



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
APRIL 29, 2020  
ATTEND VIRTUALLY

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

## **Special Procedures for April 29, 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, April 29, 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, April 29, 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: Regular City Council Meeting – April 8, 2020
9. PRESENTATIONS
10. CONSENT CALENDAR
  - a) Request for Approval to Accept Grant #SAF-20-03, in the Amount of \$1,937,500.00 to Fund the Design and Construction of Taxiway Golf, Along with Design and Construction of Precision Approach Path Indicator for Runway 15 at the Santa Fe Regional Airport, 121 Aviation Drive; NMDOT Aviation Division. (Curt Temple, Santa Fe Regional Airport Project Administrator, [cetemple@santafenm.gov](mailto:cetemple@santafenm.gov), 955-2906)
    - 1) Request for Approval of Budget Amendment Resolution.
  - b) Request for Approval of Amendment No. 2 in the Amount of \$21,687.50, Inclusive of NMGRT, for Emergency On Call Services for the Wastewater Treatment Plant; Alpha Southwest, Inc. (Efren Morales, Wastewater Plant Superintendent, [emmorales@santafenm.gov](mailto:emmorales@santafenm.gov), 955-4618)
  - c) Request for Approval of the City of Santa Fe Water Division Asset Management Plan. (Jesse Roach, Water Division Director, [jdroach@santafenm.gov](mailto:jdroach@santafenm.gov), 955-4309)
  - d) Request for Approval of Budget Amendment Resolution in the Amount of \$75,000.00 to Increase the Service Contracts Line Item for Airport Security. (Mark Baca, Airport Manager, [mdbaca@santafenm.gov](mailto:mdbaca@santafenm.gov), 955-2901)
  - e) Request for Approval of 2019 Emergency Management Performance Grant in the Total Amount of \$60,000 for Salary and Benefits; New Mexico Department of Homeland Security and Emergency Management. (Kyle Mason, [kamason@santafenm.gov](mailto:kamason@santafenm.gov), 505-955-6704)
    - 1) Request for Approval of Budget Amendment Resolution.



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- f) Request for Approval of Appointment of Municipal Court Pro-Tem Judges Pursuant to §2-3.4(C) SFCC 1987: Ann Yalman, Angela R. Pacheco, Paul Biderman, Patricio Serna and Daniel A. Sanchez. (Judge Virginia Vigil, Municipal Court, [vmvigil@santafenm.gov](mailto:vmvigil@santafenm.gov), 955-5110)
  - g) Request to Publish Notice of Public Hearing for May 13, 2020 for the Annual Action Plan, Required by the U.S. Department of HUD that Describes Proposed Uses of CDBG Funding for the 2020-21 Program Year. (Alexandra Ladd, Director of Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 955-6346)
  - h) Report Regarding the 2020 Santa Fe Homes Program Pricing Schedule, Adjusted as Per the Newly Released 2020 Area Median Income (AMI) Statistic. (Alexandra Ladd, Director of Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov), 955-6346) **(Informational Only)**
  - i) CONSIDERATION OF RESOLUTION NO. 2020-\_\_\_\_. (Mayor Webber)  
A Resolution Approving an Extension of the Permitted Period of Time for the Display of Banners Along Guadalupe Street Between Paseo de Peralta (South) and West Alameda. (Liz Camacho, Economic Development and Communication Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 955-6042)
11. Request for Approval of Amendment No. 5 to Extend the Term and Increase Compensation of the Administrative Services Agreement #15-0757 in the Amount of \$110,233 for City of Santa Fe Employer Sponsored Health and Life Insurance Benefits; Cigna Health and Life Insurance Company. (Bernadette Salazar, Human Resources Director, [bjsalazar@santafenm.gov](mailto:bjsalazar@santafenm.gov), 955-6591)
12. CONSIDERATION OF RESOLUTION 2020-\_\_\_\_. (Mayor Webber, Councilor Villarreal, Councilor Lindell, Councilor Vigil Coppler, Councilor Garcia and Councilor Cassutt-Sanchez)  
A Resolution Urging New Mexico's Congressional Delegation to Seek Federal Funding Relief for the City of Santa Fe and Other Small Municipalities to Address and Recover from the COVID-19 Pandemic and to Continue the Delivery of Quality Services to the Residents and Employment for the Workers. (Jesse Guillen, Legislative Liaison, [jbguillen@santafenm.gov](mailto:jbguillen@santafenm.gov), 955-6518)
13. CONSIDERATION OF RESOLUTION 2020-\_\_\_\_. (Mayor Webber)  
A Resolution Approving Furloughs of up to Four and Sixteen Hours for Certain City Employees, Due to the Fiscal Impacts of the COVID-19 Public Health Emergency. (Jarel LaPan Hill, City Manager, [jlhill@santafenm.gov](mailto:jlhill@santafenm.gov), 955-6848)



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14. MATTERS FROM THE CITY MANAGER

15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Including a Quarterly Update on Pending and Threatened Litigation and an Amicus Opportunity to Join Santa Clara County, the City of Chicago, and Other Local Governments to be Filed in the Supreme Court Supporting the Affordable Care Act's Individual Mandate in the United States Supreme Court. (Erin K. McSherry, City Attorney, [ekmcsherr@santafenm.gov](mailto:ekmcsherr@santafenm.gov), 955-6512)
  - b) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of the Midtown Property, Formerly Known as the College of Santa Fe and Formerly Operated as the Santa Fe University of Art and Design. (Erin K. McSherry, City Attorney, [ekmcsherr@santafenm.gov](mailto:ekmcsherr@santafenm.gov), 955-6512)
16. Approval to Join Other Local Governments in an Amicus Brief to be Filed in the United States Supreme Court in the Consolidated Cases *California v. Texas*, No. 19-840 and 19-1019, In Defense of the Affordable Care Act's Individual Mandate. (Erin K. McSherry, City Attorney, [ekmcsherr@santafenm.gov](mailto:ekmcsherr@santafenm.gov), 955-6512)
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY
19. ADJOURN

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

A. PETITIONS FROM THE FLOOR

Please refer to the statement "Special Procedures for April 29, 2020 Governing Body Meeting" at the beginning of the Governing Body Agenda.



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## B. PUBLIC HEARINGS:

- 1) **Case #2019-1535: 211 West San Francisco Street Development Plan.** Sommer Karnes and Associates LLP, Agent, for G.E. Senlic LLC, and Legacy Hospitality & Management, LLC, Requests Approval of a Development Plan for a 84,276 Square Foot, 4-Story Building which Will Consist of a 70-Room Hotel, other Amenities and a 2-Level Underground Parking Garage. The Property is Approximately 0.99 Acres, is Zoned BCDLEN (Business Capitol District - Lensic Block Redevelopment Subdistrict), and is Within the Historic Downtown Archaeological Review District. (Dan Esquibel, Planner Senior, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587) (POSTPONED MARCH 25, 2020) (POSTPONED TO MAY 13, 2020)

**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.**

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: April 24, 2020

TIME: 4:59 PM

**SUMMARY INDEX  
SANTA FE CITY COUNCIL  
April 29, 2020**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGE</b>
1. Call to Order	Convened at 5:00 p.m.	1
5. Roll Call	Quorum Present	1
6. Approval of Agenda	Approved as presented	1
7. Approval of Consent Calendar	Approved as presented	2
8. Approval of Minutes Regular Meeting - April 8, 2020	Postponed to next meeting	2-3
9. Presentations	None	3
10. Consent Calendar	Listed	3-4
b) Alpha Southwest Amendment	Approved	4-9
d) Airport Security Budget Amendment	Approved	9-10
11. Cigna Contract Amendment	Approved	10-11
12. COVID Federal Funds Resolution	Approved	11-12
13. Resolution to approve furloughs	Approved	13-33
14. Matters from the City Manager	Reported	33
15. Matters from the City Attorney	Reported	35
Executive Session	10:19 - 11:24	35-36
16. Request to join Amicus Brief	Approved	36
16. Matters from the City Clerk	None	36-37
18. Communications from Gov. Body	Communicated	34-35
Petitions from the Floor	Petitions were by Exhibit	33
Adjournment	Adjourned at 11:30 pm	37

**MINUTES OF THE  
REGULAR MEETING OF THE GOVERNING BODY  
Wednesday, April 29, 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, April 29, 2020, at approximately 5:00 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum remotely, as follows:

**Members Present Remotely**

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

**Members Excused**

**Other Participants Attending Remotely**

Jarel LaPan Hill, City Manager  
Erin McSherry, City Attorney  
Yolanda Y. Vigil, City Clerk  
Mark Baca, Santa Fe Airport Manager  
Efren Morales, Wastewater Plant Superintendent  
Shannon Jones, Utilities Division Director  
Mary McCoy, Finance Director  
Bernadette Salazar, Human Resources Director  
Joe Abeyta, Multimedia Production Manager  
Kristine Mihelcic, Constituent Services Director  
Regina Wheeler, Public Works Director  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Lindell moved, seconded by Councilor Cassutt-Sanchez, to approve the agenda as presented.

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

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

**Against:** None.

**7. APPROVAL OF CONSENT CALENDAR**

Councilor Vigil Coppler requested discussion on item 10(b).

Councilor Lindell asked for discussion on item 10(d).

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, to approve the Consent Calendar as amended with items 10(b) and 10(d) pulled for discussion.

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

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

**Against:** None.

**8. APPROVAL OF MINUTES:**

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

Councilor Villarreal and Councilor Cassutt-Sanchez said they did not get the minutes attachment.

Mayor Webber suggested the minutes be postponed until the next meeting.



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

**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 to Accept Grant #SAF-20-03, in the Amount of \$1,937,500.00 to Fund the Design and Construction of Taxiway Golf, Along with Design and Construction of Precision Approach Path Indicator for Runway 15 at the Santa Fe Regional Airport, 121 Aviation Drive; NMDOT Aviation Division. (Curt Temple, Santa Fe Regional Airport Project Administrator, cetemple@santafenm.gov, 955-2906)

1) Request for Approval of Budget Amendment Resolution.

b) Pulled for discussion by Councilor Vigil Coppler

c) Request for Approval of the City of Santa Fe Water Division Asset Management Plan. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)

d) Pulled for discussion by Councilor Lindell

e) Request for Approval of 2019 Emergency Management Performance Grant in the Total Amount of \$60,000 for Salary and Benefits; New Mexico Department of Homeland Security and Emergency Management. (Kyle Mason, kamason@santafenm.gov, 505-955-6704)

1) Request for Approval of Budget Amendment Resolution.

- f) Request for Approval of Appointment of Municipal Court Pro-Tem Judges Pursuant to §2-3.4(C) SFCC 1987: Ann Yalman, Angela R. Pacheco, Paul Biderman, Patricio Serna and Daniel A. Sanchez. (Judge Virginia Vigil, Municipal Court, vmvigil@santafenm.gov, 955-5110)
- g) Request to Publish Notice of Public Hearing for May 13, 2020 for the Annual Action Plan, Required by the U.S. Department of HUD that Describes Proposed Uses of CDBG Funding for the 2020-21 Program Year. (Alexandra Ladd, Director of Office of Affordable Housing, agladd@santafenm.gov, 955-6346)
- h) Report Regarding the 2020 Santa Fe Homes Program Pricing Schedule, Adjusted as Per the Newly Released 2020 Area Median Income (AMI) Statistic. (Alexandra Ladd, Director of Office of Affordable Housing, agladd@santafenm.gov, 955-6346) (Informational Only)
- i) **CONSIDERATION OF RESOLUTION NO. 2020-15.** (Mayor Webber)  
A Resolution Approving an Extension of the Permitted Period of Time for the Display of Banners Along Guadalupe Street Between Paseo de Peralta (South) and West Alameda. (Liz Camacho, Economic Development and Communication Administrator, excamacho@santafenm.gov; 955-6042)

## **CONSENT CALENDAR DISCUSSION**

- b) Request for Approval of Amendment No. 2 in the Amount of \$21,687.50, Inclusive of NMGR, for Emergency On Call Services for the Wastewater Treatment Plant; Alpha Southwest, Inc. (Efren Morales, Wastewater Plant Superintendent, emmorales@santafenm.gov, 955-4618)

Ms. Vigil read the caption.

Councilor Vigil Coppler wanted an update on the wastewater plant. She agreed that Public Works and Finance considered it. But now we have another break at the plant. She was worried about the condition of that plant. She asked if the City is spending money to put Band-Aids on. One of these days, Santa Fe will be in a world of hurt on it. She felt that \$5,000 is just a band aid.

Director Jones responded that the Alpha Southwest Contract is not a band aid but an ongoing repair. He had received multiple emails and could not track them all. But he talked about some of the conversations that occurred and perceptions. The facility has four levels of treatment which are on top of each other. The contract is part of our treatment. While important, to the conversations, some have asked why we don't just filter the water. The

treatment is a polishing treatment after all the other filters have done their job. If the others did their work, it doesn't matter for the polishing filter. But it is not a band aid. This, however, is not the end -all for the issues with the plant.

There are needed repairs. A secondary question asked about band aids is if it will go kaput. His answer was that we do have a 60-year-old facility and we do have a plan. We are investing an amazing amount of capital in the digesters and how we transition off of the City property and the land fill. This is a work that requires tremendous amount of time and effort. It is a challenge. He and Supt. Morales on the team have lived in their world. It was a needed improvement. on the heels of the aeration upgrade. Part of secondary treatment is where the problems have occurred.

We have taken very aggressive approach and staff has come up with requests for purchases. We have the design and some of the parts have had recalls. We purchased equipment that is on the shelf or on the way. So there are upgrades to the plant and we are following the plan. Over \$26 million has been invested and there will be another design for the next phase.

The third question was about whether we have the right people. He believed the Staff we have in wastewater management are the best to be found in the state. Supt. Morales, as Superintendent, has 20 years' experience. We have had eight other superintendents that he has worked for. There is no state of controls. They do everything manually and replace equipment as needed. We brought in a consultant from the New Mexico Environment Department to evaluate our system. And we do agree with his evaluation and he is finalizing the report. He was impressed with the Staff, their knowledge and willingness to make the changes.

Director Jones showed a slide that went back ten years to show what this represents. It showed all of the readings on what affects effluent and at the top was the compliance level. 2016 was a really good year with no breaks. So it is not something that just recently occurred. We can talk about duration, but he could show when the plant was out of compliance. It is ongoing work. In 2016-17 and 2019 - ultimately, was the biological oxygen demand that was on the last permit and treated effluent.

The new permit was in 2016 and we implemented a study. If you look at the numbers which are sums, about 16,000 pounds were released into the river. From 2016 to 2017, it is relatively the same number - phosphorus was about the same. Moving into 2018, the oxygen demand increased and as we go forward - back five years ago, Supt. Morales's job was to balance those numbers. That is where the aeration project came from. We are still

committed to it. Into 2019, we realized how hard it was and challenged the Wastewater Division to make the changes.

This is an ecosystem that has to be in balance. Ultimately, in 2019, we have had them running around to put together the data.

He said the facility has to take the ownership and we need to give them the resources to do that. The aeration program has multi-year data and a report from the NMED consultant. Everyone has six ways to do it and his approach is to back up and let Supt. Morales do his job for what chemicals to put in, etc. They are shaking up the ecosystem more and more and Supt. Morales has a great plan.

His recommendation is, with the help of our consultant, to realign and let the balance of the ecosystem prevail in order to come back into compliance. Supt. Morales has to lock in the numbers and maintain them. There are still more resources that he needs, and Director Jones was committed to his work. Many staff have been there for years and they show up every day.

He stood for questions.

Councilor Vigil Coppler thanked Director Jones for the work he put into this and for his response. It was informative.

Councilor Abeyta was very concerned about the condition of the golf course and SWAN Park. One option Director Jones gave was for a potable water line. He thought we need to put the line in. SWAN Park has \$500,000 still budgeted and we should use it for this line instead of letting things die when there is a breakdown. He thought that was the only way.

Councilor Romero-Wirth asked if it is a potable water pipeline. She thought it was not potable water.

Director Jones went back to the digester which had to do with the solids. We have a great reputation on water conservation. Currently, we are 15.5 to 16 million gallons, but the solids are creeping, and we need the digesters to process them. There are two challenges. One was bacteria, which are non-desirable organisms that became a problem. When the digester was built, it sent sludge 12 different directions, but one was to the drain. There was a valve open and the sludge came back into the facility and created a problem. That was not good for the facility. As soon as discovered it, we made the proper adjustment to deal with it.

Councilor Romero-Wirth understood and added that we just added a new digester with the environmental bond issue. It was the first in the state to use that financing method and also a big upgrade for the plant.

Director Jones agreed. When solids don't come out with secondary treatment, it is a problem.

Councilor Romero-Wirth pointed out that not everyone understood the digester's importance and the issues Wastewater is dealing with. Back to the pipeline - what is proposed?

Director Jones said there were two recommendations in the report at end of last summer. One was for potable water to the Marty Sanchez golf course. The budget was \$650,000 to provide that water to the golf course. The Las Campanas tank is now a City asset and there will be a meeting tomorrow morning to decide on its use - whether to include Las Campanas. Las Campanas has ability to divert water from the river. And if we can activate the pipeline with a pump station, it could bring nonpotable water from the river. Those are the options in our action report.

Councilor Romero-Wirth thanked him. That answered her question.

Councilor Lindell noted we have suffered through this for over a year now and she didn't understand all that Director Jones talked about. What is a reasonable amount of time for us to be patient with repair at the facility? What is reasonable to have this continue to go on?

Director Jones said, to reframe it, there will be times when the plant comes out of compliance. Supt. Morales is working to bring it back into control and would like to see that by this weekend. To have it consistent means improvements to the aeration system. Doing the work at the plant in the summer is the only time to attend to those critical elements. We need the contractor on site now. We can only upgrade one of the aerator systems this summer and the other one next summer. He is depending on these guys to balance that workload and we have given them more tools to do it more efficiently. And in the long-term, we have to work the plan to do it.

Councilor Lindell asked if he was saying it will be two years out for it not to be happening on a regular basis.

Director Jones went out on a limb and said yes.

Councilor Lindell asked why it takes two years.

Director Jones pointed out that we cannot change a tire without slowing down. A contractor has to rebuild that whole basin and we need both basins done before winter. Only after next summer, will Supt. Morales have the controls and dependable equipment. That is the reason it takes so long.

Councilor Lindell thought we did work on it last year to get it done this year.

Director Jones said we worked out the design last year and then procured the equipment and some of it requires a 14-month lead time.

Councilor Rivera said he didn't doubt the quality of the Staff. But he pointed out that even though potable water is going to the golf course and SWAN Park, that is not the only park getting that water.

Director Jones clarified that the MRC and SWAN Park, Marty Sanchez Golf Course and the Santa Fe Country Club are all under that contract.

Councilor Rivera asked if it still included the Santa Fe Downs.

Director Jones said they Downs did not take any water last year. The soccer fields have a contract and also with Caja Del Rio and also the Forest Service but those are minute amounts.

Councilor Rivera asked how many gallons per day is diverted.

Director Jones said it is 2.1 million gallons per day.

Councilor Rivera observed that is quite a bit of water. He asked how long it would take to build the potable water line.

Director Jones recalled that last year, about July 4, we got it to the fire hydrant at the Country Club. Swan Park is a similar structure and in close vicinity. We could do it relatively quickly in a couple of days. But for the vault, it would take about 6-8 months.

Councilor Rivera heard him talk about primary, secondary and tertiary treatment. Would it not be cheaper to plan for some redundancy and have the water go through the treatment more than once?

Supt. Morales said they actually do have a system for that now. But to return the full amount of effluent, the flow would catch up within one day.

Councilor Rivera asked about storage to release it back slowly.

Supt. Morales said the Las Campanas storage tank could be used for that.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve Amendment #2 with Alpha Southwest as presented.

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

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

**Against:** None.

Mayor Webber asked for a copy of Director Jones' historic data.

Director Jones agreed to provide it.

Councilor Lindell wanted a copy of the report from the consultant.

Director Jones agreed to provide a copy.

- d) Request for Approval of Budget Amendment Resolution in the Amount of \$75,000.00 to Increase the Service Contracts Line Item for Airport Security. (Mark Baca, Airport Manager, mdbaca@santafenm.gov, 955-2901)

Ms. Vigil read the caption.

Manager Baca stated that the Airport requirements have not slowed down. The flights are being spread out over the course of the day. He listed the time schedule of flights in and out. With that stretch, the airport goes from Level 3 to Level 1 and we are required to have security at the airport during all of that time.

Councilor Lindell said she was just hoping we would not have to extend those numbers out there.

Mayor Webber thought it was from the FAA and not the City.

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth, to approve the budget adjustment for airport security as proposed.

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

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

**Against:** None.

**11. REQUEST FOR APPROVAL OF AMENDMENT NO. 5**

to Extend the Term and Increase Compensation of the Administrative Services Agreement #15-0757 in the Amount of \$110,233 for City of Santa Fe Employer Sponsored Health and Life Insurance Benefits, Cigna Health and Life Insurance Company. (Bernadette Salazar, Human Resources Director, bjsalazar@santafenm.gov, 955-6591)

Director Salazar reported on this item which was for an increase for the stop-loss at 9% increase and is relatively low, based on the market today. It also includes the funding for FY 22 and 23 and aggregate for 2023.

Councilor Villarreal clarified that this is from the committee working with Cigna to continue our Cigna plan. Is it just for this year or extended to FY23?

Director Salazar agreed that it extends the agreement to FY23.

Councilor Villarreal assumed that any adjustments, moving forward, will be figured out at a later date and will involve Director Salazar in feedback.

Director Salazar agreed. Any plan design changes are discussed first with the Advisory Committee and then the changes go to the Governing Body.

Councilor Villarreal pointed out that because these increases are for the next few years, anything that changes in the economy could affect it for the next three years.

Director Salazar explained that the Administrative Services fees are locked in but increases or decreases would require an amendment to the contract through the Governing Body and could fluctuate.

Councilor Vigil Coppler wanted to know why we did not go out to bid.

Director Salazar replied that the contract with Cigna is for the full 8 years. We have the capacity to go out with an RFP, but it is a big one with vision, dental, etc.

Councilor Vigil Coppler added that Director Salazar did not have the staff at that time to undertake it.

Director Salazar didn't agree but the rates are pretty good, based on our data.



**MOTION:** Councilor Abeyta moved, seconded by Councilor Vigil Coppler, to approve Amendment #5 with Cigna as proposed.

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

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

**Against:** None.

12. **CONSIDERATION OF RESOLUTION 2020-16. (MAYOR WEBBER, COUNCILOR VILLARREAL, COUNCILOR LINDELL, COUNCILOR VIGIL-COPPLER, COUNCILOR GARCIA, COUNCILOR CASSUTT-SANCHEZ AND COUNCILOR ROMERO-WIRTH)**

A Resolution Urging New Mexico's Congressional Delegation to Seek Federal Funding Relief for the City of Santa Fe and Other Small Municipalities to Address and Recover from the COVID-19 Pandemic and to Continue the Delivery of Quality Services to the Residents and Employment for the Workers. (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Ms. Vigil read the caption.

Ms. McSherry clarified that for this matter, she recommended approval of a waiver of the introduction rule for this resolution and the next one. They were introduced at Finance. It only requires motion and vote.

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler, to waive the introduction rule for this resolution.

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

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

**Against:** None.

Councilor Villarreal said she spoke with a staff member of Senator Heinrich about the language. We include language about \$35 million or more for this fiscal year alone. It is important to add that language in to show the urgency and add language on maximum flexibility for money already appropriated. The funding is through the state and that would add so much. So she had asked Mr. Guillen for the

amendment but it was at a late date and she hoped it could be added to the resolution.

Mayor Webber agreed. It is completely appropriate, given the crisis at the moment. He asked if that amendment needed a formal motion.

Ms. McSherry said no. The motion can include those amendments. She asked Councilor Villarreal if that should be a separate "be it resolved" paragraph.

Councilor Villarreal agreed. It should say, "Be it further resolved for allocated funds and future funds have that flexibility."

Mayor Webber okay.

Mayor Webber said he spoke to the Chairman of Ways and Means and fully understood what Councilor Villarreal is talking about. We are out of luck on the \$500,000 population but going forward with COVID 19 and every mayor on the call stipulated the same thing.

Ms. McSherry said she would listen to the recording to add it in there exactly. She would share that with Mr. Guillen.

Councilor Villarreal apologized that she did not specify a line.

Ms. McSherry said that is not important. We just add the projected deficit and in the therefore is greater flexibility for current and any future purpose.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve with the amendments by Councilor Villarreal and to give Attorney McSherry and Councilor Villarreal permission to make adjustments so that language could be in it.

Councilors Rivera, Romero-Wirth, Abeyta and Lindell were added as co-sponsors upon their request. Councilor Villarreal was already a co-sponsor.

**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. **CONSIDERATION OF RESOLUTION 2020-17. (Mayor Webber)**  
A Resolution Approving Furloughs of up to Four and Sixteen Hours for Certain City Employees, due to the Fiscal Impacts of the COVID-19 Public Health Emergency. (Jarel LaPan Hill, City Manager, jlhill@santafenm.gov, 955-6848)

Ms. Vigil read the caption.

Mayor Webber provided a context for the Resolution, going back to February 29, when the City was enjoying widespread optimism about the economy. Then the calculated changes resulted in a \$14 million shortfall. Now, it could be more with a \$46 million debt to pay. He added that this financial crisis is nobody's fault.

Manager Hill showed her update to address the financial losses. There are no easy answers and thousands of people are finding themselves in adverse situations. It is likely to be serious and long. We now have a spending freeze, no overtime, and these furloughs are the last piece of the plan. She added that we have to follow the City's policies, including our union agreements. She emphasized that these are the things that could get the City through the current FY. The City will continue operations like trash pickup. We are faced with a large and complicated solution. The requirement specifies that City Manager is to present a plan for the Governing Body to approve. The priorities are to respond, rebalance, and rebuild.

Her presentation showed that we began putting out information on working from home in March and showed all the timeline of public communications it went through and on April 15 began discussions with the unions (not negotiations). They went through the conversations and got to a flexible space, being careful to maintain people's health and not exacerbate the problem.

She stood for questions and asked Director McCoy to lead through the finances.

Director McCoy continued the slides. In the next slide, it showed that Santa Fe is not alone. A national survey shows the impacts on anticipated shortfalls and planning for coping with the emergency. It is happening world-wide and organizations like the National League of Cities and the Conference of Mayors are lobbying for relief.

The next slide showed the economic data. She reviewed some of the national economic data with the Governing Body and commented on its impact on the City finances. The bottom line is a dramatic drop in revenue against the budget.

Director Salazar said she outlined last week what the total HR plan looks like and she explained the planned furloughs. Most Fire and Police employees are exempt from this plan.

Manager Hill shared the last slide which showed the next steps including bringing the plan to a vote by the Governing Body and she clarified it is just to June 30, 2020. She pointed out and explained the 3-month lag in receiving GRT. She concluded that this is our best work to do in these challenging times as good stewards of taxpayer dollars. And it maintains our ability to continue to function. She stood for questions or anything from Ms. McSherry to add.

Councilor Rivera said it was good work and understood that we cannot avoid furloughs. He asked who was included in making the design.

Manager Hill said the group included representatives of all three unions, Director McCoy, Mayor Webber, and all Department Heads.

Councilor Rivera asked if there had been any thought of including staff members who went through 2008 with the City.

Mayor Webber said they got notes from those times. He reached out to Carmichael Dominguez on his experience from days gone by. He clarified that there was no attempt to exclude anyone, but they were operating under an emergency situation with very short time constraints. So they did get input from the vast experience of those who went through the recession at the City.

Councilor Rivera asked Manager Hill about taking more furlough for those over a \$100,000 salary.

Manager Hill said the initial plan did that and in union conversations, we went across the board. It was a more complicated approach. Our information was that if we could all go through it together, that is where we want to be. It is what works. We decided on a 4-hour per week furlough as a minimum.

Director Salazar added that in talking with union members, many had the previous experience with that also.

Councilor Rivera thought it sounded like the union talks led to that 4 hours and asked when the sixteen hours came into play.

Manager Hill said they compromised between the four and sixteen. And where the services were closed (not operating) is where we chose 16.

Councilor Rivera pointed out that Perez and Ft Marcy have been closed for some time.

Manager Hill said all of those employees were assigned to other facilities.

Councilor Rivera observed that now, no recreation facilities are open.

Mayor Webber noted with AFSCME, participants revolved around the difference in 2007- 2008 with long-term furlough because everything was affected in the economy. This is different. Certain facilities are closed that were left open in the great recession. He listed all that are closed which was not the case in 2007-2008. So they tried for a hybrid response across the board but shallower. It was much less than when we started.

Ms. McSherry pointed out that changing the whole system means legal issues coming up are novel and require lots of time for consideration.

Councilor Rivera asked if those employees with a 16-hour furlough would be eligible for unemployment.

Director Salazar said they would be eligible for some benefits. and our staff will help them with it.

Ms. McSherry clarified that not everyone in a furlough would be eligible but primarily those with 16-hour furlough and below a \$19/hour wage. She noted that the City has no control over that.

Councilor Rivera understood about public safety and fire employees, which we talked about. He asked about trash pickup employees and whether they would be furloughed for 16 hours as well.

Director Salazar said those employees are part of the four-hour furlough.

Councilor Rivera asked if the City is anticipating any cuts in service.

Director Salazar replied that, at this point, the 4-hour furloughs will be a stretch, but we are working to make it without cuts. Employees on sick leave would make it more challenging.

Councilor Rivera recalled the City just recently went through the compensation study. He asked if that was considered in this plan.

Director Salazar said it was not considered.

Mayor Webber said regarding a sick employee, it is a managerial exercise and in our talks, what we learned is that there is a vast difference between a 4-hour furlough and an 8-hour furlough and managing those shifts and work crews is much more complex and in some cases re unworkable with an 8-hour furlough. It is more a managerial question. Such variables mean we must solve questions on legality, be able to deliver services, how much impact there is on closing the gap, and how to pay people also taking furloughs. Managers are not on hourly pay. It

is not to anyone's liking, but it is the least bad option. It affects delivery of service and maintaining health coverage and still obtaining a contribution to close the \$46 million gap.

Councilor Rivera observed that the public utilities department is an enterprise fund and he presumed those savings would go back into the enterprise fund

Director McCoy agreed, but said there could also be shortfalls there.

Councilor Rivera surmised that doesn't affect the General Fund.

Director McCoy said Director Jones referred to that earlier, but the funds would help balance the shortfalls.

Councilor Rivera asked Director Jones if he was anticipating any shortfalls.

Director Jones said he was monitoring the revenue and aging of A/R. With the GRT, that money is spent as it comes in, but the utility account balance still carries forward and ultimately, we would look at making up that revenue. The required cash reserves help. His concern would be environmental services.

Councilor Rivera said he had no problem with the 4-hour furlough. He offered to donate back his salary for helping the 16-hour furlough employees.

Ms. McSherry explained that if he was not paid by the City, the money could not be used to help those employees.

Councilor Rivera asked if he could get a list of those employees.

Mayor Webber announced that Ms. Vigil has agreed to work with Director Salazar to establish such a fund to help those most affected. Any Councilor could participate.

Councilor Rivera reasoned that after he received his check, he could write a check to the Fund. He asked if there was a way to designate it for 16-hour furlough employees.

Mayor Webber agreed. It was the Clerk's idea as a way to help those most in need.

Councilor Garcia asked how this is going to impact PERA.

Director Salazar said she has been in contact with PERA on their regulations. It is not a salary cut so it would not affect their service credit with PERA.

Mayor Webber acknowledged the question of fairness is hard and it is not how our personnel policies are written to deal with furloughs. Any furloughs done on the basis of pay would violate our personnel policies. We are trying to combine good management with compassion and humanity. So we are not trying to get the largest financial impact. It is a balancing act to keep services of the City functioning while continuing to meet our agreements. So the calculations leave out other parts of the formula which have taken up time over the last few weeks to create an electable solution for us.

Ms. McSherry pointed out that anyone who does qualify for unemployment is eligible for \$500 per week COVID pay. That helps our lowest paid employees who are eligible for unemployment.

Councilor Garcia asked what other plans were considered.

Mayor Webber said any furlough plan, by its nature, is not a pay cut. Those are two different categories in personnel policies. It is not a pay cut. We did consider a wide variety of ways to arrive at a solution and wanted to make it simple, managerial and fit into our budget and recognize it as a temporary stopgap to June 30.

Councilor Garcia asked then, if it is by position title instead of pay rate.

Mayor Webber said it was first done by department. There are other criteria.

Ms. McSherry added that position title would be one part of an organizational unit and part of what we tried to do with this, except for emergency operations which is true in a couple of cases.

Councilor Garcia considered this as a great opportunity for how much we support our employees. He asked if there was any talk about transferring positions - reassign to other duties, to give them the opportunity for greater service to the City. Is there a way to assign folks to gaps that exist and reassign as many as possible?

Manager Hill agreed. The reassignments memo was the first memo we put out. She didn't have the numbers, but it is happening in a unit and where things get hard is reassigning all 181 folks in a unit and how it can be done. The reassignment is happening.

Director Salazar said she has about a dozen for reassignment right now. So it is not too many.

Councilor Garcia asked if anyone reached out to those 181 people to let them know what would work.

Manager Hill said yes, and we will continue to do better. There are job boards. The hiring freeze means we can operationalize that. It has taken some time.

Councilor Garcia noticed the plan has not addressed how we are planning to reopen with all systems go or if we will be able to survive after the furlough.

Manager Hill explained that part of the reason for furloughs instead of layoffs is because we don't know how long it will last. And when things start moving again, the re-entry will be a phased approach. Social distancing will remain for a long time, until a vaccine is developed fully. Santa Fe is in a good spot, but it could turn on a dime to a catastrophic situation. So a phased approach is important.

Mayor Webber added that there is a lot of uncertainty in the economy and about COVID 19. Some places in the country are opening up but Dr. Fauci cautioned us not to let it get back to the way it was.

The Governor has asked Mayor Webber to serve on a working group for tourism, land use, parks and culture, community services in developing our own strategy plan for reentry. Tourists are not going to just reappear anytime soon. We will talk about load factors like going into supermarkets and pharmacies and the same for hotels in case there is a sudden resurgence to not have huge numbers or tracking. Health practices and monitoring; hotels, mom and pop business to make sure their staffs are safe. Descartes Lab feels they are safe in transition, but it is a very uncertain future. This is a temporary stopgap measure until June 30. If a reopening process begins to work, we can work on a strategy for economic reboot.

Councilor Garcia appreciated the clarification. We need to be prudent in our decision. He asked to be given a 40% reduction in pay and he would continue to work for those who need it the most. That did not mean his commitment and work will go down. He was more committed, as a public servant, to help address what we find ourselves in. It is not our city employees' fault. This is the time we need to help each other and take the sacrifice. That is what makes this City so special.

Mayor Webber assured him the City Clerk and HR Director will work with him for that.

Ms. McSherry pointed out that the HR Director cannot lower any Councilor's salary, but all are welcome to donate any part of it.

Councilor Vigil Coppler thanked everyone for their input and questions. Her biggest concern now is that the Council seems to be behind. We are here deciding something that was already decided by Management, with a letter on how many are going to be furloughed. That is disturbing and she felt the Council could do a better job, given the questions tonight. She thought Council could have come up with a better plan. This plan is unfair to the lower pay employees and doesn't



provide as much money as we will need in the future. The ones who can least afford it are impacted the most.

She had asked to be part of the discussion. She recalled that Mayor Webber had assured her that he would. But that same day, management had already decided. We are approving something already decided after the fact. So we have a resolution we are bound to approve and that seems wrong. "Nevertheless, I don't think the solution is fair. I submitted a proposal which is simple and direct and more equitable for employees to be in. Higher paid employees taking four hours furlough compared with lower employees taking 16 is not fair. I have a great deal of experience in this area and felt I could make a good contribution. I could not send it to everyone because it would violate OMA. So I was not able to get it to all of you."

Ms. McSherry agreed. And anything like using the mailbox would also violate OMA.

Councilor Vigil Coppler said, "I also asked Jesse to send it, but he just sent it to the Mayor and Bernadette. I don't buy that we are out of time. With some of the suggestions tonight, maybe call a special meeting. We could accomplish something that is a little bit better. I would like you all to consider that. The plan I came up is the first way to address the shortfall and second to address the fairness issue. There are many creative ways to come up with ways the employees can be utilized. Departments are always asking for employees. Granted, they may not have the highest skills. I worked this out on my dining room table. My point is that there are other ways to come up with a better plan and do it swiftly. Your statement, Mayor, is true. It is a horrible situation. The PERA plan will be affected. It is not hours but dollars that are sent to PERA so it will affect their PERA. Supplemental but unemployment doesn't count toward PERA dollars either. Don't use unemployment as a way to come up with the shortfall. We can come up with a better solution and give more thought to creating a plan with fairness and equity. I might ask for more time later, but those are my comments."

Councilor Abeyta asked Director McCoy earlier in the presentation about employees home right now being paid administrative leave.

Director McCoy agreed.

Councilor Abeyta asked what that is costing the City.

Director McCoy said for the first pay period, it was just over \$300,000 for over 400 employees and the hours can vary. 400 staff members took advantage of it. At the second pay period, it was fewer hours and just under \$300,000 for that period.

Councilor Abeyta reasoned that if we continue to wait, that amount is what we would pay out.

Ms. McSherry clarified that, for those whose facility is closed, the administrative leave will continue.

Councilor Abeyta noticed there was not a lot taken from Police and Fire and going forward, we need to look at that. He hoped we would look at that again and also at the higher-level positions that are vacant before we fill them. What were the discussions at Police and Fire in the discussions?

Manager Hill said they are responding, putting themselves in harm's way every day. That was noted and at this moment, it does not affect them as our top priority.

Mayor Webber said that in comparing with other counties, he thought Councilor would discover, almost without exception, that those governing bodies do what maintains safety and security. We looked at various scenarios and various ways to make sure their senior management was not affected by furlough instead of rank and file and clerical who were left as essential but less than uniforms on the street.

Councilor Abeyta asked if this plan will expire on June 30.

Manager Hill agreed.

Councilor Abeyta agreed with some of his colleagues that a lot of work is necessary between now and June 30. Moving forward, we have to use a scalpel and look at other areas. AFSCME is taking the brunt of it. There is more bang for the buck with higher paid employees. Going forward, we need to include the Councilors. We need to be more strategic and more inclusive. It does depend on how long this lasts that projects in our own district will be affected like choosing between recreation centers or not finishing the fire station. He also thought the City needs to engage our constituents with some kind of public outreach for their priorities.

He added with that said, that he would support the resolution because it is temporary. But he looked forward to the Finance Committee and considering Councilor Vigil Coppler's work.

Mayor Webber remembered that when Councilor Abeyta was at the County, he formed an advisory group with employees close to the ground on how to use less money. So those groups will be in the vision to get input from the residents.

Crafting the budget for 2021 is the next order of business with study sessions to consider the data and the implications going forward, not just around how to cover the budget deficit, but for the shape, structure, and performance of city government in a post-COVID-19 era. That would mean some study sessions.

He also made a comment on the question of who is bearing what amounts of the burden. In looking at the data, the nonunion employees are 28% of staff but bearing 43% of the burden.

Our friends at ASFCME have 51% of all employees and 56% of the burden. None of this is fair. And about Councilor Vigil Coppler's comments, we are looking at furlough and not a salary adjustment plan. You may want to choose a pay cut plan like she has proposed. We can look at both because we don't know the trajectory of our future. And we will have to deal with the bigger problem.

Councilor Villarreal thanked the Councilors for insightful questions in this difficult situation. She knew the Staff dealt with this and got quite a bit of feedback for it. It is hard to balance everything. The deficit in 2016 was difficult. This is different and not the same kind of budget deficit and that makes it more challenging for us.

She said she tried to synthesize what has not been asked yet. One was spending freezes. Does this include items we approved in earlier months that may not be relevant at this time? When we were doing fine and now needing to reduce costs, who makes the determinations and who would be responsible?

Director McCoy said we are looking at those that were approved previously. More budget adjustment resolutions are coming. As an example, our Department started a series of training and contracted with an organization to put on the trainings, especially for when changing to remote work. It became clear the revenue would not support that type of training. So we canceled some open POs and our budget staff worked through the departments for what is essential and what is nonessential and will cancel some open POs.

Councilor Villarreal was thinking about the airport and if we need to deal with that. We put money into the Air Alliance. But at this time, are we needing that.?

Director McCoy said the \$25 million was very aggressive and might have already been paid, but she would follow up on that.

Councilor Villarreal mentioned contributions for markets that are closed, etc. She saw those as non-essential right now. The other aspect for her, which was talked about in Finance how it would roll out, that there is still time to find those savings. We need to be informed what it is coming down the pike and synthesize it into a furlough plan. It would have helped to see some options and ideas out there. She didn't have options to propose but wanted what is the best plan. I still think they have the hardest burden - the directors of certain departments with folks furloughed. She would have liked to see scenarios to consider as well as an option of pay cut scenarios for management, administration, and councilors. She understood that pay cuts are different. Did you also consider that option?

Mayor Webber was not sure what option she was suggesting. A pay cut proposal triggers a whole lot of personnel requirements. Your Councilor salary is set by ordinance and the Mayor's is by a commission. And for union staff, such cuts would require reopening salary negotiations under CBA regulations. The point is that pay cuts are always something we can consider and may want to in the 2021 year's budget. But it is a more extensive and prolonged process than furloughs.

"The reason we went ahead and sent letters out to employees, saying this was a furlough plan that had not yet been approved by the Governing Body and that it was still contingent on a vote by the Governing Body approval, was that personnel policies require that notification out before anything can be put into effect during the pay period. And, given the fact that we have a \$46 million budget deficit, and two months to close it, delaying the effective date of furloughs, much less reopening negotiations over salary agreements would make such an extended backup that we might end with three pay periods as opposed to five. And therefore, we would be looking either at less of a contribution to solving our budget deficit, or more severe furloughs in order to achieve some kind of a contribution to our fundamental problem which is we must make the budget balance."

Ms. McSherry added that before coming with a proposal to the Governing Body, we needed to have provided a plan for the union, including where all the different amounts would be coming from to help make up the shortfall. So first, we got feedback from the union. We were required to provide them with a plan of some sort. And then they are allowed to give us feedback on that plan. They were allowed to propose different employees to receive the furloughs or to provide employees voluntarily replacement of what was proposed. We didn't get any sort of voluntary replacement. They had seven days to respond.

None of us know of any other situation to finance this. Even with this proposal, we are not giving 28 days' notice required in the union agreement and we are invoking the management right in the declared emergency situation for not following everything to the letter. We are following the emergency agreement. We face a very complicated route of requirements among the union agreements and the personnel rules and the actual fact on the ground. It is very difficult to come up with something.

Mayor Webber what is the requirement for bringing this proposal to the Governing Body. He thought the requirement was for the City Manager to present a proposal, not a range of options.

Ms. McSherry said it is actually the personnel policies adopted by the City Manager and the personnel rules adopted by the Governing Body. The rule is documented. So if the Governing Body wants a different process for adopting furloughs, we can look at amending that rule. For right now, it says that the City Manager shall bring a plan to the Governing Body.

Councilor Villarreal asked if it isn't our fiscal responsibility. Our requirement as a Governing Body is confusing. That is why the process is so confusing. She understood that looking at cuts is problematic. When she saw 16-hour furloughs for \$13/hour employees, it was hard for her and she didn't think they looked at that. It is a way to look at it.

"I'm making a point that we should consider tonight. The other thing is on the 16-hour furlough. I'm glad Ms. McSherry was able to break that down. I'm glad they would be eligible for unemployment benefits. That is not necessarily true across the board. This is not why we have unemployment benefits - for furloughs."

She also wanted to ask about compromising basic services. She asked if they considered staggering management or supervision needs.

Director Salazar asked if she meant if supervisors could assume duties of employees.

Councilor Villarreal said she was talking about supervisors or managers having more than 4-hour furloughs. She guessed it was not fair to citizens. There is just one option for Council to consider and thought we could have had others to consider. "Can you think about other scenarios? I don't know. I just wonder how you got to the thought process on this."

Director Salazar said it is very complicated with talks with unions and department heads and boiled down to what would work and what was not available and keeping their jobs intact as much as possible. That is how we came up with it.

Councilor Villarreal asked if they thought about higher percentages for higher paid employees.

Director Salazar said they did. We ran a bunch of scenarios. We looked at 8-hour across the board furloughs and Councilor Garcia is right that it will yield about a \$1.9 million impact. But a 4-hour furlough is quite a stretch for some departments to do all their work. So we divided the \$1.9 million in half and did a four-hour furlough across the board. That would yield about \$994,000.

We considered what Councilor Vigil Coppler proposed when he talked about doing it by salaries and that would yield a \$1.3 million impact and that would also include an additional 145 employees to receive 16-hour furloughs, based on the salaries. So we did consider lots of scenarios.

Councilor Villarreal said it would have helped to see those scenarios on paper, so she felt she did not have enough information on the work that was done for options to consider this resolution.

Councilor Cassutt-Sanchez thanked her colleagues for raising lots of questions that she had. She was glad we are all thinking about this. You made it clear it is very challenging. Councilor Abeyta mentioned that the vast majority of our budget is in staff benefits. She asked if the \$16.5 million that would still be remaining would all be coming from reserve fund. Or do we not know when we will have to come back.

Director McCoy that is a very important question. We will go into much more detail at Finance. Right now we have \$13 million and are required to have 10% as set by the Governing Body. The requirement by the Department of Finance is actually 8% reserves, which equals one month of operations in the event we had no revenue coming in. So the majority of it will come from fund balances and bringing the reserve to 8% reserve. But we will recommend a 10% reserve be reduced to the state requirement of 8%. It is extremely important to keep those reserves. Our bond holders will want to know we have funds to pay our debt obligation and in addition, we have given the Governing Body a range for best case to worst case. We are trying to do it in most responsible way and not dip too far into our reserve going into next fiscal year.

Councilor Cassutt-Sanchez asked if the Council would get a better idea of exact numbers in May.

Director McCoy agreed. Later in the third week of May, we will have another GRT distribution from the state for the month of March. So that will be half the month of impact that we will be seeing. We will not know a full month for the current month of April of the shutdown and its impact until the end of June when the fiscal year ends. That is when we will be finalizing the FY 21 budget.

Mayor Webber identified the special events in the city but will not be taking place because of the shutdown and said Director McCoy could tell us what the contribution was from last year and extrapolate for this year.

Councilor Cassutt-Sanchez agreed that will help us know where we are for the end of this fiscal year. "This has been a sounding process. I know things are moving quickly and we have to act quickly. And I do want to work on this to continue. This is not the last decision. It will be very important as a City Council finding a way to work with Administration to make sure that we feel information is communicated smoothly. It is challenging and I understand many people are working hard on it.

She echoed Councilor Villarreal's, Councilor Vigil Coppler's and Councilor Abeyta's views to make sure the process is laid out for us. She also asked about the \$18,000 coming from Cigna to assist employees who are hardest hit.

Director Salazar said that was a great question. One reason we stayed with Cigna is for the grant every year for items that contribute to the health and safety of our employees. Some of the benefit is promoting and providing resources for employees. They are providing healthy eating habits with groceries or gift card to help us through this process.

Councilor Cassutt-Sanchez asked, with the hiring freeze for nonessential employees, if we can still hire essential employees. She asked him many of those vacancies we have right now.

Director Salazar said Public Safety and Utilities have the vacancies we are looking at.

Councilor Cassutt-Sanchez understood and for some individuals, they must be in possession of specific qualifications.

Director Salazar pointed out that our directors have been in close communication and collaborated on those positions that might be filled.

Councilor Cassutt-Sanchez noted, as Councilor Garcia mentioned, that she would be interested in how the process is undertaken with notices, advertising, etc. for a more complete understanding of the process. She understood that unemployment insurance is not to be used as a stopgap and that was not the original intention of the City. All of it would be good information for us to have.

Mayor Webber said, "Your point is a good one on looking differently at the way help is provided." He mentioned a cartoon about finances during the pandemic but showed a wheelbarrow full of ideologies. All bets are off. The City Attorney mentioned the \$600 supplemental payment as paycheck protection and conditions that allow small business grants to go unrepaid. You would never imagine this would come from a Republican administration, but all bets are off. We are now in economic freefall as country and we are seeing the process that clips to bankruptcy and the Administration is working behind the scenes beyond ideology in the service of basic human need. That is an unprecedented situation. They are helping people like me. And that's where it ought to be. There is no point in protecting an ideology when people are going hungry."

Councilor Romero-Wirth thanked her colleagues for all the questions and staff because she had many conversations getting to this proposal tonight and what the constraints were, etc. Everyone is in a hurry-up offense. There were other options, things we cannot do, etc. It has been helpful to talk about all of it. She asked Director McCoy to comment on what other entities are doing. She understood that many other cities are going directly to layoffs.

Director McCoy said layoffs are being considered by many as the first step when the largest portion of the government's budget is salary and benefits. About 65% to 66% of our budget is for salary and benefits. That is very common across the country.

Other organizations are considering a variety of options, including layoffs, and reducing the level of service provided to constituents. Without revenue coming in to keep pace, it is a matter of reducing levels of service.

Councilor Romero-Wirth pointed out that this is only the first step. It is not the end. And we will have to consider this for next FY. We could look at layoffs, more pay cuts, etc. a whole range of things we will weigh in on in the coming months.

Director McCoy agreed. And we are keeping up to date on what other cities are doing and she could share that with the Governing Body. In the budget plan, we may look at more furloughs to make up deficits.

Councilor Romero-Wirth spoke to the non-opportunity to amend what is being presented. There is a state law governing personnel rules and is why an up or down vote is required with this and that is different from what we are used to.

Ms. McSherry agreed. Our ordinance does designate the authorities to the City Manager. It doesn't say the Manager's plan is with a resolution. It could have been just a plan without a resolution. We just thought this was a way to do it with a resolution. "If you vote the plan down, you could give directions to management on what you would want, and renote if it deviates from the current plan to inform all employees. Those are the factors to consider."

Councilor Romero-Wirth pointed out if we did that, we would lose out on the savings we would achieve by implementing this next week and would need to figure out how to make up for those added deficits.

Ms. McSherry agreed.

Councilor Romero-Wirth said this is important to understand where we are in this. So we do have some authority but there is a cost to it. The other thing is the UN proposal. There has been a lot of talk about reducing higher pay employees and the difference of pay cut vs furlough. Those cannot be blended because they are different animals.

Ms. McSherry agreed. Obviously certain classifications have higher pay than others but are part of same organizational unit. 4 hours across the board is broad but very granular. You have treated people in the same organization the same.

Councilor Romero-Wirth concluded that we cannot build this plan on pay levels.



Mayor Webber added that it is a definition of fairness. Everyone in the unit must be treated fairly. We are being fair under personnel rules with these furloughs.

Councilor Rivera asked if all directors and supervisors in the Recreation Department have 16-hour furloughs.

Director Salazar agreed. The Division Director is excluded from the 16-hour furlough.

Councilor Romero-Wirth emphasized what Mayor Webber said. The uncertainty we are in and how long the crisis will remain and how fast the economy will recover. It is all awful and everyone is feeling some hurt from it. It is unprecedented and hard to see the impact this crisis is having. There is a lot of work to be done and a big role for us and hard decisions to make.

Councilor Lindell said this is extremely difficult, and no one sounds happy with it. The difference between furlough and pay cut is not that much different. Every Councilor would like to have been able to pick and choose a little more. We have this fiscal responsibility to the citizens of this City, and it is not possible to keep people on administrative leave forever. This is unfortunately just the first round and we don't know where it goes. At the end of June we will have a new budget. It is more fun with expansions instead of contractions, but we are in an unknown area of contraction and don't now how far we have to contract this budget. It comes down to prioritizing services. Isn't it amazing that when you turn the tap, water comes out? That is a priority at my house right now. We do need to prioritize how we will come out of this and get moving again. To not pay attention to that would be very short-sighted on our part. Things might start to open up this summer. We have a lot to offer and people might drive to Santa Fe. There are a lot of priorities to consider. What is essential and what is luxury. We can look at some of the contracts. We will find out who our leaders are.

As much as no one is thrilled about it, furloughs instead of pay cuts are very different. In next year's budget we will have a huge amount of work to do and it will take not only sacrifice from us nor protecting our own turf - it is not about that. This is unprecedented.

We are all asked to put our best foot forward with this. We think about this a lot. It is on my mind constantly and certainly on the minds of city employees. Will I have a job? Will I be able to make a payment? Those are hard things we are facing.

If you don't approve this, we have lost some time and fiscal responsibility. It is not pleasant. We are not administrators; we are legislators and will have ample opportunity in next year's budget to have input on it. It is a big challenge and

encourage us to be supportive. We need to be a person that doesn't need to have an internal resentment. Let's be as helpful to each other as possible.

We just don't have a lot of choices right now, but we do have them for next year's budget. I encourage all of us to work together to best of our abilities.

Councilor Vigil Coppler wanted to clarify some things. "You referred to my proposal as pay cuts. My proposal has nothing to do with pay cuts. It is about furloughs only. I remind you that exempt employees serve at will and department heads, people that serve in the office, exempt employees - they can take pay cuts and they don't have to get any kind of rationale and such. I wanted to make that comment. Director Salazar also referred to my proposal as going to 16 hours, but my high level really ended at 12 hours. Twelve hours for \$90,000 employees and up. I didn't get the courtesy of receiving the fiscal impact of my proposal, but you indicated earlier in the discussion that you had it. So I would like a copy of that, if you could. Is that possible?

Director Salazar asked her what she was talking about?

Councilor Vigil Coppler said, "You said earlier that the proposal I submitted amounted to a certain amount of money. I don't remember the number. But I thought somebody ran the numbers on it, and I just wanted a copy of what was run.

Director Salazar said she could get that to her.

Councilor Garcia thought we are all in agreement that we must implement some kind of furlough and nobody is arguing against that. Most of the discussion is about how the furloughs will be implemented. For someone who is making \$13/hour to take a 40% cut in income could mean no food on the table. We need to take that into consideration here. He ran the numbers quickly and noted that for each pay period we will save roughly \$280,000. If we were to push out the decision to next week, from what I am hearing, \$143,000 of taxpayers' money would be lost. We owe our employees the due diligence to rethink our plan. We have to figure out where to recoup that \$143,000. But I think you will have support of those receiving furloughs and a government that works for its citizens. We need to consider that.

This is not the end. We can make a better decision. If we turn it down, are we going back to square one?

Mayor Webber said we need to take a vote to see if it passes. The City Manager had a responsibility to present a plan and if this is not approved, it is not just a week delay.

Ms. McSherry agreed. It would require two more weeks of notice.

Councilor Garcia understood you have given notice of furloughs already.

Ms. McSherry agreed but explained that we have to give notice of what the furlough is two weeks before it starts. We gave the notice of the 4-hour furlough to certain employees and a 16-hour furlough to other employees. If we change it, we would need to give those employees two more weeks of notice of what they will be facing in their life. If we are going to give them something different from what we told them, we must give them new notice.

Councilor Garcia asked if she was saying that Councilor Vigil Coppler was incorrect when she said it did not require us to give hours of furloughs in the notice.

Councilor Vigil Coppler said she reread all the information we were given and notice of furloughs was already given and it does not require the number of hours in the notice. So I believe they have already received notice. We could call a special meeting that requires just 72 hours.

Ms. McSherry explained that the whole purpose of notice is to provide people an awareness of what is being proposed so that they can put their life in order accordingly. I agree that if we were increasing furlough hours, it would require a new notice. If decreasing hours, it would not require a new notice. Our furlough plan allows us to go up to 40 hours per week. But if we are going to increase the furlough hours, those employees must receive notice. Everyone was told they would have up to a certain amount or less in the notice to allow for emergency. But to increase beyond the amount given, we need to provide a new notice.

Mayor Webber noted that Councilor Rivera raised hypothetically a categorical rejection of the plan.

Councilor Rivera said the 16-hour employees are the big thing without being able to make any amendments to this plan. He pointed out that the Convention Center has been closed for some time. He asked if the Convention Center Director is being furloughed 12 hours.

Director Salazar said he is on the four-hour furlough list.

Councilor Rivera asked why he was only on the four-hour list since the Convention Center has been closed for some time and the directors of all the other closed facilities were on the 16-hour list.

Director Salazar explained that the Director was involved in a lot of work helping with the emergency medical pandemic to provide housing and working with local hotels in collaboration for our City employees could be quarantined if found to be positive.

Councilor Rivera asked if any other director in that similar circumstance.

Director Salazar said the Community Services Director Ochoa was also on the four-hour list. Her entire staff (of 2) is also on the four-hour list and she was not sure who else he asked for.

Councilor Rivera asked about the Parking, Library, and Parks and Recreation Directors.

Director Salazar said the Parking Director is on the 16-hour furlough and the Parks and Rec Director, who is doing work at Midtown is on the four-hour list.

Councilor Rivera understood there are some exceptions because of other duties and asked if that was correct.

Mayor Webber asked if he was referring to the Tourism Director, Mr. Randall.

Councilor Rivera said he was.

Mayor Webber pointed out that the Parking Director is different from the Public Works Director. And Public Works encompasses many more things than parking. Tourism involves much more than the Convention Center. We are trying to be as discreet as possible in these responsibilities as we can be. That has been addressed several times tonight. Mr. Randall has been working hard with our hotels. We have two hotels opening in the month of May. Not all of them have abided by the load factor imposed by the Governor to try to generate more Lodgers' Tax, even in the middle of the pandemic crisis. So the distinction may be because of what the Department is doing, covering more categories of service.

Councilor Vigil Coppler said she heard answers about some department heads and the answer was that some were working at Mid-town. She asked how many directors it takes to work with the small population we have over there.

Councilor Cassutt-Sanchez mentioned that when she spoke to one of our directors on a Sunday, that it was right after they just got off a night shift at Mid-town. That is my understanding of some of them working there. It is a wide variety of jobs from what we normally don't think of.

Manager Hill clarified that every department director has some part in the recovery at Midtown and it is all overseen by Regina Wheeler - what hotels we have access to; what John Muñoz is doing. Each director does play a part. Director Wheeler is present by phone.

Mayor Webber noted the next event coming up is at the next Quality of Life Committee. And Director Wheeler invited anyone to come over. This is to help prevent a wildfire spread of the virus. This achievement deserves national recognition and has taken Director Wheeler out of her comfort zone, out of Public Works to be a social policy delineator. We should all be proud of that.

Councilor Garcia went back to the prospect of new proposal. He thought we could recoup those on 4-hour furloughs. It might wash out. But we have to act now, or we will be in an extreme crisis situation. But we need to consider those lowest pay people We will have to go back to the drawing board, and I think we really need to reconsider it. It is not in black and white and the furloughs can be extended. He asked if these cuts would have to come back before the Governing Body.

Ms. McSherry said the notice letter to employees addressed only to the end of the fiscal year. Extending would require a vote of the Council. And you are right that a new plan would have to be proposed and have Council approve it.

Councilor Garcia asked if \$14 million from reserves was available.

Mayor Webber said we don't have \$14 million for this plan.

Councilor Garcia recalled Mayor Webber saying they were coming up with \$14 million from somewhere. He asked if the City is going to reconsider this.

Director McCoy explained that after the cuts to nonessential positions, the hiring freeze, and the furlough plan, the balance is \$16.5 million and the \$14 million is fund balance at the beginning of the fiscal year. And the proposal for next year is to use a portion of the fund balance. The reserve is essential to continue our operations. The balance would come from other fund balances for general purposes.

Councilor Garcia asked if that is committed. He pointed out that we really don't know the fiscal impact. It is all estimates. So we are asking where those funds are. Where we are cutting 40% makes this proposal not so good. We need to be fiscally responsible.

Councilor Romero-Wirth asked Manager Hill about the notice for union employees. She thought, by contract and CBA, they must have 24-hours.

Manager Hill agreed.

Councilor Romero-Wirth reasoned that we cannot go any further than 16 hours on a furlough.

Ms. McSherry agreed. If we are forced to go that route, our personnel rules are less strict than union rules. But we have violated the 28-day notice. The union agreement allows up to 16 hours, but we are in an emergency now.

Councilor Garcia pointed out that the cap is not 16 hours in that circumstance and could go up to 40 hours.

Ms. McSherry advised that the issue is before the court right now. We followed to the greatest extent possible. But we might not know the result of that lawsuit for a long time.

Councilor Garcia said that answered his question. So we have ability to furlough up to 40 hours in an emergency situation and in a financial emergency. So we are going off of estimates and don't know the current budget gap. He was against going back to them after a first furlough to say we need more.

Mayor Webber commented that we will be in this for the foreseeable future and there is no guarantee and we won't have better numbers until July or August.

Councilor Garcia said his question was whether the City will be going back to employees for further cuts.

Mayor Webber said that was not the plan and he could only talk about the plan right now. You saw the slides Director McCoy put up that shows the \$46 million gap; But it is a fluid situation. We are trying to balance the budget by the end of June. And beginning the process of budget for next year is another round of policy choices and priorities.

Councilor Garcia said that helped solidify it for him.

Mayor Webber acknowledged that we are all looking for a better plan and have been for two weeks. We talked it through with unions and department heads. This is a very unpleasant choice, but this is the least bad plan we have been able to develop and only trying to navigate it to June 30. He also pointed out that many asked tonight about how they could contribute to a fund to offer assistance and guidance to our employees. We have got very bad set of choices, but there is no solution to the problem; there are only a set of bad choices to get us through this period of time. We are trying to avoid layoffs. We are trying to make the least bad decision possible.

Councilor Garcia said he felt this is a bad decision because we don't know our fiscal future and we don't want to go back to employees again. But we will be having another conversation with them. You are giving a worst-case solution and a strawman layoff is not in this plan. He wanted what is in the best interest of the City and this is not it.

Councilor Abeyta reminded Councilors that we are in the fourth quarter of the fiscal year. And we should have had budget hearings in April. The sooner we can get beyond this, the sooner we can get to budget hearings. The more time spent on a temporary measure, the less we have for the 2021 budget.

**MOTION:** Councilor Abeyta moved, seconded by Councilor Lindell, to approve Resolution 2020-17, implementing furloughs of City employees, as presented.

**VOTE:** The motion was approved on the following (5-4) Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Lindell, and Councilor Romero-Wirth.

**Against:** Councilor Garcia, Councilor Rivera, Councilor Vigil Coppler and Councilor Villarreal

Mayor Webber declared a five-minute break at 10:00. The Governing Body was in recess from 10:00 to 10:06 p.m.

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

Manager Hill acknowledged for everyone on our ERP, that the ACM module went live on April 24 with a whole new payroll system and with information online out of our Legacy system. As of April 6, Land Use is doing permitting online. So the transition to e-government is happening. It would not have been possible but for the progress in the last 14 months. There are still some modules to put in place, but this has allowed staff to work from home.

#### **PETITIONS FROM THE FLOOR**

Mayor Webber asked for guidance from Ms. Vigil to acknowledge Petitions at this moment rather than coming back at the end.

Ms. Vigil all Petitions have been shared with the Governing Body and are contained in the packet and are on the City's website.

*A copy of the petitions is incorporated herewith to these minutes as Exhibits 2-8.*

Councilor Villarreal asked if Communications from the Governing Body could be considered now.

Mayor Webber agreed

#### **AGENDA AMENDMENT**

**MOTION:** Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to amend the agenda to consider Communications From the Governing Body now, before the Executive Session.

**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. COMMUNICATIONS FROM THE GOVERNING BODY**

*A copy of the Communications From the Governing Body is incorporated herewith to these minutes as Exhibit 1.*

Councilor Villarreal noted that the ordinance was listed under Councilor Lindell's name, but Councilor Villarreal went ahead to introduce the ordinance. It is "an ordinance amending Section 10-9.2 SFCC 1987 to amend the intent of the nuisance abatement ordinance; amending Section 10-9.3 to add, amend, and delete various definitions; amending Section 10-9.4 to clarify responsible parties; repealing Section 10-9.5 and creating a new Section 10-9.5 to establish guidelines for a nuisance investigation and creation of an abatement plan, etc.

Councilor Cassutt-Sanchez hoped everyone is doing well staying in. She was impressed with how well Santa Fe County has done to flatten the curve. And thanks to our community for keeping people safe, for taking this seriously, for testing. Keep up the good work. It has made a difference.

Councilor Vigil Coppler said she heard that at Mid-Town, they have purchased TVs and cell phones for the homeless that are living there. She also heard that some of the TVs were missing.

Manager Hill said the purchases were in conjunction with DOH protocol. The cell phones are for tracking and the TVs are to keep people in their rooms.



Councilor Vigil Coppler asked about the missing TVs and asked if Manager Hill could find out and let her know.

Manager Hill agreed.

Councilor Abeyta asked to be added as cosponsor to the resolution Councilor Villarreal just introduced.

Councilor Garcia showed his space at home. He showed the Nike shoes with reflective logo that he was wearing.

Mayor Webber introduced an ordinance amending Section 20-1.3 to allow the Governing Body to extend a state of emergency for up to 60 days for a fiscal emergency; and amending Section 20-1.4 to allow the City Manager to approve budget amendments up to \$200,000 during public health emergencies and financial emergencies; approve contracts of up to \$200,000 during a fiscal emergency; and establishing an effective date.

Mayor Webber commented that there is inevitable wear and tear on everybody with behavior health issues and increases in domestic violence so thanks to the Governing Body for tonight's respect for others

**15. MATTERS FROM THE CITY ATTORNEY  
EXECUTIVE SESSION**

- a) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Attorney-Client Privileged Discussion Regarding Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Including a Quarterly Update on Pending and Threatened Litigation and an Amicus Opportunity to Join Santa Clara County, the City of Chicago, and Other Local Governments to be Filed in the Supreme Court Supporting the Affordable Care Act's Individual Mandate in the United States Supreme Court. (Erin K. McSherry, City Attorney, [ekmcsherr@santafenm.gov](mailto:ekmcsherr@santafenm.gov), 955-6512)
- b) In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Disposition of the Midtown Property, Formerly Known as the College of Santa Fe and Formerly Operated as the Santa Fe University of Art and Design. (Erin K. McSherry, City Attorney, [ekmcsherr@santafenm.gov](mailto:ekmcsherr@santafenm.gov), 955-6512)

Ms. McSherry recommended going into executive session for the purposes listed in the agenda.

**MOTION:** Councilor Rivera moved, seconded by Councilor Villarreal, to go into closed executive session as recommended by the City Attorney to discuss those matters listed on the agenda.

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

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

**Against:** None.

The Governing Body went into executive session at 10:19 p.m. and ended the executive session at 11:24 p.m.

**MOTION:** Councilor Rivera moved, seconded by Councilor Cassutt-Sanchez, to come back into open session, stating for the record that during the executive session, the only matters discussed were those listed on the agenda.

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

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

**Against:** None.

16. **APPROVAL TO JOIN OTHER LOCAL GOVERNMENTS IN AN AMICUS BRIEF** to be Filed in the United States Supreme Court in the Consolidated Cases California v. Texas, No. 19-840 and 19-1019, In Defense of the Affordable Care Act's Individual Mandate. (Erin K. McSherry, City Attorney, ekmcsherr@santafenm.gov, 955-6512)

**MOTION:** Councilor Cassutt-Sanchez moved, seconded by Councilor Lindell, to approve the request to join other local governments in an amicus brief as noted on the agenda.

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

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

**Against:** None.

17. **MATTERS FROM THE CITY CLERK**

Ms. Vigil reminded everyone about the Council Meeting on Monday at 5:00 p.m.

18. **COMMUNICATIONS FROM THE GOVERNING BODY**

This agenda item was considered earlier in the meeting.

19. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:30 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**  
**April 29, 2020**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

Mayor Alan Webber		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SECTION 20-1.3 SFCC 1987 TO ALLOW THE GOVERNING BODY TO EXTEND A STATE OF EMERGENCY FOR UP TO SIXTY (60) DAYS FOR A FISCAL EMERGENCY; AND AMENDING SECTION 20-1.4 SFCC 1987 TO ALLOW THE CITY MANAGER TO APPROVE BUDGET AMENDMENTS UP TO TWO HUNDRED THOUSAND DOLLARS DURING CERTAIN EMERGENCIES, INCLUDING CERTAIN PUBLIC HEALTH EMERGENCIES AND FINANCIAL EMERGENCIES; APPROVE CONTRACTS OF UP TO TWO HUNDRED THOUSAND DOLLARS DURING A FISCAL EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.	Public Works and Utilities Committee – 5/9/20 City Council (request to publish) – 5/11/20 Finance Committee – 5/18/20 City Council (public hearing) – 6/10/20
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 L. Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Villarreal Romero-Wirth Vigil Coppler	AN ORDINANCE AMENDING SECTION 10-9.2 SFCC 1987 TO AMEND THE INTENT OF THE NUISANCE ABATEMENT ORDINANCE; AMENDING SECTION 10-9.3 TO ADD, AMEND, AND DELETE VARIOUS DEFINITIONS; AMENDING SECTION 10-9.4 TO CLARIFY RESPONSIBLE PARTIES; REPEALING SECTION 10-9.5 AND CREATING A NEW SECTION 10-9.5 TO ESTABLISH GUIDELINES FOR A NUISANCE INVESTIGATION AND CREATION OF AN ABATEMENT PLAN; REPEALING SECTION 10-9.6 AND CREATING A NEW SECTION 10-9.6 TO ESTABLISH TENANTS RIGHTS AS IT RELATES TO NUISANCE ABATEMENT; AMENDING SECTION 10-9.7 TO ESTABLISH ENFORCEMENT PROVISIONS OF THE	Quality of Life Committee – 5/6/20 City Council (request to publish) – 5/13/20 Finance Committee – 5/18/20 City Council (public hearing) – 6/10/20

**SECTION; AMENDING SECTION 10-9.8 REGARDING THE RESERVATION OF LEGAL OPTIONS; AMENDING SECTION 10-9.9 REGARDING APPEALS OF ABATEMENT COSTS OR FINES; AMENDING SECTION 10-9.10 REGARDING GENERAL PROCEDURES; REPEALING SECTION 10-9.11; AND CREATING AMENDING SECTION 10-9.13 REGARDING THE RIGHT OF ENTRY OF INSPECTION OFFICERS TO CORRECT THE USE OF DEFINED TERMS.**

**Councilor Chris Rivera**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

**Councilor Carol Romero-Wirth**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

**Councilor JoAnne Vigil Coppler**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

**Councilor Renee Villarreal**

<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

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, [jguillen@santafecn.gov](mailto:jguillen@santafecn.gov) or Jeff Norris, 505-955-6692, [jnorris@santafecn.gov](mailto:jnorris@santafecn.gov).

**CARDENAS, GERALYN F.**

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**From:** PADILLA, BERNARDINE R.  
**Sent:** Wednesday, April 29, 2020 3:07 PM  
**To:** Petitions from the Floor  
**Subject:** FW: Against Furloughs: Put the employees and people of Santa Fe First. Put our Culture and Traditions First  
  
**Importance:** High

**From:** PADILLA, BERNARDINE R.  
**Sent:** Wednesday, April 29, 2020 12:57 PM  
**To:** petitionsfromfloor@santafenm.gov  
**Subject:** Against Furloughs: Put the employees and people of Santa Fe First. Put our Culture and Traditions First  
**Importance:** High

*I prefer this letter not be read on the floor, but only be read and considered by the governing body.*

April 29, 2020

**Council and Santa Fe City Governing Body,**

I'm writing in regards to the City administration and council's request to implement furloughs for the employees of the City of Santa Fe.

Please reconsider your decision and find other ways to recoup and save money for the City before you implement furloughs which will forever impact the employees who are the residents who make this City what it is.

I have been laid off 3 times in my Santa Fe career. Two times from CHRISTUS St. Vincent (CSV) first in 2000, and then in 2013, both due to across-the-board layoffs. I was recently "temporarily" laid off from Four Seasons Santa Fe, my part time job, on March 22 formally, due to COVID19 which has had a major impact on my income. I expect to resume that job this summer.

Multiple jobs are needed to pay mortgages and bills. I have worked 2 to 3 jobs since 2001 while raising my kids after my divorce and layoffs. I continue to work 2 jobs just to make ends meet to live in this town. This already is not a middle to low income, resident-friendly community to live in and it is getting worse now it seems.

I am barely recovering financially this year from my last layoff at CHRISTUS St. Vincent 7 ½ years ago. Between 2 jobs, I finally made the same salary amount as I did at CSV in 2013! The City Class and Comp study did nothing to bring me to my proven salary I'm SUPPOSED to be making in this position; which was the exact same amount I was making at CSV 7 years ago.

- Not only does a person have to recover financially, but emotionally and mentally from furloughs and layoffs. It is traumatic. People do not recover from something so traumatic as losing your paycheck to live in this town and provide for families; especially for single income households.

- I genuinely hope you realize the human component of this situation first and foremost and recoup the financial discrepancy with other means like temporary cuts in pay from the highest paid staff such as the City Manager, down to the 30 staff who make \$50 or above per hour.
- Please ask staff who are ready to retire if they would consider retiring earlier with a good compensation package as a first option.
- Reduce vendor contracts and shuffle budget other ways to provide and keep the money for staff salaries and benefits, instead of keeping the contractors pay going. Or minimize contracts, to help.
- Dig into the City's savings before you furlough staff. That money will be replenished with the economy healing itself. Let it happen.
- The mayor and city manager have stated that everything is based on the estimated decrease of this year's tourism counts and tourism dollars lost due to COVID19... This perspective shows that this administration only values the tourists and not the locals, the residents who make this town what it is. Putting tourists above the locals of Santa Fe, will not be in the best interest and will not generate nor keep the culture and traditions alive that we are known for. How will this portray and play out when we FINALLY do get tourists and the locals are still reeling and bitter from lack of income?? ....IF they can even afford to stay in Santa Fe.
- With a huge lack of pay, staff will probably have to quit and find jobs other places. They may have to sell their homes and move, most likely to Albuquerque, Rio Rancho or Espanola. When that position is vacated, obviously the mandate will be to "not fill that position" and the remaining staff will have to "absorb" those duties. I know the game, I've had to do that at CSV for the 14 year career I had there. The departments will become more over loaded with obligations and staff will be overly stressed. CSV has had a tremendous amount of suicides and domestic violence that the rest of the community does not recognize nor hear about because of their many layoffs every several years. It's the silent secret no one addresses nor even knows about. While I worked there for a total of 9 years, there were 9 staff suicides that we actually knew about... when staff are pushed beyond their limits it's unfortunate they feel no other way to fix their problems. Please realize this could be a reality, we hope not. The health and safety of the staff and of the community are of the utmost importance right now and the city has an obligation to nurture a healthy environment, not create a more unhealthy environment.
- Please realize that Water staff and Wastewater staff ARE the "first" essential frontliners during this Corona Virus quarantine and normally do not get the recognition as being frontliners during this pandemic, 24/7/365. It is, and will be a SAFETY ISSUE if Water and Wastewater staff are furloughed.
  - BDD and Santa Fe water provide the first line of defense in fighting this virus by treating and distributing our community's drinking water. Hand washing is number one in fighting corona virus. Drinking plenty of water assists our immunity up by keeping our bodies healthy and hydrated to fight it off. Our hospitals rely on us to provide water needed for their patients' care. The fire department cannot do their job without City Water.
  - Wastewater staff are being exposed to new viruses at work and they are working hard under extreme conditions and this department can't afford to take furloughs.
  - Please consider no furlough hours for ESSENTIAL Water, and Wastewater staff. The city cannot survive without these departments. The same goes for ESD, sanitation. We hear that department is also stretched thin. Trash pickup is essential.
  - Water is Life! Without water we cannot heal.
- The ripple effect of furloughs and layoffs will be worse and the City will be in a tailspin that will be extremely hard to come out of with the locals not being able to spend their money back into the community.

These are just a few points... please consider the health and safety of the employees, the community, and do what's right in your heart not just what you are "anticipating" tourism dollars are going to be this summer and fall. Put the Santa Fe community and employees first, put our traditions and culture first. Dig into the city's savings, and cut heavy income off the top first.

Sincerely with respect,

Bernardine Padilla  
Public Relations Coordinator for  
City of Santa Fe/Santa Fe County  
Buckman Direct Diversion

Bernardine R. Padilla  
PR Coordinator  
Buckman Direct Diversion  
O: 505.955.4519  
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*From the Rio to the tap, providing water today for Santa Fe's tomorrow!*

[www.BDDProject.org](http://www.BDDProject.org)

💧 Water is Life



**VIGIL, YOLANDA Y.**

---

**From:** Local 3999 <afscme2017@outlook.com>  
**Sent:** Wednesday, April 29, 2020 1:00 PM  
**To:** Petitions from the Floor  
**Subject:** For your review  
**Attachments:** letter to councilors.pdf

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Sent from Mail for Windows 10



April 29, 2020

Dear City Council Members

As by now you were made aware of the Mayor's proposal on implementing furloughs which will largely impact the most vulnerable members of our bargaining unit.

We have had several Zoom conference meetings with Mayor Alan Webber, City Manager Jarel LaPan Hill, Bernadette Salazar at HR, Mary McCoy Finance and Legal (City).

What was supposed to be bargaining sessions to minimize any harm to our membership, it became quickly apparent that the City already had their agenda on how they were going to move forward with proposed furloughs without further bargaining with the Union and not providing vital financial information and positions that would be affected by their proposal.

We offered several viable alternatives to making deep cuts and halting the City from implementing Full Time furloughs (40 hours per week) for the most vulnerable members and a plan to create equity amongst all employees including Management at all levels.

It quickly became apparent that the City was bargaining in bad faith and evidence of that was in the email that the Mayor sent out on April 20, 2020 at 4:39 PM and just before he took his plan for furloughs before the Finance Committee at 5:00p.m. before responding to our proposed furlough plan that we discussed that very morning.

Therefore, we feel we are dealing with an administration at the City that has no genuine concern for our membership and more-so for the blue- and white-collar workers that keep our beloved City running.

The membership of AFSCME Local 3999 wholeheartedly understand that the world is in a crisis, we also understand that we all must make sacrifices and we understand that we must work together to get through this pandemic. What we don't understand is why the most vulnerable have to carry such a large detriment while the top are feeling little or no distress. The word we want you to hear is "FAIR", we are requesting that the City Council opt out of the Mayor's insensitive proposal and consider other options that will not create such an injustice and such a huge inequity throughout the entire City Staff by proposing a FAIR plan. We ask you to put yourselves in the shoes of the 211 employees that their pay was cut by 40% and realize that by bargaining in good faith, the outcome is usually the best way to move forward with respect and dignity for all involved.

Thank you in advance for your understanding!

Respectfully,  
AFSCME Local 3999

(Signatures On Attached Pages)

**"Water takes the path  
of least resistance, the  
City in this moment of  
time, is water."**

**As Elected Officials we  
are relying on you to  
be the resistance that  
redirects the flow!"**

*- The Membership of Local 3999*



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NAME

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*7 Calle Corinto S.F.*



## EXHIBIT FOUR

Dear Governing body.

My name is Amanda Armijo and I've been employed with the city going on 20 years now. I work at Public Utilities and have been to work every single day since this pandemic started. I have been exposing myself to the elements and not working out of the comfort of my own home. Public Utilities are very busy with numerous calls, chat, billing, new service and transfers. I'd like to simply ask you to please reconsider these furloughs and listen to the Unions ideas before approving furloughs as furloughs should always be a last resort. Things can be cut to save money prior to approving a furlough. Why must the union always take the brunt during economic binds? Why didn't the Human Resources Director, Mayor and Finance director listen to any of the union's economic recommendations before sending out letters to Union employees? City employees are working hard to keep this beautiful city going. I was furloughed in 2009 so this isn't my first time experiencing something like this. Just seems like the administration in 2009 had more compassion for its employees then this one does. We are nothing to them because that's how they are making us all feel. I would appreciate if you would please listen to the Unions recommendations before making a decision that will deeply impact the City of Santa Fe and its citizens.

Thank you,  
Amanda Armijo  
241 W. San Mateo  
Santa Fe, NM 87505  
505- 670-4495

I am writing to express my opinion with regards to the proposed furloughs for the City of Santa Fe employees.

Although some facilities have been closed (like the parking garages) and the parking meters have been "bagged" there is still a need for Parking Enforcement.

Parking in spaces allocated for people with disabilities and Handicap placard abuse is an issue in the City of Santa Fe.

Although Parking Enforcement Officers (like the Public Safety Aides) are not commissioned officers through the State of New Mexico, they still have an obligation to the citizens of Santa Fe. They do have the capacity to issue citations for individuals who continue to abuse parking in spaces designated for people with disabilities who legally need them.

These employees are still valuable and can continue to generate revenue for the City of Santa Fe with the issuing of citations for people who are parking illegally.

Your consideration in this matter is greatly appreciated

Respectfully,

Roxanne Luján  
AFSCME Local 1782  
Secretary/Treasurer  
AFSCME 1782 Steward

**CARDENAS, GERALYN F.**

**From:** Stefanie Beninato <info@nmmediate.com>  
**Sent:** Wednesday, April 29, 2020 10:27 AM  
**To:** Petitions from the Floor  
**Subject:** Petitions from the Floor 29 April 2020

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Petitions from the Floor  
Stefanie Beninato  
PO Box 1601 Santa Fe NM 87504

I appreciate that the city land use dept got it together and allowed a Historic Board meeting using zoom which allows participants active real time input. My only disappointment is that they only showed the board and the applicant online even though public participants could and (some of us did) have video capabilities. Being seen is an important aspect of communication! All participants should have the same level of video/audio participation—no second tier systems.

I am urging the city council to use zoom and allow for real time public participation either through video or audio—no more of these written comments that we are pretty sure are not read. It is a sad statement on the transparency and inclusiveness of this administration not to make it easier for the public to participate during the pandemic.

Again the council is meeting secretly to discuss the midtown campus—it seems all deals are being made in the backroom. And Webber has committed at least one structure to the homeless without public input of any kind—nice of Alan to add those seeking a place to shelter while under quarantine but I bet no notices have gone to hospitals or clinics that these facilities are available for FREE to them.

If the city wants to open up and get the economy going then why isn't it enforcing the social distancing techniques that Alan put up on Utube? I have seen on several occasions, city workers driving in trucks together—definitely closer than 6 ft—neither has a mask on. Why is the city not requiring masks of all employees working out in the public? It seems that Alan is all about do what I say not what I do. And why is the city not transferring people to openings and jobs that need to be done rather than furloughing workers?

The city's involvement with states and other entities on two lawsuits involving the ACA individual mandates to me is not an essential activity. The city has nothing to do with procuring health insurance for the city's residents. It does not rely on the ACA for the city's Cadillac health plan so what is the city's interest in pursuing expensive litigation when we are in a serious budget shortfall? Is it to give Alan and McSherry, the city attorney, a national platform to further their political goals? It does not seem an essential city service.

How can we be sure the council is reading these petitions? PLEASE ANSWER FROM THE DIAS

**CARDENAS, GERALYN F.**

---

**From:** Stefanie Beninato <info@nmmediate.com>  
**Sent:** Wednesday, April 29, 2020 10:27 AM  
**To:** Petitions from the Floor  
**Subject:** petition from the floor furloughs

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IMHO the city should be furloughing all senior staff more than the actual worker bees who are the ones who perform the essential activities.

All deputy dept heads should be reassigned at the salary for the lower paying job. All dept heads should take a 10 percent cut and the city manager should go back to her COS pay plus 5 percent. The mayor should stop taking a salary all together and just get his expenses reimbursed. Workers should be given the opportunity to take another position that is essential and that they could qualify for with little or no training.

BTW is the master developer at the former CSF going to take on the homeless shelter Alan singlehandedly created?

Stefanie Beninato  
PO Box 1601  
Santa Fe NM 87504

**VIGIL, YOLANDA Y.**

---

**From:** Stefanie Beninato <info@nmmediate.com>  
**Sent:** Wednesday, April 29, 2020 12:36 PM  
**To:** Petitions from the Floor  
**Subject:** protem judges

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Why are you picking people to be pro tem judges who are on city board (conflict of interest) or who already have cushy retirement packages from the state? And please not Daniel Sanchez. As a judge, Sanchez granted a woman a restraining order against David Letterman when the woman alleged that Letterman was using mind control techniques during his TV show. That was disgraceful and got the judge and New Mexico national bad press. Why reward someone like that?

Stefanie Beninato



## **EXHIBIT SEVEN**

**Hi, my name is Marcos Esquibel, 4352 Vuelta Colorada, Santa Fe, New Mexico 87507. My message for the Governing Body is for them to please reconsider the move that the city management's doing with furloughing the employees. We ask that they would take into consideration other viable options, proposals that have been set before them by the Union. Thank you.**

**CARDENAS, GERALYN F.**

---

**From:** Mike Machalinski <mmach1810@gmail.com>  
**Sent:** Monday, April 27, 2020 3:02 PM  
**To:** Petitions from the Floor  
**Subject:** Concerns Regarding furloughs

**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.

My name is Michael Machalinski, and I'm an AFSCME union member working for the city of Santa Fe in parks and recreation. I share the concerns voiced by the union and Gilbert Baca over the 16 hour a week furlough imposed on a majority of union members. The discrepancy between said furloughs and the far less invasive 4 hour furloughs imposed on many at City Hall is not equitable and imposes the greatest burden on those with the least to give. Furthermore the mayor did not respond to the proposals sent forth by the union, and did not negotiate in good faith. I stand by the union in asking for an earnest negotiation, and the development of a furlough plan that shares the burden equitably among all city employees.

-Michael