



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 25, 2020
ATTEND VIRTUALLY
<https://youtu.be/4ZURels9euo>

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: Governing Body Study Session – February 26, 2020
Regular City Council Meeting – March 11, 2020
9. PRESENTATIONS
10. Appointment of Governing Body Members to Committees: (Mayor Webber)
 - Public Works and Utilities Committee
 - Quality of Life Committee
11. CONSENT CALENDAR
 - a) Request for Approval of Water Division Backflow Prevention Program for Contractual Support, Software and City Staff Expansion in the Estimated Amount of \$26,663 for FY 19/20, \$132,092 for FY 20/21, and \$96,172 Recurring Thereafter, Including NMGR. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
 - b) Request for Approval of Budget Amendment Resolution/Budget Increase in the Total Amount of \$173,237 from the Water Enterprise Fund Cash Balance to the Water Enterprise CIP Fund to Provide Funding for the Alpha Southwest Contract - FY 19/20 Purchase Order. (Jonathan Montoya, Source of Supply Operations Manager, jmontoya@santafenm.gov, 955-4373)



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- c) Request for Approval of Amendment No. 1 to Original Professional Services Agreement 19-0075, in the Total Amount of \$433,544, Excluding NMGR, for Engineering Services Related to Canyon Road Water Treatment Plant Comprehensive Performance Evaluation and Facility Optimization Evaluation; Carollo Engineers, Inc. (Kristin Johansen, PE, Water Division Engineer, kgjohansen@santafenm.gov, 955-4279)
 - 1) Request for Approval of Budget Adjustment Request in the Total Amount of \$470,124
 - d) Request for Approval of Amendment #2 to Funding Agreement No. CNS100370, to Extend the Termination Date from April 30, 2020 to April 30, 2021 for CIP 853B – Agua Fria Street/Cottonwood Drive Intersection Safety Improvements Project; New Mexico Department of Transportation. (Sarah Anderson, Engineer Supervisor – Roadway and Trails, smanderson@santafenm.gov, 955-6672)
 - e) Request for Approval of a City-County Reciprocal Business Associate Agreement for Integrated EMS and Health-Related Outreach Activities, Pursuant to HIPAA. (Greg Cliburn, Assistant Fire Chief, gbcliburn@santafenm.gov, 955-3123)
 - f) Request for Approval of Settlement Agreement Termination between the City of Santa Fe, Century Bank/Artyard Condominium Association and The Santa Fe Railyard Community Corporation. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)
 - g) Request for Approval of Professional Services Agreement in the Total Amount of \$210,174.32 for High Density Shelving System; Motus Space Solutions. (Deputy Chief Ben Valdez, bpvaldez@santafenm.gov, 955-5040)
12. 2020 Legislative Session Report. (Mark Duran) **(INFORMATION ONLY)**
13. CONSIDERATION OF RESOLUTION NO. 2020-____. (Councilor Lindell, Councilor Villarreal and Councilor Abeyta)
A Resolution Supporting the Application and Response to the Request for Proposals Issued by the North Central New Mexico Economic Development District, Non-Metro New Mexico Area Agency on Aging for Continuation of Services for the Senior Citizens of the City of Santa Fe. (Gino Rinaldi, Senior Services Division Director, egrinaldi@santafenm.gov, 955-4710)



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14. Request for Approval of Application for Law Enforcement Protection Funds \$114,600; New Mexico Department of Finance & Administration-Local Government Division. (Andrew Padilla, Police Chief, aapadilla@santafenm.gov, 505-955-5102)
15. The Santa Fe Railyard Community Corporation is Requesting Approval of Amendment #8 to the City of Santa Fe Railyard Amended and Restated Lease and Management Agreement Regarding Removing 545 Camino de La Familia from SFRCC's Lease Hold Premises. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)
16. Request for Approval of Professional Services Agreement in the Total Amount of \$229,460 for FY19/20 and \$117,500 for FY20/21 Utilizing State Price Agreement 80-000-18-00080AJ for Arc Flash Assessments, Visual Lockout/Tagout Procedures and Training of Arc Flash and Lockout/Tagout Procedures; W.W Grainger, Inc. (Barbara J. Lujan, Health and Safety Compliance Officer, bjlujan@santafenm.gov, 995-6582)
17. Decision to Accept or Reject the City Attorney's Office's Recommendation for Case #2020-1815-Appl, Concurring with the Land Use Director's Determination that an Appeal Filed by Gail Gilbert Concerning Remodeling at 503 Camino del Monte Sol Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Hearing Because the Issues Raised in the Appeal Could Have Been Raised in Previous Appeal No. 2019-59, which the Governing Body Decided on September 11, 2019. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)
18. Request for Approval of Budget Amendment Resolution in the Total Amount of \$500,000 from the Railyard Fund (Fund 515) to the General Fund (Fund 100) support the City of Santa Fe's emergency response to the coronavirus pandemic. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171; Kyra Ochoa, Community Services Director, krochoa@santafenm.gov, 955-6603 and Rich Brown, Economic Development Director, rdbrown@santafenm.gov, 955-6625)
19. MATTERS FROM THE CITY MANAGER



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20. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Including, but Not Limited to Joining an Amicus Brief in *City of Evanston, et al., v. Barr*, 19-3358 (7th Cir.). (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov 955-6512)
- b) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of the Midtown Property, Formerly Operated as the College of Santa Fe and the Santa Fe University of Art and Design. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

- 21. Approval to Join an Amicus Brief with the County of Santa Clara and Other Local Governments, in Support of the U.S. Conference of Mayors and the City of Evanston in *City of Evanston, et al., v. Barr*, 19-3358 (7th Cir.). (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

22. MATTERS FROM THE CITY CLERK

23. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL



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F. PETITIONS FROM THE FLOOR

If You Would Like to Participate in *Petitions from the Floor*, Send Your Name and Phone Number by 1:00 PM on the Day of the Meeting to the Following Email Address: publiccomment@santafenm.gov. Please List on the Subject Line – Petitions from the Floor. We Will Call You During the Meeting.

G. APPOINTMENTS

- Santa Fe Film and Digital Media Commission

H. PUBLIC HEARINGS:

If You Would Like to Provide Public Testimony, Send Your Name and Phone Number by 1:00 PM on the Day of the Meeting to the Following Email Address: publiccomment@santafenm.gov. Please List on the Subject Line which Hearing You would Like to Provide Testimony On. You May Also Call 505-955-6520 to Provide this Information. We Will Call You During the Public Hearing.

1) CONSIDERATION OF BILL NO. 2020-7: ADOPTION OF ORDINANCE 2020-____. (Councilor Romero-Wirth, Councilor Rivera and Councilor Abeyta)

An Ordinance Amending Section 20-1.3 to Allow the Governing Body to Extend a State of Emergency in a Public Health Emergency [~~That~~] as Declared by the New Mexico Department of Health or Has Been Declared a Pandemic by [New Mexico Department of Health] the World Health Organization; and Providing for Remote Participation in City Meetings, Allowing the City Manager to Limit Public Attendance at Meetings Provided There is Sufficient Means to Allow Remote Participation, [and] Allowing the City Manager to Cancel any City Meeting to RPeserve the Public Health, Safety, and Welfare; Allowing the City Manager to Approve Contracts up to Two Hundred Thousand Dollars During a Public Health Emergency; and Establishing an Effective Date. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512 and Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)

- a) CONSIDERATION OF RESOLUTION NO. 2020-____. (Mayor Webber)
A Resolution Extending the State of Emergency as Proclaimed by the Mayor on March 23, 2020 by Sixty Days, Pursuant to Section 20-1.2(C) SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)



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- 2) **Case #2019-1535: 211 West Santa Francisco Street Development Plan.** Sommer Karnes and Associates LLP, Agent, for G.E. Senlic LLC, and Legacy Hospitality & Management, LLC, Requests Approval of a Development Plan for a 84,276 Square Foot, 4-Story Building which Will Consist of a 70-Room Hotel, other Amenities and a 2-Level Underground Parking Garage. The Property is Approximately 0.99 Acres, is Zoned BCDLEN (Business Capitol District - Lensic Block Redevelopment Subdistrict), and is Within the Historic Downtown Archaeological Review District. (Dan Esquibel, Planner Senior, saesquibel@santafenm.gov, 955-6587) (POSTPONED TO APRIL 29, 2020)

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: March 20, 2020

TIME: 5:00 PM

**SUMMARY INDEX
SANTA FE CITY COUNCIL
March 25, 2020**

ITEM	ACTION	PAGE
1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as presented	1
7. Approval of Consent Calendar	Approved as presented	2
8. Approval of Minutes		
Study Session - Feb 25, 2020	Approved as presented	2
Regular Meeting - March 11, 2020	Approved as presented	2
9. Presentations	None	3
10. Committee Appointments	Approved	3
11. Consent Calendar	Listed	3-4
12. 2020 Legislative Session Report	Accepted	4
13. Senior Citizens Services Application	Approved	4-5
14. Law Enforcement Protection Funds	None	5
15. Railyard Lease Amendment	Approved	5
16. Lockout/Tagout Training PSA	Approved	5-6
17. Land Use Appeal Recommendation	Accepted	6-8
18. Coronavirus Amendment of Budget	Approved as presented	8-11
19. Matters from the City Manager	Comments	11
20. Matters from the City Attorney	Reported	11
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21. Santa Clara Amicus Brief	Approved	12
22. Matters from the City Clerk	None	12
23. Communications from Gov. Body	Communicated	26-27
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F. Petitions from the Floor	Petitions Made	13-16
G. Appointments	Approved	16
H. Public Hearings		
1) Extend State of Emergency	Approved	16-24
a) Emergency Resolution	Approved	16-24
2) Development Plan Appeal	Postponed	25
I. Adjournment	Adjourned at 9:36 pm	26

**MINUTES OF THE
REGULAR MEETING OF THE GOVERNING BODY
Wednesday, March 25, 2020
City Council Chambers**

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, March 25, 2020, at approximately 5:01 p.m., in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting. 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 Remotely

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 JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Others Attending Remotely

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

6. APPROVAL OF AGENDA

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the agenda 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.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to approve the Consent Calendar 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.

8. APPROVAL OF MINUTES:

Governing Body Study Session -- February 25, 2020

Regular City Council Meeting -- March 11, 2020

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the minutes of the February 25, 2020 Governing Body Study Session meeting 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.

MOTION: Councilor Garcia moved, seconded by Councilor Cassutt-Sanchez, to approve the minutes of the March 11, 2020 Regular City Council meeting 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.

9. PRESENTATIONS

There were no presentations.

10. APPOINTMENT OF GOVERNING BODY MEMBERS TO COMMITTEES: (MAYOR WEBBER)

- Public Works and Utilities Committee

Mayor Webber appointed the following Governing Body Members to the Public Works and Utilities Committee: Councilor Rivera, Chair, Councilor Garcia, Councilor Abeyta, Councilor Lindell and Councilor Vigil Coppler.

- Quality of Life Committee

Mayor Webber appointed the following Governing Body Members to the Quality of Life Committee: Councilor Romero-Wirth, Chair, Councilor Villarreal, Councilor Garcia, Councilor Cassutt-Sanchez, and Councilor Rivera.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Romero-Wirth, to approve the appointments 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.

11. CONSENT CALENDAR LISTING

- a) Request for Approval of Water Division Backflow Prevention Program for Contractual Support, Software and City Staff Expansion in the Estimated Amount of \$26,663 for FY 19/20, \$132,092 for FY 20/21, and \$96,172 Recurring Thereafter, Including NMGR. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)
- b) Request for Approval of Budget Amendment Resolution/Budget Increase in the Total Amount of \$173,237 from the Water Enterprise Fund Cash Balance to the Water Enterprise CIP Fund to Provide Funding for the Alpha Southwest Contract - FY 19/20 Purchase Order. (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 955-4373)

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- 1) Request for Approval of Budget Adjustment Request in the Total Amount of \$470,124
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- e) Request for Approval of a City-County Reciprocal Business Associate Agreement for Integrated EMS and Health-Related Outreach Activities, Pursuant to HIPAA. (Greg Cliburn, Assistant Fire Chief, gbcliburn@santafenm.gov, 955-3123)
- f) Request for Approval of Settlement Agreement Termination between the City of Santa Fe, Century Bank/ArtYard Condominium Association and The Santa Fe Railyard Community Corporation. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)
- g) Request for Approval of Professional Services Agreement in the Total Amount of \$210,174.32 for High Density Shelving System; Motus Space Solutions. (Deputy Chief Ben Valdez, bpvaldez@santafenm.gov, 955-5040)

12. 2020 LEGISLATIVE SESSION REPORT. (Mark Duran) (INFORMATION ONLY)

Mayor announced that Mark Duran was grieving at the death of his mother and the report is in the packet.

13. CONSIDERATION OF RESOLUTION NO. 2020-12. (COUNCILOR LINDELL, COUNCILOR VILLARREAL AND COUNCILOR ABEYTA)

A Resolution Supporting the Application and Response to the Request for Proposals Issued by the North Central New Mexico Economic Development District, Non-Metro New Mexico Area Agency on Aging for Continuation of Services for the Senior Citizens of the City of Santa Fe. (Gino Rinaldi, Senior Services Division Director, eqrinaldi@santafenm.gov, 955-4710)

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the Resolution 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.

14. REQUEST FOR APPROVAL OF APPLICATION FOR LAW ENFORCEMENT PROTECTION FUNDS \$114,600; New Mexico Department of Finance & Administration-Local Government Division. (Andrew Padilla, Police Chief, aapadilla@santafenm.gov, 505-955-5102)

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the applications for Law Enforcement Protection Funds 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.

15. THE SANTA FE RAILYARD COMMUNITY CORPORATION IS REQUESTING APPROVAL of Amendment #8 to the City of Santa Fe Railyard Amended and Restated Lease and Management Agreement Regarding Removing 545 Camino de La Familia from SFRCC's Lease Hold Premises. (Robert Siqueiros, Railyard Project Administrator, rmsiqueiros@santafenm.gov, 955-6977)

MOTION: Councilor Lindell moved, seconded by Councilor Romero-Wirth, to approve Amendment #8 to the City agreement with the SFRCC 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.

16. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT in the Total Amount of \$229,460 for FY19/20 and \$117,500 for FY20/21 Utilizing State Price Agreement 80-000-18-00080AJ for Arc Flash Assessments, Visual Lockout/Tagout Procedures and Training of Arc Flash and Lockout/Tagout Procedures; W.W Grainger, Inc. (Barbara J. Lujan, Health and Safety Compliance Officer, bjlujan@santafenm.gov, 995-6582)

MOTION: Councilor Garcia moved, seconded by Councilor Lindell, to approve the Professional Service Agreement 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. **DECISION TO ACCEPT OR REJECT THE CITY ATTORNEY'S OFFICE'S RECOMMENDATION** for Case #2020-1815-Appl, Concurring with the Land Use Director's Determination that an Appeal Filed by Gail Gilbert Concerning Remodeling at 503 Camino del Monte Sol Does Not Conform with the Requirements of the Santa Fe City Code and Should be Denied Without a Hearing Because the Issues Raised in the Appeal Could Have Been Raised in Previous Appeal No. 2019-59, which the Governing Body Decided on September 11, 2019. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Ms. Vigil read the full caption for this agenda item.

Ms. McSherry explained this has happened several times since she has been the City Attorney, when we have an appeal that doesn't meet the criteria, based on the Land Use Director's assessment. The Code says that her Office is to review that decision, and, if she agrees with it, it is taken to the Governing Body. If Councilors vote in support of the recommendation (to deny), then the appellant would have a right to take it to District Court to appeal it further. If the Governing Body rejects the recommendation for denial, the case would be remanded back to the Historic Districts Review Board. the City Attorney's Office recommended denial of the appeal, based on the facts being submitted should have been raised at the original appeal which the Governing Body heard on September 11, 2019.

Councilor Vigil Coppler recalled when it came before the Council before. It appeared to her that they made a good argument. While she respected the City Attorney's review, she thought it was not a bad idea to send it back to the HDRB for more consideration. She also recalled the Council's decision was not unanimous.

Ms. McSherry clarified that when an order is to be submitted to another board, the Council has to find that it is sufficiently distinct from the prior appeal. The original appeal is actually already on appeal in District Court. So the appellant already appealed the prior appeal to District Court and is pending there. So this must be a whole new case and go through the appeal process, which may or may not go back to the Historic Districts Review Board.

Councilor Vigil Coppler understood that they would have to file again regarding the door/window.

Ms. McSherry explained that they filed an entirely new application. The Land Use Director and City Attorney's Office looked at it and determined it was about the same issues they already raised and should have raised those things in the prior appeal, and therefore, should not get an additional appeal before the HDRB. However, if Council disagrees, then it can be sent back to HDRB as a separate appeal.

Councilor Vigil Coppler asked for some clarification on the consequences of the vote.

Ms. McSherry responded that Frank Herdman filed this appeal and was the attorney representing them in the original appeal.

Councilor Villarreal complained that the echo in the chamber makes it hard for the Councilors to hear what people are saying. The delay-feedback makes it very difficult to hear.

Ms. Sally Paez said she was ready to address a question.

Mayor Webber said Councilor Vigil Coppler had a question about the consequences of the decision to accept or reject the City Attorney's decision would be and what relationship this has with the decision that was made previously.

Ms. Paez said one question she did hear before she stopped Youtube was about whether there was another attorney involved in the case. The first case was presented to the HDRB by Christopher Purvis (architect). But on appeal and at District Court, attorney Frank Herdman is representing the appellant. The second application that came in for the HDRB was filed again by Mark Hogan (architect). And Frank Herdman filed the second appeal.

Councilor Vigil Coppler said she did not hear anything that Ms. Paez may have said.

[Adjustments were attempted which only resulted in a big feedback loop.]

Councilor Cassutt-Sanchez explained that not all mics were muted.

Mayor Webber repeated the question.

Ms. Paez tried it again.

Councilor Vigil Coppler said she had lots of feedback.

Councilor Vigil Coppler believed this deserved another hearing at the Historic Districts Review Board so she made a motion to reject the City Attorney recommendation and remand the case back to the Historic Districts Review Board, in accordance with Chapter 14 of the Santa Fe City Code.

The motion died for lack of a second.

MOTION: Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to accept the recommendation of the City Attorney's Office and deny the appeal without a

public hearing. The Land Use Director's decision is final and may be appealed to District Court.

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, and Councilor Villarreal.

Against: Councilor Vigil Coppler.

18. REQUEST FOR APPROVAL OF BUDGET AMENDMENT RESOLUTION

in the Total Amount of \$500,000 from the Railyard Fund (Fund 515) to the General Fund (Fund 100) support the City of Santa Fe's emergency response to the coronavirus pandemic. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171; Kyra Ochoa, Community Services Director, krochoa@santafenm.gov, 955-6603 and Rich Brown, Economic Development Director, rdbrown@santafenm.gov, 955-6625)

Ms. Vigil read the full caption for this agenda item.

Councilor Villarreal said she was supportive of this but wanted to know the process that would be employed.

Mayor Webber asked for Director McCoy to respond first.

Director McCoy said their approach would continue to be flexible. In order to have the ability to respond quickly with resources, she is currently requesting \$500,000 to be allocated from the Railyard Funds to the General Funds to keep the citizens of our City healthy, safe and protected. The current balance in that Fund is \$3 million. At this time, it was determined that the Community Services Department would be responsible for using those funds to fight the pandemic. The funds can be used to provide direct therapy or may be used in collaboration with nonprofit organizations for immediate support for needs in our community. The needs may change as we approach it. She outlined some examples in her memo. A report would be submitted afterward on how those funds were spent in our community.

Mayor Webber thought the spending would be toward the four indicators of health since this is a health emergency. He noted that Director Ochoa had been had done a lot of work on taking stock of our issues regarding food and shelter and medical needs. He thought she could identify the categories and process that would be utilized.

Director Ochoa mentioned the needs they are seeing, including childcare, health care for essential workers and basic needs like utilities, housing, transportation, employment and income. Community Services is looking at the process for fostering the existing network to reach more people and more providers. We currently have a joint project with Santa Fe County called "Connect." It is a coalition of 37 nonprofit agencies from the area which are surveying over 2,500 people. We are working on determining how we can reach out to the many new people that will need services and especially those who have never used such services or even known they are

available. She explained how they would be contacted through the Navigator. There is a protocol for using the flexible emergency fund which the Navigator can use to find those needs and the dollar amounts. Existing contacts through our thirteen funded agencies and Human Services will be supplemented and expenditures tracked. The software can identify other agencies not contracted with the City and they will be invited to participate with the tracking system and be able to apply for funds for their clients. She gave several examples and mentioned some estimates they have made for various services.

Director Brown said on the Economic Development side, technical assistance will be provided for the community in the areas of jobs and business as well as health and wellness. They are also provided information through a website that will identify resources for people in need and reach out to neighborhoods that are not as well informed in a multi-media way and (his comments faded at this point). He mentioned using federal funds with PR for businesses who are affected by the pandemic and using Staff to provide assistance for filling out applications and other tasks.

Councilor Garcia pointed out how great the needs are and felt this \$500,000 will not "go the mile" to meet those needs. He asked, for next fiscal year, if more support would be needed.

Mayor Webber said this is not the only amount of money or resource to address the crisis. This is a \$500,000 immediate response.

Director McCoy agreed. We do anticipate continued support for these agencies. Expenditures could be 3½ months into the new year. The budget we put together last year had a definite plan for how much the revenue will be and whether we can continue to be flexible and reapprove an alternative for emergency need. It is \$500,000 initially and in another two weeks, we can examine it. For next year, we are looking at postponing our budget hearing to allow us time to submit the current budget as a placeholder. This will allow a response to the level of revenue in FY21 and expenses we could support with that revenue. We will have until July to submit our budget to the State. What our priorities are for the committee and what we will have to address in the community, partnering with the federal government; \$216 million was allocated nationwide and we are looking forward to know what the state allocation will be from FEMA. Some of that money is going to our seniors. And we will know more about what the \$2 trillion package will provide to our local government to fight this crisis.

Councilor Vigil Coppler thanked Director McCoy for her informative report. She asked about the impact to the Railyard from moving that money to the General Fund.

Director McCoy thanked her for the question. The money is for infrastructure and increments of GRT are to pay off GRT revenue bonds 1995A and 1995B. Secondly, we can use those funds for any other purpose and for safety, health and welfare in this crisis. We can use cash balances which are \$1.8 million now. Over the course of the last few years, that balance has increased. We can use them for capital costs at the Railyard. That said, there are ways to trade off when budgeting. There may have been an alternate plan for the \$3.5 million in cash balances to use the \$500,000 portion for the emergency pandemic.

Councilor Vigil Coppler thanked her.

Councilor Villarreal asked, as a follow up to her previous questions, if Director Ochoa could respond about what the process is for applying as a response to pandemic needs.

Director Ochoa said they would be provided with a log-in to join the network and for providing service to the needy, to support people instead of nonprofit corporations. Anyone can join the network and is the way to get them some funding to help them directly.

Councilor Villarreal asked if there is a breakdown on the \$250,000 part.

Director Brown said there is another \$75,000 for economic assistance but because of the food insecurity, probably will use most of that balance if not all of it.

Councilor Villarreal asked about outreach to local restaurants and how they would understand the options and could reassess their business model. Some of the larger ones are on it with delivery options but she wanted to know if the City Staff have thought about the smaller ones with outreach.

Director Ochoa explained the overarching need is to understand the supply and demand issue in order to keep the restaurants going. The first step was taken last week when many providers talked about that supply/demand issue. She and Director Brown are working closely on that to get the network response to the human need and then the business need for nonprofit and profit businesses and keep everyone apprised.

Director Brown added that we are hoping the restaurant association will hear the multilingual messages for the available resources. Downtown, a foundation is helping with small mom and pop restaurants. We are getting a database for businesses under \$100,000 to help them.

Councilor Cassutt-Sanchez noted, when we are talking about the businesses we will help, that there are other small businesses including those with just one person.

Director Brown observed that there are both State and Federal resources. Some are up on the website and another is the Foundation for those businesses with under \$100,000 revenue and especially those under \$50,000 who are really in need. He is hoping the federal \$2 trillion appropriation would also help with that.

Councilor Rivera asked Director McCoy if there is anything in the ordinance that established the GRT that requires reimbursing the fund later on.

Director McCoy replied that there is nothing in the ordinance that requires reimbursing the funds. However, we must pay back the 1995A and B bond debt. There are no plans at present to reimburse the fund. Any funds eligible for general purposes would be looked at for use in this fiscal year and the next.

MOTION: Councilor Lindell moved, seconded by Councilor Cassutt-Sanchez, to approve the budget amendment resolution 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.

Mayor Webber gave thanks to staff for working on this in a rapidly changing scene. Director McCoy will report back to Council for full transparency.

19. MATTERS FROM THE CITY MANAGER

Manager Hill said we are tracking things and as staff have problems. Basically overnight, the IT teams are serving real needs. And all the people in between are figuring out how to work from home. We are very conscious of our need to communicate better and we are working on that to improve it. She appreciated the Councilors' patience and understanding. She gave a shout out to the whole team. All are going above and beyond to make it work.

20. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION

- a) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Including, but Not Limited to Joining an Amicus Brief in City of Evanston, et al., v. Barr, 19-3358 (7th Cir.). (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov 955-6512)
- b) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of the Midtown Property, Formerly Operated as the College of Santa Fe and the Santa Fe University of Art and Design. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

Ms. McSherry recommended an executive session to discuss both of these matters.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to go into closed executive as recommended by the City Attorney.

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 6:16 p.m.

The executive session ended at 7:29 p.m. and all Councilors returned to the open session remotely.

Mayor Webber requested to move Item 23, Communications From the Governing Body, to the end of the meeting.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to return from executive to open session, stating for the record, that the discussion was limited to those matters 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.

- 21. APPROVAL TO JOIN AN AMICUS BRIEF WITH THE COUNTY OF SANTA CLARA**
and Other Local Governments, in Support of the U.S. Conference of Mayors and the City of Evanston in City of Evanston, et al., v. Barr, 19-3358 (7th Cir.). (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. Vigil read the caption into the record.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve joining the amicus brief with the County of Santa Clara and others 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.

22. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

23. COMMUNICATIONS FROM THE GOVERNING BODY

This item (23) was heard later in the meeting.

EVENING SESSION – 7:05 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, March 11, 2020, at approximately 7:05 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

The petitions from the floor were made via telephone calls out to those who had previously applied to speak to the Governing Body.

Lydia Clark at 12 Vidalia Street, Santa Fe said she has been a resident of Santa Fe since 1967 and lives in District 1. She came to speak about a couple of things. One is the proposed resolution to divert \$500,000 to the Railyard Fund in emergency response to the COVID 19 outbreak. She thanked the Council for considering the emergency funds.

Secondly, many of the most critical and immediate needs of the Santa Fe community identified in this proposal on page 2, paragraph 2, bullet point - to be set up is the monstrosity identified as Friends of Santa Fe Midtown Campuses project. The old University Park and design complex was to create a substation for temporary services. It is safe enough to create the necessary social distances between people while conducting these services. It has numerous buildings that can accommodate these needs now. This is the highest and best use of this property on a temporary basis to serve the community of Santa Fe during this crisis.

This means tabling and postponing any further development of Santa Fe Midtown Campus Project until this crisis is over. Pursuing this development at this point is a careful use of time, energy, and expense by the City given the current economic instability of our City, State, country, and the world. Please remember you work for us, not the developers. Use this property for the City of Santa Fe now.

Ms. Clark said lastly, is the outreach record we have with the Los Alamos study group. She asked why the numerous requests to review the two resolutions given to the Council regarding prohibiting the City from engaging in development agreements with nuclear weapons by sub agencies or their list of fatalities, and request of a site-wide impact statement from the Los Alamos National Labs at their expense that have gone unanswered and ignored.

Estrella Booth at 1600 Valencia Maquitas in senior housing, said this thing happening with LANL is coming into Santa Fe in the project over there, and has to be snuffed. This is not something people in the City wanted. She knows a small number of people are probably making a lot of money off of all of this, but that's not most of them. They don't want LANL in Santa Fe and she doesn't know a single person who does. Everyone she talks to is shocked and dismayed that such a thing is happening in Santa Fe. It is not something that Santa Feans want; it is something the developers want. She is very upset that the Mayor and City Council are going along with this when they should know better. They should know the people in Santa Fe don't want to be part of a Plutonium-pitched manufacturer. They don't even want it to exist, let alone exist in their town.

To sneak it by - if they really want to do this, and she is wrong that people do want this, then come out front about it. Let everybody know what's happening instead of this sneaky thing that nobody knows about. Because every person she has talked to about it has never heard of it. Its only because of Grace Mello and the wonderful folks in the Los Alamos study group that she knows about it. Otherwise she would have been like everybody else and not know a thing. And there's not very many people that know about it right now. So, it may appear that there is support for this but if the City really, really knew --

Joanie Ahrens, 903 West Alameda, Santa Fe, District 1, thanked the Council for the opportunity to speak. Secondly, she said she wanted to talk about Midtown. She referenced a November 16, 2019 article that stated that starting in early January, Hernandez will have a series of public study sessions with the Mayor and City Council to discuss how candidates score under various criteria, such as experience, etc., etc. She noted the article went on to say later, *"The evaluation and study session period may or may not lead to an exclusivity agreement with master developers."*

She then referred to the January 14, 2020 article in the Santa Fe New Mexican that said, *"A new component of public input will come into play in February, March and April, as the city seeks more specifics from the community of what is wanted at the Midtown Campus. Hernandez said City funding has been set aside to invite local organizations to engage the community in novel ways to get specific input that will be used as the city negotiates with the chosen developer."*

Ms. Ahrens said she has not received any information about those and assumes no one else has. She wants to be sure this is an open, transparent process with regard to Midtown and it seemed to be that things are on a fast-track. She said she would appreciate more transparency.

Rachel Thompson at 3306 Camino Cielo Vista, said she was sorry the Council and Mayor were having such a problem [with the sound system]. Her question was whether there is any authority to either demand or negotiate with Verizon and other cell phone providers to also agree not to cut off anyone's service because of nonpayment of their bill during the current virus. They have done that successfully with some utilities, but to her, a cell phone is even more critical than heat. She wondered if they had considered that and if that was possible.

Stephanie Beninato P.O. Box 1601 Santa Fe said she wondered why she was listening to a presentation that is not currently going on now and had happened at the City Council meeting. She is listening to something that took place two hours ago, or longer, and the feedback is horrible.

She also wanted to know what they're really going to do, because giving \$500,000 to nonprofits is not helping. Doing away with parking fees is not helping- or the Lodger's Tax. She said what about sole proprietors who are getting no business because they are in tourism. She asked how the City would help them. She said she has suggested ways that would help people, by waiving water, sewer and garbage fees, giving a credit for next year's advertising in the Santa Fe Visitor's Guide. Now she is thinking that the City should be paying property owners who can't evict their tenants who cannot pay. That might be the sole income source for the property owner.

Ms. Beninato said again she wonders why the City Council and the Mayor is meeting in private about the Midtown Campus. They have done that twice. They are talking about bricks-and-mortar projects that their staff is developing but the public has no idea who is the master developer. There has been no City or public discussion. Doing this on the phone like they are now really doesn't work because they are someplace way at another part of this meeting that should have happened two hours ago. She noted it states it has been streaming for three hours now.

She said she also wanted to know if Salvador Perez is still being worked on and whether it will be opened at least by June. She doesn't know that they will actually be open by then, but it would certainly be nice to know that the pool is being worked on.

Ms. Beninato indicated she had also asked how the City is tracking what their employees are doing and if they just want to pay them to stay home, just say that. But if they are supposed to be working from home, how is the City tracking their work and how do lifeguards work from home, and other categories who obviously need to be at the City to do the work. She said she is asked for that information by email and has received no response. She asked to receive a response in writing from somebody on her questions.

Isaac Dean at 121 Vereda de Valencia, said he wanted to inquire whether New Mexico has received funding for sewer and drainage improvements. He talked with Representative Trujillo during the Session and was told monies were allocated that were not part of the capital outlay. He was trying to find out if they have been put on the list for improvements.

Mayor Weber asked if that completed the petitions from the floor.

Ms. Mihelcic said it completed the list, but the City Clerk would read an email she received into public record.

Ms. Vigil read a petition from Tina who wrote, *"I have read that people are fleeing New York and traveling to other states. What is the current policy on people coming into New Mexico from our bordering states? Shouldn't they quarantine themselves?"*

She stated the Petitions from the Floor were complete.

Councilor Rivera requested, since most Councilors could not understand what petitioners were stating, that we make sure they are transcribed in full into the minutes.

Councilor Garcia suggested each Councilor listen to the video broadcast on Youtube after the meeting, so we don't have to wait for minutes to be transcribed and issued.

Ms. Vigil announced that two people signed up to speak in the public hearing.

END OF PETITIONS FROM THE FLOOR

G. APPOINTMENTS

• Santa Fe Film and Digital Media Commission

Mayor Webber made two appointments: Chris Jonas and Katrina Mendoza, both of whose terms would end at 3/2021.

MOTION: Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Santa Fe Film and Digital Media Commission 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.

H. PUBLIC HEARINGS:

1) CONSIDERATION OF BILL NO. 2020-7: ADOPTION OF ORDINANCE 2020-11. (Councilor Romero-Wirth, Councilor Rivera and Councilor Abeyta)

An Ordinance Amending Section 20-1.3 to Allow the Governing Body to Extend a State of Emergency in a Public Health Emergency [That] as Declared by the New Mexico Department of Health or Has Been Declared a Pandemic by [New Mexico Department of Health] the World Health Organization; and Providing for Remote Participation in City

Meetings, Allowing the City Manager to Limit Public Attendance at Meetings Provided There is Sufficient Means to Allow Remote Participation, [and] Allowing the City Manager to Cancel any City Meeting to Preserve the Public Health, Safety, and Welfare; Allowing the City Manager to Approve Contracts up to Two Hundred Thousand Dollars During a Public Health Emergency; and Establishing an Effective Date. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512 and Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)

a) **CONSIDERATION OF RESOLUTION NO. 2020-13. (Mayor Webber)**

A Resolution Extending the State of Emergency as Proclaimed by the Mayor on March 23, 2020 by Sixty Days, Pursuant to Section 20-1.2(C) SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. Vigil read the caption for H-1 and 1-a aloud.

Councilor Romero-Wirth presented her thoughts about this ordinance. It would allow us to extend the emergency and the Gov Body must extend the Mayor's 3-day declaration. When we created these emergency powers, no one thought about a pandemic. We need to amend our rules so we can have a declared state of emergency up to 60 days rather than having to repeat it every ten days and focus on meeting the needs of the community. So up to 60 days before another need to renew.

She gave credit to Councilor Abeyta to pilot something he was thinking to allow the City Manager authority to approve contracts up to \$200,000, which currently is up to \$50,000. We spend lots of time in committees to approve contracts and this would allow her to approve them in lieu of committee time on them. These are budgeted items the Governing Body has already approved for expenditures in the budget. So it increases City Manager's authority during the emergency. This will pilot that provision. And the Governing Body will get a monthly report on what the City Manager has approved so we can keep an eye on what is happening.

Mayor Webber announced two people have signed up to speak and he asked for that now.

The Councilors briefly discussed a problem in accessing the revised versions for this case on the internet. Councilor Rivera noted that each pdf was revised. He was getting an error message when he tried to open them. Ms. McSherry also got the same error message, but other Councilors were able to open the revised documents.

Public Hearing

Mayor Webber asked for the first speaker to be called.

The first speaker was Lydia Clark, 1210 Vitalia Street, spoke about film #2020-7. regarding the \$500,000. The matter she was most concerned about the language about allowing the City Manager to limit public attendance at meetings. She felt that is a violation of due process and citizens' rights to participate during the governance of the City of Sant

Fe. "What is the basis that you are going to hear for limitation? In remote participation, as you can see from this is neither efficient nor adequate to give citizens a break and appropriate action be taken on our behalf." She felt the notice for it was seriously lacking and believed large numbers of citizens would be excluded from participating, creating a huge imbalance of benefits for all of Santa Fe. Further discussion of this item should be tabled until further notice, ending the ability of the City Council to address the most immediate and most crucial need for the City of Santa Fe. The City Manager should be negotiating no other contracts, other than issues relating to COVID-19. I ask you not to ask on behalf of the City of Santa Fe without citizens' knowledge and the ability fully to participate, and the City be required to provide more adequate means of public participation and notification with the utmost effort for *unknown word*. The City Manager should not have sole power to make these determinations. It should be the Governing Body as a whole. The Ordinance needs to be refiled and rewritten."

Statements made by the second speaker were not audible.

Stefanie Beninato, PO Box 1601, said she was against giving an emergency power for sixty days. Right now the extension is for seven days and 30 days of project time. "I am definitely opposed to be giving the City Manager any more powers. She already tried to usurp the power of giving raises. And, in fact, she said she was going to propose policies for retention and recruitment of personnel, not the power of giving out raises and giving the executive branch power parade that's going on since Alan has been elected. I am very opposed to having the City Manager be enabled to approve \$200,000 contracts with the main firms or to be able to say that public meetings are not going to happen. And as you can see for these telephone meetings, are really not public meetings. and it is not really a good democratic process."

Mayor Webber asked Ms. Mihelcic to summarize the comments since many Councilors and Mayor could not hear what was said.

Ms. Mihelcic said the speakers also have emailed their comments and those statements will be available tomorrow.

Ms. McSherry summarized them. The first speaker had a concern to give Manager Hill power to cancel meetings. That was related to page 4. The second speaker was concerned about the City Manager's powers being too broad.

There were no other comments from the public and the public hearing portion was closed.

Ms. McSherry explained that the primary purpose of Notice is to give the nature of what the Governing Body is voting on. It was published with only minor changes and has been published on the website. Her determination was that the constitutional notice is met and is adequate.

In further discussion about the document access, Councilor Cassutt-Sanchez had just accessed it on her smart phone.

Councilor Cassutt-Sanchez asked to amend the section on meetings of the Governing Body to add that it is for the safety and health of the Governing Body members because we could all get in a car now and drive to City Hall.

Ms. McSherry understood but noted that we are prohibited from having groups of 5 or more people congregated. We now have four.

Mayor Webber agreed it is impossible. A lot of what was originally in this section of the Code were natural disasters where it would be impossible to leave home, but it had not anticipated an epidemic. He would take her amendment as friendly.

Councilor Cassutt-Sanchez said the amendment would say, instead of 'difficult or impossible' to say, "where it poses a risk to the health or safety of the Governing Body member or the public."

Ms. McSherry had no concerns about that being added.

Mayor Webber paraphrased that the friendly amendment would take into account not only difficulty but the issue of public health and safety and to a member of the Governing Body.

Councilor Romero-Wirth agreed. As the sponsor, she considered it friendly.

Ms. McSherry said the words, "difficult or impossible" comes from the OMA and we can interpret it broadly. The OMA allows us to have a meeting without public present if difficult or impossible for them to participate.

Mayor Webber asked if we are opening ourselves up for something.

Ms. McSherry thought the OMA language could already be interpreted that broadly. So it would suggest we are trying to broaden it, so it would be a potential legal problem.

Councilor Romero-Wirth said one person who commented had a concern that we were doing something that was not allowed. And Ms. McSherry made a good point in allowing the remote meeting. The State OMA allows us to do that and this language just emphasizes that and is compliant with the OMA. She would yield to Councilor Cassutt-Sanchez if she still wants to propose that.

Councilor Cassutt-Sanchez decided there was no need to add that language. She just wanted to make sure for the future. She would leave it up to Ms. McSherry's expertise.

Ms. McSherry observed that we felt comfortable doing the remote meeting under the circumstances with a highly contagious pandemic. It is fully justifiable and difficult for members to show up.

Councilor Vigil Coppler agreed this is a good idea but wanted to speak to increasing the monetary amount to \$200,000 for City Manager to approve. She heard earlier that it was chosen because this is an item in the Governor's plan already being worked on. She knew about it and reviewed the packet but not sure this is good as a test case. She

understood this amount was taken from that plan. But Council "had just increased it from \$5,000 to \$50,000 not long ago. Is the \$200,000 going to be a contract developed in response to the \$500,000 we just approved or is this \$200,000 going to be across the board for city funds and not just the Railyard. If it is just for the Railyard, I understand it. My concern is the transference from Councilors to the public. We had a controversial item with police speed cameras. It is not distrust but want to ask questions. Doing it without a public meeting could be a problem. She wanted to make sure this \$200,000 is only for 60 days and only related to this emergency we are in right now and that it pertains to the \$500,000 we just approved. Or if I am wrong, let me know what it is."

Councilor Romero-Wirth said her understanding was that it is temporary but not limited to contracts made under the \$500,000 we just approved. "I don't think we are going to be approving one \$200,000 contract but many smaller purchase orders."

Ms. McSherry noted the recent change was from \$50,000 to \$60,000 for the City Manager.

Councilor Abeyta shared that the Santa Fe County Manager has authority up to \$250,000 with no emergency. Many other local governments have higher thresholds than we do. He thought this is something the Council needs to do regardless of any emergency. This has a timeline and he thought it was a good opportunity to do. It is still less than the County Manager authority. And, if we really want to get into it, the \$150,000 contracts go through without any discussion.

Mayor Webber commented that we all know and as we have experienced tonight that the meetings are hardly fluid these days. It takes time to get communication up and running, not just for our time but also staff time. Often, they are under consent. For the last ten days, the level of department heads' work has been significantly focused on the health crisis. We have been giving overtime - Director Wheeler, IT and others. If we could give them authority and not micromanage, it would be a sensible way to change our process. If it proves unsatisfactory, we could return after 60 days to the way it was before. It puts money into the community and that is the effort in this situation when everyone is working overtime to streamline the process.

Councilor Abeyta pointed out that they still have to go through the RFP process.

Councilor Vigil Coppler agreed that it is maybe a lot of bureaucracy in regard to contracts. But she has learned a lot as a City Councilor when considering them and is not a waste of her time. It also educates the public. She didn't know the magic number. There was much discussion when raising it to \$60,000. It is not just us. There are many who want to know where their taxpayer's money is going.

The *good government* thing has not been vetted by Council. There are things in the document not discussed. So she was leery of the good government document and sneakily inserting it into this draft. It is not about the current City Manager. The County Manager has extensive experience. That was her point and she was still confused. She asked if the \$200,000 is temporary and that it will go back to \$60,000 after the emergency.

Councilor Romero-Wirth noted we are just piloting this one piece - just raising the authority as long as we have the state of emergency in the City. Once out of the emergency it would go back to the original amount. This will allow us to see how it works. "And I hear you about understanding City government by the contracts. But if we were not approving all of them, we could get more substantive matters from City Staff about the kinds of things they are doing. It helps give us a better sense at a higher level of priorities of the administration and what they are working on. So there are other ways to get into the policy agenda of various departments than getting into all the minutia of what is in the contracts. I want to know what is going on and this is on way but there are others to give us a good sense of what is happening."

Councilor Vigil Coppler said she learned a long time ago to follow the money in order to learn what is going on. "I do agree we want to see the umbrella issues from departments. I am not against the \$200,000 for now as long as it is temporary. The good government document has been taken out of City Hall before we had a chance to look at it. So it is temporary and will revert after 60 days or when the emergency is over."

Mayor Webber agreed. It is only applied during the emergency.

Ms. McSherry added that it would also apply in any future emergency.

Councilor Garcia said, to clarify, that it is in a public health emergency, so would it be only germane to public health emergencies. That would have to be declared by the State.

Ms. McSherry agreed - that is accurate.

Councilor Garcia noted this is more focused on our current pandemic. It is where we must put our trust in the City Manager to do the best for the City.

Councilor Villarreal understood that the City Manager can sign any contract; not just ones related to the emergency, if under \$200,000.

Mayor Webber agreed. There are contracts of all sorts that could get clogged up in our system because we are under these extreme circumstances, but it is not just about the \$500,000 funds.

Councilor Villarreal heard Mayor Webber say that Staff is working overtime and having difficulty. Her concern was when we just open it up because contracts in the past, have had errors we had to go back and correct. "I'm not blaming anyone, but we are in crisis mode and maxed out. So there could be details that fall through the cracks. I wonder what it looks like. Some contracts do need scrutiny and some details get missed. We have to scrutinize them because details get missed. And some have not much detail, so we ask questions for a reason. With some departments, there is never enough detail in them. That is why I feel uncomfortable with this. I am also concerned about the good government document. We are under pressure right now and we have to adjust but I hope that things will not get missed. We are trying to figure out the best mechanism as we move forward."

Councilor Villarreal asked how we decided on sixty days and where that came from.

Councilor Romero-Wirth proposed the sixty days and the change is "up to sixty days." With a local emergency we might only need 14 days or 30 days. Given the information we have with this crisis, sixty days is probably a reasonable time we will need for our community. It could be less but here she felt sixty days was probably the right amount.

Councilor Villarreal asked if the sixty days starts on April 8.

Councilor Romero-Wirth thought it would start today.

Ms. McSherry agreed. The resolution would start today and go for sixty days.

Councilor Romero-Wirth clarified that it was revised from April 8 to immediately.

Ms. McSherry explained the effect is immediate except for the one paragraph related to the Quality of Life Committee which is meeting on April 8 which just changes the order of succession.

Councilor Villarreal said okay but thought it was confusing.

Mayor Webber thanked Council Villarreal for raising good points. He agreed that the reviews by committees do add value, but statistics reveal that most go through on consent. Those without scrutiny to get pulled and provides really deep oversight. But a huge proportion of contracts don't get discussed or open for public comment. We do need to catch mistakes in the details. If we try this, we could see if we were missing things. He agreed there is no room for being sloppy about it.

And if we discover \$200,000 is too high, we can reduce it and allow for other provisions. This meeting, itself, is an innovation. Instead of just shutting down the government, we are finding a way to keep doing business. And if it doesn't pass muster, we can adjust it.

Councilor Villarreal added that there are just a couple of departments that need scrutiny. She just asked everyone to be cognizant of it.

Councilor Lindell thanked Councilor Vigil Coppler and Councilor Villarreal for the very good points. "I am going to support it, given it has a tie deadline. It needs lots more discussion to be implemented on a permanent basis. We don't need to do that now. I am willing to go along with it now, but it needs much more discussion. What Councilor Villarreal said is true. We do pass many things on consent but occasionally get a contract that potentially affects policy. I don't like seeing amendments #6 or #7. So we need more discussion in the future, but considering what is going on today, I am willing to go along with it for now and not debate its future tonight."

Councilor Vigil Coppler said she was not opposed to the number as long as it is temporary and agreed it needed more discussion. But she still had concerns that we should remember the public has the right to know. They would learn what is behind that particular item and part of our democracy.

Secondly, when contracts sail through now, it is after scrutiny by committees. We have already done our homework and given the memoranda on them beforehand. Without the opportunity to scrutinize the business that comes to us, then what? We are elected by the public, so we have to be responsible to keep them informed. That is for future discussion and something we should not let go of in the future but I'm willing to let it go for sixty days.

Councilor Rivera appreciated what the others had to say but equally important to this is the economy. "I cosponsored this legislation to help our economy. It is difficult to get out of recession and if we can streamline these items which is essential to get our economy back on track. It would be terrible to have to cancel Zozobra, Indian Market, etc. to our economy. Maybe the amount should be higher to keep our economy moving and without it, could suffer more.

Councilor Abeyta said his question is unrelated to this but about other public meetings that have public hearings how the public is able to participate in them too. Does the City Manager have power to authorize remote meetings?

Ms. McSherry clarified that the City Manager can cancel public meetings if for the public health. She still needed to assess if it is possible with Land Use proceedings to have access.

Councilor Abeyta explained his concern is about providing for public testimony.

Mayor Webber agreed we have to take that into account. He noted in the exceptions, she included construction as essential. We need to keep moving all of the projects talked about and that includes additional housing and Mid-Town. The health crisis makes a financial crisis with aftershocks. Clearly, people want to send folks out to work in small groups and they are considered essential jobs to continue the role of government as priming the pump with projects. We should not sit in the way unless it poses public health risks.

Councilor Abeyta asked if we could make the call to postpone the case.

Mayor Webber said yes. And we are hearing from developers for that when it might not meet the test of public participation.

Councilor Rivera asked if it was possible to suspend the OMA. He understood some portions were suspended by the President to allow some videos. We should have that ability.

Ms. McSherry said it is interesting idea, but she thought the Council would have to amend the OMA rather than to suspend it. It is a controversial issue regarding property rights. That is not OMA but seeking for proper public input. Albuquerque made only written comments for their public input.

Mayor Webber suggested we have to safeguard the good things that are part of bureaucracy. "I'm seeing among our directors, immense creativity in work-around. Many

heads are doing innovative things to see it if would work. It is quite remarkable what a great job they are doing, responding with great respect. It is a model for Council meetings. We must find new solutions that take us out of the ways we are used to. There is also excitement for the team to come up with ideas formerly not considered possible. We want to have public participation to be heard with us still maintaining the oversight. The technology is not refined yet but there are really opportunities to find new solutions."

Councilor Garcia noted on limiting attendance, we need to make sure we have an adequate system. Tonight proves we are not there yet. We want to ensure constituents are comfortable in speaking to us. We need to fix that. The City Manager should make sure our system is ready to go.

Mayor Webber agreed. We will try to do it as best we can, and a perfect system might not be possible.

Councilor Garcia pointed out that we only heard bits and pieces of public comment tonight. So if we move toward that process, we need to make sure of better public participation.

Mayor Webber said that is a good consideration and we will work on ways to get IT up to snuff. Our building is not wired for that technology. Council Chambers is antiquated space and does not work adequately.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to adopt Bill 2020-7 as amended and with the technical amendments in the packet.

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.

Regarding Item H 1) a):

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Garcia, to approve RESOLUTION NO. 2020-11, extending the state of emergency by sixty days.

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.

- 2) **Case #2019-1535: 211 West Santa Francisco Street Development Plan.** Sommer Karnes and Associates LLP, Agent, for G.E. Senlic LLC, and Legacy Hospitality & Management, LLC, Requests Approval of a Development Plan for an 84,276 Square Foot, 4-Story Building which Will Consist of a 70-Room Hotel, other Amenities and a 2-Level Underground Parking Garage. The Property is Approximately 0.99 Acres, is Zoned BCDLEN (Business Capitol District - Lensic Block Redevelopment Subdistrict) and is Within the Historic Downtown Archaeological Review District. (Dan Esquibel, Planner Senior, saesquibel@santafenm.gov, 955-6587) (POSTPONED TO APRIL 29, 2020)

Mayor Webber - this was postponed to April 29.

23. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of the Communications from the Governing Body memo is incorporated herewith into these minutes as Exhibit 1.

Items to be Introduced:

Councilor Vigil Coppler introduced a resolution to display banners commemorating veterans every year between Memorial Day and Veteran's Day.

Councilor Romero-Wirth introduced a resolution reestablishing the Santa Fe Water Conservation program.

Mayor Webber introduced a resolution to extend the emergency provisions proclaimed as a state of emergency on March 23, 2020, according to statute for 21 days.

Councilor Rivera held up his granddaughter, whose birthday is April 29. It is also father's birthday as well. So it is special.

On April 3 is his wife's and on April 5, his sister's. Everyone wished them happy birthday.

Councilor Cassutt-Sanchez gave a shout out for staff right now. She wanted to recognize all of their hard work.

Councilor Vigil Coppler gave appreciation to our staff and a wonderful job they are doing, not only during this time but all the time. As with Councilor Rivera, she wished her brother happy birthday tomorrow. Her brother is a Senate Staffer during the legislative session, and recently editor of Santa Fe Business as well as a humorous writer and special editor of New Mexico Magazine. It is wonderful. Happy birthday to him.

Councilor Romero-Wirth echoed thanks to Staff, especially everyone who got this remote meeting going. It is lots of hard work to everyone and praised Joe Abeyta and the whole group. She was also grateful for all the City Staff across the City. These are extraordinary times. And also to the public to observe the social distancing and be safe and healthy.

Councilor Villarreal felt this is such a funny, strange way to run a meeting but appreciate the opportunity to get business done in these circumstances. She gave a shout out to the Capital High School men's basketball team. Great game to watch online without fans in the arena. They didn't win but we should still be proud of them and wanted to recognize them with Councilor Abeyta when we can have them present. We are handling this with grace amid many unknowns. As things come down the pike, Mayor Webber, please let us know before it is a press release in the paper.

Councilor Garcia gave his shout out to Staff and committee members for supporting one another. We will be much stronger for it, once it is over. You are all in my thoughts and hope you will stay safe. We will get through it.

Councilor Lindell just said: Wash your hands. Stay at home. Goodnight.

Mayor Webber also thanked Staff for putting this meeting together. It is an amazing amount of work. There are not enough hours in the day, but Staff is amazing, and work is ongoing. The challenge is extraordinary. Thanks to each Councilor. This has been productive, well run meeting. not just technology but people who care deeply about each other and am deeply appreciatively for all you. We suffered our first death today and is a sad reminder that we are in a tragic situation and hopefully, will come through stronger than ever. This City is amazing, and residents keep rising to the challenge. Every one of you is exceptionally. We will bend but won't break and will continue working together to get the problem solved.

I. ADJOURN

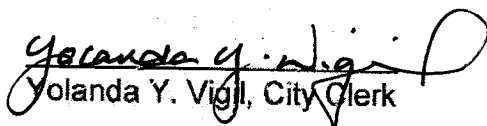
Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 9:36 p.m.

Approved by:




Mayor Alan Webber

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer



REGULAR GOVERNING BODY MEETING OF
March 25, 2020
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Exhibit 1

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON MARCH 23, 2020 BY SIXTY DAYS, PURSUANT TO SECTION 20-1.3(C).	City Council – 3/25/20
Councilor Roman “Tiger” Abeyta		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Jamie Cassutt-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
	A RESOLUTION RE-ESTABLISHING THE SANTA FE WATER CONSERVATION COMMITTEE.	Quality of Life Committee – 4/15/20 Public Works Committee – 4/27/20 City Council – 4/29/20
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title	Tentative Committee Schedule
Rivera	A RESOLUTION APPROVING THE DESIGN AND	Introduced – 3/25/20

Abeyta	INSTALLATION PLAN FOR BANNERS COMMEMORATING VETERANS ALONG THE CERRILLOS ROAD CORRIDOR BETWEEN I-25 AND RODEO ROAD TO BE DISPLAYED EVERY YEAR BETWEEN MEMORIAL DAY AND VETERANS DAY.	Finance Committee – 3/30/20 Public Works Committee – 4/6/20 City Council – 4/8/20
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, jbg Guillen@santafenm.gov or Jeff Norris, 505-955-6692, jtnorris@santafenm.gov.

CITY COUNCIL MEETING
EXECUTIVE SESSION
March 25, 2020

The Governing Body of the City of Santa Fe met in an executive session duly called on March 25, 2020 beginning at 6:20 p.m.

The following was discussed:

- a) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Including, but Not Limited to Joining an Amicus Brief in *City of Evanston, et al., v. Barr*, 19-3358 (7th Cir.). (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov 955-6512)
- b) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of the Midtown Property, Formerly Operated as the College of Santa Fe and the Santa Fe University of Art and Design. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

PRESENT

Mayor Webber
Councilor Abeyta (Attended Virtually)
Councilor Cassutt-Sanchez (Attended Virtually)
Councilor Garcia (Attended Virtually)
Councilor Lindell (Attended Virtually)
Councilor Rivera (Attended Virtually)
Councilor Romero-Wirth (Attended Virtually)
Councilor Vigil Coppler (Attended Virtually)
Councilor Villarreal (Attended Virtually)

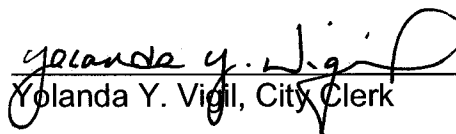
STAFF PRESENT

Jarel LaPan Hill, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Rich Brown, Economic Development Director (Attended Virtually at 6:35 p.m.)

OTHERS PRESENT

Daniel Hernandez, Proyecto, Inc. (Attended Virtually at 6:30 p.m.)

There being no further business to discuss, the executive session adjourned at 7:24 p.m.


Yolanda Y. Vigil, City Clerk