



AGENDA

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 31, 2021
4:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR 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 in excess of those permitted in the current Public Health Order, the Governing Body meeting 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 at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

Public Comment: To provide live public comment during *Petitions from the Floor* or *Public Hearings*, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm.gov.zoom.us/j/97052231490?pwd=Ulk1L3k3ZW1BK3diV2lFamFpTnVpZz09>.

Passcode: 822837

Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 970 5223 1490 - Passcode: 822837** Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.



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AFTERNOON SESSION - 4:00 P.M.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

Councilor Lindell

3. **SALUTE TO THE NEW MEXICO FLAG**

Councilor Romero-Wirth

4. **INVOCATION**

Councilor Abeyta

5. **ROLL CALL**

6. **APPROVAL OF AGENDA**

7. **APPROVAL OF CONSENT CALENDAR**

8. **APPROVAL OF MINUTES**

- a. Regular Governing Body Meeting – March 10, 2021

9. **PRESENTATIONS**

- a. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Brian Williams, Interim Emergency Management Director, bgwilliams@santafenm.gov, 955-6537)
INFORMATION ONLY

- b. Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report. Presentation Topic: RFEI / Solicitation Next Steps. (Rich Brown, Director, Community & Economic Development Department, rdbrown@santafenm.gov, Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, Daniel Hernandez, Project Director at Proyecto LLC) **INFORMATION ONLY**



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10. CONSENT CALENDAR

- a. Request for Approval of Collective Bargaining Agreement (Union Contract) Between the Santa Fe Police Officer's Association and the City of Santa Fe. Agreement Contains Agreed Upon Amendments to Year Two of a Three Year Agreement. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/21

Finance Committee: 03/22/21

Governing Body: 03/31/21

- b. CONSIDERATION OF RESOLUTION NO. 2021-____. (Councilor Romero-Wirth, Councilor Cassutt-Sanchez, Councilor Lindell, Councilor Rivera, and Councilor Villarreal)
A Resolution Supporting the Creation and Management of TreeSmart Santa Fe, a Comprehensive Tree Canopy Project in the City of Santa Fe. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Jennifer Faubion, Council Liaison, jrbaubion@santafenm.gov, 955-6033)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/21

Finance Committee: 03/22/21

Governing Body: 03/31/21

- c. Request for Approval of a Budget Amendment Resolution (BAR) in the Amount of \$1,800,000 for FY21 to Fund Current Year Allocations from the Affordable Housing Trust Fund to the Recommended Floor of \$3 Million Per Year. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171 and Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021

Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021



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- d. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of \$290,000 from General Fund Reserves to Parks Service Contracts. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021

Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021

- e. Request for Approval of Sole Source Purchase of Explosive Ordinance Disposal Robot from Northrop Grumman, Remotec, Inc. \$305,001 of Funds 100% Reimbursable from the 2019 State Homeland Security Grant Program; New Mexico Department of Homeland Security and Emergency Management. (Brian Williams, Interim Emergency Management Director, bgwilliams@santafenm.gov, 955-6537)

COMMITTEE REVIEW:

Public Safety Committee: 03/xx/2021

Quality of Life Committee: 03/17/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- f. Request Approval of Budget Amendment Resolution (BAR) to Correct FY21 Engineering Budget for Duplicate Payment to Louis Berger Group in the Amount of \$67,945.22 for the Arroyo Chamiso Crossing Project. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021

Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021

- g. Request Approval of the Streetlight Conversion Contract with Public Service Company of New Mexico (PNM) to Convert PNM Owned Street Lights in City Limits to LEDs not to exceed \$421,185 inclusive of New Mexico Gross Receipt Tax (NMGRT). (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622)



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COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/8/21

Finance Committee: 03/22/21

Governing Body: 03/31/21

- h. Request Approval of a Cooperative Funding Agreement (CFA) with the United States Bureau of Reclamation (USBR) for Environmental Permitting Services in Support of the San Juan Chama Return Flow Pipeline Project. Contract No. 20-WC-40-866 Will Provide Technical Expertise for the City and USBR to Complete the Environmental Assessment Under the National Environmental Policy Act (NEPA) Guidelines. (William Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

1. Request for Approval of Budget Amendment Resolution (BAR).

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- i. Request for the Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$569,885 for the Budget Transfer of Community Service Division Youth Staff Positions and Operating Budget to the Recreation Division. (Kyra Ochoa, Community Health and Safety Director, krochoa@santafenm.gov, 955-6603)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- j. Request for Approval of Amendment No. 2 to Professional Service Agreement (PSA) #19-0234 with Carollo Engineers, Inc. for Environmental Permitting Services in Support of the San Juan Chama Return Flow Pipeline Project. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)

1. Request for Approval of Budget Amendment Resolution (BAR).



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COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- k. Request for Approval for Amendment No. 4 to Advanced Utility System's Contract to Continue the Upgrade of the Utility Billing Division Billing System in the Amount of \$1,048,402 Excluding New Mexico Gross Receipt Tax (NMGRT). (Nancy Jimenez, Utility Billing Division Director, nljimenez@santafenm.gov, 955-4364)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- l. Request for Approval of a Budget Adjustment Resolution (BAR) to Fund the Advanced Utility's System through FY20/21 in the Total Amount of \$325,313. (Nancy Jimenez, Utility Billing Division Director, nljimenez@santafenm.gov, 955-4364)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021

Finance Committee: 03/22/2021

Governing Body: 03/31/2021

- m. Request for Approval of Amendment No. 3 to New Mexico Department of Transportation Funding Agreement, CN S100460 (Munis Contract No. 3200847) Extending Termination Date from April 30, 2021 to September 15, 2021 for CIP 801B Reconstruction of Guadalupe St. from Agua Fria to Paseo De Peralta. (Romella Glorioso-Moss, Public Works Project Administrator, rsglorioso-moss@santafenm.gov, 955-6623)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021

Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021

11. DISCUSSION/ACTION ITEMS



City of Santa Fe

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- a. Request for the Approval of a Restated and Amended Joint Powers Agreement (JPA) Establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and Among the Incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the Sovereign Governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director, kamason@santafenm.gov, 955-6704)

COMMITTEE REVIEW:

Quality of Life Committee: 07/1/20

Finance Committee: 03/1/21

Quality of Life Committee: 03/17/2021

Governing Body: 03/31/2021

- b. **Request to Publish Notice of Public Hearing on April 28, 2021.**

Consideration of Bill No. 2021-8. An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.1 SFCC 1987 to Make Clarifications; Amending Section 6-19.2 SFCC 1987 to Change the Effective Date of the Salary to Align with the Term for Mayor Set Forth in the Santa Fe Election Code, Section 9-1 SFCC 1987; Amending Section 6-19.3 SFCC 1987 to Establish an Application Process and Modify Length of the Commissioners' Terms; and Amending Section 6-19.4 SFCC 1987 to Set the Future Schedule for the Independent Salary Commission. (Councilor Rivera, Councilor Romero-Wirth, and Councilor Lindell) (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/2021

Finance Committee: 04/5/21

Governing Body (Public Hearing): 4/28/21

- c. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber, Councilor Romero-Wirth, Councilor Abeyta, Councilor Garcia, Councilor Vigil Coppler, and Councilor Lindell)
A Resolution Establishing a Work Plan for Improving Access to Affordable Housing Opportunities for Residents of the City of Santa Fe. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)



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COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body: 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body: 4/28/21

d. Request to Publish Notice of Public Hearing on April 28, 2021.

Consideration of Bill No. 2021-9. An Ordinance Amending Section 11-14.5 SFCC 1987 to Dedicate Half the Sales From Any Sale or Lease of City-Owned Land and Buildings to the Affordable Housing Trust Fund; and Amending Section 26-3.6 to Add the Dedication to the Affordable Housing Trust Fund. (Councilor Lindell, Mayor Webber, and Councilors Abeyta, Romero-Wirth, and Cassutt-Sanchez) (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346 and Rich Brown, Community Development Director, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body (Public Hearing): 04/28/21

e. Request to Publish Notice of Public Hearing on April 28, 2021.

Consideration of Bill No. 2021-10. An Ordinance Amending Section 18-11.3 SFCC 1987 to Define "Taxable Premises" Consistently with State Statute and to Add a Definition for "Permanent Resident"; Amending Section 18-11.8 to Make it Consistent with State Statute; Amending Section 18-11.17 to Differentiate Between the Occupancy Tax and the Convention Center Fee, and to Dedicate the Occupancy Tax Collected on the Thirty-First Day and Subsequent Days to the Affordable Housing Trust Fund; Amending Section 26-3.6 to Add the Dedication to the Existing List of Dedications to the Affordable Housing Trust Fund; and Making Such Other Changes as are Necessary. (Mayor Webber) (Randy Randall, TOURISM Santa Fe Director: rrandall@santafenm.gov, 955-6209 and Brad Fluetsch, Planning and Investment Officer, bjfluetsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/21



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Finance Committee: 04/5/21
Quality of Life Committee: 04/7/21
Governing Body (Public Hearing): 04/28/21

- f. CONSIDERATION OF RESOLUTION NO. 2021____. (Mayor Webber)
A Resolution Extending the State of Emergency as Proclaimed by the Mayor on March, 29, 2021 by Fifty-Four (54) Days, Expiring at Noon on May 24, 2021, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Governing Body: 03/31/2021

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Acquisition and Disposition of Property, Specifically the Land Known as "Santa Fe Estates", Including Las Estrellas at Santa Fe Estates. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

14. MATTERS FROM THE CITY CLERK

15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION - 6:00 P.M.

16. ROLL CALL

17. PETITIONS FROM THE FLOOR

To Provide a Written or Live Comment or Please Follow the Instructions Below:

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at



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<https://santafe.primegov.com/public/portal>. If you submit a written comment it will be distributed to the Governing Body and you do not need to attend the live public comment.

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Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

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Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

18. APPOINTMENTS

a. Capital Improvements Advisory Committee

- Gayla Bechtol – Appointment – Term Ending 12/2022
- Janet Clow – Appointment – Term Ending 12/2022
- Miles Conway – Appointment – Term Ending 12/2022
- Oralynn Guerrerortiz – Appointment – Term Ending 12/2022
- Ruth Hamilton – Appointment – Term Ending 12/2022
- Brian Lewis – Reappointment – Term Ending 12/2022
- Matthew O'Reilly – Appointment – Term Ending 12/2022
- Isaac "Ike" Pino – Reappointment – Term Ending 12/2022
- John Michael Salazar – Appointment – Term Ending 12/2022

b. Mayor's Committee on Disability

- J. Eli Fresquez III – Appointment – Term Ending 1/2025
- Kendra Garcia – Reappointment – Term Ending 1/2025
- Kathlyne Gish – Reappointment – Term Ending 1/2025
- Aurore Bleck – Reappointment – Term Ending 1/2025

c. Veteran's Advisory Board

- Richard Christensen – Recruiting Services - Reappointment – Term Ending 5/2022
- Kenneth Dettelbach – Housing Service – Reappointment – Term Ending 5/2022
- Dorothy M. Seaton – Financial Services – Reappointment – Term Ending 5/2022

19. PUBLIC HEARINGS



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20. ADJOURN

21. UPCOMING PUBLIC HEARINGS

Special Governing Body Meeting – April 6, 2021 – Zia Station

Special Governing Body Meeting – April 8, 2021 – Zia Station

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

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

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

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Governing Body
March 31, 2021

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b) Economic Development Overview	Overview presented	6-15
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20. Adjournment	Adjourned at 11:28 pm	44

**Minutes of the
Regular Meeting of the Governing Body
Wednesday, March 31, 2021
Virtual Meeting**

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, March 31, 2021, at approximately 4:04 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Lindell.

3. SALUTE TO THE NEW MEXICO FLAG

The Salute to the New Mexico Flag was led by Councilor Romero-Wirth.

4. INVOCATION

The Invocation was led by Councilor Abeyta.

Councilor Garcia noted today is the birthday of Sefaud Chavez' birthday and want to remember him and the remarkable legacy that he left for us to work toward and strive for. He said, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community."

Councilor Romero-Wirth remembered the victims of mass shooting in Colorado and Officer Kelly, born and raised in Albuquerque, and gave his life in the line of duty at that shooting and prayers for his family and friends. It was absolutely horrific. It raises our conscience about the need for gun control.

Councilor Vigil Coppler gave condolences to the family of Eloisa Block, who comes from a long-time family in Santa Fe. She was very involved in politics. She was very revered with many friends and a nice large family. Many, including her will miss Eloisa.

Councilor Villarreal also remembered Eloisa Block. Her grandchildren expressed to her how much they missed their grandmother and how much she meant to them.

She also took a moment to recognize the life of George Floyd since it has been over a year since he was killed and currently seeing the trial. Our country's soul is on trial right now to determine the outcome. She put out prayers for justice for George Floyd and his family.

Mayor Webber remembered the family of David Soules down in Las Cruces. The family is a phenomenal group of public servants, whose dad and sister are strong advocates for energy and renewable resources and his other brother a state senator. His death was a real loss and Mayor Webber's personal thoughts go to his family for all their contributions.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

5. ROLL CALL

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 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
Kristine Bustos-Mihelcic, City Clerk
Mary McCoy, Finance Department Director
Alexandra Ladd, Affordable Housing Director
Rich Brown, Economic and Community Development Director
Andrea Salazar, Assistant City Attorney
Sally Paez, Assistant City Attorney
Jennifer Faubion, Council Liaison
Ben Valdez, Deputy Chief of Police
Jason Kluck, Assistant Planning and Land Use Director
Regina Wheeler, Public Works Director
Brian Williams, Interim OEM Director

Romella Glorioso-Moss, Public Works Project Administrator,
Elias Isaacson, Planning and Land Use Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Mayor Webber said an item was placed on the agenda that was a redundancy for the resolution for housing that is coming through committee process and should be stricken from this agenda. Secondly, he asked to postpone the streetlight conversion contract for two weeks and take it up at next meeting for terms of the contract. (Item 10-g)

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the agenda as amended with items 10(g) and 11(c) removed.

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 item 10(a) be pulled for discussion.

Councilor Garcia requested Item 10(c) be pulled for discussion.

Councilor Rivera requested Item 10(m) be pulled for discussion.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Garcia, to approve the Consent Calendar as amended with items 10(a), 10(d), and 10(m) removed 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

- a. Regular Governing Body Meeting – March 10, 2021

MOTION: Councilor Lindell moved, seconded by Councilor /Cassutt-Sanchez, to approve the minutes of March 10, 2021 as presented.

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

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

Against: None.

9. PRESENTATIONS

- a. COVID-19 Update Pursuant to Resolution 2020-51. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848 and Brian Williams, Interim Emergency Management Director, bgwilliams@santafenm.gov, 955-6537) **INFORMATION ONLY**

Manager LaPan Hill announced that today is Kyra Ochoa's birthday, and she is not in attendance.

Regarding vaccinations, she said anyone over 18 is eligible now so the City is crossing the threshold. Anyone can get a shot who wants one. All Staff are eligible. She urged everyone to make sure they are registered on the DOH site.

Since last week, we are in a race between vaccinations and the variants. The City went 21 days without a case and, as of today, we have been forfeited among the employees. It is all going well but if we had only one outbreak, we would have to shut down. We are being thoughtful about reopening. We will spend more time with the proclamation later.

Councilor Garcia thanked her for the report. From EDAC, he asked when the Committee could meet in person. Perhaps we can now enter a hybrid meeting in a place like the Convention Center with social distancing. Where are we in that process?

Manager LaPan Hill said the City is engaged in reopening to work. The next 60 days is the process to make sure we stay in turquoise. But she was unable to commit to a date at this time. There is value with hybrid meetings, but she didn't want to lose other members.

Ms. McSherry added that masks would be required, if that is something the Governing Body thinks would be possible. We can still meet remotely, and masks are a difficulty for meeting in person.

Councilor Garcia didn't think that would be a problem for the Governing Body, whatever it takes. He could commit to that.

Ms. McSherry said she was not suggesting anyone would refuse, but how to communicate with masks on might be a problem.

Manager LaPan Hill agreed and wondered whether the public would all wear masks.

Councilor Cassutt-Sanchez said Councilors are getting a lot of feedback with more tourists coming in without masks and complaints about not wearing them on the Plaza. She asked what the responses are to that.

Chief Padilla replied that when a call comes to the dispatch center, police can respond if they nearby and not tied up with another call. That could mean minutes or hours. The officers on bicycles will return to the Plaza in May.

Councilor Cassutt-Sanchez wanted to make sure we are on top of things. Other states are lifting mask mandates and people from elsewhere need to understand our City rules.

Director Randall said Tourism is trying to reinforce it with hotels to inform guests about the need for masks and providing masks at each Visitor Center at \$2 each. Signage is also being stepped up. Breckenridge has a lot of signage up that say, "love this place, cover your face". He didn't see more than 1-2 people up there without a mask and we need to put signs up in popular places and increase awareness to them.

Councilor Cassutt-Sanchez appreciated that. We are feeling a lot better, but variants are coming in and we don't know exactly what vaccinations mean for them. We also need our businesses to thrive and still need to keep up enforcement.

She asked how Staff are being vaccinated.

Manager LaPan Hill said it is an ongoing conversation. As of today, everyone has access to the vaccine. Public Safety was first and some Administrative Staff. We are pushing it and it is open to all Staff members.

Councilor Cassutt-Sanchez was happy to hear that and that administrative time to do that is offered.

Ms. Bustos-Mihelcic reported the Arts Commission, and our Arts and Culture Department are working on art installations that highlight wearing masks and a social media campaign featuring residents from all markets to stress the importance. The temporary installation of art in the Plaza will happen in the next two weeks with a little video release. She is wearing her mask because of the campaign.

Councilor Rivera heard our Emergency Manager resigned to take another job and asked who might take over.

Manager LaPan Hill said his last day was March 26 to be with his wife in Colorado. Brian Williams is serving as Acting Director.

Mayor Webber said he has already conducted emergency training and as Director Randall mentioned, masks are available at all visitor centers and at City Hall. Director Williams is working hard to get the safety material out where it will do the most good.

Mr. Williams said Operation Face Mask is moving along smoothly, primarily starting with libraries and recreation centers and to all departments for anyone who has contact with public with a package of masks to give out.

- b. Economic Development Department Overview of the Midtown Bi-Weekly Development Update Report. Presentation Topic: RFEI / Solicitation Next Steps. (Rich Brown, Director, Community & Economic Development Department, rdbrown@santafenm.gov, Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, Daniel Hernandez, Project Director at Proyecto LLC) **INFORMATION ONLY**

Ms. Bustos-Mihelcic shared the caption for this presentation and noted Director Brown, Ms. Salazar and Daniel Hernandez were present.

Director Brown presented a report on the process. A memo was in the packet, outlining the process and when it would work. Since January, he has provided updates, and this is a pivotal time for us. We have an opportunity to take advantage of incremental zoning to increase land value

and put before the Governing Body for approval. The RFEI is about building a framework in the Master Development process. We will come to the Governing Body every two weeks as we move forward.

Mr. Hernandez reviewed the visual presentation. This is a pivotal moment with ideas and strategies moving forward over the last few months. He briefly reviewed the events and activities during January, February, and March. He then covered what the team is doing now. He reviewed the goals that were already approved and talked about incremental investment decisions as they move forward. He listed the next steps and displayed two websites to use. He stood for questions.

Councilor Cassutt-Sanchez was in favor of doing away with RFEI but allowing the community to respond to this. She agreed this is a difficult decision and appreciated the concerns about time balancing being expeditious but clear and thorough. In the RFEI, there were partners, and she did not remember all of them. There might be some who would like to continue to work on this. She asked if this decision would close the door on operating with any of those partners.

Director Brown said all former proposals and proposers can be reengaged with the process.

Councilor Cassutt-Sanchez pointed out that some partners were part of other teams and she considered them valuable local partners. She asked why the Governing Body in approving a contractor to work through the zoning would go through a resolution.

Director Brown said he is open for direction and looking for a local project manager to be on board who could help with that. Director Isaacson could speak to it.

Director Isaacson explained that the Code allows the Governing Body to issue a resolution directing Staff on what to do with the Midtown property, to be an advocate, or bring in a third party on certain tasks. Those options are available.

Sally Paez added a nuance that it is important to separate it from being reviewed in the Land Use Department. The first step in rezoning it to take it to the Planning Commission. They review the analysis from Land Use Staff and make a recommendation regarding whether the proposal meets the criteria in the Code. The Governing Body can get an objective analysis from Land Use Department Staff. We still have same process for the City as we do for a developer. Another alternative that could be explored rather than an outside consultant, would be a City Project Manager to analyze the project and take it through its steps.

Councilor Cassutt-Sanchez asked if the mentioned internal project manager is a City Staff member or a contractor.

Director Brown said that still needs to come to Governing Body if we want money for a budget. "There are well qualified people in the dugout."

Councilor Cassutt-Sanchez had zoning questions and wanted to look at the Midtown Link Overlay.

Director Isaacson explained there are several commercial zoning designations available. C-5 would limit the number and qualifying projects that could be considered. The Overlay District requires underlying zoning to be added.

Councilor Cassutt-Sanchez thanked him. Interplay between community engagement and where opportunity for new zoning- He understood there were a couple of opportunities under the zoning and master plan regarding zoning. Getting feedback and how the balancing occurs – taking the time for proper engagement and doing the work on it.

Director Isaacson said the update at the next meeting on April 15, will be the Land Use focus and a better opportunity to explain the property. The concept came out of charette done last year.

Councilor Cassutt-Sanchez had questions on mobile access, etc. and surrounding neighborhoods with people parking on the street trying to get into Midtown. The other was on financing which was one of the pieces without much information. She asked when we can get that information.

Director Brown did not know the exact date but is on the agenda for a presentation on finance and will talk about public/private financing.

Councilor Abeyta noted that canceling the RFEI puts it back in our hands and the kinds of financing it will require. Breaking it down in these 9 categories helps. Although a Master Developer didn't work out, we learned a lot in development of this property. He commended Staff for their work.

Councilor Garcia said this is the kind of avenue he hoped we would go down with incremental steps and community input to turn this into a gem, not just of the City but of the southwest. We were told today we would have three decisions before us. And we would be able to make the decision. This is a significant investment of the City with contractors hired to rezone, hire new project staff, demolition, upgrades, and rebuilding. We set a dangerous precedent by not formally adopting the steps to take. With this process, he asked what stops the City from doing things without approval of the

Governing Body on A, B, or C, the way it is presented to us. He asked if the City ever before invested millions of dollars without Governing Body approval.

Director Brown said that at the next meeting, we will put up two resolutions for a Governing Body vote - talking about the ultimate goal of master development. Regarding the cancelation of RFEI, he could not go further without review and approval. So the Governing Body will not be excluded from any approval process. The slides today may have looked like a binary approval, but the resolution says we must make it in the Master Developer process. He asked Ms. Salazar or Ms. McSherry if that was incorrect.

Councilor Garcia appreciated that. In handling the cancelation of RFEI, while most Councilors were in favor, the Governing Body didn't get briefed on any conversations with the other applicants who might have been willing to go forward with the RFEI process.

Director Brown could not discuss that in public and it may need to be in closed session.

Ms. McSherry agreed. The Governing Body could not talk about the proposals themselves but could talk about process.

Director Brown said they did contact all of them to determine their interest and let them know our processes. He did receive responses from some of them, and he knew some had responded to the press.

Councilor Garcia asked if anyone expressed interest in RFEI process and continuing with it.

Ms. McSherry cautioned that he could say whether any were still interested and whether some were interested in other processes.

Director Brown said he did not get into negotiations with any of them with their proposal. Based on our nine months of work, this was the next step. We decided to move forward without approving any proposal. It doesn't rule out the proposal idea but cancels the RFEI process. No one has been excluded from an opportunity to develop a new contract.

Councilor Garcia asked if any of them expressed interest in going forward with the RFEI process.

Director Brown agreed.

Councilor Garcia suggested that if the City explored the opportunity, we could have saved money to develop to the best it can be, working with

community and using City resources the best we can. He appreciated the information and looked forward to the next presentation, now that we are taking the ball back into our court.

Councilor Villarreal felt the RFEI was a confusing model to the public and use of a Master Developer never clarified how community participation would be done. It was her request to hire a project manager to support Staff – not that Mr. Burnett didn't do a great job. Sean Moody also has a lot on his plate. So we need a go-to person, especially by the tenants on temporary activities or uses on the campus while this is going on. She had questions on C-2 zoning also and a need for it to be explicitly stated. She liked that they could explore others.

She asked how this would work in parallel with the planning process. She had proposed using the Master Plan process for the Railyard. Buildings exist at Midtown but not at the Railyard. We have guidelines already but there are barriers and opportunities. It feels like a Master Plan model. Her desire was to see what it looks like and to be sure we are communicating with tenants to let them know they are important and will be included in the process.

She had other questions on how the zoning would work and whether to ask Staff to take that role. Thanks to Staff for meeting with us and resolving those sticking points.

Councilor Vigil Coppler went back to the decision tree for Midtown. Like Councilor Garcia, she was under the impression this would come to Governing Body for a vote. That was always the response when she asked it. She restated the three options and noted they had much discussion on what each of the three choices were and she was surprised it did not come back to Governing Body for a vote. The Governing Body is the major decider, and this is an important decision. It is the process and the role of the Governing Body for policy decisions. She was disappointed this is happening.

Regarding the other option of doing it ourselves, and what would be required, there were questions on zoning and the Master Plan. Her notes said it would take years and now had only 16-18 months. She asked how to compare those two answers and what changed.

Mr. Hernandez said one of them was given by the Master Developer for entire site. It also included the Land Use rezoning process, but he was not clear on the time frame Councilor Vigil Coppler mentioned.

Director Isaacson said one timeline was presented by RFEI and it was 18 months. He thought it could be done sooner than that. It could be but where

we are now with rezoning itself could be a shorter time frame. KDC had proposed a very long timeframe.

Councilor Vigil Coppler clarified that she was referring to the decision tree and different options. The Staff answer was that it would take years and now that timeframe is 16-19 months that came from Land Use.

Director Isaacson said he was not part of that presentation on duration. There are several individual components here that could be done sooner, using parallel tracks.

Ms. McSherry commented on the decision tree that all those decisions were possible for the Governing Body. When Director Brown presented in February, it was to refresh memory of everyone back to 2018. Selling was not an option then. The two options are still within Governing Body authority.

Councilor Vigil Coppler was just commenting on the responses which were either tonight's date or April 15. She was interested in this also because it is in her district. Local firms are shown on page two of the memo and asked how they would be solicited and whether it was open to the public.

Director Brown said there will be an RFP for Governing Body review and approval. He wanted to make clear that the RFP could not be limited to local developers and would be brought here first.

Councilor Vigil Coppler understood the RFP could not ask specifically for local firms. She asked if the RFP could give preferences for local entities.

Director Brown agreed.

Ms. Salazar clarified that in soliciting for a project manager to move forward, the City can do a local preference and could also hire a person as Staff to be the manager, which would not require an RFP.

Councilor Vigil Coppler asked who would decide that and how. She also asked if it would be announced internally first if a person were to be hired.

Director Brown said if an internal Staff person were hired, it would go through a formal application process and if outside, an RFP process would be used.

Councilor Vigil Coppler asked Mayor Webber if he was meeting with KDC about this process.

Mayor Webber was not aware of a scheduled meeting with KDC at this moment. He knew they wanted to be in communication but couldn't answer

that without a calendar before him whether such a meeting had been scheduled. The termination decision was mutual. And they expressed a desire to stay in touch.

Councilor Vigil Coppler asked about what it would cost and knew it was a moving target and was not sure when it would be known.

Mayor Webber was not sure anyone could answer that.

Director Brown said they would uncover the cost as they go along and agreed there are many moving parts. He said they would know by end of May.

Councilor Vigil Coppler asked for transparency on what we do. There will be even more questions after this meeting. In PWUC it was said by Director Brown that it takes away a big portion of his budget. So she asked how he will get that money back.

Director Brown said the Governing Body should keep in mind that any windfall is exempt from the Economic Development Department. And any coming in for Housing goes into the General Fund.

Councilor Vigil Coppler said Director Brown looked confident of getting the money from somewhere else.

Councilor Lindell thanked Director Brown for the decision tree Councilor Vigil Coppler talked about. We never really went through that. It was presented but Councilors did not weigh in on it and should. Those are the things for Director Brown to drive.

It would have been good to let the Governing Body decide on abandonment of RFEI. That took months and months to put together and cost lots of money and time. And much time and money were taken in answering that. We should not just shrug it off on those not chosen. She would like to know more explicitly the responses of the other applicants and what we told them before abandoning the RFEI. She didn't think the City is in any position to act as Master Developer on this project. She appreciated the clarity of the memo. Our people don't have the capacity to take on such large projects. She questioned if one project manager would be enough. KDC had a massive team here and got together with local people. They clearly spent hundreds and hundreds of hours and she was concerned to just abandon a project so many people invested hours and hours into.

She didn't see the bandwidth to ask people to complete it. Staff are already burdened. She didn't understand why we would not choose to work with one of the other applicants on all these activities to get it completed and

open the RFEI back up to the original applicants and how this would benefit us. Our Staff are under a phenomenal amount of pressure all the time and to ask them to take on such sizable jobs is fair. We've already spent years on this. The previous administration spent 2-3 years on it, and we are racking up more cost every day. She was worried about that and worried we are asking far too much from our Staff. If not realistic, we need to figure out something else to do.

Councilor Romero-Wirth thanked Staff for the memo well in advance of the meeting so Councilors could look it over and for the chance to meet with Staff with our questions. One thing to cover is how to characterize what we learned in the RFEI process. We did learn things and it was not a complete waste and some proposals presented will still be good to consider.

Director Brown said he came onboard in October 2019, but Mr. Hernandez was there when the RFEI was being formed. What he took away is that many issues were uncovered that we knew were there. And the City hoped the Developer would work through them. But with the pandemic, that collapsed. We were unsure how to address the unfilled needs. This was an educational institution on an R-5 zone that needed to be C-2. There was only one power box!

Mr. Hernandez added that all of us must consider what the RFEI was for. There was great interest in redevelopment. But the unprecedented pandemic undermined everything and everyone's economic assumptions about it. We knew the priorities to get ready and highly prioritized what we needed to do to incentivize developers. Maybe that strategy was no longer viable. Investment was needed for the value of the property. So we needed to maximize the opportunity. We wanted to be specific about what we want to be able to say about what we are looking for. It did cost time and resources but now we will be ready for development.

Councilor Romero-Wirth agreed we need to consider the pandemic and how it affected the investment risk. We had a Master Developer with deep pockets who said they could not do it now. We must get the site ready with investments that we can recover down the road in this very important property. The kinds of things we can do are investing in our future. She also realized the project is enormous and under the best of circumstances, still takes time. The bond on the property we need to think of as an investment to keep control of it for how to develop it down the road and shape the work on it.

We will still get developer investments and public resources. Hopefully, when the Governor signs the capital outlay, we will see places to draw money from to help with funding for what needs to happen here.

Mayor Webber asked her about the different pockets.

Director Brown said there are opportunity funds that invest in land - both real estate and infrastructure. We are working with Mr. Hernandez on ways for TID and other investment ideas that could come to the table.

Councilor Romero-Wirth added private investment too.

Director Brown agreed. There are foundations to explore.

Councilor Romero-Wirth knew that with Director Brown canceling the RFEI, there would be questions. Maybe we were confused because we thought we were deciding on the decision tree. But the decision tree was to lay out different paths we could follow. In the 2018 resolution, the Governing Body gave authority to the City Manager. Director Brown was given the power and had the right to cancel the process.

Mayor Webber agreed.

Ms. McSherry clarified that in procurement such as RFEI, the Governing Body approves all contracts that result but not the selection of finalist or the cancelation.

Mayor Webber concluded it does not go against the procurement processes.

Ms. McSherry agreed.

Councilor Romero-Wirth asked, after we stepped away from RFEI, at what point the proposals would be made public, especially since they may come around again.

Ms. McSherry said Staff must look at each proposal and decide what they intend to do. We got advice from the State Ethics Commission on that matter. A new solicitation could be issued, and anyone who proposed before could choose to submit a new proposal.

Councilor Garcia thought Councilor Romero-Wirth's comment was a little misleading. We were told we were going to vote. That was on his calendar. "But we did not have the opportunity to make that decision; it was taken from us." He asked Director Brown who the ultimate decider was and who led him to make that decision.

Mayor Webber said those are two questions. One is on how we did not follow the process. Which took away from what Councilor Garcia thought was a vote. The second was on who made the decision.

Councilor Garcia said that was not his question. His question was who ultimately made the decision to cancel the RFEI.

Director Brown said he came to the City Council with two slides – one of which was the 2018 Resolution. And he asked Andrea Salazar to confirm that the decision was his. She confirmed it. It was his decision in his role as Economic Development Director to cancel the RFEI after consulting with the City Attorney and the City Manager.

Councilor Garcia wanted to understand that and thanked him. There was nothing to prevent us from voting, even symbolically, because when we get into a situation like this, taking away the opportunity for the Governing Body to vote on the matter, it is concerning. “It isn’t in my District but right across the street and I am intensely invested in this project. The Governing Body needs to be included in this process but is being left out. It will take all of us working together to make this a successful project.”

At 6:18, Mayor Webber said we should alert those who are waiting, that we are not finished with the afternoon agenda.

Mayor Webber had two points – our ability to change Project manager, and thanked Mr. Hernandez for his experience with development to bring to the project and understands the scale of the project. We all care deeply about it. He had made very few requests to the KDC team. One was to hire a Project Manager and the other for a Master Development Plan that could be taken to the community. They didn’t take on either of those tasks, and it was from the pandemic that upset it all. So no internal Project Manager was hired, and no zoning change undertaken. How much it would cost is an interesting question as the City moves forward. But what was not asked was how much would return as the City takes on control of the site. He asked, if we had another Master Developer, and identified three parts to take on rapidly, one of which is very opportune, which is the Garson Studios. He asked who would have control of Garson Studios with a new Master Developer – either City or the Developer.

Ms. McSherry explained that all Master Developers had proposals for the whole site so they would have right of control of the site.

Mayor Webber concluded that the other projects would also be up to the Master Developer.

Director Brown agreed it was up to the Master Developer. But it also depended on the Master Development Plan.

Mayor Webber reasoned that we got \$300,000 of their input but did not get a Project Manager, a rezoning proposal, and a Master Development. But with a new Master Developer, we would give up any expedited process and more community input. So in everything there is a tradeoff.

Director Brown said there is also a shareholder incentive with the Master Developer, so the City could push the timeline.

Mayor Webber agreed that we need a Project Manager on the ground as stated in the memo. The pace of development would be in the hands of the Master Developer and not the City's pace. All projects of this size are challenging and complex. But it is a beautiful opportunity to realize a City Center for many community aspirations, and the Governing Body will have a chance to examine all of them. The decision is sound, reached after thoughtful consideration, following the law and the methodology laid out and now it is up to us as a team.

Mayor Webber thanked Director Brown, Ms. Salazar, and Mr. Hernandez.

10. **CONSENT CALENDAR**

- a. Request for Approval of Collective Bargaining Agreement (Union Contract) Between the Santa Fe Police Officer's Association and the City of Santa Fe. Agreement Contains Agreed Upon Amendments to Year Two of a Three Year Agreement. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/21

Finance Committee: 03/22/21 Governing Body: 03/31/21

Ms. Bustos-Mihelcic read the caption for this discussion. Ben Valdez is available.

Councilor Vigil Coppler pulled this item for discussion.

Councilor Vigil Coppler asked about how much time and service are required in each classification - more or less.

Deputy Chief Valdez said the time of service did not change from the previous contract for years 1-2. They were starting year 1 with 1 year at day one and never completed the second year so we said on completion of 36 months they could receive a promotion to next level, etc.

Councilor Vigil Coppler understood it was no different than before.

Deputy Chief Valdez responded there was an adjustment for testing for Sergeant or Detective. They have done a great amount of recruiting. We wanted to track those out, depending on years of service and years with us. With the current contract, it could take longer for them if they want to transfer to come work for us. They could bring their experience with them and be tested for the position. For the Sergeant portion, it was three years as a police officer. The first year is on probation. He didn't know if that was enough time to know all the policies to be advanced to Supervisor.

Councilor Vigil Coppler said it sounds like the Department gives an equal edge of internal people as those coming in. Her other question was time to submit an appeal.

Deputy Chief Valdez >said the City Manager can respond to it within 15 days, with a recommendation. At that point, the recommendation of the City Manager could be agreed to or not agreed to and could meet with the union on it. They would have to present their protest and explain why they disagreed with the recommendation. The policy gives a five-day period for the officer and union to clarify it.

Councilor Vigil Coppler appreciated the answers.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Romero-Wirth, to approve the Collective Bargaining Agreement as presented.

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

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

Against: None.

- b. CONSIDERATION OF RESOLUTION NO. 2021-19. (Councilor Romero-Wirth, Councilor Cassutt-Sanchez, Councilor Lindell, Councilor Rivera, and Councilor Villarreal)

A Resolution Supporting the Creation and Management of TreeSmart Santa Fe, a Comprehensive Tree Canopy Project in the City of Santa Fe. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Jennifer Faubion, Council Liaison, jrbaubion@santafenm.gov, 955-6033)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/21

Finance Committee: 03/22/21
Governing Body: 03/31/21

- c. Request for Approval of a Budget Amendment Resolution (BAR) in the Amount of \$1,800,000 for FY21 to Fund Current Year Allocations from the Affordable Housing Trust Fund to the Recommended Floor of \$3 Million Per Year. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171 and Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021
Public Works & Utilities Committee: 03/29/2021
Governing Body: 03/31/2021

Councilor Garcia pulled this item for Discussion.

Ms. Bustos-Mihelcic read the caption for this item and noted that Director Ladd and Director McCoy were available.

Councilor Garcia asked how long we have to spend that money.

Director Ladd said the intent was to expend it before end of the fiscal year so that we start each year with \$3 million.

Councilor Garcia asked, at end of the fiscal year, if the City must spend all of it or not.

Director McCoy clarified that this is a Trust Fund and if the allocation is not spent by June 30, it reverts and could be reappropriated for future years.

Councilor Garcia thanked her. There are already intentions for investment in property by the City. He asked if the City is going to purchase property within the next couple of months.

Director Ladd replied that the intention is to deploy the funds as soon as possible to mitigate the looming eviction crisis with impacts on both those housed and those not housed. We've been in conversations with those doing due diligence with properties and try to replicate the Santa Fe SWEEP model for rentals for currently homeless people. There will be no shortcuts and we will follow our own processes and funds will be considered equity in the property so the owner could recycle revenues back into the property for more robust services.

Councilor Garcia asked what the mechanism is for getting the money out.

Director Ladd said it is a standard RFP and the Governing Body makes the final approval.

Councilor Garcia hoped this process continues and how ultimately, we improve housing for people in Santa Fe.

Councilor Villarreal felt it is an important investment and needed for our community. CDC has played an instrumental role in this. She wanted to recognize that with many facets of the resolution. She wanted to make sure the public understands where this funding comes from.

Director McCoy said the funding is from the AHTF balances generated by fees in lieu and the experience of economic growth this fiscal year. The amount from the trust fund is \$300,000 and from the General Fund from GRT above what was projected, which is \$1.5 million. so a total of \$1.8 million. She clarified that it is additional GRT expected - not reserves but new money.

Councilor Villarreal went back to her memo in Finance. It needs clarification on a misleading statement. In the Section talking about the Governing Body revisions to the zoning ordinance and increased revenue from Fee In Lieu of. We have not seen what impact it has garnered of additional revenue. She supported that change and wanted to understand what impact the change in the ordinance has made and how much it has garnered since it was changed.

Director Ladd said the changes in 2019 increased the amount of the fee by 20% per year. The majority of the \$1.4 million were projects put in before the 2019 changes were made. The most recent amendment was to ensure the fee was increased for compliance and more market-friendly for collecting some provision of onsite AH projects.

Councilor Villarreal rescinded that it was not a result of the change but because there was already more money in the pipeline. Also, it did not state in the memo the role of CDC who not only supported Staff on prioritizing but also CDBG so we. She asked to please make a note that CDC needs to be part of that solution.

Director Ladd thanked Councilor Villarreal. She probably should have clarified that our standard process was always through the CDC.

MOTION: Councilor Villarreal moved, seconded by Councilor Cassutt-Sanchez, to approve the requested Budget Amendment Resolution as presented.

Discussion on the Motion:

Mayor Webber thought it was a good point about the pipeline. We had many meetings with the inclusionary zoning ordinance on whether this was to be removed. Developers don't do well with uncertainty. And the revision of that ordinance clarified direction and new ways people could interact with the City. The stepped increase in Fee in Lieu of yields more AH units. It is a dynamic situation on trying to make the process work.

Director Ladd agreed. That explains it very well. Developers delayed until they knew if it was a viable policy.

Mayor Webber said Director McCoy and her team did a great job getting through the pandemic with continued progress through the pandemic, to get more revenue.

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 Garcia asked to explain his vote. Thanks for passing it unanimously. That shows how much we care about it. We should always support it.

- d. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of \$290,000 from General Fund Reserves to Parks Service Contracts. Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021

Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021

- e. Request for Approval of Sole Source Purchase of Explosive Ordinance Disposal Robot from Northrop Grumman, Remotec, Inc. \$305,001 of Funds 100% Reimbursable from the 2019 State Homeland Security Grant Program; New Mexico Department of Homeland Security and Emergency Management. (Brian Williams, Interim Emergency Management Director, bgwilliams@santafenm.gov, 955-6537)

COMMITTEE REVIEW:

Public Safety Committee: 03/xx/2021

Quality of Life Committee: 03/17/2021

Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- f. Request Approval of Budget Amendment Resolution (BAR) to Correct FY21 Engineering Budget for Duplicate Payment to Louis Berger Group in the Amount of \$67,945.22 for the Arroyo Chamiso Crossing Project. (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021
Public Works & Utilities Committee: 03/29/2021
Governing Body: 03/31/2021

- g. Request Approval of the Streetlight Conversion Contract with Public Service Company of New Mexico (PNM) to Convert PNM Owned Street Lights in City Limits to LEDs not to exceed \$421,185 inclusive of New Mexico Gross Receipt Tax (NMGRS). (Regina Wheeler, Public Works Director, rawheeler@santafenm.gov, 955-6622) **COMMITTEE REVIEW:**
Public Works & Utilities Committee: 03/8/21
Finance Committee: 03/22/21
Governing Body: 03/31/21

This item was postponed under Approval of the Agenda.

- h. Request Approval of a Cooperative Funding Agreement (CFA) with the United States Bureau of Reclamation (USBR) for Environmental Permitting Services in Support of the San Juan Chama Return Flow Pipeline Project. Contract No. 20-WC-40-866 Will Provide Technical Expertise for the City and USBR to Complete the Environmental Assessment Under the National Environmental Policy Act (NEPA) Guidelines. (William Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)
1. Request for Approval of Budget Amendment Resolution (BAR).

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021
Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- i. Request for the Approval of a Budget Adjustment Resolution (BAR) in the Total Amount of \$569,885 for the Budget Transfer of Community Service Division Youth Staff Positions and Operating Budget to the Recreation Division. (Kyra Ochoa, Community Health and Safety Director, krochoa@santafenm.gov, 955-6603)

COMMITTEE REVIEW:

Quality of Life Committee: 03/17/2021

Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- j. Request for Approval of Amendment No. 2 to Professional Service Agreement (PSA) #19-0234 with Carollo Engineers, Inc. for Environmental Permitting Services in Support of the San Juan Chama Return Flow Pipeline Project. (Bill Schneider, Water Resources Coordinator, whschneider@santafenm.gov, 955-4203)
1. Request for Approval of Budget Amendment Resolution (BAR).

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021
Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- k. Request for Approval for Amendment No. 4 to Advanced Utility System's Contract to Continue the Upgrade of the Utility Billing Division Billing System in the Amount of \$1,048,402 Excluding New Mexico Gross Receipt Tax (NMGR). (Nancy Jimenez, Utility Billing Division Director, nlijimenez@santafenm.gov, 955-4364)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021
Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- l. Request for Approval of a Budget Adjustment Resolution (BAR) to Fund the Advanced Utility's System through FY20/21 in the Total Amount of \$325,313. (Nancy Jimenez, Utility Billing Division Director, nlijimenez@santafenm.gov, 955-4364)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/08/2021
Finance Committee: 03/22/2021
Governing Body: 03/31/2021

- m. Request for Approval of Amendment No. 3 to New Mexico Department of Transportation Funding Agreement, CN S100460 (Munis Contract No. 3200847) Extending Termination Date from April 30, 2021 to September 15, 2021 for CIP 801B Reconstruction of Guadalupe St. from Agua Fria to Paseo De Peralta. (Romella Glorioso-Moss, Public Works Project Administrator, rsglorioso-moss@santafenm.gov, 955-6623)

COMMITTEE REVIEW:

Finance Committee: 03/22/2021
Public Works & Utilities Committee: 03/29/2021

Governing Body: 03/31/2021

Councilor Rivera pulled this item for discussion.

Ms. Bustos-Mihelcic read the caption and Ms. Glorioso-Moss was present.

Councilor Rivera asked Ms. Moss when the groundbreaking would take place. It has been in the works for years.

Ms. Glorioso-Moss explained the efforts resulted in the design being finished on time and for the property in May or June they would break ground.

Councilor Rivera asked if any of those steps could cause delay in construction.

Ms. Glorioso-Moss said construction is anticipated in the fall.

Councilor Rivera asked if working all this time, we still have five parcels to purchase.

Ms. Glorioso-Moss agreed. We paid for the ROW but there are issues with NMDOT to move forward. Before we can use the funding to purchase these parcels, NMDOT needs to clarify how much they will pay. She believed NMDOT would approve this.

Councilor Rivera would like to know of any further delays by email.

Ms. Glorioso-Moss agreed to do that. It needs to be finished by September 15 or lose the funding.

MOTION: Councilor Rivera moved, seconded by Councilor Villarreal, to approve the third amendment to the NMDOT funding agreement as presented.

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

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

Against: None.

AMENDMENT TO THE AGENDA

Councilor Rivera thought we should go to evening agenda and not keep petitioners waiting longer.

MOTION: Councilor Rivera moved, seconded by Councilor Vigil Coppler, to amend the agenda by suspending the afternoon agenda and proceeding to finish the evening session entirely before returning to the afternoon 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 directly to the Evening Session at 7:10 p.m.

After completing the Evening Session agenda, The Governing Body returned to this part of the Afternoon Session at 7:30 pm.

11. DISCUSSION/ACTION ITEMS

- a. Request for the Approval of a Restated and Amended Joint Powers Agreement (JPA) Establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and Among the Incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the Sovereign Governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director, kamason@santafenm.gov, 955-6704)

COMMITTEE REVIEW:

Quality of Life Committee: 07/1/20

Finance Committee: 03/1/21

Quality of Life Committee: 03/17/2021

Governing Body: 03/31/2021

Ms. Bustos-Mihelcic read the caption for this item.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Abeyta, to approve the Restated and Amended Joint Powers

Agreement for the Regional Coalition of Los Alamos National Laboratories Communities (RCLC) as presented.

Discussion on the Motion:

Director Williams deferred to the two Coalition members to present information.

Councilor Garcia introduced the guests - Javier Sanchez, (Mayor of Española) and David Izraelevitz (Los Alamos County Council) were present, as Coalition member guests.

Mayor Sanchez thanked Mayor Webber and Councilors for this opportunity. It is important to let you know where we have been. He used an analogy that Land Use Director Isaacson used with a wedding cake as a way to bring people together. The foundation is collaboration and unity with local communities and governments from Taos to the Santa Fe Valley. He deferred to Councilor David Izraelevitz after raising issues.

Councilor Izraelevitz explained the purpose of RCLC with an analogy to entities like the Municipal League with interests in common, working as a unified voice with a Congressional delegation. RCLC looks for areas of common interest and uses that to inform the communities and work with congressional delegation and Legislature. Uppermost is the cleaning of Legacy waste at LANL and advocate for increased funding to do that; others include economic development, local business promotion and work force promotion, education that leads to Lab employment for local colleges and universities. That is the mission. He invited questions for RCLC – and being respectful of Governing Body time.

Mayor Sanchez said this is not about helping with cleanup. The issue of clean water and nuclear waste containment must be addressed with LANL and work together on it. The Beaver Report (about procurement procedure) is something we are here to fix – the procurement procedure of LANL to procure from counties other than Rio Arriba County and Santa Fe County. He said RCLC is working in the right direction and he ask for the Governing Body's support to work together on this project.

Mayor Webber reminded everyone that while there was a resolution for later on whether Santa Fe stays in RCLC or not, this is an amendment on the JPA regarding fiscal management of the organization and dealing with concerns on audit and fiscal responsibility. There will be another hearing down the road on how the Governing Body feels about membership in RCLC and address past failings.

Councilor Cassutt-Sanchez asked what a yes vote would mean.

Ms. McSherry said there are amendments to the restated JPA, and it is a large amendment. Not supporting the amendments would not get Santa Fe out of the Coalition.

Councilor Cassutt-Sanchez said it would be helpful if one of the guests could provide an overview of the amendments to the JPA and what they are intended to fix.

Councilor Izraelevitz said the major change allows RCLC to vote on a different fiscal agent than Los Alamos County for another entity. It doesn't allow debt or property and no employees are allowed. RCLC can lobby but only within constraints. It would define the fiscal year and subject the Coalition to the Open Meetings Act. It would include a termination process for a member to leave the Coalition. Many of those things were implicit but when reviewed, we decided to be more explicit on obligations and duties.

Councilor Cassutt-Sanchez asked about lobbying and grant requirements.

Councilor Izraelevitz explained that in the last decade, RCLC got a grant from DOE, with certain restrictions, for community outreach and not for lobbying. But funds from membership contributions could be used for lobbying. That requires keeping track of what is received and what is expended. That was a weakness in accounting on how each of the funds was being used.

Legal support outside of Los Alamos County was among the corrections made on activities that were problematic.

Councilor Cassutt-Sanchez asked if the JPA doesn't dictate positions in lobbying.

Councilor Izraelevitz agreed. The DOE grant is to provide dialogue on cleanup activities with community needs and buffers as a discussion forum among community members, contractors, government entities and allow a focused way to evaluate cleanup and other policies but not to advocate for changes in policy.

Councilor Cassutt-Sanchez asked for more information about the financial challenges and the ways they were addressing them.

Councilor Izraelevitz said the JPA addresses accounting policies, travel policies, etc. The Executive Director had to pay for his travel out of contracted funds. Every invoice must be approved by the Board. Monthly financial reports are presented every month and the ledger is shared so the Board can go over each and every transaction. It is completely transparent.

Mayor Sanchez related that he came on the Board when the changes were done, and it is apparent we need an external accountant and external audit. The JPA change allows us to choose another entity to be fiscal agent that makes it more apparent what finances are.

Councilor Izraelevitz said the JPA allows any member entity to serve as fiscal agent. He understood that it could also be a stand-alone fiscal agent but easier to have a member.

Councilor Cassutt-Sanchez asked if the City is the last member to sign the JPA.

Councilor Izraelevitz said nine members have signed and only the City of Santa Fe and Jemez Pueblo have not signed it.

Councilor Cassutt-Sanchez asked what the ramifications would be if Santa Fe did not approve it.

Councilor Izraelevitz said they would have to go back to Legal Counsel, (Nancy Long) to see if we stay with current JPA or the pleasure of the Board to take some other path. All the other members have seen the advantage of this revision. It is not a question of participating or not. And for the reasons stated, it is a better organization.

Councilor Cassutt-Sanchez appreciated that.

Councilor Vigil Coppler stated for the record that Santa Fe is at least one year behind in paying our dues. And we need to pay two years of dues.

Manager LaPan Hill stated that in the fall of 2020, the City paid our dues for both years. So it is already paid.

Councilor Vigil Coppler assumed the dues were based on the number of residents for the City and for the other members. She asked how that was done.

Councilor Izraelevitz said the dues went from \$2,500 to \$60,000 for Los Alamos and that has not changed since 2013.

Councilor Vigil Coppler asked if Santa Fe's dues were based on the number of City residents or upon residents working at LANL.

Councilor Izraelevitz clarified it was on the number of residents working at LANL – not the whole population. Los Alamos County has a higher percentage of workers than from Santa Fe.

Councilor Vigil Coppler asked if they used a survey of employees on where they live.

Councilor Izraelevitz said the assessments were agreed to in 2013 although minutes were not very specific and still there are more commuters than residents working at LANL but changes in last seven years are not reflected here.

Councilor Vigil Coppler knew there are people in Albuquerque who work at LANL and they are not members of the Coalition.

Councilor Izraelevitz agreed and noted that Sandoval County is also not a member.

Councilor Vigil Coppler said she did not have a red line version, so she did not know what the amendments are except what he said verbally. Nothing here shows what is new language, so it is hard to know what we are doing here tonight. She also wondered who would become the fiscal agent.

Councilor Izraelevitz said the JPA allows any member to be a fiscal agent. It could still be Los Alamos County but could be some other member.

Councilor Vigil Coppler thought she heard there was a high turnover in the Executive Director position.

Councilor Izraelevitz said Mr. Vasquez was the E.D. for two years We decided to change the position and Mr. Vasquez decided not to bid for that position and the Coalition has not attracted anyone else. So we have none at this point.

Councilor Vigil Coppler who in Santa Fe is the representative member now. Councilor Izraelevitz said Henry Roybal is the Santa Fe County rep now.

Councilor Vigil Coppler thought \$26,000 was owed and the Coalition chose not to collect it.

Councilor Izraelevitz said the amount was \$8,000 and in discussion Nancy Long suggested the legal fees to pursue those funds would exceed \$8,000 so the Board sent a letter from Ms. Long and we are waiting for resolution. Sometimes pursuing those are more costly that the amount owed. It was not in the Coalition's interest to pursue it further.

Councilor Vigil Coppler said concerning benefits of membership, that she has been on this Governing Body for three years and several years ago, Councilor Villarreal asked what the benefit was. She has yet to see a report on what the Coalition has done as a benefit. There has been no presentation. She was

glad to see both Coalition reps here tonight. But she didn't know of any benefit to the City. We've asked for reports and have not received them.

Mayor Sanchez acknowledged it was a failure on the Coalition's part and he was the first to recognize it. Each one of our members need to know what we are producing and recently he had a discussion at a recent Board meeting. Councilor Ives was one of the people from whom he learned why water is an important issue. It affects the City of Santa Fe tremendously and one of the uniting voices to address what LANL is doing to prevent water contamination.

Councilor Vigil Coppler understood that Santa Fe County had no report either. She pointed out that Commissioner Roybal is not on BDD Board. She had been on it and it was there that the lack of cooperation was mentioned. We need to provide safe water to the City and County and BDD. And this is the first discussion in three years on this organization. It is important and in practice, is not happening for the City of Santa Fe. She didn't think it is any different for Santa Fe County. We are not being adequately represented. It is not happening. This is something we pay for. She had not had a chance to express her opinion or her vote in the past. She thanked both of them for being here.

Mayor Sanchez said Councilor Vigil Coppler hit the nail on the head. She recognized how crucial this. There couldn't be anything worse than removing oneself from the table and not having the voice, whether it is water quality, nuclear containment or clean up. He said the City does have a voice in Councilor Garcia who represents the City now. This is the opportunity for Santa Fe to have that voice through Councilor Garcia.

Councilor Romero-Wirth thanked Mayor Sanchez for the red line version sent last week and Director Williams for sending it to Councilors for tonight. This corrects fiscal and governance issues that have plagued this Coalition and we paid our dues to the end of this calendar year. Since we are a member, she didn't know why we wouldn't support this Coalition getting its house in order. We are helping this organization to which we are members to correct things from the past that have plagued them. She looked forward to considering Councilor Villarreal's resolution on membership and the value of being a member or not. She had talked with David Coss and Jay Cogburn, who spoke tonight in evaluating whether to stay or not. She did move to approve the amendments to support making things run better and later we can talk about the benefit of being a member.

Councilor Villarreal said this process has been exhausting. There is confusion in what it means to consider the JPA or withdrawing as a member. She had expressed concerns about the JPA amendments since last year in July. It has never been explained why their response has been so long. She had asked lots of questions already to find out what the City get out of this and what has

been accomplished in the last eleven years and did not get straight answers. She had asked about the red line version in the Quality-of-Life Committee. We didn't see it and she asked for tracked changes. She appreciated the Legal Office for getting that for us, but that should have been their job to do it. She did not get the bylaws until two hours before the meeting. Those things are connected.

While it might have been worthwhile in 2010 to be part of the Coalition, we have not had a very good track record. Why not look at a new model. We have not been impactful. It is misleading in sections – that we share a common interest. Yet we have an imbalance in what funds this. Los Alamos County provides 80% of the funding. Producing plutonium pits doesn't fit our common interest. On LANL's mission, there is no reciprocity in what we have stated in our resolutions which are diametrically opposed.

There are many examples where our values have not aligned. How does our voice get heard since it hasn't in the past ten years? These changes to the JPA to possibly make things explicit is appreciated and for Councilor Ives trying to make them more explicit. But the JPA doesn't support our City's interest. It has not been since it started. She was also concerned in the JPA that says this shall be perpetual except when a party decides to withdraw. So that means it will never be evaluated. That is problematic. Why would we want the agreement to be perpetual? It also said no withdrawing member would get a refund of dues. So there are many things she didn't agree with in the JPA. It is not clear how RCLC really has any influence over LANL or DOE. So she didn't think the Governing Body should approve it just to go along to get along.

She agreed the City needs to have a seat at the table. Former Mayor David Coss said we are sitting at the kiddy table, not the main table. So we cannot express any clout and affect our delegation. Maintaining our membership through this JPA does not make sense and is not a worthwhile endeavor. She would have introduced a resolution to withdraw sooner. We should consider other coalition models, and this doesn't work for us. There are other ways to express our opinions on what we think is important.

Mayor Webber noted one issue she raised was perpetuity and whether the JPA, as a document, puts things in there that we don't intend for ourselves. Obviously, we would take the other issue up when the resolution is introduced whether it delivers on things we care about.

Councilor Izraelevitz said it was correct that the original JPA said it was perpetual unless terminated by mutual partners. That why it is perpetual and subject to change. The dues clarification was done by Attorney Nancy Long. A person no longer on the Coalition suggested some changes that were really just for clarification. So we have contracts for accounting, audit, and legal services.

Mayor Sanchez addressed the concern about the influence the Coalition has. The influence grows as RCLC grows. One thing we accomplished is greater diversification of power. Our new Chair is from Taos. Española is seeking a greater role and we have heard a greater voice in Councilor Garcia. When we go to Washington DC, we are allowed to lobby as elected officials. We met with Senator Udall and Senator Heinrich last time to go with us to DOE. That is part of the influence we bring. This is the first time he has heard from the City of Santa Fe and that is our fault to find out what Santa Fe is interested in achieving.

Councilor Vigil Coppler said she had gotten several emails purporting to be a redline version and she was not sure what she was looking at anymore. It looked like a whole new JPA although she guessed it is not. She asked who wrote it and why the Governing Body couldn't have received an underlined version of what changed. She was not sure what she was voting on.

Councilor Izrelevitz was not sure who wrote it and didn't have in front of him what Councilor Vigil Coppler has. Los Alamos County provided a red-line version when we were changing it. He had a red line version that he presumed was identical with the other red line documents. That was where he derived his summary.

Councilor Vigil Coppler called it an opinion piece to respond to each question but is not a redline version of the JPA. She didn't know what the changes were and whether that summary was in the JPA.

She appreciated Councilor Villarreal's analogy of sitting at the kiddie table, but we don't have anyone with authority at the table. And RCLC doing what they need. There are serious issues with water and LANL involvement in that. We have not had good representation on that.

It is important for us to get out what we need from this group and we cannot identify what is changed here. We have been very specific about what we expect from RCLC and our values about waste. This is opposite of that and doesn't help us get there. She didn't know if RCLC has ever seen what we have done. She didn't see the value or what the changes here are.

Councilor Lindell said this is a little confusing. Many of us are focused on the introduction that Councilor Villarreal has tonight. This item may improve what we currently have but, as our representative on RCLC, she asked Councilor Garcia for his opinion on the direction this Coalition is going at this time and the work the Board is doing. Much like Councilor Vigil Coppler, she has been here longer and has not heard one report from that Board. She asked for a quick update.

Councilor Garcia said his experience with RCLC is 13 months in. When he stepped into the role, RCLC was cleaning up a big mess that happened and one change was this JPA after the investigations for RCLC to be considered a viable entity. There are processes in place now that had been most problematic. He saw the Coalition needing to step up regarding cleanup efforts and saw that as a future for the organization. It is hard to focus on everything and make sure they are still viable.

He apologized for not giving reports and offered to provide reports at whatever frequency the Governing Body wants. He wanted to update his colleagues as much as possible. If we stay, and he is the representative, he would happily provide those updates. There is still much work to be done and the City could step in to ensure it gets done. The perspective he had was what was published in the newspaper in the last few years. But he had no tangible experience with the Coalition.

Mayor Webber had two separate issues. We have the JPA, and he gathered it has been in the works for some time. There was a significant cleanup in the organization and a lot of what JPA amendments do is to back up the changes needed, like the McHard Report. There is also the larger question on membership and Councilor Villarreal's resolution does that. Those are two separate issues. Does voting on the JPA without considering the larger question make sense to clean up without prejudging whether we stay or go? Is there a way to give a recommendation by parsing it out?

Councilor Garcia saw the JPA working as a tool. If a system is broken, tools are needed to fix it. The revisions are those tools to improve the system. The larger question at hand is the value in discussion later on Councilor Villarreal's resolution and that discussion is needed.

He is a strong advocate for the environment, not only where LANL sits but we need to work together on an even greater scope than Taos to Santa Fe valley. We need to ensure accountability. We need to ensure our voice is heard and environment protected. We need to do everything necessary so that cleanup is done. Either we agree to the rules prior, or the rules proposed now. These changes will sharpen the tools further. If it isn't RCLC, we need to have a seat at a body that can. He was just the individual appointed to sit at the table by the Mayor's appointment. And he would be a conduit back and forth.

Mayor Webber opined that was a good statement to the extent he distinguished between tool and philosophy. And he thanked Councilor Villarreal for putting it on the table.

Councilor Villarreal – the tool is still not sharp enough and the JPA position is not what we support. Mayor Coss was once the Chair and made trips to DC, but the voice fell on deaf ears and we are actually spending more money on

pit production now and less money on clean up. So the tool is not sharp enough with the changes in the JPA.

Vote at 8:57 pm

Councilor Garcia – abstained.

Councilor Lindell – no

Councilor Rivera- no

Councilor Romero-Wirth – yes

Councilor Vigil Coppler -no

Councilor Villarreal -no

Roman - no

Councilor Cassutt-Sanchez – yes and she wanted to explain her vote.

Mayor yes and wanted to explain his vote. 3-5

VOTE: **The motion to approve the Restated and Amended Joint Powers Agreement for the Regional Coalition of Los Alamos National Laboratories Communities (RCLC) as presented, failed 3-5 on the following Roll Call vote:**

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

Against: Councilor Abeyta, Councilor Lindell, Councilor Rivera, Councilor Vigil Coppler, and Councilor Villarreal.

Against: None. Councilor Garcia abstained.

Councilor Cassutt-Sanchez explained that she voted yes for the JPA and looked at red line version and how they are working with fiscal changes. Whether we align with the organization was not the question. She looked forward to having those discussion and felt it will take lots of energy and discussion.

Mayor Webber would say much the same. How you frame the question guides how you would vote. He absolutely supports improvement for a more accountable and transparent way of doing business, without regard to larger issues of the day on LANL and its impact on our community. It was simply a vote for good government in an organization we currently belong to seems a straightforward proposition and was not Councilor Villarreal's resolution to be introduced. We should not support the old JPA. He asked Ms. McSherry if we need another motion.

Ms. McSherry thought no other motion was needed.

Mayor Webber thanked the guests for coming, come any time to visit us. You are always welcome.

b. **Request to Publish Notice of Public Hearing on April 28, 2021.**

Consideration of Bill No. 2021-8. An Ordinance Regarding the Independent Salary Commission; Amending Section 6-19.1 SFCC 1987 to Make Clarifications; Amending Section 6-19.2 SFCC 1987 to Change the Effective Date of the Salary to Align with the Term for Mayor Set Forth in the Santa Fe Election Code, Section 9-1 SFCC 1987; Amending Section 6-19.3 SFCC 1987 to Establish an Application Process and Modify Length of the Commissioners' Terms; and Amending Section 6-19.4 SFCC 1987 to Set the Future Schedule for the Independent Salary Commission. (Councilor Rivera, Councilor Romero-Wirth, and Councilor Lindell) (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/2021

Finance Committee: 04/5/21

Governing Body (Public Hearing): 4/28/21

Ms. Bustos-Mihelcic read the caption for this item.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to waive Committee introduction of this matter.

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

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

Against: None. Councilor Lindell was excused from this vote.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Cassutt-Sanchez, to approve the request to publish notice of Public Hearing for the Independent Salary Commission.

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.

- c. CONSIDERATION OF RESOLUTION NO. 2021-____. (Mayor Webber, Councilor Romero-Wirth, Councilor Abeyta, Councilor Garcia, Councilor Vigil Coppler, and Councilor Lindell)
A Resolution Establishing a Work Plan for Improving Access to Affordable Housing Opportunities for Residents of the City of Santa Fe. (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body: 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body: 4/28/21

This item was stricken from the Agenda under Approval of the Agenda.

- d. **Request to Publish Notice of Public Hearing on April 28, 2021.**
Consideration of Bill No. 2021-9. An Ordinance Amending Section 11-14.5 SFCC 1987 to Dedicate Half the Sales From Any Sale or Lease of City Owned Land and Buildings to the Affordable Housing Trust Fund; and Amending Section 26-3.6 to Add the Dedication to the Affordable Housing Trust Fund. (Councilor Lindell, Mayor Webber, and Councilors Abeyta, Romero-Wirth, and Cassutt-Sanchez) (Alexandra Ladd, Office of Affordable Housing Director, agladd@santafenm.gov, 955-6346 and Rich Brown, Community Development Director, rdbrown@santafenm.gov, 955-6625)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body (Public Hearing): 04/28/21

Ms. Bustos-Mihelcic read the caption.

Mr. Guillen clarified that this Bill was introduced at the Governing Body meeting on January 27, 2021.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Lindell, to approve the request to publish notice of Public Hearing regarding Bill No 2021-9 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.

- e. **Request to Publish Notice of Public Hearing on April 28, 2021.**
Consideration of Bill No. 2021-10. An Ordinance Amending Section 18-11.3 SFCC 1987 to Define “Taxable Premises” Consistently with State Statute and to Add a Definition for “Permanent Resident”; Amending Section 18-11.8 to Make it Consistent with State Statute; Amending Section 18-11.17 to Differentiate Between the Occupancy Tax and the Convention Center Fee, and to Dedicate the Occupancy Tax Collected on the Thirty First Day and Subsequent Days to the Affordable Housing Trust Fund; Amending Section 26-3.6 to Add the Dedication to the Existing List of Dedications to the Affordable Housing Trust Fund; and Making Such Other Changes as are Necessary. (Mayor Webber) (Randy Randall, TOURISM Santa Fe Director: rrandall@santafenm.gov, 955-6209 and Brad Fluetsch, Planning and Investment Officer: bjfleutsch@santafenm.gov, 955-6885)

COMMITTEE REVIEW:

Public Works & Utilities Committee: 03/29/21

Governing Body (Request to Publish): 03/31/21

Finance Committee: 04/5/21

Quality of Life Committee: 04/7/21

Governing Body (Public Hearing): 04/28/21

Ms. Bustos-Mihelcic read the caption for this case.

Mr. Guillen clarified that this bill was introduced at the Governing Body meeting on February 11, 2021.

MOTION: **Councilor Lindell moved, seconded by Councilor Cassutt-Sanchez, to approve the request to publish notice of Public Hearing regarding Bill No 2021-20 as presented.**

Discussion on the Motion:

Councilor Villarreal said she heard at the CDC meeting and the Committee had lots of questions on the section that remained unclear, and she didn't know if those were fixed. She wanted to see if Director Brown could respond. She didn't think they were corrected yet.

Director Brown said he forwarded those questions to Director Randall to incorporate but he didn't have the document and didn't see Director Randall here.

Councilor Villarreal asked him to send those responses here to make sure they are dealt with.

Director Brown agreed to do that.

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.

- f. CONSIDERATION OF RESOLUTION NO. 2021-20. (Mayor Webber) A Resolution Extending the State of Emergency as Proclaimed by the Mayor on March 29, 2021 by Fifty-Four (54) Days, Expiring at Noon on May 24, 2021, Pursuant to Section 20-1.3(C) SFCC 1987. (Erin K. McSherry, City Attorney, ekmcsberry@santafenm.gov, 955-6512)

Ms. Bustos-Mihelcic read the caption for this item.

MOTION: **Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the Resolution extending the State of Emergency as presented.**

Discussion on the Motion:

Mayor Webber said he was trying to stay current with the pandemic and State's response.

Councilor Cassutt-Sanchez asked about what the City is doing about employee testing. She was concerned that Staff members are coming into a safe environment and getting that information to test on a regular basis.

Manager LaPan Hill said testing is an ongoing, evolving process. That policy was shared with all Staff groups on March 2. It is less about crisis and hopefully part of our reentry to work. The requested extensions are to make sure we are taking into consideration the impact on all employees. We were targeting to begin the reentry process at the beginning of April and maintaining open communications. As we

navigate this environment, we will see the number of employees needing testing continue to shrink and working hard to get it to that place as ongoing maintenance to ensure employees are safe. We are still in turquoise as we look to reopen. We don't want to reopen prematurely. She hoped that answered her question.

Councilor Cassutt-Sanchez said it did. She knew vaccinated employees were not required to test but we should allow them to test voluntarily. With a smaller population, how we could do that.

Mayor Webber thought Manager LaPan Hill articulated well our interest to have employees safe and for public to feel safe when interacting with our Staff. We want everyone to stay safe. Testing has not become irrelevant, and it is free.

Councilor Cassutt-Sanchez wanted to confirm if we have a positive test, we still have administrative leave for them.

Ms. Salazar said that was correct.

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. MATTERS FROM THE CITY MANAGER

Manager LaPan Hill yielded her time.

13. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry announced today is Mr. Guillen's sixth anniversary with the City.

She said Marcos Martinez is the lead attorney on the telecom case and was successful in challenging the State and Nation to defend our position in the future.

She recommended the executive session for discussion on Santa Fe Estates.

EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Acquisition and Disposition of Property, Specifically the Land Known as "Santa Fe Estates", Including Las Estrellas at Santa Fe Estates. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Councilor Rivera moved/Councilor Lindell to go into exec session to discuss the matters listed on the agenda and recommended by the City Attorney.

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

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

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

Against: None.

The Governing Body went into executive session at 9:27 pm.

The Governing Body returned from executive session at 11:21 pm.

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

14. **MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

15. **COMMUNICATIONS FROM THE GOVERNING BODY**

Councilor Cassutt-Sanchez said “Get your vaccinations. Have a good night.”

Councilor Romero-Wirth said, “Wear your mask. Good night.”

Councilor Lindell gave a shout out to our lobbyist, Mark Duran, who did a magnificent job communicating to us what he worked on and what was going on at the Roundhouse. He does a really good job for the City and wanted to publicly thank him for a good job.

Councilor Rivera wished a happy birthday to his granddaughter which was on March 29 and for his wife’s birthday on Saturday and his sister’s birthday which is on Monday.

Councilor Garcia asked people to make sure and watch out for the Easter bunny this weekend and as Councilor Cassutt-Sanchez urged folks, to get your shots.

Councilor Vigil Coppler said regarding the legislature, that she lobbied for the fire fighters’ bill and was glad to say it passed and is on the Governor’s desk. She was curious on the resolution for priorities at Legislature when one of our top priorities was pulled off. She asked if that should that have come back to the Governing Body to discuss for the future.

Councilor Abeyta introduced an ordinance amending several sections of Chapter 14 related to family transfers.

Councilor Villarreal introduced a resolution withdrawing the City of Santa Fe from the Regional Coalition of LANL Communities.

Mayor Webber introduced a resolution establishing a work plan to improve access for Affordable Housing opportunities for residents of Santa Fe, with cosponsors already listed and goal to not have it be waived.

There were no other communications with the Governing Body at 11:27 p.m.

EVENING SESSION - 7:10 P.M.

16. ROLL CALL

Members Present Remotely

Mayor Alan Webber

Councilor Roman “Tiger” Abeyta

Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

17. **PETITIONS FROM THE FLOOR**

Mayor Webber asked petitioners to raise hands.

Stefanie Beninato didn't see anything on her human rights violation, the City wanted a hearing instead of mediation. She wondered when the City will turn off the Christmas lights at the Plaza. When watering potted plants, she asked the City to use ristras. For recreation programs, she pointed out that lifeguards will be needed when Fort Marcy closes. We need more lifeguards.

Jay Cogburn commented on the JPA for Coalition of LANL Communities. One minute is not adequate for public comment. State Departments give three minutes and public comments should be at the beginning of the Council meeting. The Regional Coalition is a failure. It purports to be an effective lobbyist for mission. But since it came into existence, the \$1.9 billion nuclear project has been increased by another billion. On clean up, the Coalition actually stands in the way by supporting a 2016 order. He wished the Council well.

Miles Conway – Santa Fe Homebuilders Association, thanks the Council for following the decision tree forest in taking back local control of the Midtown campus and our local principles. He looked forward to being part of the process. Please seek legal counsel on all these big developments for local contractors and local financing. Not only for Midtown but also for Las Estrellas for local industry to participate. Construction may not continue at this pace much longer.

Greg Mello addressed the JPA with RCLC and pointed out the City cannot control what RCLC can do. It is at mercy of its main funder (the Lab). So the City's independent ability to exercise is cut off and has no effect in Washington DC. The Lab and RCLC don't know the plans at LANL because the Lab has not even shared it with the Los Alamos County Council.

Rachel Thompson on the Report on Vaccinations, said she has run into people in their 60's and 70's with underlying conditions who have no appointment yet. She feels like it is not going as well as people expected. She thought we were making efficient use of the vaccines we have. She is hoping for a large-scale vaccination

event at the Convention Center. It doesn't do the job to say everyone can get one without having an appointment.

Joanie Ahrens, cofounder of Concerned Citizens for Nuclear Safety advocating for safety on transportation of nuclear waste to the WIPP site. Please vote to reject the JPA and withdraw from the Coalition. We had similar results from Rocky Flats and thanks for your time, dedication, and fine work.

Michael Barrio thanked the Council for their incredible work with funding of AHTF. He cares deeply about it and was grateful for their work on this important issue.

There were no other petitions from the floor.

18. **APPOINTMENTS**

a. Capital Improvements Advisory Committee

- Gayla Bechtol – Appointment – Term Ending 12/2022
- Janet Clow – Appointment – Term Ending 12/2022
- Miles Conway – Appointment – Term Ending 12/2022
- Oralynn Guerrerortiz – Appointment – Term Ending 12/2022
- Ruth Hamilton – Appointment – Term Ending 12/2022
- Brian Lewis – Reappointment – Term Ending 12/2022
- Matthew O'Reilly – Appointment – Term Ending 12/2022
- Isaac "Ike" Pino – Reappointment – Term Ending 12/2022
- John Michael Salazar – Appointment – Term Ending 12/2022

Ms. Bustos-Mihelcic read the appointments for the CIAC.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve the appointments to the Capital Improvements Advisory Committee as presented.

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

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

Against: None.

b. Mayor's Committee on Disability

- J. Eli Fresquez III – Appointment – Term Ending 1/2025
- Kendra Garcia – Reappointment – Term Ending 1/2025
- Kathyne Gish – Reappointment – Term Ending 1/2025

- Aurore Bleck – Reappointment – Term Ending 1/2025

Ms. Bustos-Mihelcic read the appointments for the Mayor's Committee on Disability.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Cassutt-Sanchez, to approve the appointments to the Mayor's Committee on Disability 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.

c. Veteran's Advisory Board

- Richard Christensen – Recruiting Services – Reappointment – Term Ending 5/2022
- Kenneth Dettelbach – Housing Service – Reappointment – Term Ending 5/2022
- Dorothy M. Seaton – Financial Services – Reappointment – Term Ending 5/2022

Ms. Bustos-Mihelcic read the appointments for the Veteran's Advisory Board.

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Vigil Coppler, to approve the appointments to the Veteran's Advisory Board as presented.

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

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

Against: None.

19. PUBLIC HEARINGS

There were no public hearings on the agenda.

The Governing Body returned to the remainder of the Afternoon Session at 7:30 pm. as noted above.

20. **ADJOURN**

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 11:28 p.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:


Kristine Mihelcic (Apr 18, 2021 21:29 MDT)

Kristine Bustos Mihelcic, City Clerk

Respectfully submitted by:


Carl G. Boaz, Council Stenographer

21. **UPCOMING PUBLIC HEARINGS**

Special Governing Body Meeting – April 6, 2021 – Zia Station
Special Governing Body Meeting – April 8, 2021 – Zia Station

**GOVERNING BODY MEETING
EXECUTIVE SESSION
March 31, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on March 31, 2021 beginning at 9:38p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Acquisition and Disposition of Property, Specifically the Land Known as "Santa Fe Estates", Including Las Estrellas at Santa Fe Estates. (Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)


PRESENT

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

STAFF PRESENT

Jarel LaPan Hill, City Manager (Attended Virtually)
Erin K. McSherry, City Attorney (Attended Virtually)
Kristine M. Mihelcic, City Clerk (Attended Virtually)
Andrea Salazar, Assistant City Attorney (Attended Virtually)
Rich Brown, Community Development Director (Attended Virtually)
Sean Moody, Asset Development Manager (Attended Virtually) (Entered at 9:43 p.m.)

There being no further business to discuss, the executive session adjourned at 11:20 p.m.


Kristine Mihelcic (Apr 16, 2021 16:28 MDT)

Kristine M. Mihelcic, City Clerk