes and poles.

Councilor Ives was still not totally clear about the usage information. He decided to read the proposed amendment aloud to see if Ms. Aranda could respond to it.

As he read about PNM providing information to the City on usage, he said, "Nothing shall require PNM to provide any individual customer information." As we move toward the sustainability goal, we need to know what the usage is. And prior requests to PNM have been challenging and that information has not been supplied.

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, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

Ms. Aranda was thanked for being present at this meeting and responding to the questions of the Councilors.

Ms. Aranda thanked the Governing Body for their approval of the franchise agreement.

3) CONSIDERATION OF BILL NO. 2019-13: ADOPTION OF ORDINANCE NO. 2019-__ (Councilor Abeyta)

An Ordinance Amending Subsection 6-10.2 SFCC 1987 Regarding the Membership and Terms of the Children and Youth Commission. (Julie Sanchez, Program Manager, jsanchez@santafenr.org, 955-6678)
(Postponed to August 14, 2019)

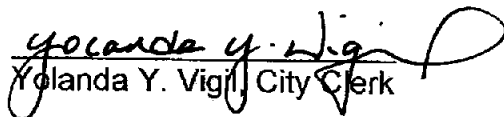
I. **ADJOURN**

Having completed the agenda and with nothing further to come before the Governing Body, the meeting was adjourned at 10:55 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
June 26, 2019
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

EXHIBIT 1
June 26, 2019

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Roman Tiger Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Mike Harris		
Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	AN ORDINANCE AMENDING SECTION 7-1.1 SFCC 1987 TO REPEAL THE NEW MEXICO NON-LOAD BEARING BALED STRAW CONSTRUCTION BUILDING STANDARDS, TO ADOPT THE 2015 UNIFORM PLUMBING CODE, THE 2015 UNIFORM MECHANICAL CODE, THE 2017 NATIONAL ELECTRIC CODE, AND THE 2015 UNIFORM MECHANICAL CODE, REMOVING THE PROVISION TO ALLOW PRIOR CODES TO BE USED IF PERMIT APPLICATIONS ARE SUBMITTED SIX MONTHS PRIOR TO THE EFFECTIVE DATE OF THE NEW CODE; AND AMENDING SECTION 7-1.9 REGARDING NON-POTABLE RAINWATER CATCHMENT SYSTEMS.	Public Works Committee – 7/29/19 City Council (request to publish) – 7/31/19 City Council (public hearing) – 8/28/19
Villarreal Harris	A RESOLUTION SUPPORTING THE EIGHTH ANNUAL NEIGHBOR TO NEIGHBOR FOOD DRIVE; AUTHORIZING THE USE OF CITY VEHICLES AND STAFF TO ASSIST WITH COLLECTION OF THE DONATIONS.	Public Works Committee – 7/8/19 Finance Committee – 7/15/19 City Council – 7/31/19
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
	AN ORDINANCE AMENDING THE SECTION 2-16 SFCC 1987 OFFICE OF EMERGENCY MANAGEMENT TO ESTABLISH DEFINITIONS, AND TO PROVIDE FOR	Public Safety Committee – 7/16/19 Finance Committee –

	EXPANDED PLANNING PERIODS FOR THE OFFICE OF EMERGENCY MANAGEMENT; AND AMENDING SECTION 20-1 SFCC 1987, POWERS OF MAYOR DURING AN EMERGENCY TO INCLUDE DECLARATION OF AN EMERGENCY, EXPAND THE POWERS OF THE MAYOR IN AN EMERGENCY, AND TO ESTABLISH ORDERS OF SUCCESSION FOR ELECTED OFFICIALS AND CITY MANAGEMENT.	8/5/19 City Council (request to publish) – 8/14/19 City Council (public hearing) – 9/11/19
Councilor Carol Romero-Wirth		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Renee Villarreal		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title	Tentative Committee Schedule
Rivera	A RESOLUTION APPROVING THE DESIGN AND INSTALLATION PLAN FOR ADDITIONAL BANNERS COMMEMORATING VETERANS ALONG THE CERRILLOS ROAD CORRIDOR BETWEEN I-25 AND RODEO ROAD.	Public Works Committee – 7/8/19 Finance Committee – 7/15/19 City Council – 7/31/19
	AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$1,600,000, FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, ACQUIRING AND INSTALLING EQUIPMENT AND RELATED IMPROVEMENTS TO THE CITY'S PUBLIC PARKING FACILITIES; 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	Finance Committee – 7/15/19 Public Works Committee – 7/29/19 City Council (request to publish) – 7/31/19 City Council (public hearing) – 8/28/19

	<p>THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE, INCLUDING A DETERMINATION WHETHER INTEREST ON THE LOAN AGREEMENT WILL BE EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES, 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.</p>	
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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.