



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 13, 2020  
ATTEND VIRTUALLY

<https://www.youtube.com/user/cityofsantafe>

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## Special Procedures for May 13, 2020 Governing Body Meeting

**Attendance:** In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Governing Body meeting on Wednesday, May 13, 2020 will be conducted virtually.

**Viewing:** Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

**Radio Broadcast:** The meeting can be heard on radio station KSFR 101.1.

**Agenda:** The agenda for the meeting will be posted on the City of Santa Fe's website at <https://www.santafenm.gov>.

**Petitions from the Floor:** The Governing Body will take public comment for "Petitions from the Floor" in written form via email or by telephone message, through 1:00 p.m. on Wednesday, May 13, 2020. Emails and telephone messages must identify the submitting party's name and address and may be sent to [petitionsfromthefloor@santafenm.gov](mailto:petitionsfromthefloor@santafenm.gov) or 505-955-6520. These comments will be distributed to the Governing Body for review prior to the meeting.

**Public Hearings:** The Governing Body will take public comment for the public hearings listed on the Evening Session Agenda, in written form via email or by telephone message, through 8:00 a.m. on Monday, May 11, 2020. Emails and telephone messages must identify the submitting party's name and address and may be sent to [publiccomment@santafenm.gov](mailto:publiccomment@santafenm.gov) or 505-955-6520. All comments will be distributed to the Governing Body for review prior to the meeting.

To provide live public comment during the meeting, send your name, email address, telephone number and the agenda item(s) you wish to comment on by 8:00 a.m. on Wednesday, May 13, 2020, to [publiccomment@santafenm.gov](mailto:publiccomment@santafenm.gov). A Zoom Meeting invite will be sent on May 13, 2020 to the email address provided. If you do not have a smartphone, tablet, or computer, call 505-955-6520 by 8:00 a.m. on Wednesday, May 13, 2020 and leave a telephone message with your name address and the agenda item you wish to comment on, and the City Clerk's office will return your call on May 13, 2020 to provide Zoom call-in information.

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**AFTERNOON SESSION – 5:00 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – April 8, 2020  
(Postponed on April 29, 2020)  
Regular City Council Meeting – April 29, 2020
9. PRESENTATIONS
  - a) Artemisio Romero y Carver, Santa Fe Youth Poet Laureate. (Mayor Webber)
10. CONSENT CALENDAR
  - a) Request for Approval of Joint Funding Agreement in the Total Amount of \$45,325.13, Excluding NMGR, to Model and Investigate Post-Fire Debris Flows in the Santa Fe Municipal Watershed; U.S Geological Survey, United States Department of Interior. (Alan Hook, Water Resources Coordinator Assistant, [aghook@santafenm.gov](mailto:aghook@santafenm.gov), 955-4205)
  - b) CONSIDERATION OF RESOLUTION 2020-\_\_\_\_\_.  
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2019/2020. (Andy Hopkins, Principal Budget Analyst, [ajhopkins@santafenm.gov](mailto:ajhopkins@santafenm.gov), 955-6177)
  - c) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Second Street Brewery Inc. for a Restaurant Liquor License (Beer and Wine), with On Premise Consumption Only and Patio Service, to be Located at Rufina Taproom & Brewery, 2920 Rufina Street. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yvigil@santafenm.gov), 955-6521)



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- d) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Santarepa Café, LLC for a Restaurant Liquor License (Beer and Wine), with On Premise Consumption Only and Patio Service, to be Located at Santarepa Café, 229 Johnson Street, Suite A. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- e) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Wayward Sons Too, LLC, for the Following: (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- 1) Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe, which is Within 300 Feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B.
  - 2) Winegrower Liquor License, with On Premise Consumption, Patio Service and Package Sales, to be Located at Wayward Sons, 1607 B Alcaldesa Street.
- f) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Nuckolls Brewing Company, LLC, for the Following: (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)
- 1) Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Nuckolls Brewing Company, LLC, 430 W. Manhattan, 1611 Alcaldesa Street (Parcel P) and 1609 Alcaldesa Street (Parcel R), Santa Fe, which is Within 300 Feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B.
  - 2) Small Brewer Liquor License, with On Premise Consumption, Patio Service and Package Sales, to be Located at Nuckolls Brewing Co., 430 W. Manhattan, 1611 Alcaldesa Street (Parcel P) and 1609 Alcaldesa Street (Parcel R).
- g) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Manitou Galleries for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at Manitou Galleries, 225 Canyon Road, which is Within 300 Feet of the Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place. (Yolanda Y. Vigil, City Clerk, [yyvigil@santafenm.gov](mailto:yyvigil@santafenm.gov), 955-6521)

The Request is for the Following Events from 5:00 PM to 7:30 PM:

- July 10, 2020 – Paul Rhymer & David Riley Art Exhibition
- July 24, 2020 – "Spanish Market Exhibition" Art Exhibition
- August 14, 2020 – "Sapient Symbolism" Group Show Art Exhibition
- September 11, 2020 – Eustaquio Segrelles Art Exhibition
- October 9, 2020 "Extraordinary Encounters" Art Exhibition
- November 13, 2020 – "Night Visions" Group Show Art Exhibition



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- h) Request for Approval of Public Utilities, Water Division 2020 Annual Operating Plan. (Jesse Roach, Water Division Director, [jdroach@santafenm.gov](mailto:jdroach@santafenm.gov), 955-4309)
- 11. Request for Approval of Contract Amendment with North Central New Mexico Economic Development District Non-Metro Area Agency on Aging-Direct Purchase of Services (DPA) Vendor Agreement No. 2019-20-6006 (MUNIS Project #SSD924104) in the Amount of \$30,994.76. (Gino Rinaldi, Senior Services Division Director, [earinaldi@santafenm.gov](mailto:earinaldi@santafenm.gov), 955-4710)
  - a) Request for Approval of Budget Amendment Resolution.
- 12. Request for Approval of a Service Contract in the Total Amount of \$271,093.75, Including NMGR, for Annual Fire Monitoring, Repair and Maintenance Services for City Facilities; American Fire Protection Group, Inc. (Sam Burnett, Public Works Property Maintenance Manager, [jsburnett@santafenm.gov](mailto:jsburnett@santafenm.gov), 955-5933)
- 13. Request for Approval of CARES Act Grant 3-35-0037-051-2020 in the Amount of \$1,858,505 for the Operational Costs of the Santa Fe Regional Airport. (Mark Baca, Airport Manager, [md Baca@santafenm.gov](mailto:md Baca@santafenm.gov), 955-2901)
  - a) Request for Approval of Budget Amendment Resolution.
- 14. Approval of the Amended and Restated Cost Sharing and Systems Integration Agreement Between the United States, Acting Through the Secretary of the Interior, the State of New Mexico, Acting Through the State Engineer, the Pueblo of Nambé, the Pueblo of Pojoaque, the Pueblo of San Ildefonso, the Pueblo of Tesuque, the City of Santa Fe, and the County of Santa Fe, which Changes the Expended Amount and Cost Sharing Allocation Among Parties Other than the City of Santa Fe. (Marcos Martinez, Assistant City Attorney, [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov), 955-6502)
- 15. MATTERS FROM THE CITY MANAGER
- 16. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of City-Owned Land and Buildings within the Santa Fe Railyard. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)

- 17. MATTERS FROM THE CITY CLERK



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## 18. COMMUNICATIONS FROM THE GOVERNING BODY

### **EVENING SESSION – 7:00 P.M.**

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

Please Refer to the Statement "Special Procedures for May 13, 2020 Governing Body Meeting" at the Beginning of the Governing Body Agenda.

### G. APPOINTMENTS

### H. PUBLIC HEARINGS:

- 1) Request for Approval of 2020-21 Annual Action Plan for Submittal to the Department of Housing and Urban Development. (Alexandra Ladd, Director of Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 955-6346)
- 2) **Case #2019-1535: 211 West San 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, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587) **(Postponed March 25, 2020 and April 29, 2020)**



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- 3) CONSIDERATION OF BILL 2020-8: ADOPTION OF ORDINANCE NO. 2020-\_\_\_\_\_

**Case #2020-1609. Jaxson Subdivision, Rufina/Lopez Lane Rezoning with a Preliminary Development Plan.** Monica Montoya of Montoya Land Use Consulting, Inc., Agent, for Next Generation Contracting, Inc., Owner, Request a Rezoning of 3.57± Acres of Vacant Land to R-7 (Residential- Seven Dwelling Units Per Acre). The Application Includes a Preliminary Development Plan for 26 Dwelling Units. The Property is Zoned R-3 (Residential - Three Dwelling Units Per Acre) and is Located at the Southwest Corner of Rufina and Lopez. (Donna Wynant, AICP, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325)

- 4) 5750 Airport Road Zoning Ordinance Amendment and Development Plan. (Lee Logston, Case Manager, [llogston@santafenm.gov](mailto:llogston@santafenm.gov), 955-6136)

- a) CONSIDERATION OF BILL 2020-9: ADOPTION OF ORDINANCE NO. 2020-\_\_\_\_\_.

**Case #2020-1617. 5750 Airport Road Zoning Ordinance Amendment.** JenkinsGavin, Inc., Agent, for BBR 5750 Airport Road, LLC, Owner, Requests an Amendment to Ordinance 1997-6 to Remove the Requirement for a Grocery Store and the Prohibition Against Drive Through Uses at 5750 Airport Road. The Property is Zoned SC-1 (Neighborhood Shopping Center District), is Within the Airport Road Overlay District, and is Approximately +/-6.24 Acres.

- b) **Case #2020-1612. 5750 Airport Road Development Plan.** JenkinsGavin, Inc., Agent, for BBR 5750 Airport Road, LLC, Owner, Requests Preliminary and Final Development Plan Approval of a Mixed-Use Project Including Commercial Uses and a 233-Unit Multifamily Apartment Community at 5750 Airport Road. The Property is Zoned SC-1 (Neighborhood Shopping Center District), is Within the Airport Road Overlay District, and is Approximately +/-6.24 Acres.

## 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.



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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: May 8, 2020**

**TIME: 12:00 PM**

**SUMMARY INDEX**  
**SANTA FE CITY COUNCIL**  
**May 13, 2020**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGE</b>
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		
Regular Meeting - April 8, 2020	Approved as presented	2-3
Regular Meeting - April 29, 2020	Approved as presented	3
9. Presentations	None	3
10. Consent Calendar	Listed	3-4
b) Alpha Southwest Amendment	Approved	4-9
d) Airport Security Budget Amendment	Approved	9-10
11. Cigna Contract Amendment	Approved	10-11
12. COVID Federal Funds Resolution	Approved	11-12
13. Resolution to approve furloughs	Approved	13-33
14. Matters from the City Manager	Reported	33
15. Matters from the City Attorney	Reported	35
Executive Session	10:19 - 11:24	35-36
16. Request to join Amicus Brief	Approved	36
16. Matters from the City Clerk	None	36-37
18. Communications from Gov. Body	Communicated	34-35
Petitions from the Floor	Petitions were by Exhibit	33
H. Public Hearings		
1) HUD 2021 Annual Action Plan	Approved	15-
2)		
3)		
4)		
Adjournment	Adjourned at 12:14 am	47



**MINUTES OF THE  
REGULAR MEETING OF THE GOVERNING BODY  
Wednesday, May 13, 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, May 13, 2020, at approximately 5:00 p.m., at 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 remotely, 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**

**Other Participants Attending Remotely**

Jarel LaPan Hill, City Manager  
Erin McSherry, City Attorney  
Yolanda Y. Vigil, City Clerk  
Mark Baca, Santa Fe Airport Manager  
Noah Berke, Planner Manager  
Dan Esquibel, Planner Senior  
Mary McCoy, Finance Director  
Alexandra Ladd, Affordable Housing Director  
Sally Paez, Assistant City Attorney  
Eli Isaacson, Land Use Director  
Kristine Mihelcic, Constituent Services Director  
John Romero, Traffic Engineer  
Artemisio Romero, Poet Laureate  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Garcia 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 Villarreal moved, seconded by Councilor Lindell, to approve the Consent Calendar as published.

**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:**

**Regular Governing Body Meeting - April 8, 2020**

**MOTION:** Councilor Lindell moved, seconded by Councilor Cassutt-Sanchez, to approve the minutes of the regular Governing Body meeting on April 8, 2020 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.

## **Regular Governing Body Meeting - April 29, 2020**

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve the minutes of the regular Governing Body meeting on April 29, 2020 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**

- a) Artemisio Romero y Carver, Santa Fe Youth Poet Laureate. (Mayor Webber)

Mayor Webber listed his accomplishments. He is the second youth poet laureate. April was national poetry month. Mayor Webber invited him to share his poem.

Mr. Romero y Carver thanked him for the introduction and presented his poem on food insecurity with the Governing Body.

Mayor Webber congratulated him and thanked him for the beautiful poem. Santa Fe is looking forward for Artemisio's time as poet laureate.

Councilor Villarreal noted that he has worked hard with the climate action group, trying to fill the gap with community members missing in this pandemic. She was glad he is a youth poet laureate.

Councilor Garcia gave kudos to Artemisio. "People like you keep our futures bright and we need people like you to guide us along the way. And your poetry is awesome."

Mayor Webber said, to continue the theme of poetry, our library hosted a contest on poetry. He named the first, second and third place winners and the winners by age group and the adult winners. There were a large number

who contributed. For the complete list of participants, he encouraged all to look it up on City website. There is a collection of the poems that are available and confirms what we knew already how fortunate to have a City of poets.

#### 10. CONSENT CALENDAR LISTING

- a) Request for Approval of Joint Funding Agreement in the Total Amount of \$45,435.13, Excluding NMGR, to Model and Investigate Post-Fire Debris Flows in the Santa Fe Municipal Watershed; U.S. Geological Survey, United States Department of Interior (Alan Hook, Water Resources Coordinator Assistant, aghook@santafenm.gov, 955-4205)
- b) CONSIDERATION OF RESOLUTION 2020-18.  
A Resolution Relating to a Request for Approval of Third Quarter Budget Amendments for Fiscal Year 2019/2020. (Andy Hopkins, Principal Budget Analyst, ajhopkins@santafenm.gov 955-6177)
- c) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Second Street Brewery Inc. for a Restaurant Liquor License (Beer and Wine), with On Premise Consumption Only and Patio Service, to be Located at Rufina Taproom & Brewery, 2920 Rufina Street. (Yolanda Y. Vigil City Clerk, yyvigil@santafenm.gov, 955-6521)
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  - 1) Waiver of the 300-Foot Location Restriction to Allow the Sale of Alcohol at Wayward Sons, 1607 B Alcaldesa Street, Santa Fe, which is Within 300 Feet of the Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B.

- 2) Winegrower Liquor License, with On Premise Consumption, Patio Service and Package Sales, to be Located at Wayward Sons, 1607 B Alcaldesa Street.
- f) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Nuckolls Brewing Company, LLC, for the Following: (Yolanda Y. Vigil, yyvigil@santafenm.gov, 955-6521)
- 1) Waiver of the 300-Foot Location Restriction to Allow the Sale of Alcohol at Nuckolls Brewing Company, LLC, 430 Manhattan, 1611 Alcaldesa Street, (Parcel P) and 1609 Alcaldesa Street (Parcel R), Santa Fe, which is Within 300 Feet of the Cathedral Basilica of St. Francis of Assisi, 131 Camino de Paz Montessori Secondary School & Farm, 1607 Paseo de Peralta, Suite B.
- 2) Small Brewer Liquor License, with On Premise Consumption, Patio Service and Package Sales, to be Located at Nuckolls Brewing Co., 430 Manhattan, 1611 Alcaldesa Street (Parcel P) and 1609 Alcaldesa Street (Parcel R).
- g) Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Manitou Galleries for a Waiver of the 300-Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcoholic Beverages at Manitou Galleries, 225 Canyon Road, which is Within 300 Feet of the Cathedral Basilica of St. Francis of Assisi, 131 Cathedral Place. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
- The Request is for the Following Events from 5:00 PM to 7:30 PM:
- July 10, 2020 - Paul Rhymer & David Riley Art Exhibition
  - July 24, 202 - "Spanish Market Exhibition" Art Exhibition
  - August 14, 202 - "Sapient Symbolism" Group Show Art Exhibition
  - September 11, 2020 - Eustaquio Segrelles Art Exhibition
  - October 9, 2020 - "Extraordinary Encounter" Art Exhibition
  - November 13, 2020 - "Night Visions" Group Show Art Exhibition
- h) Request for Approval of Public Utilities, Water Division 2020 Annual Operating Plan (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)

**11. REQUEST FOR APPROVAL OF CONTRACT AMENDMENT with North Central New Mexico Economic Development District Non-Metro Area Agency on Aging-**

Direct Purchase of Services (DPA) Vendor Agreement No. 2019-20-6006 (MUNIS Project #SSD924104) in the Amount of 30,994.76. (Gino Rinaldi, Senior Services Division Director, [earinaldi@santafenm.gov](mailto:earinaldi@santafenm.gov), 955-3710)

a) Request for Approval of Budget Amendment Resolution

Ms. Vigil read the caption for the Council.

Director Rinaldi presented this matter to the Commission. He appreciated Council allowing his quick presentation. The contract amendment is based on mid-year adjustments and the number of services provided. We still have the contract which gives us this additional money to use in the services. There was a \$17,000 reduction in home-delivered meals. Both State and Federal Government have allowed us to use all of our money in the COVID time to continue delivering and the agency delivered 14,000 meals last week and 25,000 since March 16, 2020. So he asked approval of the amendment.

Ms. Vigil requested the motion include the budget resolution.

**MOTION:** Councilor Cassutt-Sanchez moved, seconded by Councilor Vigil Coppler, to approve the Contract Amendment as presented and the Budget Amendment Resolution.

**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.

12. **REQUEST FOR APPROVAL OF A SERVICE CONTRACT** in the Total Amount of \$271,093.75, Including NMGR, for Annual Fire Monitoring, Repair and Maintenance Services for City Facilities; American Fire Protection Group, Inc. (Sam Burnett, Public Works Property Maintenance Manager [jsburnette@santafenm.gov](mailto:jsburnette@santafenm.gov), 955-5933)

Ms. Vigil read the caption.

Manager Burnett presented this matter to the Governing Body. He said they are in the process of reviewing all fire protection for the City. The City used another company in the past and now switching to American Fire Protection Group this year. We are putting all of the buildings for fire protection services into one contract and manage it through Facilities Division. We are also asking for an amount to be

encumbered on a case-by-case basis to upgrade our fire services as needed to our fire monitoring.

Councilor Rivera asked if the contract includes testing or just monitoring.

Manager Burnett agreed it will include all services including testing as well as monitoring.

**MOTION:** Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to approve the Service Contract 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.

- 13. REQUEST FOR APPROVAL OF CARES ACT GRANT 3-35-0037-051-2020** in the Amount of \$1,858,505 for the Operational Costs of the Santa Fe Regional Airport (Mark Baca, Airport Manager, mdbada@santafenm.gov, 955-2901)  
a) Request for Approval of Budget Amendment Resolution

Ms. Vigil read the captions for 13 and 13a.

Manager Baca presented. He gave a shout out to the City Clerk and Legal Team for getting this out there. Through the Cares Act, he applied for this grant which allows the Santa Fe Airport to receive \$1.8 million in reimbursement for operations at the airport. It will be super helpful, knowing that we have to provide a safe place for airport services. We have up to four years to request reimbursement and allows us to go back to January 1, 2020 for any expenditure for this purpose. We have declined in revenue since the pandemic and we can use these revenues to stop the reduction of service revenues. We went up to \$1.8 million because of the successes in the past two years.

Councilor Rivera echoed Manager Baca's comments with thanks to Ms. McSherry for getting this prepared before the May 30 deadline and to Mr. Baca for staying on top of this by applying for it and getting the money for us. Every bit helps. He believed this will help us out for the immediate future.

Councilor Villarreal also thanked Manager Baca for finding this money and for the option for the money. She asked how it will be used - whether for more salary and wages or what else.

Manager Baca said this grant allows for both salaries and also for operating costs. He would work closely with Director McCoy and the Finance Department on the best way to move forward with these monies. He wanted to make sure we have enough for salaries, de-icing and snow removal equipment. He clarified that these monies are eligible for any airport expenditures.

Councilor Vigil Coppler thanked Manager Baca for being on the lookout for this money. She was sure we will spend it dutifully. She knew he was working with Director McCoy in Finance, but she pointed out there is an audit requirement with this, and we should find out the audit requirements for compliance all along the way.

Manager Baca agreed. He took the liberty to apply for the operations grant because it is much easier to audit - cut and paste on what we use it for. Through our expenditures, when we apply for P.O.s, this grant will be much easier to audit. We do have additional monies (the AIP Fund) that he hoped we could qualify for and get to 100% subsidy for the airport operations. This will supplement our budget and not worry about our AIP funding.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve the Cares Act Grant and 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.

**14. APPROVAL OF THE AMENDED AND RESTATED COST SHARING AND SYSTEMS INTEGRATION AGREEMENT**

Between the United State, Acting Through the Secretary of the Interior the State of New Mexico, Acting Through the State Engineer, the Pueblo of Nambé, the Pueblo of Pojoaque, the Pueblo of San Ildefonso, the Pueblo of Tesuque, the City of Santa Fe, and the County of Santa Fe, which Changes the Expended Amount and Cost Sharing Allocation Among Parties Other than the City of Santa Fe.



(Marcos Martinez, Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

Ms. Vigil read the caption for this matter.

Mr. Marcos Martinez presented an overview of the Agreement to the Governing Body. He shared a chronology starting in 2010 when Congress passed the Claims Resolution Act, appropriating money to various entities for water rights settlement. In 2012, the State of New Mexico, the United States, the Pueblos of Nambé, Tesuque, Pojoaque, and San Ildefonso and County of Santa Fe executed a settlement agreement negotiated from a lawsuit and in 2013 signed an agreement as required by federal legislation. In 2013, the parties signed a cost-sharing and systems integration which described the obligations of each party. In 2018, the Secretary of the Interior, in consultation with the parties, announced because the total cost to design and construct the Pojoaque Regional Water System, and the amount specified the water settlement agreement. In September 2019, they agreed to an agreement that cited the federal law requiring the negotiation. It includes cost savings and addressing the shortfall. The total cost came to be \$193 million, which was almost double the original cost. The parties also agreed to amended cost-sharing which is what this is all about. It imposes no new obligations on the City. The obligations on the City remain what they were in 2012 and 2013.

Mr. Martinez requested the Governing Body to approve of the amended cost-sharing agreement for unanimity among the parties. This is very vital for the City to join with the other partners.

Mayor Webber praised Mr. Martinez for what he accomplished. It is remarkable.

Councilor Vigil Coppler had hoped for a cover memo to be able to understand more on this now. She was not sure where the amendments are in it and she did not think it was all an amendment. She asked if he could point out where it is amended.

Mr. Martinez apologized. Unfortunately, it came to City with very short notice. So he did not have time to provide a cover memo. What is in the packet is the final agreement. What changed was the amount from the federal government and from the County. There is no increased cost to the City from what it was in 2012 and 2013.

Councilor Vigil Coppler asked what the costs to the City are.

Mr. Martinez said the only costs to the City are to make sure we are offsetting our ground water impacts on the Tesuque River. That was already the obligation of the City under State Law, but it was important to the Pueblo of Tesuque to memorialize

that obligation in the cost-sharing agreements. And, since the City was a partner in the settlements, we need to sign to this agreement as well.

Councilor Vigil Coppler understood there was no cost involved and asked if we are giving away water rights.

Mr. Martinez said no. The State Engineer has a model that shows what is taken away by our water use, rate of pumping, and how much we have to retire to make the river whole. It is just a continued agreement not to over pump water and thereby deplete the Tesuque River. It is an obligation we already have.

Councilor Vigil Coppler asked which of the City's wells it pertains to.

Mr. Martinez said it is mostly concentrated in a few of the Buckman wells which are outside of the City Limits to the north. The City has agreed not to use those wells precisely because of the obligation.

Councilor Vigil Coppler said she sits on the Buckman Direct Diversion Board and because the County is also one of the parties to the agreement, she supposed they have already fully vetted this. She did not think there is any reason for this to go before BDD Board.

Mr. Martinez agreed. Several pueblos have already agreed, and it is coming before BDD. He thought that happened yesterday.

Councilor Vigil Coppler asked how much the City is offsetting.

Mr. Martinez said it is very small - under 10 ac/ft/year because we use more ground water pumping.

Councilor Vigil Coppler commented that it is small because it only goes up to the Tesuque Road.

Mr. Martinez said it covers the entire Pecos basin.

Councilor Vigil Coppler clarified that it is only on the City side.

Mr. Martinez said on the City side, that is correct. It only affects tributaries of the Rio Grande, but the City is an important partner in water stewardship.

**MOTION:** Councilor Cassutt-Sanchez moved, seconded by Councilor Rivera, to approve the amended and restated cost sharing and systems integration agreement 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.

Councilor Rivera thanked Mr. Martinez for all his work on this.

Mayor Webber seconded what Councilor Rivera said. "People were being recognized at signing and Marcos was most celebrated by the parties involved for the issues that needed to be worked through. So thank you, Marcos for your work and expertise."

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

Manager Hill wanted to make a note on the weekly report we are sending out with three highlights: 1 - The Food Depot has moved to Santa Fe Place Mall and it is going very well, working with our team for a better location for car traffic; 2 - The City shelter has 46 people and eight who are COVID positive who came either from a hospital or Buffalo Thunder and no longer hospitalized but receiving oxygen. The food team goes above and beyond. About 3,800 meals were provided last week. We are only just beginning to recognize the scope of need. 3 - In the last page of the document you will see all the staff who deserve credit for serving our community and being model staff for the City.

## **AMENDMENT TO THE AGENDA**

Councilor Rivera asked to amend the agenda to hear Matters from the City Clerk and Communications with the Governing Body before the Executive Session.

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, to approve the agenda amendment as stated.

**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. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**18. COMMUNICATIONS FROM THE GOVERNING BODY**

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

Councilor Rivera gave a special shout out to Regina Wheeler and Rich Brown for the shelter extra duties. Our crews and HR, who are keeping the City going, deserve our praise. He mentioned all the agencies that have been coming together to do amazing things. And a special shout out to Santa Fe residents who are complying with orders they may not like or agree with, wearing masks, quarantine, social distancing, etc. And Santa Fe has remained extremely low, so thanks to everyone for complying. It is nice to see. The Governor put out some new orders today. Some of the country who reopened have gone back to quarantined mode to continue to be safe. He encouraged all residents to continue to do follow the Governor's orders.

Councilor Garcia gave a shout out to the City Manager and Randy Randall. He gave a shout out to Robby Carrillo Ortiz, who is running the virus operations in Mexico and they have become overwhelmed in a good way with the fight they are correcting. We have been able to accommodate space for the National Guard for a pick-up next week to take to our friends in northwest New Mexico with supplies and other help for those in need. He thanked Mr. Randall and others who have made the accommodation possible. Lastly, he shared his daughter with her 8th birthday last week with a quarantine parade.

Councilor Villarreal said, wished her partner Brendon, who is out walking today, a happy birthday. May 20th is his birthday. She also thanked the staff. She went in yesterday to pick up the packet material and thanked the maintenance crew because the floor was amazingly shiny.

Councilor Vigil Coppler echoed those thanks from all before her for all they have done for our city and ourselves. Buildings and parks and such are also looking great. Some are working in other areas and glad to have a job. They are out there and still giving their all to the City.

She said we have had many comments about the lack of public comment, especially during public hearings. She was not prepared with any ideas now but

thought we should come up with a better system for public comments during this time we are in with Zoom. But it is not a good reason to sacrifice real live public comment. She offered to work with the City Manager or others to find a solution. There are four public hearings tonight and thought it is important to try something different. For Petitions from the Floor, email is okay, but it is not the same for public hearings.

We all got the City health memo today with the attached plan and noted that it is quite a bit different than what was presented at City Finance. It should be vetted before we implement it and was not aware of the schedule for it.

Mayor Webber said she is right. Tonight is first public hearings under remote mode. Land Use handled it well and we can get better at it.

Councilor Cassutt-Sanchez thanked all of our Staff. It is incredible to see what everyone is able to do - doing their best in these challenging times.

She gave a special thank you to Ms. Jenkins who created the CRM and our complaint portal that people can utilize on the city website so you can see the requests we are getting. And, looking at some of our processes, it is a wonderful resource.

Yesterday was the first developer for an account. She had an opportunity to log onto it and it was fun to see what other people were saying. There was an awareness and she wanted to make sure we are still working on figuring out new ways of communication. She got comments from constituents and she was asking them to suggest ways to get the best information conveyed. We are going to be in this mode for a while.

Councilor Lindell echoed all the words of appreciation to Staff. She said she travels on East Alameda very often and every year she sees a guy out there, trimming trees and pulling weeds on the river and has piled up truckloads of stuff where he has worked on cleaning up the river. His name is Michael Smith and he has volunteered his time with this work since 2013. The difference he has made along the river is unbelievable. He spends hours and hours every day. He is going to finish the task cleaning up the river area there and it is gorgeous, what he has done. The City actually signed a public service agreement with him. That is how much time he has put into it. So here is a guy if you are looking for things to do. He owned a gallery on Canyon Road and now volunteers for us. It is fun to see him doing that.

We have so many challenges right now and we are meeting them head-on. And thanks to Councilors.

Councilor Abeyta echoed about staff appreciation. He and Councilor Rivera had a meeting yesterday with some residents from Tierra Contenta - the Southwest Advocates Group. They were able to do it through Zoom and Kristine Mihelcic and Jennifer Fabian set it up. So we can still reach out to constituents and have these meetings. He thanked the Staff and those residents of Tierra Contenta who participated yesterday.

Councilor Romero-Wirth added her thanks to City Staff during this exceptional time to do the normal things and then the extra needed. She thanked Jennifer Fabian. Her work on the CRM system is incredible. She encouraged residents to put their input in for potholes, etc., and get a ticket # to track the progress on the problems they identified. Jennifer Fabian built the system after taking a GIS class. It is amazing.

She introduced an ordinance creating a new section 20-7 SFCC 1987 regarding the use of face coverings by employees and customers when inside places of business and in public when social distancing is not possible and establishing an effective date. She knew that the Governor had a press conference for the past two hours. As part of it she did announce a statewide requirement to use face coverings. So we should look at what she is requiring folks across the State to do with what her ordinance will do. Mayor Webber is also introducing a resolution about Santa Fe Promise for what we hope people will agree to do to keep us all safe.

For people patronizing our businesses, etc. it is an important conversation with what the Governor has done, and this is to fall in line with what she says. Our City has visitors from outside and we need to be clear about what we need to see to stay healthy and keep our COVID numbers down.

Councilor Lindell asked Ms. Vigil to include her as a co-sponsor.

Councilor Vigil Coppler, Councilor Abeyta and Councilor Rivera also asked to be co-sponsors.

Mayor Webber said Councilor Rivera spoke from the heart about what an amazing community we are. There are lots of zeros in the COVID statistics and a few or one a day like today. Everyone is keeping family safe, looking out for seniors and everyone who is at risk. It is a remarkable job giving ourselves the opportunity to work in a safe way, so we don't end up going back into isolation after opening up. It all speaks to how remarkable it has been here when it spreads like wildfire in most other places of the world.

Now comes the next challenge to adopt our own code of conduct as things begin to open and people come to visit us. We want to have a code of conduct that

protects each other and avoids the spread of COVID 19. Although not easy, people have not shied away from it. So he is introducing a resolution called *Santa Fe Promise* so people coming here know what our code of conduct is.

He said, "Councilor Romero-Wirth and I are in solid agreement on how to move forward on these collaborative measures. I welcome all the help and support possible for this campaign for safety to do what is right and a return to financial wellbeing." He read the caption for it.

He is also introducing an ordinance amending and restating an economic development project for the City of Santa Fe which he described and also an ordinance relating to the Santa Fe Economic Development Plan Ordinance Article 11-11 SFCC 1987 approving a resolution for economic development project agreement with Descartes Lab, Inc. as a loan project for the negative financial impact of COVID 19. This resolution sets up the plan.

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

Ms. McSherry mentioned the pioneering of Public Works for public comment with Zoom. She was thankful for their hard work on it to make it successful. She recommended going into executive session to discuss real estate in the Railyard.

### **EXECUTIVE SESSION**

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of City-Owned Land and Buildings within the Santa Fe Railyard. (Erin K. McSherry, City Attorney, skmcsherry@santafenm.gov, 955-6512)

**MOTION:** Councilor Rivera moved, seconded by Councilor Lindell, per Section 10-15-1, Part (H)(8) 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 6:19 p.m.

The executive session ended at 7:25 p.m.

At 7:27, the Council was reconvened by motion:

**MOTION:** Councilor Rivera moved, seconded by Councilor Abeyta, to return from executive to open session, stating for the record, that the discussion was limited to those matters listed on the agenda and as recommended by Ms. McSherry.

**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.

## **EVENING SESSION - 7:28 P.M.**

### **A-E. CALL TO ORDER AND ROLL CALL**

The regular meeting of the Governing Body of the City of Santa Fe, New Mexico, evening session was begun by Mayor Alan Webber, Chair, Wednesday, May 13, 2020, at approximately 7:28 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

### **F. PETITIONS FROM THE FLOOR**

All petitions were distributed to the Governing Body and they have read them.



## **G. APPOINTMENTS**

There were no appointments.

## **H. PUBLIC HEARINGS**

- 1) Request for Approval of 2020-21 Annual Action Plan for Submittal to the Department of Housing and Urban Development. (Alexandra Ladd, Director of Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

Ms. Vigil introduced the first public hearing.

Director Ladd explained that every year, the Office of Affordable Housing reports to HUD about how the City proposed to use the CDBG funds. The Commission is chaired by Councilor Villarreal and we look how projects funded meet the community needs. We have a five-year plan and each year we update the plan for how to use funds this coming year. We worked it out before the pandemic, so the plan doesn't respond to it in the plan. But we will amend our current year plan to address the immediate needs that arose from the pandemic. That will come later. This is for next year. Many of them have been funded over past years and the recipients are really capable with leveraging these funds. A couple of them are more one-time projects to repair a public facility. She noted that the plan is very detailed.

### Public Comment

Mayor Webber opened the public hearing for statements from the public. There were no comments from the public.

### Questions & Discussion by the Governing Body

Councilor Villarreal thought Director Ladd covered everything the Commission went through and added that they will look at the funds from the Cares Act for allocation.

There were no questions or other comments.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the 2020-2021 Annual Affordable Housing Plan 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.

- 2) **Case #2019-1535: 211 West San 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, daesquibel@santafenm.gov, (955-6587) (Postponed March 25, 2020 and April 29, 2020)

Ms. Vigil read the caption for the second public hearing. Dan is here.

Mayor Webber explained the procedure for the hearing, beginning with disclosure of any ex parte communications. There were none.

Councilor Romero-Wirth clarified for members of the public that this is a quasi-judicial hearing, which is very different than how the Council usually conducts itself. She asked Ms. McSherry to provide more detail.

Ms. McSherry explained that this is the Councilors' judicial role. All serve that way, and this is not for setting new policy. There is not as much option. Councilors will hear the set of rules and only consider the evidence in front presented for the decision. Any outside material would affect the decision, so it is not allowed.

Mr. Dan Esquibel presented the case. He could not share his screen for some reason. He reported that Staff recommended the Governing Body adopt the recommendation of the Planning Commission for Case 2019-1535, subject to 30 technical corrections listed in Exhibit A and conditions of approval in a single motion that accepts the findings of the Planning Commission, or a motion to deny the recommendation of the Planning Commission with directions to Staff to draft Findings of Fact and Conclusions of Law reflecting the Governing Body's decision.

He pointed out that this development plan has met the design review criteria for Ordinance number 2006-4a, the Lensic Block Objectives, the Lensic Block Design Standards, and the conditions of approval for the ordinance and it met the development plan approval criteria and he recommended approval. He deferred to the applicant.

Mr. Joseph Karnes identified himself and was sworn in by Ms. Vigil.

Mr. Jeffrey Seres identified himself as the project architect and Ms. Vigil swore him in.

Mr. Karnes said he appreciated the opportunity to present the plan for this 70-room hotel. It will help the economy as we recover from the pandemic. He thanked Staff for their review and recommendation. When he first came to Santa Fe, he said he worked on a property on this land with Mr. Esquibel. It never got built but Mr. Esquibel knows this property well. He introduced the project team that included the architect, Jeff Seres, and engineers Eric Cornelius and Mike Gomez. He also introduced the principals of Legacy Hospitality and Development, who are the applicants. Legacy is currently constructing the 180-unit Markana de Santa Fe Apartments Project on Richards Avenue. They look forward to rolling their crews in the construction of this hotel once that project is completed. Finally, he introduced Ms. Alexis Gerard, on behalf of the property owners, who with Mr. Seres have worked diligently on this project since the late 1990's to complete her vision for the development of the Lensic lot.

In 2006, the Governing Body approved redevelopment of the lot with design standards that addressed height, siting, off-street parking (underground) and was recommended to the Governing Body as having satisfied the requirements.

He was pleased to bring the 70-room hotel plan to the Governing Body now. He pointed out the City Code recognizes that economic health depends on the BCD. Here it is to change the present parking lot into a 70-room hotel. Because of the ongoing pandemic, this project won't start until the second quarter of 2021 with plenty of lead time to address these virus concerns before any operation of the hotel occurs.

Legacy operates several branded hotels including Marriott, Hilton, and Hyatt. During this crisis, Legacy is committed to provide the most stringent adopted standards of cleaning, sanitizing, social distancing, masks, etc of staff and underground parking.

With valet parking, guests arrive at the 3-vehicle entrance on Sandoval and valets will park the cars via a vehicle elevator with a garage capacity of 116 vehicles.

Questions arose at the Planning Commission to ensure vehicles don't cause more traffic on Sandoval Street. As part of the parking review, the entrance is long enough by lengthening the turnout to avoid congestion. Mike Gomez determined that one valet can handle one vehicle every five minutes or 12 per hour per valet. Valet is a guest service operation and they will avoid impacts to Sandoval. The operation will exceed what La Fonda and Inn of Anasazi can do. John Romero, the Planning Commission and HDRB all concluded that their questions have been addressed and resolved. The three conditions and technical corrections included in the Staff Report are all accepted by the Applicant.

Mr. Seres presented a history of the site and current design of the project using a Power Point presentation. The Lencic and adjacent building were completed in the 1930's. What is now the parking lot was once a 2-story building that was removed in the early 1960's. In 1968, during urban renewal, to complete Sandoval Street and pushed through to Palace and Grant. It is a surface parking lot now. The little wall around it will be removed and a 1970 elevator on the southwest corner, and other minor items. This design began in 1999. In 2004, we requested creation of a subdistrict in BCD to guide design guidelines and was approved in 2007 by City Council.

All design standards in the redevelopment subdistrict are met. Pedestrian and vehicle access to the site were shown.

Burro Alley will remain. In a meeting with OSFA, he showed the portals could have been over the right-of-way, but we created them within our property, losing about 1,400 square feet on the ground floor. We opened up the street around the corner. Under the portal along west side is the hotel entrance and he showed the three-car entrance way.

A valet would drive the car around to an elevator to take the car to or from the parking garage. It will not impede pedestrian circulation on the north side. The movement is right in only, -right out only.

The first level of garage was shown - one of two levels and will move them to the elevator for our guests and employees. it is completely underground.

The ground floor of hotel was shown, and he pointed out various parts of the hotel and a new restaurant and bar area with open air on both San Francisco and Sandoval Streets. On the second floor are the hotel rooms

as on the third and fourth floor. The roof does not include any outdoor amenities.

The hotel is 49' tall as allowed in the design standards. We received exceptions for this height and the roof pitch and the style by the HDRB. He showed several elevations of the building with open air areas.

It has step back and massing from the property line incorporated that averages 11 feet with 22 feet on the fourth floor. The setbacks include outdoor terraces.

On the north side, the entrance to underground elevators and what serves all of the site including food deliveries and working with the theater to ensure it all works together on this site.

He showed two different streetscapes for Sandoval Street and compared heights with the Eldorado.

With the step back massing, a pedestrian would see it as a two-story hotel. It is modified Spanish Brogue and was approved by exception by the HDRB. He listed the design elements. It continues to include arches on the ground floor and incorporates elements from the theater and the adjacent building. He showed how it would look at night and from San Francisco and Sandoval corner.

Mr. Seres summarized that the hotel would energize that part of downtown Santa Fe and stood for questions.

Ms. Vigil was called on to read the two members of the public who gave comments in written form. One was from Arthur Furstenberg and one from Stefanie Beninato. Ms. Beninato was present, and Ms. Vigil swore her in.

Ms. Beninato noted the Council got her written comments. She believed this block is spot zoning and they had to get exceptions from the H Board. The building does not fit in or harmonious with the rest of the design in the downtown. If you look at San Francisco Street, other than the Lensic Block and the Eldorado, the rest of the buildings are one and two-story buildings so it will substantially change the massing in the downtown there a lot.

She said, "You already bent over backwards on the backstage portion when the Lensic Theater went up which is just a straight up brick building. It really doesn't fit in. The Real Block with Santa Fe County historic building - the courthouse designed by John Gaw Meem will be totally blocked. And there has been no discussion, not only of how to pull out and pulling into the

garage on Palace how it is going to work. But no one has discussed the buses that line up right there too when there are performances at the Lensic. So I would really urge the City Council to alter the plans and make it a three-story building. Certainly the whole site is commercially profitable.<sup>4</sup> And there really was no hardship met in what this area really involved here. And again, I think the massing will create a tunnel effect there. And you are blocking an important historic building. And, again, I ask you to reconsider the four-story there because, although it may create some jobs, I wonder how many cute little hotels with spas and restaurants and bars that we need across the street from each other. It is like having Starbucks competing on different corners. Thank you very much."

Ms. Mihelcic said she sent Mr. Furstenberg an email before the meeting and then a follow-up, but he is not here.

There were no other public comments.

#### Questions by the Governing Body.

Councilor Rivera said, similar to what Ms. Beninato said, he had a question on the right hand turn out at the corner. Mr. Karnes had said the area between the two buildings would be for delivery and asked how that would be dealt with.

Mr. Karnes said regarding turns out of structure, the requirement from Director Romero was always right in and right out only. The common area for all three buildings was redone. It would accommodate buses and delivery trucks for all buildings there.

Mr. Seres pointed out the loading area and place for trash. It is being increased in width for deliveries. Trash will be picked up early in the morning.

Councilor Rivera asked how many parking spaces were required for the 70 hotel rooms.

Mr. Karnes said the City code requires one space per room of the hotel so 70 is required and we have 116 spaces in there.

Councilor Rivera asked if he had indicated that was enough for staff too.

Mr. Karnes agreed, and it would have some parking spaces for leases per code.

Councilor Rivera asked Director Romero about space at the intersection of Grant and Palace for people pulling alongside a tour bus.

Director Romero briefly explained how the traffic patterns would work there.

Councilor Rivera commented that at the pedestrian crossing at Sandoval and San Francisco, people sometimes have to wait because pedestrians don't always get a light to cross.

Mr. Romero explained that sometimes it doesn't get tripped for pedestrians.

Councilor Villarreal said she enjoyed the design of this hotel. She liked the style and it looked nice in the renderings. She asked if the staff would park in the garage.

Mr. Karnes said yes and there are other places downtown for them.

Councilor Villarreal asked if the garage would allow for Lensic theater goers.

Mr. Karnes said that would depend on the occupancy of the hotel.

Councilor Villarreal asked how an opening there would be communicated to a theater goer.

Mr. Karnes said it could be either with signage or online communications. He added that they communicate with Mike Trujillo on the public parking. He commented briefly on a hotel in Denver with valet parking with elevators. The offsite parking would have the valet go to the Archdiocese parking lot to get the car for the guest.

Councilor Villarreal asked if a left turn into garage was not possible.

Mr. Karnes agreed and emphasized that only the valet can put the cars in the garage or out of it.

Councilor Villarreal said the loading area is a problem now with the transformer boxes, etc. She asked if that would get removed.

Mr. Karnes said they had meetings last summer to make sure the improvements were for all parts of the buildings. The Theater manager sent a letter saying they agreed with that removal.

Mr. Seres showed another drawing of the area and explained how it would increase the loading area. It could accommodate a tour bus there. We propose to improve that area and the bollards on Burro Alley will remain to prevent vehicle traffic. We will really clean that area up.

Councilor Villarreal asked about water conservation for the hotel.

Mr. Seres said the design will meet conservation codes for low-flow fixtures as all hotels do with our scarce water in the desert. There will be planters on third floor with selected planting for the climate.

Mr. Karnes added that the project maximum water consumption is 10 ac/ft per year, and we have the under contract already.

Councilor Villarreal asked about other energy conservation measures.

Mr. Seres noted there are minimal code issues on energy use. Most buildings now have at least LEED Silver. We are working on details to reach ultimate energy efficiency on this building.

Councilor Villarreal hoped a lot of activity would return in that area. Burro Alley is busy right near there. She was curious how they will deal with complaints of guests from music in the area. She didn't want that to dwindle just because there are hotel guests nearby.

Mr. Karnes said the commercial building provides buffering right away and he hoped the combination of theater and hotel will enhance it.

Mr. Seres mentioned soundproofing and insulation for the guest rooms and there are no rooftop amenities which typically is where some noise arises. The dining areas might have a band but most of it is internal. It is a small hotel.

Mr. Karnes said the access now is on San Francisco Street and that access could not be approved today. The Council, in approving the subdistrict, required the parking to be underground because the Council realized in 2006 that removal of the entrance to the parking lot would decrease the congestion there.

Councilor Villarreal wondered how building construction could happen at a time of pandemic crisis.

Mr. Karnes said this was presented in February 2020 before the pandemic and we had a slide that showed the amazing revenue from GRT in Santa



Fe. Given we are about a calendar year out, Legacy has been part of it over the last decade and has the financial strength to make it happen. We are looking forward to things getting better soon and feel this will make a good contribution to the downtown.

Councilor Vigil Coppler had similar concerns that were raised by Councilor Rivera at the intersection of Grant and Sandoval. For a car going straight on Palace, there is hardly any room. You will still have the same amount of space regardless of the plat. She said she cringes every time she wants to go straight because of those who want to turn left. For the future, we need to study that intersection there anyway. People going straight often wait until after the cars turning left have turned. That intersection doesn't work like it should. It is too narrow. Related to that is pedestrian safety and she could not tell from any diagrams what happens to the sidewalk going around that curve. She asked if pedestrians are going to know they need to wait there.

Mr. Seres said the shaded area shows the sidewalks coming around past the car entrance. He pointed out how a car could come off the elevator and wait before getting to cross the sidewalk. We worked a lot on that to make it safe and unimpeded.

Mr. Karnes added that the only drivers will be professional valets and will be prepared to deal with pedestrians. On the curve, the design provides the portal on the property and provides a wider sidewalk and shelter for pedestrians.

Councilor Vigil Coppler wondered what the Fire Department had to say about these car elevators. She felt sure there will be ongoing maintenance because there would be no way to get out if they broke. If there is a fire, everyone would scramble to get outside but what happens to their car if there is a fire there.

Mr. Karnes pointed out that the garage would not be accessible to hotel guests. It is a secure area. So hotel guests will not be in the elevator. But it will have staircases that would be used in case of a fire. The fire Department did review this proposal and they recommended approval of the design. Tyson Krupp is the elevator company and they have an office in Albuquerque with rigorous maintenance schedule. The hotel in Denver had them operating for four years with very minimal downtime. If one goes down, the other elevator can operate. This elevator design also has a deicer element.

Councilor Lindell thanked them for the presentation. She recalled she was on the Planning Commission years ago when we first looked at this project. How long is the approval valid?

Mr. Seres said this has a 3-year limit from date of approval. Extensions can be requested. This is the third try for approval of a project. They used an extension once and hoped they take advantage without an extension needed.

Councilor Lindell noted the parking garage has 46 extra spaces. She asked how many staff are anticipated.

Mr. Karnes said the planned to have 15-20 staff members at any one time. The spaces will be available to employees and he did not know if they would charge employees to use it.

Councilor Lindell hoped not. She didn't think the housekeeping staff would be able to afford the cost of parking elsewhere. She asked if there will be three valets available all the time.

Mr. Karnes said that is an operational matter. The worst case is what we used to handle peak hour traffic. It is in Mr. Gomez' parking analysis. He explained how the hotel would handle staffing.

Councilor Lindell asked where those who are checking in would go when there are quite a few checking in at the same time.

Mr. Karnes said there are parking spots.

Councilor Lindell had great concerns about the parking there. She realized the Lensic sent an approval letter. But in a previous presentation, you showed where the property line is with bus parking in the back. So she asked if they are extending the loading area with this project approval.

Mr. Seres said it is under review by John Romero.

Councilor Lindell asked what is there now.

Mr. Seres pointed it out. They are proposing to move the sidewalk out to improve circulation and allow for the loading areas to the east.

Councilor Lindell observed that performers with union drivers come in and no one can move the buses but the union drivers.

The Council had a brief discussion on servicing the trash compactor.

Councilor Lindell opined that we are adding to an already difficult situation, considering the intersection there and comments of Councilor Vigil Coppler on crowding of the vehicle lanes there. On paper it looks passable. She liked the hotel design and would like for this to work. She didn't think it likely that a valet could take a car and park it in the garage in five minutes.

Mr. Karnes explained the analysis of Mike Gomez during a peak hour.

Councilor Lindell described how she felt it would not work in 5 minutes.

Councilor Lindell asked about oversize vehicles and whether they would be parked at Cathedral Park.

Mr. Karnes agreed they would. He added that design was vetted by Staff, Planning Commission and HDRB.

Councilor Lindell understood but felt it was a very difficult task here. She wanted assurance about the compactor.

Mr. Seres mentioned that the Hotel is considering trash rollout to the curb to eliminate the compactor. Trash collection could be done daily if needed.

Mr. Berke said regarding trash handling that on page 26 is an email from Eric Lucero who talks about the compactor and is satisfied with it. Director Romero talked about traffic and stacking and also Mike Gomez.

Director Romero said he relied on Mike Gomez' analysis. He felt the elevators were an efficient way to handle cars. With a more conventional entrance/exit, they would lose a lot of spaces. He thought valet service was essential.

Councilor Garcia asked for more explanation on the plan at peak hours when people are rushing to get in and rushing to get out. He was once a valet at La Posada, and they have adequate space to stack cars and here they have two spaces.

Mr. Karnes said it is three spaces at the front of the hotel.

Councilor Garcia asked what happens with the fourth car showing up.

Mr. Karnes said there is room for four cars at the elevator area. The valets will have radio communication. Peak arrival times are 3-4 p.m. So they do not overlap traffic peaks.

Councilor Garcia disagreed. Friday afternoons are peak, and parking is a premium downtown. This beautiful hotel will attract a lot of guests. How can they access this property? Locals are going to have to wait for the guests arriving.

Mr. Karnes said, typically, the valet would handle the car all the way to the garage, but they also will have radios.

Councilor Garcia added that guests don't like to be rushed getting out of their car and usually a bellman and the valet must work together. He foresaw a possible traffic nightmare here. He asked if there would be any way to increase the stacking.

Ms. Vigil swore in Mr. Mike Gomez.

Mr. Gomez explained his analysis.

Councilor Garcia thanked Mr. Gomez for his response on how the process was viewed and that clarified it for him.

Mayor Webber closed the public hearing and went to deliberations of the Governing Body.

#### Deliberations of the Governing Body

Councilor Romero-Wirth asked if the applicant has an opportunity for closing statements.

Mayor Webber said that was not on his cheat sheet.

Ms. McSherry explained that the City has closing arguments with appeals and for this, we use the same procedure as the Planning Commission.

Councilor Abeyta appreciated the questions and responses and was ready to make a motion.

Mayor Webber agreed and closed the public hearing portion of this case.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to approve the application for Case 2019-1535, subject to the conditions of approval and technical corrections and to adopt the findings of the Planning Commission as set forth in Part 2-C of this report.

**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.

- 3) **CONSIDERATION OF BILL 2020-8; ADOPTION OF ORDINANCE NO. 2020-11. Case #2020-1609.** Jaxson Subdivision, Rufina/Lopez Lane Rezoning with a Preliminary Development Plan, Monica Montoya of Montoya Land Use Consulting, Inc., Agent, for Next Generation Contracting, Inc., Owner Request a Rezoning of 3.57± Acres of Vacant Land to R-7 (Residential - Seven Dwelling Units Per Acre). The Application Includes a Preliminary Development Plan for 26 Dwelling Units. The Property is Zoned R-3 (Residential - Three Dwelling Units Per Acre) and is Located at the Southwest Corner of Rufina and Lopez. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325)

Ms. Vigil read the caption for this hearing.

Mayor Webber repeated the process and began with any disclosures of ex parte communications or conflicts of interest. There were none.

Ms. Wynant presented the staff report. She explained that there is no need for an amendment to the Gen. Plan with this development. She explained that the applicant needed to present a development plan because it is required for a rezoning to take place. This application is to increase the density from R-3 to R-7. The preliminary subdivision was approved by the Planning Commission at their March 5, 2020 meeting. And recommend that it be approved by the Governing Body. She explained that although it is an increase in zoning, she found that the density will not increase for this project. The Applicant has met the criteria and Staff recommends approval of the R-7 zoning. She also recommended that the Governing Body find the subdivision plan meets the criteria. If the Governing Body agrees with the Planning Commission recommendation, Council has the authority to approve a development plan for this property.

She explained there are eight letters of support in the packet, including a letter from the President of Las Acequias Assn, Fabian Trujillo.

Ms. Wynant recommended approval of the development plan, subject to the conditions of approval and technical corrections and she noted that a sample motion is provided. She also mentioned that John Romero and Geronimo Griego for the Fire Department are present to address any concerns of the Governing Body. She stood for questions.

Mayor Webber invited the applicant to present.

Ms. Monica Montoya was sworn by Ms. Vigil.

Ms. Montoya said she represents Next Generation. Mike Gomez and Oralynn Guerrerortiz also accompanied her. She said the Planning Commission has recommended approval of this case with conditions, which we agree with, that will increase the area overall. If approved, the Planning Commission will have another opportunity for review for the subdivision and make sure we have met all criteria.

She shared her Power Point with the Council that included an overview, the site plan, architecture, neighborhood response, etc. It is a single-family subdivision with 26 lots located at Rufina and Lopez Lane. It provides an additional opportunity for home ownership in a balanced neighborhood. This project will contribute to a healthy community and surrounding districts; it complies with city code for subdivision development. She showed the location of property in relation with the surrounding area. All of the property is within city limits with the exception of the northwest corner.

Ms. Montoya showed the relevant excerpt of the Future Land Use Map. It complies with densities of the plan. She pointed out that there are some higher densities in the area at 12 units per acre.

An R-7 zone has been approved before by Council including the nearby Las Acequias subdivision. According to City Code, R-7 accomplishes greater residential use, along with an efficient use of city resources. essentially as an infill zone. It is appropriate for this area. She depicted an aerial photograph how it would fill in with the area. Access is off Lopez Lane with right in and right out on the north side. She showed a decel lane on Rufina but no access from Rufina. A portion of the corner at Rufina and Lopez will be dedicated to the City as traffic enhancement. Jaxson is the name of the Applicant's son. Jaxson Street will be a new public dedicated street constructed to city standards with paving, curb and gutter, sidewalks,

landscaping in compliance with 14-8.4 and details available at final subdivision approval. It is relatively flat with a mild slope from south to north. Sewer and water are available for this property. The 20% AH provides five lots and homes of the 26 lots.

Design standards are established by the development plan with a minimum of 4,000 square feet and no more than two-story residential units and a building separation of 10 feet. The provisions here are pretty standard for all residential developments. There is a 5' setback for two-story structures.

She said Jaxson would bring much needed residential resources to the City.

An ENN was held in October 2019 and other discussions with neighbors afterward. She appreciated the support of Las Acequias Neighborhood Association. The density is the same as in Las Acequias.

A solid six-foot wall will be constructed on the western boundary between this development and Las Acequias.

The TIA was commented on. It was done by the City Traffic Division.

She noted the eight letters from neighbors in the area who testified about the quality of the developer and others on the difficulty to find affordable housing.

Ms. Vigil read the names from those who submitted written comments. Two were present at the meeting - Cheryl Odom and Fabian Trujillo.

Ms. Odom was sworn in by Ms. Vigil.

Ms. Odom was concerned about traffic congestion at Rufina and Lopez Lane. It already backs up in morning and evening rush hours and backs up beyond Calle Atajo. That is a problem. For this development, she liked that houses are stick built and that Ms. Montoya was able to set up ENNs and other meetings with the neighbors.

Mr. Fabian Trujillo was sworn in.

Mr. Trujillo thanked the Governing Body for listening and Ms. Montoya and City Staff who listened to our concerns. The Las Acequias Association is comprised of 663 homes and, according to the census, had 3,130 residents and rapidly growing. Sixty percent are minorities with an average age at 43, which is substantially lower than the rest of the City. Many immigrants from Mexico and South America reside in Las Acequias. 26% live below the

poverty line. He said they have led City efforts on food drives for over eight years. The residents are participating with Santa Fe Watch, and other activities that bring them together.

On February 20, 2020, the directors met and reviewed the documents, rezoning and preliminary subdivision development plan. They appreciated that this will be stick built homes and agreed to the six-foot wall which is condition #30. But he added that the Applicant has not addressed the Association's other concerns. The biggest was traffic on Rufina and others have raised that.

Mr. Trujillo said the Governing Body has a copy of his letter which raised three concerns - noise, traffic and solutions to improve the intersection and apply CIP funds for it. His letter asked the Governing Body to delay the development until the intersection can be improved. The Association has asked that their views be litigated by requiring the two-story homes only in the east portion of the development.

Mayor Webber cut him off, as his time was up.

Councilor Vigil Coppler asked Mr. Romero about the problems with that intersection. She noted that there are no turn signals going north or south and no left-hand turn signals, so traffic does back up there, especially going left toward Rufina. She asked if there are any plans to upgrade that intersection.

Mr. Romero said there were no plans at this time, but it is on our radar and on the Impact Fees Capital Improvement Plan which determines impact fees to which developers contribute. He agreed that improving that intersection can improve this project too.

Councilor Vigil Coppler asked if it is appropriate to ask that impact fees be restricted to this intersection.

Mr. Romero said that there is a problem potentially with doing that. The best way to handle it is to put the impact fees into the pot and have Council specify the projects.

Councilor Vigil Coppler explained that she asked for that because the intersection is totally unworkable and has been or some time. She liked the subdivision but was very concerned about the intersection. If this subdivision is going to contribute impact fees, there should be a way to use them for this neighborhood and surrounding area by improving the



intersection. She promised she would keep asking about it. She didn't know if a traffic circle would work but left-hand signals would be more effective.

She asked Ms. Montoya if it is workable to move the 2-story homes as Las Acequias requested.

Ms. Montoya said it is difficult for us to commit to single-story construction when it is permitted throughout the City. It is based on market demands and allows for bedrooms to be appropriate sizes and for internal space for a growing family. There are reasons why we cannot commit to that. It does allow bigger yard spaces. She did not think they could commit to that but added that it is not likely that all homes on the west side will be one-story.

Councilor Vigil Coppler asked for her response on that intersection.

Ms. Montoya said their development would not have a large impact on that intersection. But they were able to provide some space at that intersection if a traffic circle was chosen.

Councilor Vigil Coppler appreciated her comments.

Councilor Cassutt-Sanchez was also concerned about that intersection and wanted to understand if the entrance closest to Rufina was the one limited to right out and right in.

Ms. Montoya agreed.

Councilor Cassutt-Sanchez understood they have dedicated a portion of it to the City.

Ms. Montoya agreed.

Councilor Cassutt-Sanchez asked about dust control during construction to prevent negative impact.

Ms. Montoya said they were very familiar with dust control and will dedicate effort to controlling dust per city ordinances.

Councilor Cassutt-Sanchez did not understand the challenge of the fence line.

Ms. Montoya clarified that they are currently investigating the actual western borderline and whether it creates a situation in which the Las Acequias fence lines are set back from their actual property line. Once our wall goes

up some of them could make their yard bigger. We did a survey and know where the property line is. It is a good opportunity for our neighbors to increase the size of their yard.

Councilor Cassutt-Sanchez asked if there were any plans to go beyond the water conservation codes.

Ms. Montoya noted they are incorporating water harvesting and the requirements on green buildings. She mentioned two items they will incorporate as conservation.

Councilor Cassutt-Sanchez asked if the height restrictions would change in the rezoning from R-3 to R7.

Ms. Montoya said the height requirements are the same with both of those zonings.

Councilor Villarreal was happy to hear compliance with AH and asked if the affordable units would be equal in size and quality. She asked Director Ladd if there was a density bonus.

Director Ladd did not know if there was a bonus, but it is allowed. She asked Ms. Montoya if one was built into the design.

Ms. Montoya did not recall but would do a quick calculation now.

Councilor Villarreal asked if the density bonus applies.

Director Ladd said a density bonus is only granted if all other requirements are met already.

Councilor Villarreal noted in the packet was the 2019 schedule of prices for AH.

Director Ladd said they use the schedule for when the project would be developed.

Councilor Villarreal ask for the changes in housing prices.

Director Ladd went down the schedule and noted that sale prices went up in the schedule this year.

Ms. Montoya calculated that a 20% increase in density for the bonus would allow almost 30 units and they are proposing 26 units.

Ms. Paez commented on the legal aspects of the density bonus. Carlos Gemora is heading that up. She pointed out that for the bonus to apply, it would require that Council approve that as a priority project, which would allow 28.6 units and otherwise should allow only 25.6.

Councilor Villarreal thought it would be good to see what we have in that traffic fund and how this intersection could be limited. She understood that this development was going to be further fleshed out in final but would like to let neighbors know what restrictions there would be.

Director Isaacson, the new Land Use Director, said this will be for efficiency and not recorded in the plan but at the time of building it would be subject to that.

Councilor Villarreal said she was worried about solar panels and such.

Ms. Montoya clarified that the applicant qualifies for SBT credit because the buildings are all Silver rated. Solar panels are an option.

Councilor Villarreal said that is at the expense of the owner. Ms. Guerrerortiz had provided information on green designations - HERs and WERS.

Councilor Rivera asked if grading at the intersection has been assigned.

Mr. Romero said the intersection is ranked at level C which is moderate, on the eastbound and southbound lanes and at a D level for westbound and northbound traffic.

Councilor Rivera asked Ms. Montoya how many vehicles were estimated.

Ms. Montoya referred it to Mike Gomez who was sworn in again.

Mr. Gomez said the studies showed about 25 vehicles in the morning both entering and exiting. We looked at alternatives to improve the situation. The problem is to serve 30 because Calle Atajo is only about 60 feet away. So the proximity is the problem. A roundabout would solve it and we have a schematic for a roundabout. But the other problem is that it is expensive, and the developers could not pay for it on their own, but they could contribute a fair share.

Councilor Rivera asked how many vehicles per residence.

Mr. Gomez said he used statistical data on how much traffic a family would generate and went to the background traffic which would increase 1% each year and added the development's traffic. The problem is that Calle Atajo and Lopez Lane are only about 600 feet apart. A roundabout would solve that problem.

Councilor Rivera recalled that in Tierra Contenta, it was figured at two vehicles per residence and that never worked out. He asked if there will be on-street parking.

Ms. Montoya agreed there will be on one side.

Councilor Rivera asked about improving sidewalks on Rufina.

Ms. Montoya asked if the sidewalks on Rufina are in disrepair.

Councilor Rivera thought they need some help.

Ms. Montoya pointed out that the ADA requirement will require meeting certain standards. That will be considered. And if it calls for that, we will take care of it.

Director Isaacson said that is part of the Division review for individual housing - to make sure the driveway is adequate.

Councilor Rivera asked how often the City sends out inspectors.

Director Isaacson said they are sent out on every project.

Mayor Webber closed the public hearing and moved to deliberations or a motion.

**MOTION:** Councilor Garcia moved, seconded by Councilor Abeyta, to approve Case #2020-1609, for Rezoning 3.57± Acres of Vacant Land from R-3 to R-7, with a Preliminary Development Plan at the corner of Rufina with Lopez Lane, subject to the conditions of approval and technical corrections and to adopt the findings of the Planning Commission as set forth in Part 2-A and 2-B of the Staff Report.

#### **Discussion on the Motion**

Councilor Villarreal asked if the perimeter wall adjustment is identified in the conditions of approval.

Mr. Berke said no, and he would encourage that.

Ms. Wynant agreed.

Councilor Villarreal asked to add that condition, as a friendly amendment.

Councilors Abeyta and Garcia accepted it as friendly.

Ms. McSherry said that would require a separate motion. Roberts Rules don't allow for it to be added as a friendly amendment.

Councilor Garcia rescinded the motion and would make a new motion.

Councilor Abeyta also rescinded his second.

**MOTION:** Councilor Garcia moved, seconded by Councilor Abeyta, to approve Case #2020-1609, for Rezoning 3.57± Acres of Vacant Land from R-3 to R-7, with a Preliminary Development Plan at the corner of Rufina with Lopez Lane, subject to the conditions of approval and technical corrections and to adopt the findings of the Planning Commission as set forth in Part 2-A and 2-B of the Staff Report and including a condition to adjust the perimeter wall around the property.

**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

#### **EXTENSION OF TIME OF THE MEETING**

At approximately 11:00 pm, Mayor Webber asked if the Governing Body wanted to continue the meeting to complete the agenda now.

**MOTION:** Councilor Garcia moved, seconded by Councilor Romero-Wirth to suspend the rules to go beyond 11:30 p.m. for this meeting and continue deliberations.

**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

**4)** 5750 Airport Road Zoning Ordinance Amendment and Development Plan. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136)

**a) CONSIDERATION OF BILL 2020-9: ADOPTION OF ORDINANCE NO. 2020-12.**

Case #2020-1617, 5750 Airport Road Zoning Ordinance Amendment. JenkinsGavin Inc., Agent, for BBR 5750 Airport Road, LLC, Owner, Requests an Amendment to Ordinance 1997-6 to Remove the Requirement for a Grocery Store and the Prohibition Against Drive Through Uses at 5750 Airport Road. The Property is Zoned SC-1 (Neighborhood Shopping Center District), is Within the Airport Road Overlay District, and is Approximately 6.24± Acres.

**b)** Case #2020-1612. 5750 Airport Road Development Plan. JenkinsGavin, Inc., Agent, for BBR. 5750 Airport Road, LLC, Owner, Requests Preliminary and Final Development Plan Approval of a Mixed-Use Project Including Commercial Uses and a 233-Unit Multifamily Apartment Community at 5750 Airport Road. The Property is Zoned Sc-1 (Neighborhood Shopping Center District), is Within the Airport Road Overlay District), and is Approximately 6.24± Acres.

Ms. Vigil read the caption for both sections of this case.

Mayor Webber asked Councilors to disclose any ex parte communication or conflict of interest to consider in this case. There were no disclosures.

Mr. Lee Logston presented the Staff Report for this case which is proposing a mixed-use project on Airport at South Meadows for a 223 multi-family apartment complex at 5750 Airport Road. The Planning Commission recommended approval of the ordinance amendment and the Preliminary and Final Development Plan on March 5, 2020. When the property was annexed, it was rezoned to shopping center (SC 1) with three conditions that included a

requirement for a grocery store and prohibiting drive-through businesses. He explained that our ordinance doesn't have criteria for amending conditions but the Staff recommendation, as outlined, is based on the spirit of the criteria - to serve the public interest, whether this project can handle it and whether it is still valid today.

The Planning Commission minutes are draft and since his report was prepared, they were approved with no changes.

The Applicant will seek an alternate approval of drive-through businesses. Samples of the motions of approval were incorporated on pages 1 and 2, which he briefly read.

Ms. Vigil swore in the Applicant, Ms. Jennifer Jenkins.

Ms. Jenkins presented the project and thanked the Council for suspending the rules to hear it. She identified her staff and shared her screen for her presentation.

She said Casa Azul was described in South Meadows and as far as we know, was always vacant but now zoned Shopping Center. It is within the Airport Overlay District and has incentivized uses.

She zoomed in on the site and showed topographical changes but indicated no significant changes. She described the surrounding properties and showed locations of public utilities to access from this property.

Ms. Jenkins provided a little background. It was annexed in 1998 and rezoned to SC 1 with conditions at the time. Smiths owned the property, so a grocery store was required and prohibited drive-through services. There was a concern by owners that there would be drive through businesses.

A grocery store plan was submitted in 2018 and the Planning Commission recommended denial and also voted to request the grocery store requirement be deleted. So Smith's owned it for the next 18 years and then sold it to a local investment group of real estate brokers. Their intention was to attract a grocery store and could not attract a grocer for a variety of reasons. Then they put it on the market, and it is now under contract with DVR. So we are asking the Governing Body to amend the ordinance to delete the grocery store requirement and the prohibition of drive through and we are

asking for a driveway connection to Airport Road. with multi-family, and small commercial portions.

Ms. Jenkins showed the site plan of 233-unit multi-family with 46 studios. Primary access is South Meadows which aligns with the Sweeney Elementary driveway across the street. We worked with John Romero on the best access point. The reason is because in morning there is stacking on South Meadows at Airport Road. We propose right in right out only there and constructing a right in decel lane, and right out.

It is in the Airport Road overlay district and direct access is permissible with the approval of the Land Use Director. We also got approval of the access point. There are a lot of people heading east on Airport Road toward Cerrillos Road. With the access on South Meadows, it won't put one driver more on the signalized intersection on Airport. She mentioned the other connections from South Meadows.

The TIA shows level C on South Meadows. based on how much delay there is at the intersection. As the project is built, it is still level C. with access to Airport Road.

In the back is a 4.47-acre parcel with 15% AH or 44 units. 330 parking spaces are required, and we provide 340. There is also a shared parking plan with commercial users in front and a letter of intent with Christus St. Vincent for a medical clinic and a local coffee purveyor for a café with drive through. The shared parking plan is a great benefit.

The open space requirement is less than 1/3 of the area and is exceeded by the plan. Height maximum is 35 feet. We propose one-story in the front and maximum at 35 feet. It will have interior landscaped areas, enclosed bicycle storage and a tennis court.

She showed a rendering of the north courtyard as a kind of board walk, a breezeway to the south courtyard with outdoor dining, and a firepit. A proposed view was shown, and other amenities described. She said the project complies with the Airport Road Overlay District.

This creates neighborhood services in the area. She did research on drive-through restaurants and found there are only two on Airport Road. So the request is designed sensitively. There is only one place to get drive-through coffee on Airport Road.



She met with Sweeney Principal to get any concerns. The one item was the existing crosswalk there. Her concern was in the morning as cars turn left, it could create a space issue in the crosswalk, and she agreed with the Principal. Dave Cross and Mario, the safety director proposed to move the cross walk a little further south to provide a safer location. So the existing crosswalk would be removed and a new one created.

She stood for questions.

Ms. Vigil said there were three written petitions were submitted and those were all received by the Councilors.

There were no people present with live comment.

#### Questions from the Governing Body

Councilor Vigil Coppler asked Ms. Jenkins about the comments from people concerned about prairie dogs.

Ms. Jenkins said there is a city ordinance requiring, before any grading, an inspection of the area. Here, there is a colony of prairie dogs. A local consultant, Eco Solutions goes out and relocates them before any grading. So we have to have a prairie dog clearance permit.

Councilor Vigil Coppler hoped those commenters are listening. These are apartment rentals. She asked if Ms. Jenkins could share anything on potential rates.

Ms. Jenkins said the 34 AH units will be at rates within the City guide lines. In our current climate, it is hard to predict exact rates. They are smaller than some of the other units. Studios, one and 2 bedrooms so they are likely to be under \$1,000 to a little over \$1,000, maybe \$850 to \$1,250 - as the ballpark.

Councilor Vigil Coppler liked the courtyard designs which adds a lot to the atmosphere.

Councilor Rivera said it looks like a good plan. He asked if the developers are well prepared to move forward despite the economy right now.

Ms. Jenkins said they are committed to this project and ready to move forward. The City is still dealing with a housing shortage. she said she has had to put two others on hold and four new ones are coming on board.

Councilor Rivera asked Ms. Paez, if this economy gets harder to go forward, whether the zoning would continue as changed presently.

Ms. Paez agreed. The zoning runs with the land and the plan would be subject to the 30-year limit. It is expired, it would require a new development plan. The prohibition would still be released and the Airport Overlay requirements would remain.

Mr. Logston agreed. It is just a requirement that the windows be toward the rear and this is the only property that prohibits a drive-through.

Regarding the viability economic, this is an opportunity zone and a prime location so there is lots of financial opportunity here.

Councilor Rivera asked it fits into the opportunity zone and how it works with an opportunity loan.

Ms. Jenkins said it was established by the federal government for investment incentives. Areas in need of further investment or some that are considered blighted are the targets. It provides tax advantages on income realized from the development. We are also seeking financing on very favorable terms. The way it is structured enhances AH and this developer has much experience in Affordable Housing development throughout his career.

Councilor Rivera asked if she talked to the schools about the number of kids this would add at Sweeney, which is already overcrowded.

Ms. Jenkins pointed out that with these small units, it is not great for families. This project is targeting young professionals, so it won't have a huge increase in elementary children. The principal agreed.

Councilor Rivera asked Mr. Romero about morning congestion and how this would affect that traffic.

Mr. Romero said this project will have incremental effect on Airport Road.

Councilor Rivera asked Mr. Romero if he was okay with the decel lane on the east side.

Mr. Romero said it is an improvement.

Councilor Rivera thanked Ms. Jenkins for her presentation. A coffee shop and medical clinic would be great amenities in this area.

Councilor Villarreal thanked Ms. Jenkins. She wondered why the Airport Road ordinance did not take precedence over the 1997 ordinance that was created.

Mr. Logston explained that the overlay ordinance was established in 2013 so he asked if she was asking why it didn't do away with the drive-through prohibition. He said it was because it was associated with the rezoning which goes with the property.

Mr. Berke added that in our code we say the more restricted provision would apply so that is why it would take precedence over the overlay. And agreed it goes with the land.

Councilor Villarreal was very thankful that the affordability for this project would follow the guidelines. But she thought the prices were unrealistic. She asked if the AH units shouldn't be 35 instead of 34.

Ms. Jenkins clarified that the fraction was paid with cash.

Councilor Villarreal wondered why there were not more 2-bedroom AH units.

Ms. Jenkins said they were spread out and are more proportional

Director Ladd the number is proportion to the mix of the market rate.

Councilor Villarreal thought we need more 2-bedroom units in AH for families. Regarding parking in the apartment complex, she asked if there are signs specifying spaces for the residential units.

Ms. Jenkins said that is the norm.

Councilor Villarreal understood. She asked about the letters of intent.

Ms. Jenkins said until we have approval, it is all we could get. If not Ohori's we will reach out to Java Joes. It is a great community

gathering place for the neighborhood. We are not in charge of the market, but this is a great location. It is our top priority.

Councilor Villarreal asked if, in the event there needs to be changes or adjustments that cause reduced amenities, whether another public hearing would be required.

Mr. Logston said the Governing Body has the authority. What goes back to the Planning Commission is a final subdivision plat. At the end of the day, as proposed, it is a development plan for commercial shells and an effort of the developer to bring it what they described but nothing in the code can require another hearing.

Councilor Villarreal and Ms. Jenkins briefly discussed what is permissible.

Ms. Jenkins said the developer is a residential developer. Mixed use here makes more sense. We need some flexibility because we cannot control the market and don't want it to sit fallow. The Airport overlay speaks to the elements that are more important and what is being accomplished. We have not seen many examples of what the overlay should do.

Mr. Berke said if no coffee shop owner wanted to locate there, there is still the Airport overlay that permits uses in the district. So we would look at the square footage and make sure it is permissible. The permitted uses will be regulated as well as any other and square footage is through a development plan.

Councilor Villarreal appreciated that would like a local entity instead of a chain.

Councilor Villarreal asked if economy went down and reduced the amenities, where that would be considered.

Mr. Berke said if it was a drastic change like a change in square footage, it would go back to the Planning Commission.

Councilor Villarreal noted the Developer has a pool and congregating areas, but she was worried that we would never get to see the changes and loss of amenities.

Mr. Berks explained that if the amenity was not required by code, it would be considered by the Administrative Staff.

Ms. Jenkins said the amenity package is critical and she wished they could do more. In the industry, what we offer is expected to be competitive. These amenities are standard. She did not see that changing drastically. We want it to be cool, so people will want to live there.

Councilor Villarreal felt it depends on where it is located, and we want a high level of standards. We did not talk about restrictions on short-term rentals.

Ms. Jenkins had no discussions with her clients. It is not a workable scenario, and no one wants to be part of it.

Councilor Villarreal wanted to include that restriction in the approval. She wanted to keep a 10% requirement.

Ms. Jenkins was happy to agree to that condition of approval.

Councilor Rivera asked Director Isaacson if we are allowed to put conditions on amenities on the streetside of Airport Road that if changed would have to come back to the Governing Body.

Director Isaacson said it depends on the degree of change.

Councilor Rivera suggested that if no coffee shop were to happen, and they allowed a McDonalds to go in instead.

Director Isaacson deferred to Ms. Paez on that.

Mr. Berke said he mentioned earlier the list of permitted uses and he did not know the extent of City regulation to require an amendment on the approval.

Ms. Paez pointed out that there is a provision in the code about changes in the plans. There is a specific provision that allows specific conditions to be imposed.

Director Isaacson said regarding a drive through that we can require specific compliance and if that changed, the plan would no longer be valid. So he didn't think this would open ourselves to undue liability.

Ms. Paez explained the decision applies only to this property. The other properties don't have those restrictions.

Mayor Webber understood we recognize the market is the market and fair is fair. We are offering an exception previously prohibited. It might be a delightful coffee shop but might not be. What other checks and balance to provide safeguards to not pivot into something nobody wants.

Ms. Jenkins said, as she mentioned before, that the safeguards are already in place with Airport Overlay. It was a beautification attempt and to provide more pedestrian space and have important services provided. One thing it did not do was prohibit permissible uses along Airport Road. So beyond the incentivized uses, it is less about use and more about form - like location of entrances. We have to do a third more in trees planted on Airport Road than anywhere else. So we have a letter of intent for a coffee shop. That is not easy to do. We are in unprecedented times and don't know how it will play out.

Mayor Webber summarized that you want something nice and is it worth the risk that it might not happen worth the reward that it might happen. The letter of intent gives an indication that the developer does want to take the risk.

Councilor Villarreal asked for Mr. Berke to clarify taking off the restaurant site.

Mr. Berke said the Governing Body could hypothetically exclude the restaurant from the development plan.

There were no other questions from the Governing Body.

Mayor Webber closed the public hearing at 12:09 a.m.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to amend the request to amend Ordinance 1997-6 to remove the requirement for a grocery store and the prohibition against drive-through uses at 5750 Airport Road and to adopt the findings of the Planning Commission as set forth in Part 2-A of the Staff Report.

**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 Abeyta moved, seconded by Councilor Cassutt-Sanchez, to approve Case #2020-1612, 5750 Airport Road Development Plan for a mixed-use development project, including commercial uses and a 233 unit multi-family apartment community and to adopt the findings of the Planning Commission as outlined in 11-B of the Staff Report and including a prohibition of short-term rentals.

**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

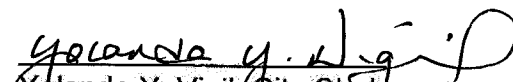
**I. ADJOURN**

Mayor Webber thanked everyone for hanging in tonight and adjourned the meeting at 12: 15 a.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**  
**May 13, 2020**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

Mayor Alan Webber		
Co-Sponsors	Title*	Tentative Committee Schedule*
	A RESOLUTION ADOPTING THE SANTA FE PROMISE TO STEM THE TIDE OF COVID-19 OUTBREAKS AND ENSURE A SAFE RETURN TO FINANCIAL PROSPERITY.	Quality of Life Committee – 5/20/20 Public Works and Utilities Committee – 5/25/20 City Council – 5/27/20
	AN ORDINANCE AMENDING AND RESTATING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND DESCARTES LABS, INC. FOR DESIGN, DEVELOPMENT AND CONSTRUCTION OF TENANT IMPROVEMENTS; AND LEASE PAYMENTS FOR EXPANSION OF A NEW WORLD HEADQUARTERS FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT.	Economic Development Advisory Committee – 5/18/20 City Council (request to publish) – 5/27/20 Finance Committee – 6/15/20 City Council (public hearing) – 6/24/20
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND DESCARTES LABS, INC. FOR AN ECONOMIC DEVELOPMENT LOAN PROJECT FOR LEASE PAYMENTS TO PROVIDE ASSISTANCE FOR THE NEGATIVE FINANCIAL IMPACTS OF COVID-19.	Economic Development Advisory Committee – 5/18/20 City Council (request to publish) – 5/27/20 Finance Committee – 6/15/20 City Council (public hearing) – 6/24/20
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*
	AN ORDINANCE CREATING A NEW SECTION 20-7 SFCC 1987 REGARDING THE USE OF FACE COVERINGS BY EMPLOYEES AND CUSTOMERS WHEN INSIDE PLACES OF BUSINESS AND IN PUBLIC WHEN SOCIAL DISTANCING IS NOT POSSIBLE; AND ESTABLISHING AN EFFECTIVE DATE.	Quality of Life Committee – 5/20/20 City Council (request to publish) – 5/27/20 Public Works and Utilities Committee – 6/8/20 Finance Committee – 6/15/20 City Council (public hearing) – 6/24/20
Councilor JoAnne Vigil Coppler		
Co-Sponsors	Title*	Tentative Committee Schedule*
Councilor Renee Villarreal		
Co-Sponsors	Title*	Tentative Committee Schedule*

\* Subject to change

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@santafenm.gov](mailto:jbguillen@santafenm.gov) or Jeff Norris, 505-955-6692, [jnnorris@santafenm.gov](mailto:jnnorris@santafenm.gov).