



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 27, 2020  
ATTEND VIRTUALLY

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

## Special Procedures for May 27, 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 27, 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 27, 2020. Emails and phone 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.

### AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG

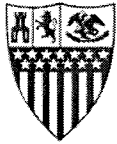


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4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Special City Council Meeting – May 4, 2020  
Special City Council Meeting – May 5, 2020  
Regular City Council Meeting – May 13, 2020
9. PRESENTATIONS
10. CONSENT CALENDAR
  - a) Request for Approval of Amendment #8 to Service Contract 18-0552 in the Total Amount of \$974,346.77 Plus Applicable NMGR for Annual Security Services for City Facilities; Universal Protection Services dba Allied Universal Security. (Sam Burnett, Public Works Property Maintenance Manager, [jsburnett@santafenm.gov](mailto:jsburnett@santafenm.gov), 955-5933)
  - b) Request for Approval of Sole Source Contract with Evoqua Water Technologies, LLC in the Amount of \$204,630, Excluding NMGR, to Procure and Install Parts for the Secondary Clarifier at the WWMD Treatment Plant. (Efran Morales, Wastewater Treatment Plant Operator, [emmorales@santafenm.gov](mailto:emmorales@santafenm.gov), 955-4618)
    - 1) Request for Approval of a Budget Increase BAR in the Amount of \$204,630.
  - c) Request for Approval of Change Order No. 1 to the Original Construction Contract No. 19-0714 with TLC Company for the CWRTP Raw Water Supply Pipeline CIP #3038C in the Amount of \$176,385.51, Excluding NMGR. (Robert Jorgenson, Water Division Engineer, [rnjorgenson@santafenm.gov](mailto:rnjorgenson@santafenm.gov), 955-4265)
  - d) Request for Award of Bid and Approval of the Construction Agreement with RMCI, Inc. for CIP #957 for the Construction of Aeration System Improvement Project, in the Amount of \$10,735,875, Plus \$907,538 (NMGR), for a Total Amount of \$11,661,230.20 and to Include an Approximate 10% Contingency for a Total Project Cost of \$12,800,000 (James Martinez, Wastewater Engineer, [jamartinez1@santafenm.gov](mailto:jamartinez1@santafenm.gov), 955-4616 and Mike Dozier, Waste Water Division Director, [mldozier@santafenm.gov](mailto:mldozier@santafenm.gov), 955-4642)



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- e) Request for Approval of Amendment No. 2 to the Original Professional Service Agreement with AECOM Technical Services Inc. for On-Call Engineering Services for CIP Projects in the Total Amount of \$542,188.00. (Robert Jorgenson, Water Division Engineer, [rnjorgensen@santafenm.gov](mailto:rnjorgensen@santafenm.gov), 955-4265)
  - f) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2019-1535, Approving the 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 at 211 West San Francisco Street, Subject to Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
  - g) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2020-1609, Approving a Rezoning of Approximately 3.57 Acres of Vacant Land to R-7 (Residential-Seven Dwelling Units Per Acre) and Approving a Preliminary Development Plan for 26 Dwelling Units for the Jaxson Subdivision at the Intersection of Rufina Street and Lopez Lane, Subject to the Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits, and Subject to the Additional Condition that there Shall Be a Perimeter Wall Built Around the Property. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
  - h) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2020-1617, Approving an Amendment to Zoning Ordinance 1997-6 to Remove the Requirement for a Grocery Store and the Prohibition Against Drive through Uses at 5750 Airport Road; and Case No. 2020-1612, Approving a Development Plan for a Mixed-Use Project at 5750 Airport Road, Subject to the Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits, and Subject to the Additional Condition that Short-Term Rental Uses Shall Be Prohibited. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
11. Request for Approval to Publish Notice of Public Hearing on June 10, 2020:
- BILL NO. 2020-10.** 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 by all Members of the Public when in Public Places where Social Distancing is Not Possible; Establishing an Effective Date as the Date of Bill Adoption. (Councilor Romero-Worth, Councilor Lindell, Councilor Cassutt-Sanchez, Councilor Abeyta and Councilor Rivera) (Jesse Guillen, Legislative Liaison: [jbg Guillen@santafenm.gov](mailto:jbg Guillen@santafenm.gov), 505-955-6518)



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12. Request for Approval to Publish Notice of Public Hearing on June 24, 2020:

**BILL No. 2020-11.** An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended 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. (Mayor Webber and Councilor Cassutt-Sanchez) (Fabian Trujillo, Office for Business Growth Manager, [ftujillo@santafenm.gov](mailto:ftujillo@santafenm.gov), 955-6912)

13. Request for Approval to Publish Notice of Public Hearing on June 24, 2020:

**BILL NO. 2020-12.** 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. (Mayor Webber and Councilor Cassutt-Sanchez) (Fabian Trujillo, Office for Business Growth Manager, [ftujillo@santafenm.gov](mailto:ftujillo@santafenm.gov), 955-6912)

14. CONSIDERATION OF RESOLUTION 2020-\_\_\_\_\_. (Mayor Webber)  
A Resolution Adopting the "Santa Fe Promise" to Promote a Culture of Public Health to Stem the Tide of Covid-19 Outbreaks and Ensure a Safe Return to Financial Prosperity. (Jesse Guillen, Legislative Liaison, [jbgullen@santafenm.gov](mailto:jbgullen@santafenm.gov), 955-6518)

15. Request for Approval of the Santa Fe Railyard Community Corporation's Proposed Amendment #9 to the Amended and Restated Lease and Management Agreement to Defer a Portion of Rent Due to the Repercussions of Covid-19. (Rich Brown, Economic Development Director [rdbrown@santafenm.gov](mailto:rdbrown@santafenm.gov), 955-6625 and Robert Siqueiros, Railyard Project Administrator [rmsiqueiros@santafenm.gov](mailto:rmsiqueiros@santafenm.gov), 955-6977)

16. Request for Approval of Amendment #1 to the Garson Studios Lease Agreement Item # 19-0341, Amending Sections 1, 3, 4, 5, 6, 10 and 16 to Change the Term of the Lease and Add Two Year-Long Holdover Terms from July 2020-2021, and July 2021-July 2022, Remove Studio C from the Premises, Change the Base Rent Rates, Allow the City to Modify Ingress and Egress as Necessary for Construction, Modify the Termination Provision to Coincide with the Terms, and to Allow Assignment by the Lessor. (Rich Brown, Economic Development Director [rdbrown@santafenm.gov](mailto:rdbrown@santafenm.gov), 955-6625 and Andrea Salazar, Assistant City Attorney [asalazar@santafenm.gov](mailto:asalazar@santafenm.gov), 955-6303)



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17. CONSIDERATION OF RESOLUTION 2020-\_\_\_\_. (Mayor Webber)  
A Resolution Extending the State of Emergency Proclaimed by the Mayor on May 25, 2020 by Sixty (60) Days, Pursuant to Section 20-1.3(C) SFCC. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
18. Approval to Join the Los Angeles and Other Local Governments in an Amicus Brief to be Filed in the Fourth Circuit Court of Appeals' Case, No. 20-1160, in Support of Refugee Organizations' Challenge of the 2019 Executive Order that Limited Federal Resettlement of Refugees to those Jurisdictions in which Both the State and Local Governments Have Consented to Receive Refugees Under the Department of State's Reception and Placement Program. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
19. Approval to Join the County of Los Angeles and Other Local Governments in an Amicus Brief to be Filed in Support of the Plaintiffs in *Oakley v. DeVos*, No. 4:20-cv-03215 (N.D. Cal.), Challenging the U.S. Department of Education's Exclusion of Undocumented Immigrants, DACA Recipients, TPS Holders, and Asylum Seekers, Among Others, from Receiving Aid Allocated by the CARES Act. (Erin K. McSherry, City Attorney, [ekmcsherry@santafenm.gov](mailto:ekmcsherry@santafenm.gov), 955-6512)
20. Request Approval Authorizing the City Manager Signatory Authority to Accept the CARES Act Grant No. 3-35-0037-051-2020 for the Santa Fe Regional Airport. (Mark Baca, Airport Manager, [mdbaca@santafenm.gov](mailto:mdbaca@santafenm.gov) 955-2901)
21. Request Approval of the FY2021 City of Santa Fe Employee Insurance Plans. (Bernadette Salazar, Human Services Director, [bjsalazar@santafenm.gov](mailto:bjsalazar@santafenm.gov), 955-6591)
22. MATTERS FROM THE CITY MANAGER
23. MATTERS FROM THE CITY ATTORNEY
24. MATTERS FROM THE CITY CLERK
25. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – CANCELLED (No Public Hearings Scheduled)**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE



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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 27, 2020 Governing Body Meeting" at the Beginning of the Governing Body Agenda.

G. APPOINTMENTS: NONE

H. PUBLIC HEARINGS: NONE

I. ADJOURN

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

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

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

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: May 22, 2020

TIME: 12:00 PM

**SUMMARY INDEX**  
**SANTA FE CITY COUNCIL**  
**May 27, 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	2-3
8. Approval of Minutes		
Special Meeting - May 4, 2020	Approved as presented	2-3
Special Meeting - May 5, 2020	Approved as amended	3
Regular Meeting - May 13, 2020	Approved as amended	3
9. Presentations	None	3
10. Consent Calendar	Listed	4-5
11. Public Hearing notice on Bill 2020-10	Approved as presented	5-6
12. Public Hearing notice on Bill 2020-11	Approved as presented	6
13. Public Hearing notice on Bill 2020-12	Approved as presented	6-7
14. Santa Fe Promise Resolution	Approved as presented	7-8
15. SFRCC Amendment #9	Approved as presented	8
16. Garson Studios Amendment #1	Approved as presented	8-9
17. Resolution Extending Emergency	Approved as presented	10
18. Request to join Amicus Brief	Approved as presented	11-12
19. Request to join Amicus Brief	Approved as presented	12
20. Removed from the agenda	Removed	12-13
21. FY 2021 City Employee Insurance Plans	Approved	13-25
22. Matters from the City Manager	None	25
23. Matters from the City Attorney	None	26
24. Matters from the City Clerk	None	26
25. Communications from Gov. Body	Communicated	26-27
F. Petitions from the Floor	Petitions were by Exhibit	27
G. Appointments	None	28
H. Public Hearings	None	28
Adjournment	Adjourned at 8:07 pm	28

**MINUTES OF THE  
REGULAR MEETING OF THE GOVERNING BODY  
Wednesday, May 27, 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 27, 2020, at approximately 5:02 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  
Sam Burnett, Public Works Property Maintenance Manager  
Robert Jorgenson, Water Division Engineer  
Mike Dozier, Wastewater Division Director  
Jesse Guillen, Legislative Liaison  
Fabian Trujillo, Business Growth Manager  
Rich Brown, Economic Development Director  
Robert Siqueiros, Railyard Project Administrator  
Andrea Salazar, Assistant City Attorney  
Bernadette Salazar, Human Services Director  
Mark Baca, Santa Fe Airport Manager  
Mary McCoy, Finance Director  
Kristine Mihelcic, Constituent Services Director  
Carl Boaz, Council Stenographer



**6. APPROVAL OF AGENDA**

Ms. McSherry said item 20 needed to be stricken from the agenda since the authorization was change to the Mayor.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Romero-Wirth, to approve the agenda as amended with item 20 removed from the agenda.

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

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

**Against:** None.

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Rivera moved, seconded by Councilor Vigil Coppler, 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:**

**Special Governing Body Meeting - May 4, 2020**

**MOTION:** Councilor Lindell moved, seconded by Councilor Rivera, to approve the minutes of the Special Governing Body meeting on May 4, 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.

### **Special Governing Body Meeting - May 5, 2020**

Councilor Cassutt-Sanchez requested a change on page 7, 3rd paragraph, where she asked what we use to irrigate the other parks.

**MOTION:** Councilor Lindell moved, seconded by Councilor Rivera, to approve the minutes of the Special Governing Body meeting on May 5, 2020 as amended.

**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 - May 13, 2020**

Councilor Cassutt-Sanchez requested two changes to the minutes. On page 13, under Communications from the Governing Body, she gave a special thank you to Jennifer Fabian. On page 14, she also requested to be cosponsor for Councilor Romero-Wirth's ordinance.

**MOTION:** Councilor Garcia moved, seconded by Councilor Cassutt-Sanchez, to approve the minutes of the regular Governing Body meeting on May 13, 2020 as amended.

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

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

**Against:** None.

**9. PRESENTATIONS**

There were no presentations.

**10. CONSENT CALENDAR LISTING**

- a) Request for Approval of Amendment #8 to Service Contract 18-0552 in the Total Amount of \$974,346.77 Plus Applicable NMGR for Annual Security Services for City Facilities, Universal Protection Services dba Allied Universal Security. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)
- b) Request for Approval of Sole Source Contract with Evoqua Water Technologies, LLC in the Amount of \$204,630, Excluding NMGR, to Procure and Install Parts for the Secondary Clarifier at the WWMD Treatment Plant. (Efren Morales, Wastewater Treatment Plant Operator, emmorales@santafenm.gov, 955-4618)
  - 1) Request for Approval of a Budget Increase BAR in the Amount of \$204,630.
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- e) Request for Approval of Amendment No. 2 to the Original Professional Service Agreement with AECOM Technical Services Inc. for On-Call Engineering Services for CIP Projects in the Total Amount of \$542,188.00. (Robert Jorgenson, Water Division Engineer, rnjorgensen@santafenm.gov, 955-4265)
- f) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2019-1535, Approving the 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 at 211 West San Francisco Street, Subject to Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)**

- g) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2020-1609, Approving a Rezoning of Approximately 3.57 Acres of Vacant Land to R-7 (Residential-Seven Dwelling Units Per Acre) and Approving a Preliminary Development Plan for 26 Dwelling Units for the Jaxson Subdivision at the Intersection of Rufina Street and Lopez Lane, Subject to the Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits, and Subject to the Additional Condition that there Shall Be a Perimeter Wall Built Around the Property. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)**
- h) Request for Approval of the Governing Body's Findings of Fact and Conclusions of Law for Case No. 2020-1617, Approving an Amendment to Zoning Ordinance 1997-6 to Remove the Requirement for a Grocery Store and the Prohibition Against Drive through Uses at 5750 Airport Road; and Case No. 2020-1612, Approving a Development Plan for a Mixed-Use Project at 5750 Airport Road, Subject to the Conditions of Approval and Technical Corrections Set Forth in the Staff Report and Exhibits, and Subject to the Additional Condition that Short-Term Rental Uses Shall Be Prohibited. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)**

**11. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 10, 2020:**

**BILL NO. 2020-10. 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 by all Member of the Public when in Public Places where Social Distancing is Not Possible; Establishing an Effective Date as the Date of Bill Adoption. (Councilor Romero-Wirth, Councilor Lindell, Councilor Cassutt-Sanchez, Councilor Abeyta and Councilor Rivera) (Jesse Guillen, Legislative Liaison; jbg Guillen@santafenm.gov, 505-955-6518)**

Councilor Vigil Coppler thought there was going to be a warning first.

Councilor Romero-Wirth agreed that she will be proposing an amendment at the public hearing. The next committee stop will be making the first offense a warning.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve the request to publish notice of public hearing on June 10, 2020 for Bill No. 2020-10 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.

**12. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 24, 2020:**

BILL NO. 2020-11. An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended 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. (Mayor Webber and Councilor Cassutt-Sanchez) (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912)

Councilor Vigil Coppler noted the Economic Development Committee met at 1:00 today. They had an extensive discussion and a very favorable approval. As Chair of the Committee, she wanted to be a cosponsor.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to approve the request to publish notice of public hearing on June 24, 2020 for Bill NO. 2020-11 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 TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 24, 2020:**

BILL NO. 2020-12. 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. (Mayor Webber and Councilor Cassutt-Sanchez) (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santaenm.gov, 955-6912)

Councilor Vigil Coppler announced the Economic Development Committee met and wholeheartedly endorsed Bill No. 2020-12 and she asked to be added as a cosponsor.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to approve the request to publish notice of public hearing on June 24, 2020 for Bill No. 2020-12 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. CONSIDERATION OF RESOLUTION 2020-19. (MAYOR WEBBER)**

A Resolution Adopting the "Santa Fe Promise" to Promote a Culture of Public Health to Stem the Tide of COVID-19 Outbreaks and Ensure a Safe Return to Financial Prosperity. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955- 6518)

Councilor Vigil Coppler said she supports this resolution, but it reminded her of Bruce King in his heyday when he said that a promise is not a commitment.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Resolution 2020-19 adopting the Santa Fe Promise as presented.

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

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

**Against:** None.

**15. REQUEST FOR APPROVAL OF THE SANTA FE RAILYARD COMMUNITY CORPORATION'S**

Proposed Amendment #9 to the Amended and Restated Lease and Management Agreement to Defer a Portion of Rent Due to the Repercussions of COVID-19. (Rich Brown, Economic Development Director [rdbrown@santafenm.gov](mailto:rdbrown@santafenm.gov), 955-6525 and Robert Siqueiros, Railyard Project Administrator [rmsiqueiros@santafenm.gov](mailto:rmsiqueiros@santafenm.gov), 944-5977)

Councilor Cassutt-Sanchez recused herself from this item and left the meeting.

Ms. Vigil read the caption.

Director Brown thought everyone was well aware of economic collapse in the pandemic and this will make sure that vibrancy can come out of it. It was a lot of work to come to a satisfying agreement with SFRCC.

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the proposed amendment #9 to the Amended and Restated Lease and Management Agreement with SFRCC as presented.

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

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

**Against:** None. Councilor Cassutt-Sanchez was not present for the vote, having recused herself from this matter. She rejoined the meeting after the vote.

**16. REQUEST FOR APPROVAL OF AMENDMENT #1 TO THE GARSON STUDIOS LEASE AGREEMENT**

Item #19-0341. Amending Sections 1, 3, 4, 5, 6, 10 and 16 to Change the Term of the Lease and Add t2o Year-Long Holdover Terms from July 2020-2021, and July 2021-July 2022, Remove Studio C from the Premises, Change the Base Rent Rates, Allow the City to Modify Ingres and Egress as Necessary for Construction, Modify the Termination Provision to Coincide with the Terms and to Allow Assignment by the Lessor. (Rich Brown, Economic Development Director [rdbrown@santaenm.gov](mailto:rdbrown@santaenm.gov), 955-6625 and Andrea Salazar, Assistance City Attorney [asalazar@santafenm.gov](mailto:asalazar@santafenm.gov), 955- 6303)

Ms. Vigil read the caption.

Councilor Villarreal asked for a presentation on this matter.

Director Brown explained that the amendment is to help Garson Studio close a deal for a potential award of \$110 million for national TV as production headquarters for a series that could go as long as ten years and would help the City. He believed the lease would be \$100,000 per year and we could see a \$20 million impact from the production. The amendment would extend the lease for a two-year initial span. We want to be flexible with the cable tv contract in this transition as they move in. So on top of the flexibility, we provided a carve-out so that Santa Fe Community College and New Mexico Work Force Solutions can create jobs within this large production. That is why we are amending to move forward for the City and Garson Studios.

Councilor Villarreal thanked him for answering her question. She also asked if this means a change in the base rate would be adjusted because it is SFCC.

Director Brown clarified that we wanted a larger footprint, so we are adding a couple more buildings that are now just sitting there idle.

Councilor Villarreal asked why the termination provision needed to be modified.

Ms. Salazar said it was because originally, we drafted for a 36-month period and had a 60-day notification, so we had to change to termination not for any reason but mainly for the production company. We don't have any holdover period. And if they do not get a production company, the lease terminates and that removed the 60-day provision.

Councilor Villarreal thanked her.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Villarreal, to approve amendment #1 to the Garson Studios Agreement as presented.

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

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

**Against:** None.



**17. CONSIDERATION OF RESOLUTION 2020-20. (MAYOR WEBBER)**

A Resolution Extending the State of Emergency Proclaimed by the Mayor on May 25, 2020 by Sixty (60) Days Pursuant to Section 20-1.3(C) SFCC. (Erin K. McSherry, City Attorney ekmcsherry@santafenm.gov, 955-6512)

Ms. Vigil read the caption for this matter.

Mayor Webber explained this is extending the State of Emergency and adding comments on the challenge we are facing and cooperating, so we stay safe and reopen later in a more successful way.

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Resolution 2020-20 as presented.

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

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

**Against:** None.

**18. APPROVAL TO JOIN THE LOS ANGELES AND OTHER LOCAL GOVERNMENTS IN AN AMICUS BRIEF**

to be Filed in the Fourth Circuit Court of Appeals' Case No. 20-1160, in Support of Refugee Organizations' Challenge of the 2019 Executive Order that Limited Federal Resettlement of Refugees to those Jurisdictions in which Both the State and Local Governments Have Consented to Receive Refugees Under the Department of State's Reception and Placement Program. (Erin K. McSherry City Attorney, ekmcsherry@santaenm.gov, 955-6512)

Ms. Vigil read the caption.

Ms. McSherry explained that both item 18 and item 19 are requests to join Amicus Briefs. The first is with the Conference of Mayors from District Court and now asking members to join with them. The federal government, through executive order, had agreed to certain criteria. Right now there is an injunction on appeal in the Fourth Circuit Court of Appeals opposing the added limitations on resettlement.

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, to approve joining Los Angeles and other local governments in the Amicus Brief in support of broader resettlement 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.

**19. APPROVAL TO JOIN THE COUNTY OF LOS ANGELES AND OTHER LOCAL GOVERNMENTS IN AN AMICUS BRIEF**

to be Filed in Support of the Plaintiffs in Oakley v. DeVos, No. 4:20-cv-03215 (N.D. Cal.), Challenging the U.S. Department of Education's Exclusion of Undocumented Immigrants, DACA Recipients, TPS Holders, and Asylum Seekers, Among Others from Receiving Aid Allocated by the CARES Act. (Erin K. McSherry City Attorney, skmcsherry@santafenm.gov, 955-6512)

Ms. McSherry said this is about the recent relief funding to appeal the restriction of non-citizens. It concerns the Secretary of Education's addition of an administrative rule excluding non-citizens. The original rule had no such limitations.

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve joining the County of Los Angeles and other local governments in support of this challenge 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.

**20. REQUEST APPROVAL AUTHORIZING THE CITY MANAGER SIGNATORY AUTHORITY to Accept the CARES Act Grant No. 3-35-0037-051-2020 for the Santa Fe Regional Airport (Mark Baca, Airport Manager, mdbaca@santafenm.gov 955-2901)**

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

**21. REQUEST APPROVAL OF THE FY2021 CITY OF SANTA FE EMPLOYEE INSURANCE PLANS.** (Bernadette Salazar, Human Services Director, bjsalazar@santaenm.gov, 955-6591)

Ms. Vigil read the caption.

Director Salazar explained the plan was heard by the Finance Committee and Public Works/Public Utilities as well as conversations with the Benefits Committee on a variety of options compared with other agencies including those from County and State and other jurisdictions because of increased demands on our funding. Director Salazar previously answered a variety of questions and we are taking it up now for several reasons. The City has been on the fiscal year schedule for benefits and it was suggested moving to a calendar year schedule. The City has contracted with Cigna since 2015 for health and life insurance benefits for eligible City employees. Recently, the Governing Body approved an extension to the City contract for additional years. Currently, the City posted about \$590,000 per year, or about 2.6% on expenses with stop losses to protect the plan and to provide full funding at approximately \$1.3 million annually or 6% of the total medical plan. She explained the City contracted with Cigna for several reasons which she listed, including a wellness grant of \$100,000.

The City could have gone out for RFPs this year but in the pandemic, decided rather to extend the contract with Cigna. At same time, because of the complex design and the City's current losses, there is no guarantee of more or better options. Over last 2½ years, the City has experienced increases and is now facing financial crisis. We don't want to increase the burden on employees and do want to balance the impacts. It is not without financial risks, however. It does not minimize the impacts but allow us to analyze and work with other proposals that have been offered. Because of the current crisis, the City needs to consider other funding sources to extend the plan.

Director Salazar referred to the options in the packet and she requested to approve option 1. She asked Ms. Montano to share the information in the Option.

Ms. Montano said the option helps curb the budget impact on the plan. She showed the benefits details. One was offered to POA/AFSCME and another to the Fire Union per the CBA. She reminded the Governing Body what was on the screen in red was for Fire.

They evaluated multiple options and considered feedback from the unions and decided to recommend Option 1. What is proposed are changes to the premium plan where vast number of employees are enrolled. She explained the various columns in the spreadsheet and said the only change was on copays. There were some increases in copays and changes in the structure on some other services like acupuncture, massage as separate copay. She provided other details.

Councilor Vigil Coppler wondered what the difference was from the one Councilors received at 4:30 or if we are looking at Ms. Montano's.

Ms. Montano believed they were the same.

Councilor Vigil Coppler then asked why the Councilors got it again at 4:30.

Director Salazar said the 4:30 email was after discussion last night.

Councilor Vigil Coppler was not aware that Councilor's could make changes at those meetings. If she had known, she would have proposed several changes.

Mayor Webber suggested waiting on discussion until the plan is fully presented.

Ms. Montano said they presented a second option which would be comparable to the benefits offered by the State with flexible copays and prescription plan. This would still keep Fire as a separate plan per the CBA. It would shift a lot more out-of-pocket expense to the employees. The total cost in Column A was the projected total cost for the plan year of \$19.97 million. The revenue comes out of paychecks and City contribution. The employees contribute \$4.7 million and the City contributes \$15.3 million. Column B showed renewal with no changes wherein the total cost would increase by 9.4%. She quoted a lot more amounts in her analysis.

She noted that Director Salazar is recommending Option 1, which would reduce the increase to the renewal and take the renewal down to \$21,533,709 or an overall increase of \$1.566 million or 7.8%. With that option, the employees would contribute a little over \$5 million for the year and the City would contribute \$16,4732,874 or an increase to the City budget of almost \$1.2 million.

As HR suggested, if we look at using fund balances to offset the increase which would require reserving \$2 million of fund balance to cover the shortfall and leave a fund balance at \$2.54 million. She pointed out that claims are running higher than they were projected to run. That could happen and could deplete the fund balance and bring a need to tap into other City resources to cover more shortfall. If we want to rebuild the fund balance in future years, it would add another 4-5% cost to replenish the fund balances. That completed the medical presentation.

The second part of the presentation was to look at a possible option to increase for Life/AD&D to align with other employers. Currently it is a \$10,000 basic life benefit with the City putting up 65% and employee at 35%. And then employees have a voluntary option for additional life coverage paid 100% by the employee. However, today, the City does contribute some of it, depending on what the employee chooses to buy. She showed comparisons on basic coverage and voluntary coverages. The proposal is to increase the \$10,000 basic benefit to \$50,000 which is more in line with what other competitors provide to cover funeral expenses with the City paying 100% of that benefit. She compared the costs and explained that to go to \$50,000 for everyone and not offer the voluntary extra, it would result in a lower cost to the City. So the proposal is just a change in what the cost would provide for. That concluded the presentation.

Councilor Rivera asked for clarification regarding the \$100 million shortfall which he thought was a misconception and not true.

Director Salazar agreed. This has nothing to do with the pandemic.

Councilor Rivera recalled talking about moving to the State plan and the HR Director at the time told us that changing in mid-year would cost us more.

Director Salazar clarified that going to the State Plan would be going to a fully insured plan which historically had higher rates. And with stop loss insurance, the rates would be higher.

Mr. Brown from Cigna said that was correct.

Councilor Rivera thought staying with Cigna is probably our best option moving forward but would the administrative costs increase, based on the number of claims we have?

Ms. Montano said that would depend on the plan we have and would need to be evaluated.

Mr. Brown said it would be based on the fixed costs and where the stop loss is set.

Councilor Rivera recalled in a previous meeting, Director Salazar talked about having more frequent communication of the unions and the Governing Body.

Director Salazar said they have communicated a lot with the unions and helped them see what it would look like and everyone has the same information monthly and can make informed decisions as we move forward. The union has already

posted a date in July with a first meeting in June and the Governing Body would have the same information.

Councilor Rivera thanked her. He asked her to address the advantages of switching to a calendar year.

Director Salazar pointed out that it is hard to have budget hearings and open enrollment all at the same time. With open enrollment in October, it gives more time for everyone to evaluate. She recommended not having open enrollment in June but having an opportunity to sign up for benefits, banking on having time to sign up for benefits.

Councilor Rivera thought it could have the least impact on employees. We could end up better off than we thought.

Director Salazar agreed and it would be great news, but we could also be worse off.

Councilor Rivera said he was in favor of Option 1 because it has the least impact on employees. He thought Option 2 would be devastating. Option 1 would give us all time to get monthly reports and see where we are and what adjustments would be needed. It would provide more participation by unions, being in a better position to make informed decisions.

Councilor Garcia saw this as perfect timing. He had a question on slide #5. He noticed in Column B, 4-13 are options. He asked if any of that data has changed.

Ms. Montano said they just cleared out that information that was in row 5 and under. However, an increase of \$1.8 million to share would be \$1.45 million for the City. We removed that information since we proposed Option 1.

Councilor Garcia said okay. He said for the record that he thought it is a great idea to move to a calendar year. He wondered if there was any reason beside budgeting why the insurance plan was set on the FY schedule.

Director Salazar was not sure why it was set up that way.

Councilor Garcia asked about having the flexibility to move to a calendar year. Is there a waiver to allow enrollment in the summer? Could that work out?

Ms. Montano explained it would impact more than just the medical plan. Would we put all employee benefits on that same alignment? We would need to determine how we would make the adjustment and put timelines around it, especially in light

of COVID 19 and knowing that many financial situations have changed. We could have a second enrollment period. Concerns would be about the flexible spending account. We would need to do a short plan year to keep it aligned and in compliance with IRS regulations for employee deductions in pre-tax dollars to cover their expenses in a flexible spending account.

The other thing is on the core plan and the HRA plan. Those have deductibles that are set every July and we would need to discuss how to reset those for a calendar year. Also what changes need to be addressed as pre-tax deductions and using pre-tax dollars.

Councilor Garcia asked if she was saying enrollment in summer and also in the fall.

Ms. Montano agreed. That could be accomplished.

Councilor Garcia wanted to see that. Thanks for the information provided and he would also support Option 1. We are in an economic crisis and also a health crisis and should not pass that burden on to our employees.

Councilor Villarreal was hoping we could go back to the Option 1 slide. It was great watching the Public Works meeting last night. What was helpful was more detail that was provided last night and on the breakdown of costs. It did not help to have the column on renewal without changes. She wanted to understand the renewal details better on the breakdown of fund balance, but we don't have it here. So she asked Ms. Montano to explain Option 1 further. Some numbers could be confusing because some look like a deficit.

Ms. Montano explained Column C (Option 1) again. In her explanation, she talked further about the fund balance use.

Councilor Villarreal said she got confused watching the Public Works Committee last night. She asked why these changes are happening regarding the copay and what were the highest diagnosis claims the City has and then to use that data to inform our copays. She didn't see any break down of that. It helps when we can see the data to inform our decision. The previous insurance company gave a breakdown based on the diagnosis. But she has never seen a comprehensive breakdown of those costs in claims. That was not in the February presentation. So it did not give Council a full picture.

Ms. Montano said they didn't have it in this presentation. There is an actuarial model for pricing that develops the impact and shows the changes. There was discussion last night and some felt the copays were too high, especially line 16 on

Physical, Speech, Occupational Therapy. She said they took the feedback on impact of lowering the copay. Having to go for therapy several times each week would have a big impact on employees at \$40 for each copay.

Councilor Villarreal explained that she was trying to understand why the change is being made, based on data, high diagnosis claims, etc. She noted that the City doesn't have another funding source to use.

Ms. Montano said it is not an increase to the insurance plan. If we made no changes, the overall impact would be \$1.8 million and with changes would decrease the overall cost to \$1.55 million. It is presented in row 5 and 7. But the challenge with looking at diagnosis codes is that copays are set up on general categories and not looking at a diagnosis. Hospitalization could be for pregnancy or for a terminal illness. We look at the bigger buckets and adjust cost sharing in that manner. It is very difficult to pinpoint that, and a diagnosis is not how insurance plans are built.

Ms. Montano pointed out that a person could go in for colonoscopy which is preventative and should be covered 100%. But if polyps are removed, the code is changed and turns into a cost-sharing with some out of pocket expense.

Councilor Villarreal felt it was good that Cigna broke out acupuncture from massage or physical therapy.

Councilor Vigil Coppler echoed Councilor Villarreal's comments and she brought it up in the Public Works Committee meeting. We have not had a lot of data on claims and the uses of the money. In her mind, if we don't know where we have been, we cannot know where to go. It has been frustrating because the presentations are made time after time with changes but no cover memo. It means we don't really know what we are comparing it to in the last chart. What is the point of sending it out again if there are no changes? It is one big moving target. In the committees, we could have made changes that make it through, although she didn't know how that was possible.

This has not helped us to understand the graphs. We have had no data on our experience to understand where the increases came from and don't know if we are making the right decisions. Somebody had information on it, but we don't. She asked why it was reduced. We need to look at where our money is going. She felt Council has been at a loss without having a sufficient amount of information. She knew Cigna is trying to make the plan solid, but the increases were not reasonable to her when the increases don't appear to be made on data. She was not sure how to vote on it without that information.



She really didn't like the idea of considering an amount this big and realizing it did not go out for RFP. We approved it three months ago only because we did not go out to bid. We cannot compare with any other providers. We don't have that. In the future, it is the Governing Body's responsibility to go out for bid to have comparisons.

Councilor Vigil Coppler also pointed out that we did all receive a letter that the union was not given ample time to consider it. We have had several meetings on it. But with something this complicated, we should in good faith, give ample notice to the unions that the Governing Body is responsible to give information to. We should not short-change any of that information sharing. It is just wrong and not fair.

The other thing is that the State has two open enrollments which provides for better planning and knowing our experience where money is going and what changes should be made as a result.

She commented that in the past, "We did have information before us and knew where it should be increased or decreased and where deductibles and copays should happen, based on experience. So we are missing a big thing here. I believe we should have two open enrollment periods each year. It really helps with planning. We don't have what we need to have to make this important decision. We need to study the plan to make a responsible decision. We need to make a decision within the next six months. We need to create a plan that addresses real issues. We could choose Option 1, but we need the big missing piece of the pie to decide."

Councilor Romero-Wirth said, "I watched the presentation last night at Public Works Committee and also the Finance Committee presentation and have heard them before." She agreed there have been plans ahead of this crisis and the Governing Body needs to make changes now because our plan is not sustainable. She asked if that was correct.

Ms. Montano agreed.

Councilor Romero-Wirth said she didn't disagree with Councilor Rivera's opinion that Option 1 is best. "But we have a \$100-million deficit right now and have a historic plan that is not sustainable, and we want to understand where our plan is, compared with others like the state's. This plan is very generous. Is that true?"

Ms. Montano agreed that it is true, compared with others in the State.

Councilor Romero-Wirth observed that we have to make design changes and in this health crisis, we need to be minimalists. What we are doing to the fund balance in the midst of this health crisis, we may not have the resources without the medical fund. She asked Director McCoy if we could lean on the General Fund without this medical fund.

Director McCoy pointed out that the City is now looking at dipping into the General Fund going into FY 2021. If we draw down on any fund balances, we will extend the financial crisis and would not have those balances in the future. Option 1 shows funding the increases out of the health fund reserve for both the employee portion and the employer portion. So next year at this time, we would face another \$2 million deficit and would not be able to use the health fund to support the shortfall in the medical plan.

Councilor Romero-Wirth said that was helpful, and HR is talking monthly reports to adjust. Can we make design changes in midyear?

Director Salazar agreed they could and have an open enrollment period twice in the year and evaluate the claims with a more in-depth assessment. An open enrollment in October would take effect in January.

Councilor Romero-Wirth concluded that we are in a hurry because we have open enrollment in June to start July 1. We could be in a world of hurt if we use our fund balance right now. And in this deficit and don't have General Funds to lean on or a medical fund balance to lean on and the only choice would be to alter our plan.

Ms. Montano agreed. And the City would have to find a way to make up the shortfall.

Councilor Romero-Wirth added that in other places around the country, we don't see this type of plan for different populations.

Ms. Montano agreed this plan type is not common. Your situation is unique, but it is somewhat governed by the CBA.

Councilor Romero-Wirth was concerned. She agreed that COVID didn't cause this problem but COVID did cause this problem for the General Fund budget. We have to make it more sustainable.

Ms. Montano agreed.

Councilor Romero-Wirth summarized that Option 1 would use our fund balance and we are not changing the plan too much, so we are thinking about our

employees and recognizing the importance of health insurance during this health crisis. But we cannot sustain it; we cannot afford it as we deal with our budget deficit in the years to come to rebuild what has happened with the financial crisis.

Councilor Cassutt-Sanchez agreed that COVID did not cause the changes in the plan. She would like to see how COVID affects our payouts and what the impact suggests.

Ms. Montano noted that the City has had big claims in the past few weeks and where they continue with the pandemic. We still have those payments and a lot of services have been postponed and we would probably see an increase as things open back up. Cigna offered an option to cover at 100% COVID testing and COVID office visits where we would be covered in our community.

Mr. Brown said that when restrictions are lifted, claims that are lifted will return.

Councilor Cassutt-Sanchez understood that is why claims are reduced right now and they will be faced next Fiscal Year. So people with COVID will not have copays for visits.

Ms. Montano said that is part of the benefit for this pandemic.

Councilor Cassutt-Sanchez pointed out that the 9% projections previously made was a change predicted before COVID. She asked if COVID will affect that projection.

Mr. Brown explained that the increase was based on claims through the end of March and he recommended not using plans past March 31st. That will occur later in the year.

Councilor Cassutt-Sanchez agreed with Councilor Romero-Wirth that we really don't have any other options when we deplete the fund balance. She agreed with many others that with the data and facts we do have, the plan is not sustainable. Having no deductible is a heavy barrier for families. Given current claims, she appreciated the 100% for COVID related costs. She also agreed with Councilor Villarreal and Councilor Vigil Coppler about the lack of data. She wanted more information as well the monthly meetings. She was also in favor of moving to the calendar year and being able to compare with other plans that might be available to others. She supported Option 1 and knew it is a financial risk. We need to protect our employees. She was also in favor of another open enrollment in the fall and find out where we are at that time.

Councilor Lindell observed that we now have a fund balance of \$6.2 million. And very shortly we will take it down to \$2.5 million. We were just talking about high cost claims and she asked if we could have an example of maybe three of our highest cost claims.

Mr. Brown said, at this point, there is no high cost claim that is typical of every employee. Usually they are for cancer or like a person on dialysis that are claims between \$300,000 to \$400,000 per year. He reminded her that the stop loss is at \$250,000. There have been five claims above \$250,000 since the first of the year.

Councilor Lindell said that would be about \$1.25 million. So even if we support Option 1, we don't know what will happen. We could have two of those negative situations next year or we could have seven of them. In looking at Option 1 and the fund balance at the end of the year of \$950,000, there is not enough fund balance to cover it. We all know that medical costs are going up. So if further into the year, we totally exhaust our fund balance, and hypothetically owe a half million dollars, how will we pay it?

Director Salazar said if we run short and have another bad year financially, that is where other funding sources within the City would have to be taken.

Councilor Lindell asked if the employees would increase their portion in proportion to the City's increase to pay the bills.

Director Salazar said in the breakdown of contributions, which would require renegotiation with unions, etc.

Councilor Lindell pointed out that- if we drain the fund balance, she didn't know if we would have the balance, we have had for the last five years. But it went down \$4 million from last year. This is a very risky thing to do fiscally. She supported Option 1. But if we get some renal failure and more cancer and people have a newborn with huge medical costs, it brings the fund down to very risky level and someday, the City would have to pay to build that reserve back up. We are clearly kicking the can down the road and it is very risky.

Councilor Abeyta said since the beginning of his tenure, he has advocated for mimicking the state or county plan. She asked how much taxpayer money we are willing to put toward our employees. Over the past few weeks in various committees and hearing from others, she would support Option 1. But it may end up more like Option 2. She hoped she was wrong, but in sharing with all interested parties, maybe it will trend the other way.

We have even been given a breakdown at every presentation and she wondered why we are being given too much information. He works in a field that serves children and many of them at the Boys and Girls Club have multiple appointments for such therapy and it is a steep cost for families. It sounds like a minimal cost to us, but it is hard for families. He said he was going to suggest lowering the copay.

Councilor Garcia went back to the presentation yesterday. He saw that the numbers are different. They are- higher today than they were in the presentation yesterday. What is the reason?

Ms. Montano said it was the adjustment to reducing the copay from \$40 to s \$20 copay. That accounted for the increase.

Councilor Garcia said that was one change he noticed and asked if there was any other change.

Ms. Montano said that was the only change made from last night's presentation. There were other changes in copays, based on comments in other committees and feedback from the unions. That was why some of these changes happened. Originally, the hospital copay was \$1,000 and now is a \$300 copay. So other things have happened to bring us to today.

Councilor Villarreal observed that we have a plan that is not sustainable and that is why she wanted more data such as how many people use the therapy benefit. That was why she brought it up. Councilor Villarreal asked Ms. Montano to remind her about the copay not covering the increased costs.

Ms. Montano said in the past, the Council essentially used the fund balance to pay for the shortfall on the employee side. Last year was the first time they did not do that. It was a 9% increase last year.

Councilor Villarreal asked whether the union reps or any nonunion employees were asked about a premium increase that would increase our fund balance.

Director Salazar said the Benefits Advisory Group decided not to go out to nonunion employees to ask whether an insurance premium increase was something they would consider. We did not have those discussions, but this would add to the 9% increase. This is not sustainable because of the benefits we offer.

Councilor Villarreal surmised that a premium increase would not help.

Ms. Montano hoped it would break even aside from the catastrophic events happening during the year.

Councilor Villarreal saw that takes into account that we were not offsetting the employer increases. She asked if the Governing Body could look at Option 1 and not offset the employee contributions.

Mr. Brown agreed.

Ms. Montano added that Council would have to look at \$1.1 million from another source because it would still be an increase to the City's budget.

Councilor Villarreal thought a premium increase would offset that.

Ms. Montano referred to her spreadsheet and said an increase of 7 or 8% in row 3 would bring \$368,000 back and the City is responsible for the almost \$1.2 million for the City funding.

Councilor Villarreal pointed out that the City doesn't have any other revenue source to utilize. We are covering both employer and employee offset and it needs to be a balance through a premium increase.

Director Salazar said all of these options have been evaluated and committee discussions to have that balance but also to minimize employee costs during the pandemic. The increase in copays may not impact every employee who has benefits and she tried to figure out the best option for balancing it to sustain our plan.

Councilor Villarreal asked if we have a nonunion representative that comes to the table.

Director Salazar said Finance, Staff and members of the Budget Committee are involved.

Councilor Villarreal said it requires heavy lifting from HR and the unions, based on annual salaries and what that option would bring to us as a safeguard with a 60/40 breakdown. She wanted those monthly meetings to happen and was also in favor of changing the enrollment to be on a calendar year.

Councilor Vigil Coppler said she was not opposed to this proposal. Her earlier comments were to improve our decision-making by having more data to compare. She would like to see it in the future. She did look forward to the monthly meetings and when we are ready to do it again, we would have information to make a good decision.

Councilor Vigil Coppler went to the 4:30 memo from Director Salazar. On the last page, it said we could go to a calendar year if we approve the plan. She asked if that was her position.

Director Salazar agreed. It would provide for a fall enrollment for operation starting January 1.

Councilor Vigil Coppler understood for an action tonight, we could approve Option 1 and have a June open enrollment and one in the fall. If HR was not in agreement, what the option would be.

Director Salazar said, as Ms. Montano presented earlier, we want to do our best to minimize impact to employees. She would like to provide more details on how that would work, and the Council would not need to make that decision tonight.

Mayor Webber asked if there is a motion. It would include the shift to a calendar year, another round of enrollments and staggering the benefits by pay to model the State's plan in discussions going forward.

**MOTION:** Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to approve Option One as presented by the Human Resources and Aon.

Mayor Webber clarified that the topics included a shift to the calendar year, two enrollment periods and staggered to model the State's plan in discussions going forward.

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

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

**Against:** None.

Mayor Webber thanked the plan representatives, Director Salazar and Director McCoy for their input. He commented that it is a calculated risk, but we are in an unprecedented situation where some risks are worth taking. It was a constructive and productive conversation to get to this point.

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

There were no matters from Manager Hill.

**23. MATTERS FROM THE CITY ATTORNEY**

Ms. McSherry had no other matters.

**24. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**25. 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 Vigil Coppler gave a big shout out to Public Works Staff and City Fire Fighters for hanging the veteran's banners. They showed their respect in hanging the banners. We are all very appreciative and the City can be proud of it. She encouraged the members to drive down the road and see all of them on both sides of Cerrillos Road. The traffic sure has slowed down on the road there. They look so patriotic and deserve all of this attention. We've seen newsprint and two TV stations covering it. We are still the only city in New Mexico doing this and she had inquiries from other New Mexico cities and some from out of state. It is something we really need right now. Don Christie did yeoman's work for preparing this and she congratulated the Councilors for supporting it. We can all be proud of it.

Mayor Webber seconded those words.

Councilor Villarreal introduced an ordinance with Councilor Lindell and Councilor Romero-Wirth cosponsoring together. It is an ordinance amending Section 14-6.2 of our code adopting a maximum of 1,000 short-term rental permits to prospectively limit the number of short-term rental units on residential zoned properties; to limit short term rental permits to one per natural person; to require a local operator for short-term rental units; to adopt record-keeping and reporting requirements for short-term rental unit owners and host platforms; and to clarify other provisions of the short-term rental ordinance. Mayor Webber is also part of this. We are excited to have discussions on this.

Councilor Garcia thanked Ms. Vigil for setting up the Sunshine Fund. Secondly, he pointed out the picture behind him which was from our tour of District 2 and is the bike path on Chamisa Trail. So at future meetings, he planned to share more of the tour.



Councilor Abeyta shared comments about Land Use rules and online permits and fees we are starting to take and encouraged other departments to go there, too. Contactless transactions are the way to go. He thanked Fire and Police Departments for and attended the graduation parade down Jaguar Drive for our graduates. They didn't get to experience graduation in the normal way but that happened on Friday.

Councilor Romero-Wirth looked forward to Mayor Webber reading the second of STR bills tonight and the meetings on that and hearing from other Councilors and the community on these proposed changes.

Councilor Cassutt-Sanchez thanked the citizens of Santa Fe for how great everyone has been during this pandemic. A neighbor was telling another on the phone how everyone is wearing masks and staying away from one another in order to safely reopen. She was very grateful for that.

Councilor Rivera introduced resolution authorizing the sale of potable water to treated effluent customers in the event reclaimed treated effluent is not available; directing the city to pursue alternative methods and actions to increase robustness and dependability of non-potable water sources. He also gave his daughter a shout out for graduating the Master's Program with a parade past our house and was a decent way to celebrate. He noted they had plans to go to Disneyland but that went by the wayside. He gave a shout out to all graduates for the praise they deserve. He also echoed Councilor Vigil Coppler's comments on veterans. The program is getting bigger with Airport to the Interstate covered completely. There are tons more who want to put up a banner, so we have to figure out which way to go next. Thanks to city crews for putting them up.

Councilor Lindell introduced an ordinance amending Section 5-7.44 to 5-7.6 that has a typo in the ordinance to correct. She gave huge congratulations to young graduates from high school or college for completing whatever studies they set out on. Graduations are so great, and she was sorry we can't have those parties this year.

Mayor Webber said we took care of the resolution extending the emergency. As noticed by Councilor Villarreal, there are- two companion ordinances with Councilor Lindell and Councilor Romero-Wirth on Short-Term Rentals. The second one is an ordinance amending Section 14-11.4 or the Land Development Code to adopt civil citation procedure for Land Use Code enforcement actions; and to permit the Land Use Director to order a one-year waiting period for permit by a person who has violated the short-term rental ordinance, Section 140-6.2(A)(5) SFCC 1987.

A great many people care about this and we will work through the Planning Commission first with community conversation and input as the industry begins

to pick up. A study was done about leaving money on the table, so enforcement and other provisions are designed to be more up to date on how the industry has evolved.

Voting has started and we all know as elected officials and voters, that elections have consequences, so everyone please vote and work through mail in voting.

Thanks to the Constituent Services Team for the app now running on the City website where we can record peoples' concerns and complaints or positive comments and for the dashboard tracking of how they are being resolved and what the most significant issues are city-wide. It is a terrific piece of work and done in-house, using technology more creatively when we are constrained from close personal work.

He thanked the Councilors for their vote on Santa Fe Promise tonight. It goes directly to what Councilor Cassutt-Sanchez said about taking seriously keeping people safe and still reopening. Making it a matter of City Policy is a step in the right direction and will serve us well in preventing a second wave since the Governor has relaxed some restrictions.

He gave a shout out to Randy Randall to allow sidewalk tables to take advantage of the beautiful weather as six-foot apart tables so restaurants can serve customers outside. Any restaurants that want to participate should get in touch with the Tourism Director.

He said we will consistently talk about going forward on the fiscal emergency. he thought they did the right thing on insurance tonight. It was arrived at after careful considerations and questions and we still need to come to terms with the financial emergency. We can expect to participate actively to our projected \$100 million deficit for next year. it is statistics data with which we can share how it was arrived at and we will begin to work on reducing it before the budget is adopted and act sooner rather than later. The questions tonight do set the stage for deliberations at the committee level in making choices on the balancing as good fiscal agents and quality of life for our community and the people who serve them.

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

The City did receive comments and the Governing Body printed all of them out and read them. All who submitted should be assured they were received and read as we try to get better and better to have everyone be heard.

***A copy of all petitions submitted are hereby incorporated within these minutes as Exhibits 2-10.***

**G. APPOINTMENTS**

There were no appointments.

**H. PUBLIC HEARINGS**

There were no Public Hearings.

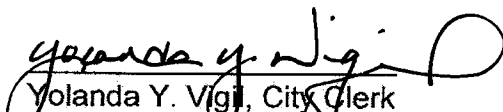
**I. ADJOURN**

Having completed the agenda and with no other business to come before the Governing Body, the meeting was adjourned at 8:07 p.m.

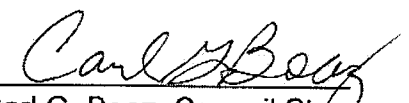
Approved by:

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

ATTESTED TO:

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

Respectfully submitted by:

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



REGULAR GOVERNING BODY MEETING OF  
May 27, 2020  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY

EXHIBIT ONE

Mayor Alan Webber		
Co-Sponsors	Title*	Tentative Committee Schedule*
	A RESOLUTION EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON MAY 25, 2020 BY SIXTY (60) DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.	City Council – 5/27/20
Lindell Romero-Wirth Villarreal	AN ORDINANCE AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY; TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON; TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY; TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS; TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS; AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.	Planning Commission – 6/18/20 Quality of Life Committee – 7/1/20 City Council (request to publish) – 7/8/20 Finance Committee – 7/13/20 City Council (public hearing) – 8/12/20
Lindell Romero-Wirth Villarreal	AN ORDINANCE AMENDING SECTION 14-11.4 OF THE LAND DEVELOPMENT CODE TO ADOPT CIVIL PENALTY PROVISIONS, A CIVIL FINE SCHEDULE, AND CIVIL CITATION PROCEDURES FOR LAND USE CODE ENFORCEMENT ACTIONS; AND TO PERMIT THE LAND USE DIRECTOR TO ORDER A ONE-YEAR WAITING PERIOD FOR APPLICATION FOR SHORT-TERM RENTAL PERMIT BY A PERSON WHO HAS VIOLATED THE SHORT-TERM RENTAL ORDINANCE, SECTION 14-6.2(A)(5) SFCC 1987.	Planning Commission – 6/18/20 Quality of Life Committee – 7/1/20 City Council (request to publish) – 7/8/20 Finance Committee – 7/13/20 City Council (public hearing) – 8/12/20
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*
	AN ORDINANCE AMENDING SECTION 5-13.3 TO CORRECT A REFERENCE CITATION.	Quality of Life Committee – 6/3/20 Public Works and Utilities Committee – 6/8/20 City Council (request to publish) – 6/10/20 City Council (public hearing) -
Councilor Chris Rivera		
Co-Sponsors	Title*	Tentative Committee Schedule*
	A RESOLUTION AUTHORIZING THE SALE OF POTABLE WATER TO TREATED EFFLUENT CUSTOMERS IN THE EVENT RECLAIMED TREATED EFFLUENT IS NOT AVAILABLE; DIRECTING THE CITY TO PURSUE ALTERNATIVE METHODS AND ACTIONS TO INCREASE ROBUSTNESS AND DEPENDABILITY OF NON-POTABLE WATER SOURCES.	Public Works and Utilities Committee – 6/8/20 City Council – 6/10/20
Councilor Carol Romero-Wirth		
Co-Sponsors	Title*	Tentative Committee Schedule*
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, [jtnorris@santafenm.gov](mailto:jtnorris@santafenm.gov).

## EXHIBIT TWO

**From:** Stefanie Beninato  
**To:** Public Comment; VIGIL, YOLANDA Y.; LAPAN HILL, JAREL; MIHELICIC, KRISTINE M.; COPPLER, JOANNE V.; CASSUTT-SANCHEZ, JAMIE A.; GARCIA, MICHAEL J.; ROMERO-WIRTH, CAROL; RIVERA, CHRISTOPHER M.; VILLARREAL, RENEE D.; ABEYTA, ROMAN R.; LINDELL, SIGNE I.; WEBBER, ALAN M.  
**Subject:** public comment  
**Date:** Wednesday, May 27, 2020 11:59:19 AM  
**Attachments:** Public Comment city council 27 may 20.docx

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sorry the city council has cancelled the evening meeting Here are my comments that will be buried in a record a couple of weeks later.

I hope at the next meeting both Petitions from the Floor and public comment at public hearings will be by video if desired by the participant.

Thank you.

Stefanie Beninato

PO Box 1601

Santa Fe NM 87504

505 988 8022

### RENTING SIDEWALKS

I think the idea of renting sidewalk and parking spaces to restaurants is a sell-out to one industry. What about the health of the city's pedestrians who want to go to the library or to the PO? Do we have to walk in the middle of the street to avoid people eating at tables on the sidewalk who are sitting there for an hour or two without masks? This badly thought out promotion of one industry is just another example of development fever that sells out Santa Fe residents' physical well being.

### PUBLIC PARTICIPATION

And what about public participation:

Here is what the Historic Board Review webpage stated for last night's meeting:

"By video: A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time"

When I asked for video access, I was told by Lisa Roach that no such statement was on the page. When I read it, Ms Roach said it didn't mean that it was video access. What does Ms Roach not understand about that word video? She said it was up to her to decide if it was too burdensome for her to allow public access even though she has routinely been allowing one to three public members to have video access as participants. If she can do that for those public members, she can do it for public participants. This former realtor seems to want to cut off public participation. When I pointed out that written comment for the H Board had to occur before the packets were available Ms Roach countered that the agenda was available 15 days prior. The agenda has a single sentence description. It does not have the details of the packet. Why the fear of public participation? Why the great need to hide behind half-truths?

### SALVADOR PEREZ

Why is Salvador Perez not ready to open? Why is there only now the "discovery" of deferred maintenance making the opening wait until the end of JULY. It was supposed to have opened in Feb 2020 then May 2020 now July. There is a sufficient bond for this building. Why the lack of political capital on this recreation center? And I loved the city employee who unknowingly admitted that Regina Wheeler chose to wait almost one year before even beginning this project due in part, according to staff, to Wheeler's incompetence in issuing purchase orders.

### MIDTOWN LINKS

I have tried several times to find any one of the youtube meetings on the Midtown Campus. The tinyurl in the paper for last night's meeting was incorrect. Noah Berke told the public at the H Board that one could go to city of santa fe midtown. I got the glitzy webpage that says about nothing. It had a link for the 12 May meeting. It had no link to any other meetings. I searched google and youtube video and only got cutsey PR webinars of Webber. Nothing on Midtown. Why is the city making it so hard to go to these past sessions? When will the developer answer questions submitted about a month ago? Why is the city planning hide the grail here? Why are these events not on the city's events page?

### MASKS/EMERGENCY POWERS

Why is the city allowing unlimited number of participants of yoga classes at public and school parks?

Why is the city not requiring all city contractors to have their employees wearing masks especially with the governor's order that everyone is supposed to wear masks outside? (eg street crew at Delgado and Palace this AM—no masks.

I WOULD LIKE A RESPONSE IN WRITING RE ACCESS TO MIDTOWN meetings.  
(emphasis)

Stefanie Beninato  
PO Box 1601  
Santa Fe NM 87504



## EXHIBIT THREE

**From:** datakat  
**To:** Petitions from the Floor  
**Subject:** Bill 2020-10  
**Date:** Wednesday, May 27, 2020 10:32:56 AM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the mayor and council people on my posture on your proposed bill...please scroll to the bottom of the page on this link for my statement....

<https://www.ksfr.org/post/why-mask-issue-some-when-it-comes-harassment-health-options-and-personal-choice>

Kathleen Dudley  
Seaside Reflexology  
PO box 67  
Ocate NM 87734  
575 666 2529

old Mexican proverb: *They tried to bury us. They didn't know we were seeds.*

God sleeps in the minerals, awakens in plants, walks in the animals, and thinks in Man. Sanskrit saying

Sent with ProtonMail Secure Email.

**From:** datakat  
**To:** Petitions from the Floor  
**Subject:** Bill No. 2020-10  
**Date:** Sunday, May 24, 2020 5:21:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Webber and City Council,

I am expressing my opposition to your proposed law, Bill No. 2020-10.

The following link and article, "Masks Don't Work: --A Review of Science Relevant to COVID-19 Social Policy" by Denis P. Rancourt Ph.D., researcher, Ontario Civil Liberties Association confirms the science behind the efficacy of masks and their relevancy to COVID-19.

•• [https://www.researchgate.net/publication/340570735\\_Masks\\_Don%27t\\_Work\\_A\\_review\\_of\\_science\\_relevant\\_to\\_COVID-19\\_social\\_policy](https://www.researchgate.net/publication/340570735_Masks_Don%27t_Work_A_review_of_science_relevant_to_COVID-19_social_policy)

#### Summary / Abstract

Masks and respirators do not work:

There have been extensive randomized controlled trial (RCT) studies, and meta-analysis reviews of RCT studies, which all show that masks and respirators do not work to prevent respiratory influenza-like illnesses, or respiratory illnesses believed to be transmitted by droplets and aerosol particles.

Furthermore, the relevant known physics and biology, which I review, are such that masks and respirators should not work. It would be a paradox if masks and respirators worked, given what we know about viral respiratory diseases: The main transmission path is long-residence-time aerosol particles ( $< 2.5 \mu\text{m}$ ), which are too fine to be blocked, and the minimum-infective-dose is smaller than one aerosol particle.

The present paper about masks illustrates the degree to which governments, the mainstream media, and institutional propagandists can decide to operate in a science vacuum, or select only incomplete science that serves their interests. Such recklessness is also certainly the case with the current global lockdown of over 1 billion people, an unprecedented experiment in medical and political history."

It is clear from the science as cited in the above link's abstract and research, that Bill No. 2020-10 sponsored by Santa Fe council members Romero-Wirth, Lindell, Cassutt-Sanchcz, Abeyta, and Rivera not only lacks scientific efficacy, but shows a clear lack of understanding behind both viruses and health impacts resulting from wearing face-coverings. Your law requires compliance. Otherwise law enforcement officers will impose a financial penalty with each violation.

Bill No. 2020-10:

"The use of a face covering is required by every person within the boundaries of the city of Santa Fe as detailed below. Every person over the age of ten [years of age and older] must wear a face covering..."

Your proposed law describes the type of "masks" acceptable and required by every person-- from flowing silk designer scarves for the more creatively-driven, cowboy bandanas for the SW flavour, to surgical N95 for the most compliant and fearful.

Bill No. 2020-10:

"Face covering, means a cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose and includes surgical masks, N-95 respirators, face shields, handmade masks, and bandanas."

It is nice to know that creative input is not totally being stifled. Santa Fe is known for its artsy side. That otherwise might truly bring about a revolt. Take away all creative outlets along with total freedom all in one fell swoop, and a revolution might ensue.

From reading your proposed new law, it is evident that everyone who understands the health impacts as per both Dr. Rancourt and Dr. Blaylock's research (noted above) from wearing masks is therefore capable of an exemption on the basis of health. Oxygen intake is diminished, and can lead to compromised health for all humans.

Bill No. 2020-10 exemptions:

"When wearing a face covering causes or aggravates a health condition. Employees for whom wearing a face covering causes or aggravates a health condition must document the condition with their employer."

Dr. Russell Blaylock, retired neurologist, whose research substantiates that of Denis P. Rancourt, PhD., states, "One should not attack and insult those who have chosen not to wear a mask, as the studies suggest that is the wise choice to make." (<https://www.soft.net/article/434290-Russel-Blaylock-Face-masks-pose-serious-risks-to-the-healthy>)

Additionally as a holistic health care practitioner who understands the well-debated argument between Antoine Bechamp and Louise Pasteur in the 1800s, "terrain vs germ theory" respectively, which the holistic healing practitioners vs allopathic doctors embrace, it is clear that the current agenda for masks by the Santa Fe City Council chooses to embrace the allopathic medical model for all people. This totalitarian overreach by the Mayor and Council speaks to control and has nothing to do with health and welfare of the people. Furthermore, excludes well known medical theory, science and practices by practitioners outside the allopathic model. Thereby forcing a pharmaceutical agenda upon all.

It appears from reading Bill No. 2020-10, exemptions included, that this is yet another extension of fear-mongering, and an attempt to tear at the hearts and minds of the people who visit and those who live in Santa Fe. The bill reads like a sieve and will only be enforceable via a compliant populace. This is yet one further step towards greater attempts to remove our Constitutional rights. And a clever one at that. Although certainly one without both credibility, sound reasoning and legal substance.

Sincerely,  
Kathleen Dudley  
Seaside Reflexology  
PO Box 67  
Ocate New Mexico 87734  
575 666 666 2529

#### DETAILS:

There are two agenda items for the May 27, 2020 City Council meeting related to face masks in Santa Fe.

The proposed ordinance requiring face masks in Santa Fe, enforceable by police. This is Bill No. 2020-10 introduced by Council member Romero.

[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/600429/item\\_11.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/600429/item_11.pdf)

Second, is a resolution which strives to create a culture of public health by having residents promise to take certain measures, including wearing masks in public 80% of the time, to protect their fellow citizens. This is Resolution 2020-\_\_\_ introduced by Mayor Webber.

•• [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/600264/item\\_14.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/600264/item_14.pdf)

See info below about submitting public comments.

Wednesday, May 27, 2020 5:00 PM- Governing Body  
ATTEND VIRTUALLY <https://www.youtube.com/user/cityofsantafe>

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 27, 2020. Emails and phonemessages must identify the submitting party's name and address and may be sent to [topetitionsfromthefloor@santafenm.gov](mailto:topetitionsfromthefloor@santafenm.gov) or 505-955-6520. These comments will be distributed to the Governing Body

Kathleen Dudley  
Seaside Reflexology  
575 666 2529

old Mexican proverb: *They tried to bury us. They didn't know we were seeds.*

God sleeps in the minerals, awakens in plants, walks in the animals, and thinks in Man. Sanskrit saying

Sent with [ProtonMail](#) Secure Email.

From: datakat  
To: Petitions from the Floor  
Subject: Fw: Bill 2020-10  
Date: Wednesday, May 27, 2020 1:00:56 PM

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I also meant to share that on actual package from N95 masks, it states that they aren't effective for viruses and the adage that is going around that wearing a mask to control a virus is tantamount to trying to control mosquitoes with chain link fencing (paraphrasing)...

Kathleen Dudley  
Seaside Reflexology  
575 666 2529

old Mexican proverb: *They tried to bury us. They didn't know we were seeds.*

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Sent with ProtonMail Secure Email.

----- Original Message -----

On Wednesday, May 27, 2020 10:32 AM, datakat <SeasideReflexology@protonmail.com> wrote:

To the mayor and council people on my posture on your proposed bill...please scroll to the bottom of the page on this link for my statement....

<https://www.ksfr.org/post/why-mask-issue-some-when-it-comes-harassment-health-options-and-personal-choice>

Kathleen Dudley  
Seaside Reflexology  
PO box 67  
Ocate NM 87734

575 666 2529

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God sleeps in the minerals, awakens in plants, walks in the animals, and thinks in Man. Sanskrit saying

Sent with ProtonMail Secure Email.

**From:** Local 3999  
**To:** Petitions from the Floor  
**Cc:** gilhmartinez@aol.com; Chris Armijo  
**Subject:** Info.  
**Date:** Wednesday, May 27, 2020 12:04:50 PM  
**Attachments:** stamped.letter.img302[2777].pdf

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilors,

Please find attached the letter submitted to the City Manager from the three Unions, POA, IAFF and AFSCME, representing 900 of the City of Santa Fe's employees.

As a unified group, we find it unconscionable and ill-timed that the City would consider reducing or altering our Health Benefits to all City Employees including coverage to yourselves in the midst of a Worldwide Pandemic.

Recent reports have seen a resurgence of COVID-19. With no vaccine in sight, this of course is following on the heels of an unpopular furlough plan rolled out by the Mayor all in the name of a national emergency and trouncing all collective bargaining agreements.

With the Health Fund balance in place, with \$4.3 Million, our health benefits to POA, Fire, AFSCME, and all city employees, is solvent and can carry us through these unprecedented times without compromising the health and welfare of your employees, our members, which are constituents and consumers of our great City.

These drastic changes to health benefits could adversely affect the health and welfare of our families. There are reports surfacing of documented long-term effects related to infant and young children brain and skin ailments. There are also known and possible long-term effects in adults beyond the illness itself.

We prayerfully request your support:

- To leave our health benefits INTACT, and at the very least allow us time to explore a more creative and affordable option.
- This is not a "Cadillac plan"
- This is a comprehensive plan for recruitment, retention, and the safety and well-being of all City employees and elected officials
- This is a plan that would best protect the health and welfare of elected officials, employees, and their families.

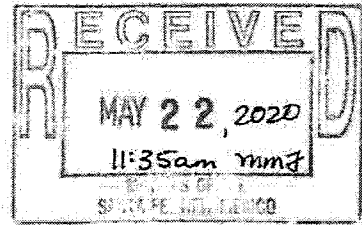
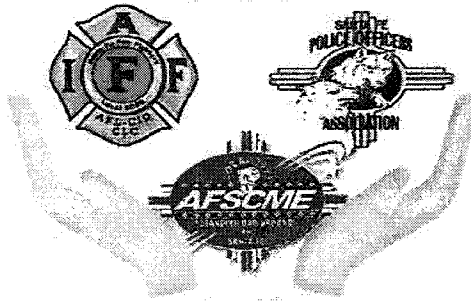
Respectfully, thank you for your consideration and your support.

We are,

POA  
IAFF Local 2059  
AFSCME Local 3999

Sent from Mail for Windows 10





## SANTA FE UNIONITED

"HEALTHCARE SHOULD NEVER BE SACRIFICED DURING A WORLDWIDE PANDEMIC!"

May 22, 2020

To City Manager Jarel LaPan Hill,

After reviewing the newest version of AON's proposal, the Insurance Group Committee, including **IAFF Local 2059**, **POA** and **AFSCME Local 3999** endorse the recommendation found on page 10 and 12 raising the premium cost 9.4%. The group understands the financial hardships the City of Santa Fe is under, however this group feels that leaving the plan intact until a future agreement can be met is the most prudent course of action. The Insurance Group Committee is formally requesting a meeting on July 17th at 10am to discuss the plan and services included.

The Insurance Group Committee has been unable to make an informed decision on these important matters due to the abbreviated time line applied by City Human Resources. A lack of documentation and communication from both the City of Santa Fe and Cigna has further complicated the process.

The City of Santa Fe has intended to change current health benefits well before the Health Insurance Benefits meeting on May 14th, but the Insurance Group Committee was not notified until May 12th, only two (2) days prior. Also, the proposed changes were not made available until 10:30am on May 14th. Plan changes were first presented to the City council via an AON proposal on February 12th. That Insurance Group Committee was not permitted to participate, nor were they invited to that presentation.

The Insurance Group Committee, represents approximately **900** Santa Fe city employees. The group is asking the City of Santa Fe to pause any plan changes until the Insurance Group Committee and the City can come together and agree on the future of our plan collectively.

Respectfully,

*Gilbert Baca*

Gilbert Baca

AFSCME Union President

*Tony Trujillo*

Tony Trujillo

POA Union President

*Adan Lopez*

Adan Lopez

Local 2059 President

cc. JoAnne Vigil Coppler  
Roman Abeyta

**SANTA FE UNIONITED**

**AGAINST**

**UNFAIR**

**BARGAINING**



## EXHIBIT FIVE

05/27/2020 – 12:00PM

VOICEMAIL to 955-6520

Hi um this is Dr. Marilyn in Albuquerque and I'm calling about the mask ordinance. Um for those people like me who have limited oxygen we cannot wear a mask and because of that we have been called stupid, we have been called all kinds of different of names. I think the mask thing is very wrong because you are breathing in your own carbon dioxide waste making us sicker and um I think it's obsolete and it should be done away with, it serves no purpose. Thank you so much for your time, I am in Albuquerque New Mexico, appreciate it, 1924 Juan Tabo NE 87112. Have a great Day.

## EXHIBIT SIX

**From:** mike  
**To:** WEBBER, ALAN M.; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ABEYTA, ROMAN R.; ROMERO-WIRTH, CAROL; Petitions from the Floor; CASSUTT-SANCHEZ, JAMIE A.  
**Cc:** MUNOZ, JOHN P.  
**Subject:** Parks and Recreation  
**Date:** Wednesday, May 27, 2020 1:34:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Webber & City Council Members

Before you contemplate reducing the City's Park's and Recreation Division, please have a look at this webinar where the case is made that there're creative opportunities for saving our park and recreation facilities from budgetary cuts resulting in a net societal benefit especially for our youth.

<https://www.aspenprojectplay.org/coronavirus-and-youth-sports/webinars/the-path-forward>

My wife and I have been 20-year annual member(s) along with our kids the past decade. Our family was recognized as long-term members at the 15-year celebration. My wife organized the El Dorado community school participation in the City's Elementary swim meet the last five years (90 swimmers registered this year) and recently finished a 2-year term as President of the Santa Fe Hockey Association (SFHA). I coached youth hockey for six years. In years past, we participated in the City's triathlon, and organized and volunteered at school fun runs in Santa Fe.

The notion that the ice rink may not open or be considered for other uses would not be responsible governance. Led by rink manager Tom Miller, the rink has successfully provided excellent programming delivered in a caring manner and in a healthy environment. His proposed guidance for reopening follows best practices and is innovative for generating more city revenue. The adult and youth hockey communities are very committed to the game and see the value it provides in wellness, fellowship and fun.

Lastly, there may be some pressure from other user groups to use the ice arena in a different manner. I urge you to be cautious as to who you partner with. Despite COVID 19, SFHA is in very good financial position, falls under USA Hockey which is a very smart and forward-thinking organization that requires rigorous coach and safe sport training and encourages sport-sampling (i.e. hockey players are multisport athletes). You'll see them in the pool, courts and the gym!

<https://www.usahockey.com/>

I recognize you have difficult decisions ahead but please don't cut access to youth and adult recreation, especially those that are well-run like the ice arena and the Chavez center as a whole. Doing so will reduce the quality of life in our area which will further exasperate our fair city from moving forward.

Best,

Mike Schneider  
Santa Fe County

## EXHIBIT SEVEN

**From:** Gregory Ross  
**To:** Public Comment  
**Subject:** Public Comment/Question on Resolution to Promise to Wear Masks  
**Date:** Wednesday, May 13, 2020 2:50:28 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Santa Fe City Council Meeting May 13, 2020

This comment/question is for the Mayor's proposed Resolution to Promise to Wear Masks. This matter is not on the Agenda. I request to be provided with the scientific evidence to support the proposed Resolution.

Thank you.

Gregory Ross, Esq.  
The Ross Firm  
Post Office Box 1201  
Santa Fe, New Mexico 87504  
(505) 469-7681  
Dallas, Texas 75205  
(214) 404-8178  
(505) 395-7442 facsimile

Gregory@TheRossFirm.law

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## EXHIBIT EIGHT

**From:** [Sammi Triolo](#)  
**To:** [Petitions from the Floor](#)  
**Subject:** GCCC Ice Rink  
**Date:** Wednesday, May 27, 2020 12:45:33 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Mayor and Council Members:

We are writing to implore you to find a way to keep the GCCC Ice Rink open.

This rink has been a lifeline for our son. It has provided him access to a safe, supportive, and healthy environment where he has found a sense of self that he's not found anywhere else. He loves to skate and he loves to play hockey ... this is just one story.

The ice rink offers a sanctuary where kids can be free in a safe environment while promoting healthy life skills and habits. Please consider this a priority and don't take it away. There are no other ice skating venues within a 30 mile radius of Santa Fe. Surely there must be a way to keep it viable and safe given the times we find ourselves in. The value to Santa Fe's children and community is tenfold.

Thank you for your consideration.

Respectfully,  
Sammi Triolo and Clayton Bain  
Parents of player on Bantams

## EXHIBIT NINE

**From:** KRISTY Janda  
**To:** Petitions from the Floor  
**Subject:** Please Support Our Youth - Keep the GCCC in the Budget & Reopen the Rink  
**Date:** Wednesday, May 27, 2020 12:25:14 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council Members & Staff,

As a 20 plus year resident, mother, and educator in our city, I implore you to put our youth first when reimagining the City budget.

My children have attended a wide variety of city, school district and privately run youth programs for nearly twenty years, and participated in multiple sports since a very young age. Youth sports and activities are the single largest source of socialization and social emotional development outside of school and family activities. We have experienced our richest ties to our hometown through youth sports.

Our youth need ongoing access to programs at the GCCC, recreation centers and parks to reclaim the carefree childhood that has been threatened by Covid-19. Their future wellbeing depends on the normalcy that sports and recreation provide.

As a sports mom of children from 5 years old, to elementary school and college, I can say without reservation that the Santa Fe Hockey Association is by far one of the highest quality programs in our city. We need access to the GCCC this fall to continue building what promises to be the strongest youth hockey program in New Mexico under our current leadership. We are the envy of the state every time we host tournaments and games, our participation numbers continue to grow, and our young athletes show talent worthy of high school and college level aspirations.

Please do not deny access to GCCC or the ice rink to our youth. The winter months are long enough for residents of this high mountain city. I simply cannot imagine the irrecoverable loss of the program should the GCCC ice rink close this year. My three young children and dozens of their teammates simply cannot bare to lose more than they have already.

While I respect and understand that city maintenance and services, as well as support for our elderly community members are important, do not forget about our children. They need us now more than ever.

Respectfully,

Kristy Janda Wagner, City Resident, Educator & Parent of 4 Young Santa Feans

Sent from my iPhone

From: Christine  
To: Petitions from the Floor  
Cc: Kathleen Dudley; Christine Zipp  
Subject: "Petitions from the Floor"  
Date: Wednesday, May 27, 2020 12:25:22 PM

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

Thank you for an opportunity to submit comment on this important topic.

I appreciate the excellent and accurate job Kathleen Dudley did in her interview and agree with every point she made.

From my research and observations, we are looking NOT at a "health issue", but one involving violations of constitutional rights, surveillance, privacy breaches and overall control. There is way more collateral damage in the form of suicides, job loss, economic and food chain collapse. History shows that the ill used to be quarantined. However, when the healthy are quarantined, "sentenced" to 'social isolation', it is nothing more than house arrest and is wrong in every aspect - it is nothing short of tyranny in this Land of the Free and Home of the Brave.

That said, even if we were to rewind the clock to before this Panic of 2020 first surfaced some five months ago, had it been treated like the typical cold/flu season it has been shown to be we would have been able to treat this as another "non-event" with those of us immune-compromised such that they would get the virus and exhibit flu/cold symptoms, most would move through them and develop herd immunity. Sadly, others would pass from this as they always have.

However, this is NOT about a virus. This has not developed as we were first placed in fear to expect through mainstream media, as evidenced by the original inflated model from the Imperial College, the fact that death numbers have been admittedly bloated and the tests are unreliable (paw paw fruit and goats have tested positive!) and the so-called 'vaccine' that is being rushed through "Operation Warp Speed" with miserable results from trials and destined to go to EVERY citizen on the planet - with or without symptoms. This is being driven mostly by Bill & Melinda Gates, from a family involved in the eugenics program. Why is a tech specialist in charge of a "health" matter?

Still most of us are obeying the orders coming from our over-reaching governors and wearing masks, keeping socially distant, sanitizing everything and everyone, engaging in only "essential" trips and purchases



and generally being obedient, but not really coming close to anything one could call "living" during these trying times. Does this make sense? Not necessarily according to many including David Martin, PhD who tells us...

If people are using the energy of fear as a primary motivator, there is something else going on because fear is actually a conditioned response. Anticipation is natural, but fear – the certainty that something is going to be somehow less safe, bleaker, etc., - Fear is always an agent of someone seeking control over someone or a group...

On the topic of governors issuing executive orders that end up restricting our liberties, movements, abilities to assemble, earn a living, reach herd immunity, he says...

"In 43 states, governors are allowed to make provisions for a limited period of time specifically around the use of an appropriation of resources and the ability to quarantine or isolate individuals who are, in fact, part of an epidemic or pandemic. But in no instance, in none of the 50 states, is any governor ever authorized to go against the standard of scientific and medical care instituted by the establishment of science and medicine at that period of time. That has never been authorized in any state.

He weighs in on the topic of mandatory face masks as well...

As recently as mid-April, the Journal of the American Medical Association (JAMA) and all of the evidence that the Surgeon General used in his earlier determinations going back to March, very clearly stated that there was no medical, social or epidemiological evidence that face masks do anything to actually control the spread of a thing among a healthy population... Now, if you're sneezing, coughing or actively virulent, you have a social and a legal responsibility not to be a vector carrying pathogens into the general population. Stay at home. Don't travel out until you get better. But don't for a minute think that there is a governor or agency, anywhere in this country that can surface a single piece of information that says that wearing a mask is medically necessary or even deemed appropriate in peer-reviewed science. Governors made that up as part of crowd control and fear incitement. There's no other basis for doing that."

AND, how about that 6' or half meter rule? David's response...

This came from a misinformation interpretation of a very simple exercise that looked at how far a sneeze or a cough may spew pathogens but at no point was that done in a real live situation. As recently as yesterday, there was some wonderful testimony that was published that showed that Harvard's leading researchers in this field have indicated that the likelihood of healthy populations be constrained by the social distancing rule is entirely arbitrary and capricious and without merit."

Again, thank you for the opportunity to submit my testimony for your consideration.

Regards,

*Christine*

Christine Zipps  
Investigative Health Journalist & Founder  
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**ZIPPS media**

**Co-founder: WIRED SCHOOLS**

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*My address: 16859 East Oxford Drive, Aurora, CO 80013*

***You can ignore reality, but you can't ignore the consequences of ignoring reality. - Ayn Rand***