



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 8, 2020
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 – December 11, 2019
Governing Body Study Session – December 16, 2019
9. PRESENTATIONS
10. ORGANIZATIONAL SESSION:
 - a) APPOINTMENT OF MAYOR PRO-TEM
 - b) APPOINTMENT OF PARLIAMENTARIAN (NO VOTE REQUIRED)
 - c) APPOINTMENT OF GOVERNING BODY MEMBERS TO COMMITTEES
11. CONSENT CALENDAR: (NO ITEMS)
12. Santa Fe Visitor's Guide. (Jordan Guenther, Director of Marketing
jguenther@santafenm.gov, 955-6212)
 - a) Amendment No. 1 to Professional Services Agreement Between the City and Bella Media, LLC;
 - b) Contract with Publication Printers Corp. in an Amount not to Exceed \$105,000.00, Excluding Gross Receipts Tax.



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13. Request for Approval of Contract Services Using RFB No. 20/08/B for Earth Work and Grading of the Runway Safety Area for Runway 20 Approach. Construction Services will be at the City of Santa Fe Regional Airport, 121 Aviation Drive with Sparling Construction Company in the Total Amount of \$617,467.63 Inclusive of NMGRT. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov, 955-2906)
14. Request for the Acceptance of NMDOT Aviation Division Grant SAF #20-01 in the Amount of \$80,000.00 to Fund the Design of New Airfield Electrical Vault and Precision Approach Path Indicator (PAPI). Grant will be for the Santa Fe Regional Airport, 121 Aviation Drive. (Curt Temple, Santa Fe Regional Airport Project Administrator, Cetemple@Santafenm.Gov, 955-2906)
15. Request for the Approval of a Budget Amendment Resolution (Bar) for Services Using RFB No. 20/02/B for New Construction of Approximately 2,400 Linear Feet of Taxiway Delta, and Taxiway Lighting. Construction Services will be at the Santa Fe Regional Airport, 121 Aviation Drive with Albuquerque Asphalt, Inc. for the Total Amount of \$2,545,873.00 Inclusive of NMRGT. (Curt Temple, Santa Fe Regional Airport Project Administrator, Cetemple@Santafenm.Gov, 955-2906)
16. CONSIDERATION OF RESOLUTION 2020-____. (Mayor Webber)
A Resolution Repealing Resolution No. 2019-1 Relating to the Open Meetings Act; and Adopting Annual Notice Requirements. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-66512)
17. CONSIDERATION OF RESOLUTION 2020-____. (Councilor Lindell, Councilor Villarreal and Councilor Rivera)
A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for New Mexico-Grown Fresh Fruits and Vegetables for School and Senior Meals Programs and Related Education Programs for Schools and Farmers. (Gino Rinaldi, Senior Services Division Director, eurinaldi@santafenm.gov, 955-4710)
18. CONSIDERATION OF RESOLUTION 2020-____. (Mayor Webber, Councilor Rivera and Councilor Vigil Coppler)
A Resolution Urging the New Mexico State Legislature to Repeal the State Tax on Social Security Benefits for New Mexico Seniors. (Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)



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19. Request for Approval to Publish Notice of Public Hearing on January 29, 2020:

BILL NO. 2019-19. An Ordinance Amending Section 7-1.1 SFCC 1987 to Repeal the New Mexico Non-Load Bearing Baled Straw Construction Building Standards; to Adopt Current Versions of Building Codes as Amended by the State of New Mexico Construction Industries Division; Removing the Provision that Allowed Prior Codes to be Used if Permit Applications were Submitted Six Months Prior to the Effective Date of the New Code; and Amending Section 7-1.9 SFCC 1987 Regarding Non-Potable Rainwater Catchment Systems. (Councilor Villarreal) (Dee Bangert, Green Building Code Specialist, dkbangert@santafenm.gov, 955-6618)

20. Request for Approval to Publish Notice of Public Hearing on January 29, 2020:

BILL NO. 2019-34. An Ordinance Amending Section 24-4.3 to Provide that the City Manager Appoints the Hearing Officer Instead of the Presiding Judge of the Civil Division of District Court; and Amending Subsection 24-4.5(H) to Remove Increased Fines for Subsequent Stop Violations Within a Two-Year Period. (Councilor Lindell and Councilor Rivera) (Ben Valdez, Deputy Chief, bpvaldez@santafenm.gov, 955-5040)

21. Request for Approval to Publish Notice of Public Hearing on January 29, 2020:

BILL NO. 2019-37. An Ordinance Creating a New Section 2-23 to Establish the Arts and Culture Department; and Repealing Section 6-1.3 Regarding the Director of the Arts Commission. (Mayor Webber) (Pauline Kamiyama, Arts Commission Director, pkkamiyama@santafenm.gov, 955-6653)

22. Request for Approval to Publish Notice of Public Hearing on January 29, 2020:

BILL NO. 2020-1. An Ordinance Authorizing the Sale of Approximately 10,242 Square Feet of Building and Improvements Only, Known as the "Santa Fe Clay Building," Located on Parcel F-1 at 545 Camino de la Familia in the Santa Fe Railyard Lying and Being Situated within the City and County of Santa Fe, New Mexico. (Mayor Webber) (Rich Brown, Director-Office of Economic Development, rdbrown@santafenm.gov, 505-955-6625; Andréa Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

23. Update on the Tesuque Runners Bronze Sculpture and Landscape Public Art Project in Honor of Tesuque Pueblo Commemorating the Pueblo Revolt Runners Catua and Omtua to be Located at the Northwest Corner of the Plaza Between City Hall and the Santa Fe Community Convention Center. (Pauline Kamiyama, Arts Commission Director, pkkamiyama@santafenm.gov, 955-6653)
(Informational Only)



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REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 8, 2020
CITY COUNCIL CHAMBERS

24. Approval of a Memorandum of Agreement with Santa Fe County Regarding Eight (8) Parking Spaces Located in Front of the County Building at 102 Grant Avenue. (Noel Correia, Parking Division Director, 955-6611, npcorreia@santafenm.gov)
25. Request for Approval of Amendment No. 1 to Lease Operating Agreement for Food & Beverage Service Facility at the Marty Sanchez Links de Santa Fe (#18-1349) with Northern Ventures, LLC, dba: The Links Bar & Grill. (Jennifer Romero, MRC Manager, jcromero@santafenm.gov, 955-4465)
26. MATTERS FROM THE CITY MANAGER
Upcoming Governing Body Study Sessions
 - Tuesday, January 14, 2020
 - Tuesday, February 25, 2020
 - Tuesday, March 10, 2020
27. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Parts (H)(7) and H(8):

- Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in which the City of Santa Fe Is or May Become a Participant; in Particular, a Quarterly Update of Threatened and Pending Litigation, Including, but Not Limited to *City of Albuquerque, et al. v. New Mexico Taxation & Revenue*; *City of Santa Fe v. Boggs*; *City of Santa Fe v. Purdue Pharma LP, et al.*, and other Litigation Threatened or Pending; and
- Discussion of the Disposition of Certain Real Property Pursuant to a Request for Expressions of Interest (RFEI), in Particular the Midtown Property, Formerly the Santa Fe University of Art and Design and College of Santa Fe.

(Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

28. MATTERS FROM THE CITY CLERK
29. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 8, 2020
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Mayor's Youth Advisory Board
 - Audit Committee
- H. PUBLIC HEARINGS: (NONE)
- I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

RECEIVED AT THE CITY CLERK'S OFFICE DATE: <u>January 3, 2020</u> TIME: <u>4:50PM</u>

SUMMARY INDEX
SANTA FE CITY COUNCIL
January 8, 2020

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1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as presented	1
7. Approval of Consent Calendar	Approved as amended	2
8. Approval of Minutes		
Regular Meeting - December 11, 2019	Approved as amended	2
Study Session - December 16, 2019	Approved as presented	3
9. Presentations	None	3
10. Organizational Session		
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b. Parliamentarian	Councilor Romero-Wirth	3
c. Committee Appointments	Approved as requested	3-4
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12. Visitors' Guide		
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b. Publication Printers Contract	Approved	6-7
13. Runway 20 Approach Contract	Approved	7-8
14. Aviation Grant #20-01	Approved	8-9
15. Airport ABQ Asphalt BAR	Approved	9-10
16. OMA Resolution 20-01	Approved	10
17. Fresh Fruits Resolution 20-02	Approved	10-11
18. Repeal of Social Security Tax	Approved	11-12
19. Building Standards Public Hearing	Approved	12
20. Hearing Officer Public Hearing	Approved	12-14
21. Arts & Culture Public Hearing	Approved	14-15
22. SF Clay Building Public Hearing	Approved	15-17
23. Tesuque Runners Sculpture Update	Reported	17-18
24. County Building Parking MOA	Approved	18-21
25. Links Contract Amendment	Approved	21-23
26. Matters from the City Manager	Announced Study Session	23
28. Matters from the City Clerk	None	23
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F. Petitions from the Floor	Petitions Made	24-26
G. Appointments	All Approved	26-27
H. Public Hearings	None	27
27. Matters from the City Attorney	Reported	29
29. Communications from Gov. Body	Communicated	28-29
Executive Session	8:06 to 9:45	29-30
I. Adjournment	Adjourned at 9:38 pm	30

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 8, 2020**

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, January 8, 2020, at approximately 5:03 p.m., in the 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 Roman "Tiger" Abeyta
Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe I. Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Others Attending

Jarel LaPan Hill, Acting City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

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

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

7. APPROVAL OF CONSENT CALENDAR

There was no consent calendar.

8. APPROVAL OF MINUTES:

a. Regular City Council Meeting -- December 11, 2019

Councilor Villarreal asked for a change on page 12 at the top to say, "We do want to increase city employee voting. However, all voting methods that we need to improve such as automatic voter registration and on-line voting are under State control. We need to have young people get interested in civic engagement and the importance of voting, and I would rather use this money to get them involved to stay in school."

On page 21 in the middle at the PUC meeting, "She understood it would eventually lead to a resolution on the pipeline but hoped there was more public hearings and stakeholder meetings and how it affected them. In the middle of the sentence, she asked to have the pipeline language inserted in this resolution. She believed she had said, "When it was a focus on the need for an 80-year water plan which we were not arguing about."

On page 25, the minutes should not include Councilor Ives in the affirmative vote.

On page 38 at the bottom it should say, "Councilor Villarreal reported as chair of the Community Development Committee but we clarified several times and we gathered community input and Ms. Perez (not Mr. Perez) in the audience had great input."

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve the minutes of the December 11, 2019 Governing Body Meeting as presented.

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

b. Governing Body Study Session -- December 16, 2019

MOTION: Councilor Lindell moved, seconded by Councilor Abeyta, to approve the minutes of the December 16, 2019 Governing Body Study Session as presented.

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

9. PRESENTATIONS

10. ORGANIZATIONAL SESSION:

a) APPOINTMENT OF MAYOR PRO-TEM

Councilor Lindell was the appointee.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the appointment of Councilor Lindell as Mayor Pro-Tem.

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

b) APPOINTMENT OF PARLIAMENTARIAN (NO VOTE REQUIRED)

Councilor Romero-Wirth was appointed as Parliamentarian.

c) APPOINTMENT OF GOVERNING BODY MEMBERS TO COMMITTEES

A copy of the list of committee appointments is herewith incorporated into these minutes as Exhibit 1.

The list of committee appointments was read aloud as contained in the exhibit. Mayor Webber clarified this was according to the old committee structure and the new structure was yet to take effect.

MOTION: Councilor Lindell moved, seconded by Councilor Garcia, to approve the appointment to committees as presented.

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

11. CONSENT CALENDAR: (NO ITEMS)

12. SANTA FE VISITOR'S GUIDE. (JORDAN GUENTHER, DIRECTOR OF MARKETING, JGUENTHER@SANTAFENM.GOV, 955-6212)

- a) Amendment No. 1 to Professional Services Agreement Between the City and Bella Media, LLC.

Director Randall presented the request for approval of the PSA amendment and thought the memo was self-explanatory as to why it must be amended. The City was notified in late December that because of changes in printing that required payment of part up front, it could not be done. He said it did not go through the two-committee process because of the imminent deadline of the Visitor Guide to be on the streets. There is no additional cost to the City with the change, merely picking up where Bella Media left off and there were three bids received. We will bill for, receive the advertising revenues, and pay any outstanding expenses and the remaining funds are to be split with Bella Media.

Director Randall explained this is an amendment to the contract with Bella Media that shifts the responsibility to us. Item b is for approval of a contract with Publication Printers out of Denver and would allow them to run the presses. They can get it in our hands in about ten days.

Councilor Cassutt-Sanchez observed the bid process was not stated in the memo that it went through the regular procurement process. She asked when this bid was announced for people to bid on it.

Director Randall replied that because it was done by Bella Media and not by the City, it was not issued as an RFP or an open bid. Bella Media did obtain three bids, but it was not an open-bid process. He added that there are a limited number of printers who can produce the volume needed for the Visitors' Guide.

Councilor Cassutt-Sanchez understood that Bella Media did the three bids and we picked up when they could not produce without issuing a request for bids. That was the process.

Director Randall agreed.

Councilor Cassutt-Sanchez asked if that is a legal process for City procurement.

Ms. McSherry said she was not involved in this but could look further into it. She had not signed off on it.

Director Randall said Assistant City Attorney Marcos Martinez signed off on it. He added that if we must reopen, it would delay the Visitors' Guide publication for 45 days.

Councilor Cassutt-Sanchez asked what the detriment would be.

Director Randall explained it is the primary print fulfillment piece provided to the public when the public asks about Santa Fe. We print 350,000 copies. We are out of the 2019 brochures with only 500 copies left. And we need to make an immediate distribution and regional folks need 20,000 copies within the next 20 days. Without it, we would have no voice to the public.

Councilor Cassutt-Sanchez concluded that the City could lose some revenue without them.

Director Randall said, "Absolutely."

Councilor Cassutt-Sanchez understood this printer does not have a Santa Fe business license and asked if that was correct.

Director Randall clarified that they have applied and will have a license by next week. His intent was to submit a P.O. now but delay payment until the license is in place. Time is of the essence and this process would allow them to start printing now.

Councilor Vigil Coppler asked if there any sanctions in the contract with Bella Media for not complying with the terms of their contract or if it is just okay for them to bow out.

Director Randall said there are no sanctions because there is actually no payment to them now because there is no payment going to them for completion of their contract. So there is no way to penalize them in any way. In the original contract, the City shared in 20% of any excess proceeds in production of the brochure. In the revised contract, there is a 50/50 split. So Bella Media is giving up 30% of any proceeds.

Ms. McSherry, regarding Councilor Cassutt-Sanchez's earlier question, said that in the policy, all types of advertising and promotion are exempt from the procurement code requirements.

Councilor Vigil Coppler asked if, after the printing is done, the City will be finished with the contract with Bella Media.

Director Randall said the decision how we proceed with the 2021 Visitors' Guide has not been made yet.

Councilor Vigil Coppler thought this was the third year of a 4-year contract.

Director Randall agreed. The 2021 brochure would be the fourth year.

Councilor Lindell asked if it is incumbent on the City to collect those advertising revenues.

Director Randall agreed. A letter has already gone to the advertisers with an invoice for the amount due. Over the past week and a half, he and Mr. Guenther have reconfirmed their commitment with them. And we were able to add one more ad that was left out which would add another \$8,000.

Councilor Lindell asked what the total for this will bring in from advertising.

Director Randall said the total is about \$190,000 is outstanding now and a small amount has already been collected. He was confident we could collect it and explained that the City has better leverage with the advertisers than the contractor.

Councilor Lindell observed it is a sizable amount of money.

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve Amendment No. 1 to the PSA with Bella Media as presented.

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

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

Against: None.

- b) Contract with Publication Printers Corp. in an Amount not to Exceed \$105,000, Excluding Gross Receipts Tax.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve the contract with Publication Printers Corp. in an amount not to exceed \$105,000.

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

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

Against: None.

- 13. REQUEST FOR APPROVAL OF CONTRACT SERVICES USING RFB NO. 20/08/B** for Earth Work and Grading of the Runway Safety Area for Runway 20 Approach. Construction Services will be at the City of Santa Fe Regional Airport, 121 Aviation Drive with Sparling Construction Company in the Total Amount of \$617,456.53 Inclusive of NMANAGERT. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov, 955-2906)

A copy of the Action Sheet from the January 7, 2020 meeting of the Public Utilities Meeting is incorporated herewith to these minutes as Exhibit 1.

Mr. Temple presented this matter. He reported receipt of an FAA letter on safety for Runway 20 approach as dangerous in case of a runoff of landing aircraft. It is now not in compliance and looking at fines if not corrected. Mr. Temple got two bids that were under the engineer's estimate.

Councilor Lindell opined that it is almost impossible to accept that a bid came in under the project by hundreds of thousands of dollars.

Mr. Temple said the difference was the amount of dirt that is out there. The engineer was looking at bringing in a significant amount of dirt. But the bidders knew where the dirt would come from.

Councilor Lindell asked if the City has worked with that company before.

Mr. Temple said we have not for the City. But there are other firms out there. Mr. Temple will be the project manager and Molzen-Corbin will be the contractor for the design.

Councilor Lindell reasoned that Molzen-Corbin was not the engineer making the estimate.

Mr. Temple said they were the ones who estimated.

Councilor Lindell said it was hard for her to imagine why their estimate would be so far off since they have had years of experience out there.

Mr. Baca explained they were looking at engineer fill for pavement standards but the design standard for a runoff runway is not that high. The dirt out there now meets the compaction requirement. A new advisory circular came out at the first of the year. It is a new design standard and we were able to put it into the bid package.

Councilor Rivera had the same question. He was under the impression that some dirt came from the two new hangers.

Mr. Baca agreed. They underestimated on the dirt they took out, which is usable and by using scrapers and blades, they won't even need trucks to transport the dirt.

Councilor Rivera reported that the PUC approved all of them last night.

Councilor Abeyta understood we are actually saving money by using this dirt.

Mr. Baca agreed there would be upwards of \$300,000 savings.

Councilor Abeyta asked if he was confident that we will actually see the change and not a change order that says we cannot use the dirt.

Mr. Baca was 100% confident in the contractor and that the dirt meets the requirements.

Councilor Garcia thought if this item on the runway is the last needed correction, we are being proactive and don't have to rush into things and not see corrective actions in the future.

Mr. Baca agreed. He has been in regular contact with the safety engineer but when we got our license, it was with natural terrain. He realized this was an oversight with previous airport managers. We go through a three-year rotation on inspections. They did notice on other things such as markings and he is working on a plan to get away when there are emergencies and come to you only with day-to-day maintenance work including pavement markings and pavement management. We are coming up with a good plan to avoid the emergency situations.

Councilor Garcia commented that we do want to have a top-quality airport.

Councilor Cassutt-Sanchez asked if, during construction, there would be any disruption in airport service operations or a plan to mitigate it during construction.

Mr. Baca said none are anticipated. We will close runway 20 part of the day (8 am to 4 pm) and use the secondary runway. During inclement weather the contractor won't be able to work anyway so we don't anticipate delays or cancellations.

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the contract with Sparling Construction as proposed.

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

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

Against: None.

- 14. REQUEST FOR THE ACCEPTANCE OF NMDOT AVIATION DIVISION GRANT SAF #20-01** in the Amount of \$80,000.00 to Fund the Design of New Airfield Electrical Vault and Precision Approach Path Indicator (PAPI). Grant will be for the Santa Fe Regional Airport, 121 Aviation Drive. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov, 955-2906)

A copy of the Action Sheet from the January 7, 2020 meeting of the Public Utilities Meeting is incorporated herewith to these minutes as Exhibit 2.

Mr. Baca requested Governing Body acceptance of \$80,000 for a new electrical vault and approach indicator which is a navigational aid needed. We have an antiquated electrical system and now going with LED's which will be more energy efficient and move a pole from the parking lot to gain more space on parking.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the acceptance of NMDOT Aviation Division Grant SAF #20-01.

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

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

Against: None.

- 15. REQUEST FOR THE APPROVAL OF A BUDGET AMENDMENT RESOLUTION (BAR) FOR SERVICES USING RFB NO. 2002/B** for New Construction of Approximately 2,400 Linear Feet of Taxiway Delta, and Taxiway Lighting. Construction Services will be at the Santa Fe Regional Airport, 121 Aviation Drive with Albuquerque Asphalt, Inc. for the Total Amount of \$2,545,873.00 Inclusive of NMANAGERT. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov, 955-2906)

A copy of the Action Sheet from the January 7, 2020 meeting of the Public Utilities Meeting is incorporated herewith to these minutes as Exhibit 3.

Mr. Baca clarified the request for the BAR was for taxiway improvements through the Albuquerque Asphalt. The Governing Body previously approved the contract, and this is just asking to move the funds to pay the contract amount.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the Budget Amendment Resolution for services using RFB No. 2002/B.

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

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

Against: None.

16. CONSIDERATION OF RESOLUTION 2020-01. (MAYOR WEBBER)

A Resolution Repealing Resolution No. 2019-1 Relating to the Open Meetings Act; and Adopting Annual Notice Requirements. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry explained why the Governing Body does this, to fulfill the state statutory obligations. Every year, bodies subject to OMA must publish the requirements. This year reflects what we did last year including emergency notice.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Lindell, to approve RESOLUTION NO. 2020-01 as presented.

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

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

Against: None.

17. CONSIDERATION OF RESOLUTION 2020-02. (COUNCILOR LINDELL, COUNCILOR VILLARREAL AND COUNCILOR RIVERA)

A Resolution in Support of the Appropriation of Funds by the New Mexico Legislature for New Mexico-Grown Fresh Fruits and Vegetables for School and Senior Meals Programs and Related Education Programs for Schools and Farmers. (Gino Rinaldi, Senior Services Division Director, eurinaldi@santafenm.gov, 955-4710)

Director Rinaldi presented this item. This resolution is to request funds from the Legislature for food to schools and seniors.

Councilor Lindell recalled that Councilor Villarreal brought previously brought this forward and it has been successful, and a good project and she was happy to have her name on it.

Councilor Cassutt-Sanchez asked to be cosponsor.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt-Sanchez, to approve RESOLUTION NO. 2020-02 as presented.

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

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

Against: None.

18. CONSIDERATION OF RESOLUTION 2020-03. (MAYOR WEBBER, COUNCILOR RIVERA AND COUNCILOR VIGIL COPPLER)

A Resolution Urging the New Mexico State Legislature to Repeal the State Tax on Social Security Benefits for New Mexico Seniors. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Mayor Webber noted we are one of few states that has Social Security benefits taxed in the US. It would be more friendly not to tax what is often their sole means of support.

Councilor Rivera requested, if the maker and seconder of a motion would be amenable on page 2, line 13, to delete "only to have a portion siphoned off by the State". and put period after Social Security.

Councilor Villarreal asked to be added as a cosponsor.

Councilor Lindell asked to be a cosponsor.

MOTION: Councilor Abeyta moved, seconded by Councilor Villarreal, to approve RESOLUTION NO. 2020-03 requesting repeal of State Tax on Social Security Benefits for New Mexico seniors as amended to delete "only to have a portion siphoned off by the State."

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

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

Against: None.

19. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON

JANUARY 29, 2020:

BILL NO. 2019-19. An Ordinance Amending Section 7-1.1 SFCC 1987 to Repeal the New Mexico Non-Load Bearing Baled Straw Construction Building Standards; to Adopt Current Versions of Building Codes as Amended by the State of New Mexico Construction Industries Division; Removing the Provision that Allowed Prior Codes to be Used if Permit Applications were Submitted Six Months Prior to the Effective Date of the New Code; and Amending Section 7-1.9 SFCC 1987 Regarding Non-Potable Rainwater Catchment Systems. (Councilor Villarreal) (Dee Bangert, Green Building Code Specialist, dkbangert@santafenm.gov, 955-6618)

Ms. Bangert presented the request. She said we have not been up to date with our building code for some time. The UBC changed the chapter so we had to change with that.

Councilor Villarreal moved and Councilor Lindell seconded to approve.

Councilor Romero-Wirth reminded the Governing Body that this is just to approve a public hearing and not on substance.

Councilor Lindell asked to be cosponsor.

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve publication of notice of a public hearing on January 29, 2020 as presented for BILL 2019-19.

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

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

Against: None.

20. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 29, 2020:

BILL NO. 2019-34. An Ordinance Amending Section 24-4.3 to Provide That the City Manager Appoints the Hearing Officer Instead of the Presiding Judge of the Civil Division of District Court; and Amending Subsection 24-4.5(H) to Remove Increased Fines for Subsequent Stop Violations Within a Two-Year Period. (Councilor Lindell and Councilor Rivera) (Ben Valdez, Deputy Chief, bpvaldez@santafenm.gov, 955-5040)

Mayor Webber said this is for Hearing Officer appointments.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve a public hearing for RESOLUTION NO. 2019-34.

Discussion on the Motion:

Councilor Vigil Coppler wondered if the City Manager is the correct person to appoint the Hearing Officer because there might not be enough arm's length and she thought perhaps the Municipal Judge could appoint them to maintain the checks and balances. Originally, she did not have a problem with a District Judge appointment because they do it all the time in different matters. She thought City Manager would be too close to the situation.

Councilor Rivera noted this, in essence, is for the STOP program and these changes are for that. It is important to many people out there and it needs to be as transparent as possible.

Councilor Vigil Coppler had that same concern as she looked at it and suggested the caption seemed to be disguised. It is important, as Councilor Rivera stated. The public should really understand that this is going to be the matter at hand for the public hearing. She has received many phone calls from constituents and many emails about this matter both ways and she wanted to be sure the public recognizes it.

Ms. McSherry, on that point, said we should amend the caption now and add "(the STOP Program)" in this. This is just to amend the existing ordinance so it will exist. We have no jurisdiction over the District Court and no way to make corrections. It would be nonfunctional if we could not get a Hearing Officer. She clarified that this has two amendments to the existing ordinance. She added that she proposed these amendments. She explained that if it is under the District Court, we would have no jurisdiction over that court and if the appointment was not acceptable, the City would have no legal course to remedy that situation. But as to who within the City makes the appointment, she had no concern for the decision of the Governing Body, but we would also need to put in who makes the appointment.

Councilor Vigil Coppler asked for her opinion about having the Municipal Judge make the appointment of the Hearing Officer.

Ms. McSherry had no legal concern about who within the City makes the appointment.

Councilor Vigil Coppler asked when it would be appropriate to make that amendment.

Ms. McSherry said it could be done either during the Committee meeting or the Governing Body meeting. She noticed it does say City Manager within the caption, itself and suggested it be more generic in the caption as to whom would make the appointment.

Councilor Romero-Wirth asked if it could say in the beginning, "Relating to the STOP Program, amending Section 24-4.3.

Ms. McSherry agreed.

Amendment to the Motion:

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to amend the main motion by changing the title to say, "The Ordinance Amending Section 24-4.3, relating to the STOP Program, to Provide That the City Provides for the Appointment of the Hearing Officer Instead of the Presiding Judge of the Civil Division of District Court; and Amending Subsection 24-4.5(H) to Remove Increased Fines for Subsequent Stop Violations Within a Two-Year Period.

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

Vote on Main Motion as Amended:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve a public hearing for RESOLUTION NO. 2019-34 as amended.

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

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

Against: None.

21. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 29, 2020:

BILL NO. 2019-37. An Ordinance Creating a New Section 2-23 to Establish the Arts and Culture Department; and Repealing Section 6-1.3 Regarding the Director of the Arts Commission. (Mayor Webber) (Pauline Kamiyama, Arts Commission Director, pkkamiyama@santafenm.gov, 955-6653)

Director Kamiyama explained this is part of the work the Community has done to establish the Arts Commission as a Department of the City and it shows how important arts and culture is to the City as separate from Tourism.

Councilor Villarreal asked to be listed as a cosponsor.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve a public hearing for RESOLUTION NO. 2019-37 as requested.

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

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

Against: None.

22. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 29, 2020:

BILL NO. 2020-1. An Ordinance Authorizing the Sale of Approximately 10,242 Square Feet of Building and Improvements Only, Known as the "Santa Fe Clay Building," Located on Parcel F-1 at 545 Camino de la Familia in the Santa Fe Railyard, Lying and Being Situated with the City and County of Santa Fe, New Mexico. (Mayor Webber) *Rich Brown, Director-Office of Economic Development, rdbrown@santafenm.gov, 955-6625; Andréa Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

Director Rich Brown introduced the people from the Railyard to speak to it.

Mr. Kellogg offered to answer questions. He said it will be heard by Finance later this month. It is sale of improvements of the Santa Fe Clay Building that sits on leased land to SFRCC and the City owns the improvements. In working with the selected tenants through the development of their project, it is to sell.

Mr. Richard Czoski gave some background which was salient to the question. In 2017 Santa Fe Clay was sold to new operators and, for two years, the new owners ran it down to be not viable any longer. They were in violation of their lease. So in July, we started advertising and the rate of the lease included the building and ground.

About six buildings in Railyard are owned by the City. This one is about 10,000 square feet and is attached to El Museo Cultural Building.

We proceeded in the normal way and showed it over a dozen times and took many phone calls. One party who called was Chris Axtell with Luna Capital and they had the building next door. As the process went along, Luna Capital said they were willing to pay the advertised rate and met with our Board and discussed a possible use of the building. At one point, they wanted to demolish the building.

In 2010, the City Council had approved the demolition of this building which was

for a new cinema that never happened. There was no discussion on any compensation for the building and the only condition was that any replacement building would have to come to Council for approval.

Luna Capital decided they could use the building as is as a shell because everything inside would come out.

Santa Fe Clay was grandfathered on many codes. It is a 1950's building largely unchanged. So the lease with Luna Capital was not different than other leases.

That is the context. As it went along, Luna Capital realized they would need at least \$2 million and was difficult to borrow that amount to spend on a building they did not own. We did not have authority to sell it and they would need to come to Council with that request. So it started as a lease and now is a sale.

Mayor Webber reminded all that this is just to consider publish the notice.

Councilor Vigil Coppler asked why the property, was not offered for sale to the general public to see what the market would bear.

Mr. Kellogg said the response was that the Railyard Corporation is under contract with the City to market and find lessees to maximize revenue for the City. So the way the Corporation markets is not to sell because that responsibility lies with the City. It already went through a competitive process for lease but not to buy the land.

Councilor Vigil Coppler thought that was rather limiting. She didn't know the mechanism, but she was acquainted with MLS. \$150,000 for even the shell downtown is not what the market would bear. She knew how the Corporation came up with that amount because she saw the appraisal. Did we do a good job? She wanted to know how much outreach the Corporation really did.

Mayor Webber suggested we can dig into it deeper at the public hearing but let's hear about the nature of outreach.

Mr. Czoski clarified that the Corporation does not sell buildings so the outreach to sell it did not occur by the Corporation. We have no authority to sell the building. This is for improvements only and the ground lease is \$65,000 per year which significantly affects the improvements. The process for leasing is much like any other real estate transactions. The applicant met our requirements for the lease. We would be glad to lease it to them if the sale does not work out because we already have a handshake on that deal.

Councilor Vigil Coppler questioned if we really are serving the taxpayer by not having enough outreach for a prime building downtown. She knew there are several properties where the owner does not own the ground. That doesn't stop anyone from have a residence or a business downtown. That was the background for her question.

We need to ensure the City gets the bang for the buck. The assessor's valuation is more than twice what the Corporation would be getting and added that in her experience, the assessor values it far below the market.

Mayor Webber agreed it is a complicated proposition in evolving from a standard lease to a sale. All of that can be explored in the hearing.

Councilor Villarreal understood the procedure. But why are we moving forward with the sale when there might be another potential? Why are we doing an ordinance now instead of putting it out to the market first.

Mr. Kellogg explained that the Railyard is unique and operates differently from other commercial real estate transactions. The vast majority of properties are privately owned buildings on leased land. This building is a remnant from the past. We own an improvement on it. Plenty of users came to see it as a lease. But for a sale, our rules require an ordinance be considered.

Ms. McSherry clarified that it is a state statute that requires an ordinance.

Mayor Webber agreed and is part of what makes it more of a hybrid. It isn't as if the City is trying to sell property. It is a deal offered by the Corporation. And we could reject it if we don't like it. We are not out marketing the property. We are not supplanting the work of the Corporation.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve a public hearing for BILL NO. 2020-1 as requested.

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

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

Against: None.

23. UPDATE ON THE TESUQUE RUNNERS BRONZE SCULPTURE AND LANDSCAPE PUBLIC ART PROJECT in honor of Tesuque Pueblo Commemorating the Pueblo Revolt Runners Catua and Omtua to be Located at the Northwest Corner of the Plaza Between City Hall and the Santa Fe Community Convention Center (Pauline Kamiyama, Arts Commission Director, pkkamiyama@santafenm.gov, 955-6653)

Director Kamiyama invited other members of the team, including the former Governor of the Pueblo of Tesuque, who were involved in this to come forward and identified them. She briefly reviewed their work. This was brought to Council last year and

is now ready to be a donation. The sculpture commemorates the Pueblo Revolt and is able to do it with respect and provides a great educational opportunity to share the story of our joint history. Our hope is to have it completed in warmer months and plant some plants around it.

Councilor Villarreal clarified and thanked Governor Vigil (Pueblo of Tesuque) for being here. We have a resolution to move it forward and in place. She asked Director Kamiyama to explain where her resolution is now.

Director Kamiyama said it will be our first public art project in this new year. We look to have the hardscape done soon.

Councilor Villarreal asked if the resolution needed any amendments such as inclusion of the archaeological contract.

Ms. McSherry was not sure.

Councilor Villarreal clarified that she did not know if the archaeological contract needed a new amount and if it was part of the resolution.

Ms. McSherry said a contract would not be approved by the resolution.

Councilor Vigil Coppler noted in the memo in the paragraph on contracts, the Archaeological Review Committee recommended spending \$25,000. She asked if that needed approval by the Governing Body.

Ms. LaPan Hill said all three of the contracts could be approved by the City Manager and she had not yet signed off on them.

Director Kamiyama agreed.

Mayor Webber thanked them for coming, especially the Governor of the Pueblo of Tesuque.

[This update did not require an action of the Governing Body.]

Mayor Webber announced to the public that the evening session would not start at 7:00 but would start later.

24. APPROVAL OF A MEMORANDUM OF AGREEMENT WITH SANTA FE COUNTY Regarding Eight (8) Parking Spaces Located in Front of the County Building at 102 Grant Avenue. (Noel Correia, Parking Division Director, 955-6611 npcorreia@santafenm.gov)

Director Correia said the County is going through extensive renovation of the old

County Administration Building at 102 Grant Avenue with eight parking spaces in front and they requested those spaces be fenced off for the construction activity to go smoothly and Grant Avenue traffic be unimpaired. The Parking Division requests the Governing Body to approve this request at no cost to them and they will renovate the streetscape at no cost to the City. The lost revenue for January to June is about \$720 per month. So it would be about \$4,200 for six months or about \$5,400 with bags on the meters. But the offset or benefit is way more than the loss of revenue from those meters.

Councilor Lindell asked if bagging a meter is \$30 per day.

Director Correia agreed.

Councilor Lindell noted that they are already fenced off.

Director Correia said they were fenced off in November. The contractor fenced it and the County moved the fence to expose the pay station but most people using them were there to go into the county building but did not because it was closed.

Councilor Lindell said her point was that it already happened.

Director Correia said the fence was moved because it was a hazard to traffic.

Councilor Romero-Wirth pointed out that no fiscal impact was in our packet.

Director Correia said as a MOA, it needs no FIR. However, he added that he did have one copy of the FIR in his materials.

Ms. McSherry said this impacts legislation.

Councilor Romero-Wirth would like to have seen the FIR and how much it will cost the County to fix the sidewalk and the revenue we are losing. Those would just be good information for consideration. She asked how the Governing Body could change that to get that information in the future.

Director Correia explained that he prepared a FIR as a backup but had no copies.

Councilor Romero-Wirth asked that after the meeting, she would like to see it. Being neighborly with our "neighbors." We ought to have some sense of the fiscal impact.

Councilor Lindell said, to clarify, it is \$30 per day to bag a meter, or \$240 for eight of them.

Director Correia said there are only seven meters.

Councilor Lindell asked how many days per week they would be charged and asked if 25 days per month is a reasonable amount.

Director Correia agreed.

Councilor Lindell said that would total about \$36,000 for the duration.

Ms. McSherry noted the County has agreed to do improvements to two of the peninsulas along Grant Avenue. The IGA is not for the value of the project.

Councilor Romero-Wirth pointed out that this did not go through any committee so there has been no chance to evaluate any of it.

Councilor Vigil Coppler commented that the reality is that she did not know anyone would want to park there. It makes sense to fence it off for safety. She thought it was really important to know the fiscal impact and didn't care if it is a FIR or not. Most of the times, it is in the memo to give public transparency and they can weigh in on it if they have issues. There is nothing wrong with putting it in the memo. She saw only a bunch of concrete and didn't see much space to plant a tree. But they will present the City with a nicer looking building.

Councilor Garcia asked why this came so late. We knew they were going to renovate this building, knowing they were going to do something.

Director Correia said we did not know when it would happen. The County was behind in notifying us about it. That is why this is at the last second.

Mayor Webber said they started the work and it was a messy situation and the City Manager came to us with the problem, so it was a gesture of working with the County in a compatible way. And the holidays happened in the meantime.

Councilor Abeyta asked, if the MOA is not approved and someone parks there and their car gets damaged, could they bring a claim against the City?

Director Correia said in cases of construction, the contractor of the County would be liable.

Councilor Abeyta suggested the car owner would likely call the City first.

Director Correia agreed and we would refer the caller to the proper place. We have now allowed the contractor to go ahead and not stop their project. They are now completely blocked except to the contractor. Or we will have to charge the contractor for bagging those meters.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Garcia, to approve the Memorandum of Agreement with Santa Fe County regarding eight parking spaces in front of the County Building.

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

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

Against: None.

Mayor Webber thought the suggestion about FIR's was a good one.

25. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE OPERATING AGREEMENT for Food & Beverage Service Facility at the Marty Sanchez Links de Santa Fe (#18-1349) with Northern Ventures, LLC, dba, The Links Bar & Grill. (Jennifer Romero, MRC Manager, jcromero@santafenm.gov, 955-4465)

Manager Romero presented the request for amendment #1 at Marty Sanchez with Northern Ventures for a one-year agreement extension.

Councilor Vigil Coppler was very pleased with the food service there, especially when events take place.

Councilor Rivera said he had some issues with the process. This was a very contentious issue in January 2018 with the bid that was accepted and with the committee making the selection and whether we were getting fair value. It stretched to February 14 that it should go back to RFP and then come back to Council. He asked Manager Romero to ensure to the Governing Body that it happened.

Manager Romero said it did happen 18-22-B was the reissue with a different selection committee and the committee selected Links Bar and Grill. Negotiations went through and it was submitted to Legal with an amendment lowered to a 2-year agreement. This amendment is for a one-year extension.

Councilor Rivera asked who made the reduction to two-year.

Manager Romero thought it was Legal Staff.

Councilor Rivera wondered why the second agreement did not come to us.

Manager Romero deferred to Ms. McSherry.

Ms. McSherry understood the amendment term amount was less than \$60,000.

Councilor Rivera agreed the first time the numbers were low enough for City Manager approval, but the decision was to come back to Council. That did not occur in the second time around and he didn't understand why there was no opportunity for the

public to weigh in. Erik Litzenberg signed off on it and there was no opportunity for Council to consider it.

Councilor Romero-Wirth asked if this is the last time (last year of this contract).

Manager Romero agreed.

Councilor Romero-Wirth asked if it would go out to RFP again later this year.

Manager Romero agreed it could go out for RFP and options could be considered with Governing Body approval.

Councilor Romero-Wirth asked if it would come back here again, even though under \$60,000.

Ms. McSherry said it would follow the rules we have now. It would be determined by the terms of the proposed contract.

Councilor Romero-Wirth asked if an RFP would have to be sent out again.

Ms. McSherry said if it was over \$60,000, it would have to be procured by RFP.

Councilor Vigil Coppler recalled the questions and concerns then. It appeared to her that we have changed many procedures here so that we don't get to see many of them any longer. The bottom line is that we need to make sure our committees decide with utmost fairness in mind. Even back then it did not seem fair. Now we have to trust our staff in the decision that we would not tolerate favoritism.

Councilor Rivera pointed out that if we leased a small amount of sidewalk it would need to be at fair market value. Is that true for Links?

Manager Romero did not know but offered to find out.

Ms. McSherry said fair market value is required by the State Anti-Donation Clause, and that can be done by appraisal or an RFP. The RFP can be an open process for assessing fair market value. An appraisal can also be done and would avoid an RFP. We have to look at both and it is complicated.

Councilor Rivera said he plays out there and sees they do a great job. But the process looked like it was trying to avoid transparency.

MOTION: Councilor Garcia moved, seconded by Councilor Cassutt-Sanchez, to approve Amendment #1 to Lease Operating Agreement for food and beverage services at the Marty Sanchez Links de Santa Fe as presented.

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

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

Against: None.

26. MATTERS FROM THE CITY MANAGER

Upcoming Governing Body Study Sessions:

- Tuesday, January 14, 2020
- Tuesday, February 25, 2020
- Tuesday, March 10, 2020

Ms. LaPan Hill said the only matter is the upcoming study sessions that are scheduled from 5-7 pm. This coming Tuesday, the study session is the Legislative Process and on ways to build more effective process and get feedback from Councilors.

As we move forward through the rest of the month, we will send out the topics for the other study sessions.

Councilor Villarreal asked if we could rethink the date of February 25 because of all the committee meetings that week. The study session should be on a non-Council week.

Ms. LaPan Hill agreed to do a second look.

27. MATTERS FROM THE CITY ATTORNEY

This item was moved to the end of the agenda.

28. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

29. COMMUNICATIONS FROM THE GOVERNING BODY

This item was considered later in the meeting.

EVENING SESSION -- 7:33 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, evening session was begun by Mayor Alan Webber, Chair, Wednesday, November 13, 2019, at approximately 7:33 p.m. in Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Present at the evening session were:

Members Present

Mayor Alan Webber
Councilor Roman "Tiger" Abeyta
Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Others Attending

Jarel LaPan Hill, Interim City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Carl Boaz, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mr. Craig Mellow, with the Los Alamos Study Group and now lives in Albuquerque, said the Group is concerned that the City could be harmed by the proposal of the National Security Administration and Los Alamos National Laboratory to take a greater or smaller role in the Mid-Town development. The dramatic expansion of LANL is totally for plutonium enrichment and they are quite full of their available space. They are seeking to externalize their work to other nearby communities as well as to address the need for more housing and construction labor to learn how to manufacture plutonium. They are expecting some thousands of people for this effort. Los Alamos is nearly completely a nuclear weapons facility and Congress will not give Los Alamos any other mission. It is not an educational institution or a community developer. It will be a drag on other proposals as well.

Ms. Margaret Ezell spoke to share her ideas regarding the Mid-Town proposal and the plutonium pits needed for nuclear warheads. Councilors may not see the evil from this revenue. These must pass through a moral filter. She understood experts

would be brought in and a process will determine who meets the bid. She said, "I see Pontius Pilate washing his hands again."

Ms. Cynthia Wheeler spoke about the Mid-Town project. "On Sunday, Mayor Webber said that City Council will use what they have learned in public and what they have learned that the public wants, in order to make a decision between the development proposals for the Mid-Town Campus." She didn't understand how City Council could know what the public wants, because if the public had been given an opportunity to tell the Council what they wanted, she was totally unaware of it. Her point was that because the people of San Antonio will have to live with the consequences of your decision, it should not be your decision alone. We have not been invited to the table as we should have been. Do not make this decision without getting public input.

Mr. Jim Eagle, with Beth, his wife, said, "I am a professor emeritus of operations research at the naval post grad school and try to look at quantitative aspects of problems. We don't have a whole lot of numbers here on this. So I am going to be forced to be a little bit non-numerical. It looks to me, given NSA, that LANL does not have the contract or master contract experience necessary to hire the right kind of subs for the urban development plan that we want for the Mid-Town work. I did hear one proposal from Journey Santa Fe.

The proposed project is very challenging. They have never had the responsibility to produce pits continuously at this rate nor had to destroy pits at the current rates. It will create plutonium transport problems never seen before. So we need a nationwide EIS for it to figure out what the heck will happen. We just don't know.

I talked to them about the proposed road projects with the new road and bridge. The extra road will not happen which will make the Santa Fe issues more severe.

Ms. Stefanie Beninato said regarding Sunday's comments, that Mayor Webber said you were against nuclear weapons, so that means you should be against pits production which is what will be happening at LANL and will be the major thing they do there. You also told the woman who said on Facebook the City's crime statistics that the City should hire more police. She said she was disappointed and thought Mayor Webber should have said we should build more communities and that by building communities, we actually would be safer.

"I thought your comment on super stars was really uncalled for and doesn't show much wisdom on your part. Because you have Regina Wheeler, who has screwed up virtually every project that she has had, including the most recent one where the Project Manager took it back without actually inspecting it before it was accepted. And the pool at Fort Marcy opened on Monday and was not functional. For seven out of twelve weeks in the last three months of 2019, the fitness area at Genoveva Chavez was closed from Ms. Wheeler saying there was going to be construction. No construction so not exactly a super star."

"Carol Johnson, whom you also called a super star, had lied to the City Council during the ADU meeting about permit process. She definitely lied to the public. She violated her own permit because she said one thing and then changed her mind. We do know what lying is. And we do know that Ms. Johnson and her husband violated their own permit, even though they were sworn to uphold the law.

The Short-term rentals ordinance is a really strong ordinance, but the City has not done for the past two years after hiring a third-party contractor to enforce it.

Mayor Webber told her that her time was over as she continued to give her petition.

Ms. Margaret Truland said she was here to as strongly as possible object to any presence of LANL operation in the Mid-Town area with their once in a lifetime opportunity for Santa Feans. Our need is for housing for our work force for Santa Fe. We should not provide housing and schooling for them rather than for Santa Fe residents.

I have read many Council resolutions against endorsing any LANL activity. But this would endorse their mission of nuclear weapons productions. That would be a violation of Santa Fe mission and vision.

Ms. Virginia Miller, District 1, added that the City should not give an appearance of supporting the LANL pits production. It is unnecessary, dangerous and illegal. The World Court declared that nuclear weapons are illegal and called on all nations to get rid of them. So I would not like to see Santa Fe support that in any way in the Mid-Town project because it is illegal. You can prevent them from being part of our City that is supposed to support fair equity - She showed two posters.

You have it in your power to keep Santa Fe a safe place to live. There is nothing safe about nuclear weapons. Keep Santa Fe the City of Holy Faith.

Mr. William Bruce, from Pecos, said he lived in Santa Fe quite a while ago. He reminded all that St. Francis Cathedral, our patron saint, was St. Francis of Assisi. It would be a crime for us to have any relationship with a bomb-making industry here in Santa Fe. It is immoral anywhere but especially in Santa Fe, the City of Holy Faith. It is the duty of us all to maintain that integrity. Pope Francis has spoken eloquently to abolish all weapons. It is totally immoral and anti-life. He would like to see the City become part of that global movement trying to abolish all nuclear weapons and it is taking root in the UN. It is up to us to stop it here.

Mr. Robert Francis Johnson said for 3-4 years, he worked with Los Alamos Counseling and heard how scientists talked about being afraid of getting cancer. Los Alamos has one of the highest rates of cancer and also the harm to mother earth and it cannot be changed. Nuclear things are a gourd of ashes. And if not stopped, we will all be ashes. He told Miguel Chávez of his concern and we shared efforts to have a declaration as City of Holy Faith. The world is on the brink of ending with what President

Trump has done. The Nuremberg Trials gave every person that right.

The important thing to remember is in those trials, due process of law is very important. Trump is not above the law. although murdering people around the world.

There were no other petitions from the Floor.

G. APPOINTMENTS

a) Mayor's Youth Advisory Board

Mayor Webber appointed the following members to the Youth Advisory Board:

Summer Armijo-Rotunno (Santa Fe High School) - Reappointment to 12/2021
Teya Martinez (Santa Fe Preparatory School) - Reappointment to 12/2020
Diego A. Montoya, Alternate (Milagro Middle School) - Reappointment 12/2020
Avi Pope (ATC) Reappointment to 12/2021
Cadence Gonzales (ATC) term ending 12/2021
Niveditha Bala, Alternate (Mandela Intl. Magnet School) term ending 12/2021
Miguel Gonzales Moreno, Alternate (YouthWorks) unexpired term to 12/2020
Nolan Hall (Santa Fe Indian School) - term ending 12/2021
Valerie Ramirez (Santa Fe High School) unexpired term ending 12/2020
Sydney Manningham (Santa Fe Preparatory School) unexpired term 12/2020

Councilor Villarreal made one correction: Diego Montoya is now a student at Santa Fe High School, not Milagro.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Villarreal, to approve the appointments to the Youth Advisory Board as presented.

VOTE: The motion passed by unanimous voice vote with Councilors Abeyta, Cassutt-Sanchez, Garcia, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in the affirmative and none voting against.

b) Audit Committee

Municipal Judge Virginia Vigil appointed the following member to the Audit Committee with consent of the Governing Body:

Adolfo R. Montoya to term ending 11/2022

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Romero-

Wirth, to approve the appointment to the Audit Committee as presented.

VOTE: The motion passed by unanimous voice vote with Councilors Abeyta, Cassutt-Sanchez, Garcia, Lindell, Rivera, Romero-Wirth, Vigil Coppler and Villarreal voting in the affirmative and none voting against.

H. PUBLIC HEARINGS: (NONE)

29. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the Bills and Resolutions Scheduled for Introduction by Members of the Governing Body is incorporated herewith to these minutes as Exhibit 4.

Councilor Garcia said he was looking forward to working with the other Councilors and thankful for the opportunity to work with his new colleagues.

Councilor Vigil Coppler welcomed the two new City Councilors and also looked forward to working with them. She asked about the status of pothole repairs. We have recently had complaints about potholes on State-owned City streets and noticed that referrals are made to the City's Risk Management for filing of claims. She asked if it is proper protocol for the City to engage in risk management for these incidents on State-owned land. She suggested that if all of these pothole accidents were referred to the State's risk management, we might get some action

Councilor Abeyta introduced a resolution naming the Vistas Bonitas Subdivision Park as Dawson Park after Bill and Dusty Dawson. It is actually in District 4, but it abuts District 3 and he invited a cosponsor from District 4 to join with him. He noted that the Dawson Family has done a lot in support of our City.

Councilor Vigil Coppler would like to be a cosponsor of that resolution.

Councilor Villarreal welcomed new councilors and she looked forward to having a fierce 2020.

Councilor Cassutt-Sanchez is very much looking to serve on this Governing Body and would like to be a cosponsor of the park resolution.

Councilor Romero-Wirth welcomed the new councilors and was excited to have all Councilors together finally, since the election. She introduced an ordinance on exchange of land at 4491 Cerrillos Road and 2580 Camino Entrada to the State.

Councilor Rivera asked to be a cosponsor along with Councilor Romero-Wirth.

He also thanked everyone who participated in the New Year's Eve celebration on the Plaza and noticed City Staff were cleaning up long after everyone left. He extended his gratefulness from all of the Councilors to the crews that made that happen, including Kiwanians. He thanked Ms. Vigil for the swearing in on January 1. We managed to get through it after New Year's Eve and for making it very special this time around. He also thanked the Convention Center crew also for working on January 1.

Councilor Lindell gave a big thank you to everyone who worked on the New Year's Eve celebration and gave a warm welcome to the new Councilors. We have a lot of things to do.

Mayor Webber seconded all of those sentiments. He noted it is great to start the year with new members and thanks for the beautiful decorations - a nice extra touch. He also thanked the crews for all of their work. There was no litter the next morning. It was a lovely inauguration with young people and music, thanks to Ms. Vigil.

He introduced an ordinance on staggered business licenses and registrations.

27. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry recommended the Governing Body go into Executive Session on two items: disposition of real property and discussion of threatened and pending litigation. She read the caption from the agenda on those two items.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1(H)(7) and (H)(8):

- a) Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in which the City of Santa Fe Is or May Become a Participant; in Particular, a Quarterly Update of Threatened and Pending Litigation, Including but Not Limited to City of Albuquerque, et al, v. New Mexico Taxation & Revenue; City of Santa Fe v. Boggs, City of Santa Fe v. Purdue Pharma LP, et al, and other Litigation Threatened or Pending; &
- b) Discussion of the Disposition of Certain Real Property Pursuant to a Request for Expressions of Interest (RFEI), in Particular, the Midtown Property, Formerly the Santa Fe University of Art and Design and College of Santa Fe. (Erin McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

MOTION: Councilor Rivera moved, seconded by Councilor Romero-Wirth, that the Governing Body go into executive session pursuant to the Open Meetings Act, Section 10-15-1(H)(7) and (8) for the purposes listed on the agenda.

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

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

Against: None.

The Governing Body went into closed executive session at 8:06 p.m. The executive closed session ended at 9:35 pm and Councilors returned to chambers.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to return to open session and stated for the record that the only matters discussed were those listed on the agenda.

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

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

Against: None. Councilor Rivera was not present for the vote.

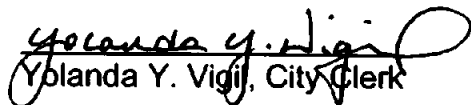
I. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 9:38 p.m.

Approved by:


Mayor Alan Webber

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted by:


Carl G. Boaz, Council Stenographer

ITEM 13**EXHIBIT 1**

City Council - Jan 8, 2020

ACTION SHEET
PUBLIC UTILITES COMMITTEE MEETING OF 01/07/2020
ISSUE NO. 13
Request for Approval of Contract Services using RFB No. 20/08/B for earth work and grading of the runway safety area for runway 20 approach. Construction Services will be at the City of Santa Fe Regional Airport, 121 Aviation Drive with Sparling Construction Company in the total amount of \$617,467.63 inclusive of NMGRT. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafecn.gov , 955-2906)
Public Utilities Committee – 01/07/2020 City Council – 01/08/2020
PUBLIC UTILITES COMMITTEE ACTION: Approved on Consent Calendar to forward to 01/08/2020 City Council.
SPECIAL CONDITIONS OR AMENDMENTS:
STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR VILLARREAL	X		

ITEM 14

EXHIBIT 2

City Council - Jan. 8, 2020

ACTION SHEET			
PUBLIC UTILITIES COMMITTEE MEETING 01/07/2020			
ISSUE NO. 15			
Request for approval of a Budget Amendment Resolution (BAR) for grant SAF #20-01 in the amount of \$72,000.00 to fund the design of new Airfield Electrical Vault and Precision Approach Path Indicator (PAPI). Grant will be for the Santa Fe Regional Airport, 121 Aviation Drive. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov , 955-2906)			
Public Utilities Committee – 01/07/2020 City Council – 01/08/2020			
PUBLIC UTILITIES COMMITTEE ACTION: Approved on Consent Calendar to Forward to 01/08/2020 City Council.			
SPECIAL CONDITIONS OR AMENDMENTS:			
STAFF FOLLOW UP:			
VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR VILLARREAL	X		

ITEM 15**EXHIBIT 3**

City Council - Jan. 8, 2020

ACTION SHEET			
PUBLIC UTILITES COMMITTEE MEETING OF 01/07/2020			
ISSUE NO. 14			
Request for approval of Budget Amendment Resolution (BAR) for services using RFB No. 20/02/B for new construction of approximately 2,400 linear feet of Taxiway Delta, and Taxiway Lighting. Construction services will be at the Santa Fe Regional Airport, 121 Aviation Drive with Albuquerque Asphalt, Inc. in the total amount of \$2,289,019.44 inclusive of NMGR. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov , 955-2906)			
Public Utilities Committee – 01/07/2020 City Council – 01/08/2020			
PUBLIC UTILITES COMMITTEE ACTION: Approved on Consent Calendar to Forward to 01/08/2020 City Council.			
SPECIAL CONDITIONS OR AMENDMENTS:			
STAFF FOLLOW UP:			
VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VIGIL COPPLER	X		
COUNCILOR VILLARREAL	X		



GOVERNING BODY MEETING OF
January 8, 2020
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

EXHIBIT 4
City Council - Jan. 8, 2020

Mayor Alan Webber

Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SECTION 18-1.5 SFCC 1987 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS LICENSE; AND AMENDING SECTION 18-2.5 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS REGISTRATION.	Public Works Committee - 1/27/20 City Council (request to publish) - 1/29/20 Economic Development Advisory Committee - 2/12/20 Finance Committee - 2/17/20 City Council (public hearing) - 2/26/20

Councilor Roman "Tiger" Abeyta

Co-Sponsors	Title	Tentative Committee Schedule
Webber	A RESOLUTION NAMING VISTAS BONITAS SUBDIVISION PARK AS DAWSON PARK AFTER BILL AND DUSTY DAWSON.	Parks and Recreation Advisory Committee - 1/21/20 Public Works Committee - 1/27/20 Finance Committee - 2/3/30 City Council - 2/12/20

Councilor Jamie Cassut-Sanchez

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Michael J. Garcia

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Signe I. Lindell

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Chris Rivera

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Carol Romero-Wirth

Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AUTHORIZING THE EXCHANGE AND SALE OF APPROXIMATELY 36.1 ACRES OF LAND LOCATED AT 4491 CERRILLOS ROAD AND APPROXIMATELY 12 ACRES OF LAND LOCATED AT 2680 CAMINO ENTRADA, LYING AND BEING SITUATED WITHIN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO, TO THE STATE OF NEW MEXICO.	Public Works Committee – 1/27/20 City Council (request to publish) – 1/29/20 Economic Development Advisory Committee – 2/12/20 Finance Committee – 2/17/20 City Council (public hearing) – 2/26/20

Councilor JoAnne Vigil Coppler

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Renee Villarreal

Co-Sponsors	Title	Tentative Committee Schedule

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