

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, February 3, 2014**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MINUTES – JANUARY 7, 2014	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – TEN (10) POLICE PATROL VEHICLES AND REQUIRED UP-FIT EQUIPMENT FOR ANNEXATION EXPANSION; CES/DON CHALMERS FORD, MHQ OF NEW MEXICO, GRANTS & TECHNOLOGY, CDWG GOVERNMENT, CMS COMMUNICATIONS, MOTOROLA SOLUTIONS, DIGITAL ALLEY, MPH INDUSTRIES AND	Approved	4-6
REQUEST FOR APPROVAL OF BUDGET INCREASE FOR EXPANSION OF 1 SERGEANT AND 9 OFFICERS ALONG WITH REQUIRED EQUIPMENT FOR PHASE 2 YEAR 1 OF ANNEXATION FOR POLICE DEPARTMENT	Approved	4-6
REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – WITHIN THE NAMBE-POJOAQUE-TESUQUE (NPT) RIVER SYSTEM; THE CLUB AT LAS CAMPANAS	Approved	6-8
REQUEST OR APPROVAL OF CONTRACT – PARKING EQUIPMENT AND RELATED SERVICES FOR PARKING DIVISION; IPS GROUP, INC.	Approved [amended w/direction]	8-11
REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – MARKET STATION TENANT IMPROVEMENTS; SARCON CONSTRUCTION CORPORATION	Approved	11

ITEM

ACTION

PAGE

REQUEST FOR APPROVAL OF FUNDING FOR IMPROVEMENTS AT MOTO CROSS TRACK LOCATED IN LA TIERRA IN THE NORTHWEST QUADRANT THROUGH 2008 PARKS, TRAILS AND OPEN SPACE BOND FUND

Approved [amended w/direction] 11-18

REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORT MARCY SWIMMING POOL ROOF AND SKY LIGHT REPLACEMENT AND RENOVATION PROJECT; COOPERATIVE EDUCATIONAL SERVICES AND ROOF CARE

Approved 18-20

GREEN CODE – RESIDENTIAL ADDITIONS AND REMODELS:

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE RESIDENTIAL GREEN RESIDENTIAL ADDITION AND REMODEL GREEN BUILDING CODE FOR SINGLE FAMILY ATTACHED AND DETACHED; AMENDING EXHIBIT “A” TO CHAPTER VII TO CREATE A NEW CHAPTER 2 TO ESTABLISH DEFINITIONS, TO CREATE A NEW ITEM 802.6 REGARDING ROUGH PLUMBING FOR FUTURE USE OF GRAY WATER, TO CREATE NEW CHAPTERS 11 AND 12 TO ESTABLISH CHECKLISTS FOR REMODELING AND REMODELING OF FUNCTIONAL AREAS AND SMALL ADDITIONS AND TO CREATE A NEW APPENDIX B TO ESTABLISH WHOLE BUILDING VENTILATION SYSTEM SPECIFICATIONS

Approved 20-23

REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE (“RGBC”) TO GRANT THE LAND USE DIRECTOR THE AUTHORITY TO MAKE ADMINISTRATIVE CHANGES TO THE RGBC USER’S GUIDE AND TO ADD ITEM 802.6 TO THE USER’S GUIDE; ADOPTING ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE RESIDENTIAL ADDITION AND REMODEL GREEN BUILDING CODE (“RARGBC”); AND DIRECTING STAFF TO CREATE A USER’S GUIDE FOR THE RARGBC

Approved 20-23

ITEM

ACTION

PAGE

REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO CREATE AND ESTABLISH AN ANNUAL AWARD TO RECOGNIZE AND HONOR THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF AN OUTSTANDING WOMAN-OWNED BUSINESS LOCATED IN SANTA FE

Approved

23

SANTA FE HOMES PROGRAM

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION 14-8.11 SFCC 1987, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987, TO UPDATE THE LEGISLATIVE FINDINGS TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE

Approved

24-27

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1, TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AND AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS

Approved

27

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO IMPACT FEES, SECTION 14-8.14 SFCC 1987; AMENDING SECTION 14-8.14(E) TO MODIFY THE AMOUNT OF IMPACT FEES ASSESSED FOR RESIDENTIAL DEVELOPMENTS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Approved

28-29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
STAFF SUMMARY ON PARKS BOND AUDIT	Postponed to 02/17/14	29
REQUEST FOR ACCEPTANCE AND PRESENTATION OF THE CITY OF SANTA FE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUN3 30, 2013	Postponed to 02/17/14	29
OTHER FINANCIAL INFORMATION	None	29
MATTERS FROM THE COMMITTEE	Information/discussion	29-30
ADJOURN		30

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Monday, February 3, 2014**

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Monday, February 3, 2014, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Carmichael A. Dominguez, Chair
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Peter N. Ives

MEMBERS EXCUSED:

Councilor Christopher Calvert

OTHERS ATTENDING:

Marcos A. Tapia, Finance Department
Yolanda Green, Finance Division
Melessia Helberg, Stenographer.

There was a quorum of the membership in attendance for the conducting of official business.

NOTE: All items in the Committee packets for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

Mr. Tapia said, "Item #7 was already approved on December 10, 2013, and the BAR that is there should be for Item #6, so we took out #7 and it's the bar and I ran this through Councilor Ives, so all it is a BAR for #6 if you look at it."

Chair Dominguez said, "So, we're going to go ahead and have Item #7 as part of the discussion on Item #6."

Mr. Tapia said, regarding Item #13, there are two grant awards, so it should read, 'Request for approval of grant awards 2011 and 2013.' Mr. Tapia said Teresita Garcia would be presenting/answering questions on Items #25 and #26. Mr. Tapia would like to postpone those items, noting Ms. Garcia had a death in family and can't be here. He noted also Marty Mathisen is out of town and wasn't available to be here this evening.

Chair Dominguez said Items #25 and #26 are postponed to the next meeting of the Committee on February 17, 2014.

MOTION: Councilor Dimas moved, seconded by Councilor Ives, to approve the agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Ives asked to be added as a cosponsor of Item 22(A)

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to approve the following Consent Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

CONSENT AGENDA

6. *[Removed for discussion by Councilor Bushee]*
7. *[Removed for discussion by Councilor Bushee]*
8. **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONSTRUCTION AGREEMENT – CITY-WIDE WATER UTILITY CONSTRUCTION AND REPAIR PROJECTS; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**
9. *[Removed for discussion by Councilor Ives]*
10. *[Removed for discussion by Councilor Bushee]*
11. *[Removed for discussion by Councilor Bushee]*
12. **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – INSTALLATION, MAINTENANCE AND MONITORING SERVICES OF CITY-WIDE FIRE AND ALARMS SYSTEMS; ATI SECURITY, INC. (ROBERT RODARTE)**

13. REQUEST FOR APPROVAL OF GRANT AWARDS 2011 AND 2013 – 2011 STATE HOMELAND SECURITY SUB GRANT PROGRAM; UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND FEDERAL EMERGENCY MANAGEMENT AGENCY. (ANDREW PHELPS)
14. *[Removed for discussion by Councilor Bushee]*
15. REQUEST FOR APPROVAL OF GRANT AWARD AND GOVERNMENTAL SERVICES AGREEMENT – YOUTH CONSERVATION CORPS COMMISSION PROJECT FOR FIRE DEPARTMENT; STATE OF NEW MEXICO YOUTH CONSERVATION CORPS COMMISSION AND CITY OF SANTA FE. (PORFIRIO CHAVARRIA)
 - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
16. *[Removed for discussion by Councilor Bushee]*
17. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SANTA FE COMMUNITY TELEVISION PUBLIC ACCESS; SANTA FE COMMUNITY COLLEGE. (JOE ABEYTA)
18. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – PURCHASE OF MAINTENANCE MATERIALS AND SUPPLIES FOR THE STREETS DIVISION; 3M COMPANY, SAN BAR CONSTRUCTION AND J & H SUPPLY. (RANDY BLAKE)
19. *[Removed for discussion by Councilor Bushee]*
20. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO CONSTRUCTION APPRENTICESHIP PROGRAMS; ESTABLISHING AN APPRENTICESHIP DEVELOPMENT TASK FORCE TO CREATE AN APPRENTICESHIP DEVELOPMENT PLAN FOR THE CITY OF SANTA FE THAT WILL BENEFIT SANTA FE COUNTY RESIDENTS AND THE SANTA FE CONSTRUCTION INDUSTRY. (COUNCILORS WURZBURGER, AND BUSHEE, IVES, DIMAS AND DOMINGUEZ) (KATE NOBLE) Committee Review: Public Works Committee (approved w/amendment) 01/06/14; Public Utilities Committee (approved) 01/15/14; Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; and City Council (public hearing) 02/26/14. Fiscal Impact – Yes.
21. *[Removed for discussion by Councilor Bushee]*
22. SANTA FE HOMES PROGRAM. (ALEXANDRA LADD)
 - A. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE HOUSING CODE, CHAPTER 26 SFCC 1987; AMENDING SUBSECTION 26-1.21 TO INCLUDE VETERANS IN THE LIST OF PROFESSIONS TO QUALIFY FOR EXPANDED ELIGIBILITY STANDARDS FOR SANTA FE HOMES PROGRAM (SFHP) HOMES (COUNCILOR CALVERT, BUSHEE AND, DIMAS AND IVES). (ALEXANDRA LADD) Committee Review: Public Works Committee (approved) 01/06/14; Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; and City Council (public hearing) 02/26/14. Fiscal Impact – No.

B. *[Removed for discussion by Councilor Bushee]*

23. *[Removed for discussion by Councilor Bushee]*

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MINUTES – JANUARY 7, 2014.

MOTION: Councilor Ives moved, seconded by Councilor Dominguez, to approve the minutes of the Regular Finance Committee Meeting of January 7, 2014, as presented.

VOTE: The motion was approved on a voice vote, with Chair Dominguez, Councilor Ives and Councilor Bushee voting in favor of the motion, no one voting against and Councilor Dimas abstaining.

CONSENT CALENDAR DISCUSSION

6. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – TEN (10) POLICE PATROL VEHICLES AND REQUIRED UP-FIT EQUIPMENT FOR ANNEXATION EXPANSION; CES/DON CHALMERS FORD, MHQ OF NEW MEXICO, GRANTS & TECHNOLOGY, CDWG GOVERNMENT, CMS COMMUNICATIONS, MOTOROLA SOLUTIONS, DIGITAL ALLEY, MPH INDUSTRIES. (DEPUTY POLICE CHIEF JOHN SCHAERFL.)

AND

7. REQUEST FOR APPROVAL OF BUDGET INCREASE FOR EXPANSION OF 1 SERGEANT AND 9 OFFICERS ALONG WITH REQUIRED EQUIPMENT FOR PHASE 2 YEAR 1 OF ANNEXATION FOR POLICE DEPARTMENT. (POLICE CHIEF RAYMOND RAE)

Councilor Bushee said she thought this was approved previously. She asked how much is in the Police Property Tax Fund and the source of those funds. She asked if this is related to the deal with the County regarding the RECC.

Mr. Tapia said, "On this, when we did the annexation, yes, we did it out of the GRT and property tax which were anticipated to be coming from the annexation beginning now on January 1, 2014, but we won't see those results until March, and nothing from the Property Tax until around November 2014. So we were going to have to supplement that, cover them if you will, but they were able to cover these initial costs with the property tax portion that goes for public safety in the City Police Fund. So the Property Tax Police Fund, that portion had enough for this BAR that we were able to do."

Councilor Bushee asked about the Public Safety Tax we did with the County.

Mr. Tapia said the part of the Public Safety Tax which goes to fire and to police, "this is their portion, but it doesn't have any annexation money yet. That will start to come in..."

Responding to Councilor Bushee, Mr. Tapia said the balance of the fund is about equal to this BAR. He is glad we could cover this without dipping into the General Fund.

Councilor Bushee asked when he expects this fund being replenished.

Mr. Tapia said he will be checking when the next replenishment will be coming, noting a portion goes into the portion for Public Safety Police every month. He said the portion estimated as part of the BBER Report was around \$78,000 just for that little portion of Police Safety from the property taxes due to the annexation. He said we are counting on a lot of the revenue coming in the first phase of annexation to cover the Police.

Councilor Bushee asked for a copy of the BBER Report. Councilor Bushee wants to be sure the funds are received and spent correctly.

Mr. Tapia said he is working on the strategy for paying for this and the next phases and he will attach the BBER Study.

Councilor Bushee asked if the BBER also cover fire, and she anticipates the possibility of insurance rates increasing.

Mr. Tapia said he is looking at that now.

Councilor Bushee would like Mr. Tapia to provide his strategies for providing for fire protection.

Chair Dominguez suggested Mr. Tapia provide options rather than strategies.

Mr. Tapia said the City Manager already has directed him to come up with options and we will be reviewing those together to provide options for the leadership can decide how to move forward.

Councilor Dimas asked the status of the 10 new officers.

Deputy Chief Schaerfl said the latest recruiting numbers indicate about 7 laterals in background, and about 4 cadet eligible persons in different stages of background.

Councilor Dimas asked if we are now at full force.

Chief Rael said currently there are 3 openings and they are in the process of filling those and interviews are scheduled. He said with regard to the 10 officers, there are 24 people eligible for background, 14 currently in background, but they aren't ready to hire, noting the next academy will not start until July.

Councilor Dimas asked when the 10 officers will be place, working.

Chief Rael said, "We're anticipating having them on board, hired by the end of May, beginning of June, for internal training for 3 weeks to a month before they go to the academy in July."

Councilor Dimas said then that puts the City in a better position for the amount of money the City will be putting out for the vehicles and additional personnel, so that helps us in a way.

Mr. Tapia said it helps tremendously on personal services employee benefits. He said the vehicles and equipment have to be ordered earlier, so we will have that expense. He said he is expecting them in March and April.

Responding to Councilor Dimas, Chief Rael said, "We need to phase-in the vehicles.... by the time we order them and they come in, then to mount the equipment in the vehicles has to be phased-in through the radio shop..... that takes some time. By the time the officers are out of the Academy, certified and hopefully near completion the equipment will be available so they can step right in and move out into their street duties."

Councilor Bushee asked how many of the laterals and 3 officers will be living in the community.

Chief Rael said, "That's difficult to tell, but the vast majority should simply live here because of the take-home policy reduction. While there are still some that insist on living in Rio Rancho and the Albuquerque area, the vast majority of those we have hired are living in the City."

Responding to Councilor Bushee, Chief Rael said the laterals come from across the State, noting one is from Roswell, and some are from out-of-state. He said everyone is told up front that they will not be able to drive their vehicle more than 15 miles outside the City limits.

MOTION: Councilor Dimas moved, seconded by Councilor Ives, to approve this request.

DISCUSSION: Chair Dominguez clarified that the approval includes Item #6 and the portion of #7 that was not previously approved.

VOTE: The motion was approved unanimously on a voice vote.

9. REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – WITHIN THE NAMBE-POJOAQUE-TESUQUE (NPT) RIVER SYSTEM; THE CLUB AT LAS CAMPANAS. (RICK CARPENTER AND MARCOS, MARTINEZ.

Councilor Ives asked if there are any issues on the water rights – change of diversion or anything like that with the State Engineer..

Judy Amer, Assistant City Attorney said, "Marcos did look at your question and he has written a memo to me, and he stated there was no inter-basin water transfer."

Councilor Ives said he doesn't understand that, but he will talk to Marcos Martinez.

Ms. Amer said, "And the other items he did provide was that Las Campanas needed additional storage, so we entered into an agreement to lease Abiquiu Reservoir water storage space, and as part of that agreement, we were to purchase some of their unused offsets for the Nambe/Pojoaque/Tesuque water."

Chair Dominguez asked if this item is going to Public utilities.

Ms. Amer said she would think it would, although she doesn't know for sure

Chair Dominguez asked that a copy of Marcos Martinez's Memorandum be included in the packet when it goes to Public Utilities.

Councilor Bushee asked how many more rights, "that are pre-1907, we believe Las Campanas holds and how many more we might want to have and how much is left in the fund or the water bank, because it seems like a good price."

Mr. Schiavo said it is a very good price, and the City has sufficient funding to buy these and other water rights. He said he doesn't know how many more water rights they have beyond these, but he understands this is the amount they were willing to sell to the City. He said, "We do have sufficient funds to probably buy 3 times this amount if it was available."

Responding to Councilor Bushee, Mr. Schiavo said, "This is to make sure that we have sufficient water rights for the water that we're selling if we see any growth, just to make sure we have the water rights there."

Councilor Bushee said then it's not "for any kind of offsets."

Ms. Amer said, "It is for our current offsets."

Councilor Bushee said, then they are going to be utilized right away for our offsets, and Ms. Amer said yes.

Councilor Bushee asked if we anticipate additional offsets and needed water rights, and Ms. Amer said, "I do not know the answer to that question."

Mr. Schiavo said, "I'm filling in for Rick Carpenter. I read through his memo. I didn't see it there, but I can find out."

Councilor Ives said, "We have the offset obligation under our permit on the Buckman Wells and I imagine on the Northwest Wells, so the amount of offset we have to deliver on an annual basis depends on the amount of pumping we do out of those wells. Is that a correct statement."

Ms. Amer said, "It is correct that we have the offset obligation under our Buckman Permit. I don't know about the Northwest Wells, but there is an offset obligation and it is tied to pumping, but I don't know anything more specific in terms of what our offset obligation is per how much pumping."

Councilor Ives said it is difficult to know the amount of the offset unless we know how much we are going to be pumping.

Councilor Bushee said Rick Carpenter has a schedule on that.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

10. REQUEST OR APPROVAL OF CONTRACT – PARKING EQUIPMENT AND RELATED SERVICES FOR PARKING DIVISION; IPS GROUP, INC. (P.J. GRIEGO)

A copy of *Agreement for Parking Equipment and Related Services*, distributed to the Committee by P.J. Griego, is incorporated herewith to these minutes as Exhibit "1."

Councilor Bushee asked if there are uses of phone apps for paying for parking – can we get into the real modern age."

Sevastian Gurule said it's a great idea. He said the "Parking meters being used are contracted with Park Mobile and that's going to be Phase 2 of the implementation. These meters here, the first 100 we should have 100 installed and operating definitely by the end of May for sure. The second 200 will be coming in the first of the fiscal year. I think that with the experience with the first 100, we will start communications with Park Mobile and see if we can have that implemented by the first or middle of the fiscal year at the latest."

Councilor Bushee asked if the mobile phone app will be part of this.

Mr. Gurule said, "The company we work with right now, IPS, that we are contracting with, most of their meters have been working with Park Mobile. And I've used that particular app myself when I've gone to visit family in California and his daughter in Boulder, and it works fabulously. And the meters we're purchasing now will allow for that."

Councilor Bushee asked if we are going to do anything with the older meters.

Mr. Gurule said they will be keeping them in the event of the need to repair some of the older meters. He said the Resolution on the use of the meters could be used if the Council wanted.

Councilor Bushee asked if the stations at the Railyard also will accept credit cards and eventually mobile home app.

Mr. Gurule said the stations at the Railyard currently do accept credit cards, and they will be working with Park Mobile to incorporate it into that program as well. The only complaint they have received is that there's a wait time because the machine is transmitting data – 60-90 second delay. However, they are working and functioning well.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request.

DISCUSSION: Councilor Ives asked if staff would be bringing forward amendments to the form of the contract before moving it forward.

Mr. Gurule said yes, and said Mr. Griego is handing out the redrafted agreement which identifies the changes that you requested earlier with regard to maintenance and warranties of the parking meters [Exhibit "1"].

Ms. Amer reviewed the proposed changes to the Agreement. Please see Exhibit "1" for specifics of these changes.

Councilor Ives said Section 5 on page 3 of the redraft provides, "IPS shall provide an extended warranty at a rate of \$60 per meter per year for two years," and asked the term of the agreement.

Ms. Amer said the term of the agreement is for four years.

Councilor Ives said he asked staff to gather information on the reliability of the meters, because that might be a charge we determine not to undertake, but having the experience of cities like Berkeley, in terms of whether the meters do have significant problems during the first 4 years of use, "is needed, in my mind, to make a real call on whether or not we want the extended warranty which would be \$12,000 additional per year of the extended warranty, \$60 per meter for 200 meters." He said we have the potential to remove that cost.

Mr. Griego said he will call each City listed in the Memo and ask what their experience has been, and he will report back on that next week.

Councilor Bushee asked if we are anticipating a charge for use of phone apps, and if it includes all credit cards.

Mr. Griego said, "As the City, we accept Visa and MasterCard. I know Discover transactions will go through, but we preferably accept Visa and MasterCard only, so the meters will be set up exactly the same."

Councilor Bushee asked Mr. Griego if he is worried that he will be charged above and beyond 30 charges.

Mr. Griego said 30 was used as an average to get a figure in the packet for your approval. He said, "In the event it does go beyond the 30, we will pay the exact transaction amount and it's actually monthly, we'll be billed the exact number of transactions each month and we'll pay it monthly."

Councilor Bushee said that ends up being 13 cents.

Mr. Griego said it's not passed to the customer, and it is a charge the City will be paying. The minimum transaction will be \$1 if they want to use their card, but they can pay as much as they want for the meter, "but it will be 13 cents regardless anything over \$1 per transaction."

Councilor Bushee said, "So, you're not concerned it's above 30 that you don't want a higher number.... do you know what I'm trying to get at. Also, will you have a similar arrangement when you are allowing for the use of phone apps."

Mr. Gurule said, "We're not concerned with going over the 30 transactions, and as a matter of fact, we hope that we do get more than 30 transactions. In most cases, a customer is going to pay for more than just one hour..... Looking at the grander scope of the parking division, it is less expensive to incur that cost than it is to try and prosecute them for an expired meter." He said as we move forward we are adopting the philosophy to make parking as easy as possible, and we're going to absorb those costs and not pass them onto our customers."

Councilor Bushee asked why this is based on a Berkeley contract.

Mr. Gurule said they were able to work with Berkeley because it has purchased a lot of the items and equipment directly from IPS and it was an opportunity for use. It was felt it would be easier to work from an existing contract with another municipality that will be purchasing similar products.

Councilor Bushee asked if they offered a longer warranty term.

Mr. Gurule said we can enter into dialogue with them. He said the meters performed very well, noting we have had 30 on the streets last year and we have had minimal concerns with them and they are performing very very well.

Councilor Bushee asked the average number of transactions, and Mr. Gurule said it is about 30 transactions.

Councilor Bushee asked if Councilor Ives wants to keep the extended warranty.

Councilor Ives reiterated direction to provide more information on the reliability of the meters so we can decide whether or not to keep Section 5 in the agreement.

Mr. Gurule said that will be done.

Chair Dominguez asked if the \$189,640 pays the \$3.75 per meter per month on the wireless data connection, as well as the \$2 per meter per month for software license.

Mr. Gurule said this is correct.

Responding to the Chair, Mr. Griego said the City will own the meters but not the software.

Chair Dominguez said then the "secure wireless data connection," is the technology needed to get from here to the credit card company and back to us, and Mr. Gurule said yes.

Chair Dominguez asked who manages that.

Mr. Gurule said it is the VIPS company that manages that, noting the best broadband signal we can get in this area is through T-Mobile, commenting it is the best service with the best reliability and data security for this kind of application. It would cost the customer 30¢ on the dollar for use of the app – if you're buying an hour, it will be \$1 and then 30¢. He reiterated it is cheaper than the cost to prosecute for an unpaid fine.

VOTE: The motion was approved unanimously on a voice vote.

11. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – MARKET STATION TENANT IMPROVEMENTS; SARCON CONSTRUCTION CORPORATION. (LeANN VALDEZ)

Councilor Bushee said she pulled this item to vote against it to be consistent with her vote.

MOTION: Councilor Dimas moved, seconded by Councilor Ives, to approve this request.

VOTE: The motion was approved on a voice vote, with Chair Dominguez, Councilor Dimas and Councilor Ives voting in favor of the motion, and Councilor Bushee voting against.

14. REQUEST FOR APPROVAL OF FUNDING FOR IMPROVEMENTS AT MOTO CROSS TRACK LOCATED IN LA TIERRA IN THE NORTHWEST QUADRANT THROUGH 2008 PARKS, TRAILS AND OPEN SPACE BOND FUND. (BEN GURULE)

Councilor Bushee said she wants to be very clear about all of this. She said, "We are going to open the park after we make these improvements, but we're going to pay for these improvements an additional \$45,000 to \$55,000 part of the parks fund."

Ben Gurule said, "The funding is from the Northwest Quadrant 2008 Parks Bond."

Councilor Bushee said, "Yes. That's how long ago this project was approved. So, was that the answer to my question that are going to open the park once those improvements are put in place, and the original budget for the project was what. Do you recall."

Mr. Gurule said, "\$50,000 in the approved master plan from August 2011."

Councilor Bushee said, "So this additional doubling of the cost of the project now comes from where."

Mr. Gurule said, "The improvements that we're recommending are actually new funds that we're requesting. The original funds were for the access road and the parking lot. And the volunteers from the MX community, along with Parks staff and City and Street staff actually did the reshaping of the original track for the grand opening. Then Traveler's came in and decided that it was considered to be a liability, so they directed staff to close it, and we did. And then, from that point, we sought the services of Great Outdoors. And in you packet is their recommendations with specific improvements at each station throughout the trail system, along with signage and perimeter fencing. So the majority of this funding will be used for perimeter fencing and financing. And the reshaping will be done with General Fund employees from both Parks and Streets Staff."

Councilor Bushee said we had to pay \$17,000 for these people to do this assessment, and we paid money and/or staff time to take water out there, but she doesn't know that cost. She said, "I see 10K was a grant. So what I'm trying to get at, is the money we already spent, now we've got a request for double what the original project cost was. Where will that money come from."

Mr. Gurule said, "You are correct. There was \$17,000 for the professional services agreement for Great Outdoors, so that was to perform an assessment of the track. That was to go out there and determine where the liabilities were within the track. Then we did an Amendment #1 to approve \$25,000 to Great Outdoors to prepare actual field specifications, a way to correct each of those locations that they deemed to be a liability. Those funds also came out of the Northwest Quadrant."

Councilor Bushee said, "What do you mean, the Northwest Quadrant. If there was only \$50,000 allocated at the start, we're now on some other funds."

Mr. Gurule said, "Yes, I guess you could look at it that way. What we're looking at is that there is some balances that are in the Northwest Quadrant, upwards of \$300,000, we were thinking this would be a place that we could use funding to pay for the reshaping of the track and get the track reopened."

Councilor Bushee said, "When you say the Northwest Quadrant fund, and not tracking, it's not the Parks Bond, it's the fund that we were going to build the housing up there, that fund."

Mr. Gurule said, "No, absolutely not."

Councilor Bushee asked, "Then what fund are we talking about."

Mr. Gurule said, "The 2008 Parks Bond, so originally, back in 2008 when we were designating funds for the Northwest Quadrant, there really wasn't a scope of work and that was determined later by BTAC through that master plan, and I believe it's either Item #18 or #`19 that specifically talks to improvements at the MX Track."

Councilor Bushee said, "You have a little birdie on your shoulder, and I follow this very closely through BTAC and I'm just still not tracking where the money is going to come in."

Mr. Gurule, "I apologize, I wish I could have....."

Councilor Bushee said, "That's okay. No, I'm sorry Ben. I want this project to open. I just want to know where the funds are coming from and we've got the whole audit thing going on with the Parks Bond, so I'm just trying to track all the additional costs, including the bringing of water out there."

Erik Martinez said, "Like Ben mentioned, it is part of the 2008 Parks Bond. It's part of the \$2.9 million, Trails money, for the Northwest Quadrant Trails and Open Space."

Councilor Bushee said, "Okay, we'll get to whether or not this has gone through BTAC specifically for this funding."

Mr. Martinez said, "This was actually discussed at the last meeting."

Councilor Bushee said, "So it was the Trails money, and so we started with \$50,000 out of the Parks Bond or our of the Trails Fund. Which one."

Mr. Martinez said, "It is distinguished as Northwest Quadrant Trails and Open Space."

Councilor Bushee said, "Okay. Great. So, \$50,000 was the original spec for the amount of money, right."

Mr. Martinez said, "Under the master plan, yes. The other improvements for the access road and the parking lot also were identified separately in the master plan as approximately \$400,000. I believe it came in under that amount."

Councilor Bushee said, "So, the \$400,000, how much of that was left."

Mr. Martinez said Mr. Gurule can answer the question.

Councilor Bushee said, "I just want to know how much is going to come out of the \$2.9 that was left, because we were seeking to try to make the connections from Camino de los Montoyas out, you know the road improvements, and we were looking for a way to pay for that and I'm just trying to see what we're going to have left."

Mr. Gurule said, "The expenditure for the parking lot and the access road is \$386,086.62, so there is a little left."

Councilor Bushee said, "So that might have covered the assessment that was \$17,000 and the \$25,000 that were field specs, and then you've got a \$10,000 grant, and then I don't know much it cost to bring water out there. So this additional money, the \$45,000 to \$55,000, all of this has gone through POSAC and BTAC and so, ultimately, how much more will this project have cost us, and you can subtract the grant money you got which was \$10,000. Would you say it's \$50,000, \$60,000, \$100,000, more than we anticipated. You've got these new requirements and then water, I don't remember it being a ton."

Mr. Gurule said, "According to Erik, the master plan included \$450,000."

Councilor Bushee asked where we are in terms of that amount, "how much in surplus are we, would you say. Or are we good. And I assume all of this will go under your audit."

Mr. Martinez said it will exceed the \$450,000 by about \$15,000.

Councilor Bushee said, "One of the other issues was the ongoing maintenance. And I don't know if this Insurance Company, Travelers, once a fence is put in place, I don't know why a fence is the answer to all the woes. Did the non-profit that was formed or was going to be formed to try and take this on so the City didn't have any new costs happen, and what other things, because Travelers was just making this really hard."

Mr. Gurule said, "Let me try to give you the Reader's Digest version. Daniel and I *Ride New Mexico*, the MX community, they tried during this process to become a non-profit and they weren't able to during this process. That's why we went through Great Outdoors and so moving forward, recently, he's acquired that affiliation as a non profit. And their intentions are, once this track is open is to come forward to the City with an idea that they would take it over altogether. In the meantime, there are some guidelines in your packet, it shows the maintenance guidelines that Great Outdoors is requesting that the track continue to have, and City staff will continue to maintain it to that level until somebody takes it over, or not."

Councilor Bushee said this is serious "stuff, they have age group separation and all kinds of things that I wouldn't want to take this headache on.... I know the City didn't want to. I just want to know after all of this, it's going to stay open, be maintained and be used."

Mr. Gurule said, "This is the direction we've been given and we'll do our best to keep it up."

Councilor Bushee said, "If this non-profit... people move on, young people go to school, they leave town, if this happens to go by the wayside, would the City be able to take this on... I mean we started this, we've got to finish it, but I just really want to have some.... do you have any sense."

Mr. Gurule, "As the Governing Body approves trails and parks, and as we come forward with requests for additional FTEs, it is our hope that they will be approved, and we will be able to maintain the City at the level that it needs to be maintained."

Councilor Bushee said, "It's more the liability issue, and I never understood how skateboard parks have any less liability. I know this motorized, but I see kids out there at the skateboard parks without helmets and it makes me wonder how this got to be such an insurance nightmare. Do you have anything."

Chair Dominguez said, "I know there are a lot of different disciplines in designing and building MotoCross Tracks. Volunteers have spend a lot of time and effort, and a lot of sweat equity to get the track to where it is now, which is not as bad as Travelers or anybody else makes it seem. But I do have a lot of questions and concerns and I'll bring them up at Council."

Councilor Bushee asked, "Do you wants us to approve this."

Councilor Dominguez said, "We've got to get it going."

Councilor Bushee asked if we should move it forward without recommendations, commenting "usually we deal with these details here, so that's why I'm asking the questions I'm asking. I'm done."

Councilor Ives said, "One of the things that concerns me, is that I'm really not clear what the ongoing costs going to be associated with the track. When I read the Travelers letter and the various recommendations they had made, just looking at one item, they talked about track supervision security which they said includes, but is not limited to staffing the track during operation hours, use of a Release and Waiver of Liability and Indemnity Agreement form for adults and minors, that I think is fairly straightforward. But then they talked about crowd control, trained and educated flaggers on the track to monitor activity in high risk areas, access to emergency medical treatment, fire extinguishers, AEDs, oxygen supply, procedure for responding to and reporting incidents/crashes." He asked what kinds of staffing is being anticipated as part of this, because there was nothing in the Great Outdoors presentation with physical improvements dealing with staffing and those types of ongoing issues."

Mr. Gurule said the ultimate goal is to the follow the guidelines and get it into a condition they consider to be less of a liability. He said, "Currently, they consider the track to be more of an advanced rider track."

Chair Dominguez asked who is "They."

Mr. Gurule said, "Great Outdoors."

Chair Dominguez said, "Not the insurance company, Great Outdoors."

Mr. Gurule said, "No. Travelers considered it to be a huge liability to the City. That's why they directed staff to close it."

Isaac Pino said, "I helped Ben out a little bit with this. All those things that you read were in the original assessment. That was with the track left the way it was before, and that's what got us to close the track and move toward something more benign than what we had before. Travelers was willing to say at the time, that if we built something similar to what we're planning on now, that we wouldn't need attendants

and ambulances and all those things that are listed there. If we go with a more sophisticated track with higher skill levels, then those kinds of things start to enter into it. That is part of the reason we were looking at somebody else to operate it. Councilor Bushee mentioned a minute ago, anybody who wants to take this one would have to consider all those aspects if they want to change the track into a more sophisticated track. The one we're doing now is more a mid-level to beginners type of track and will not require all of that staff and all of those services for it to be open to the public."

Councilor Ives, "I know the memo said we had run what Great Outdoors had proposed again, by Travelers. Are we pretty clear then at this point that Travelers if fully satisfied and they are going to insure and not be recommending closure."

Mr. Pino said, "We are. As a matter of fact, the timing on this particular memo was held until we got verification from Travelers, and once had that, then we started go run the memo."

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to "approve to bring this item forward to Council."

DISCUSSION: Chair Dominguez asked to whom the \$45,000 to \$55,000 is going to go.

Mr. Pino said, "That covers the cost of materials and paying City staff to go out there and reshape and rebuild the track."

Chair Dominguez said, "When you say pay City staff."

Councilor Bushee said, "I thought it was for fencing."

Mr. Pino said, "It's not all for fencing, a lot of it is fencing. It's a combination of both. It's the budget for the whole project."

Chair Dominguez asked what is meant by "to pay City staff."

Mr. Pino said, "We have to have folks go out the and operate the equipment and reshape the track."

Chair Dominguez asked, "Is it General Fund budget staff."

Mr. Pino said, "Yes. Generally so. Isn't it."

Mr. Gurule said, "There's staff members from Streets that are General Fund, and there's some Parks staff members that are General Fund, and there's also some in-house 2008 Parks Bond, 2012 Parks Bond, employees that are going to be doing some work in there, specifically the operator."

Chair Dominguez said, "General Fund staff, that's General Fund. These folks who are going to be using it, potentially or essentially are already paying into the General Fund."

Mr. Gurule said, "This \$45,000 to \$55,000, the majority of that funding will go toward fencing, a kiosk, an ADA pathway, and all of the materials included in that – base course and some staking and grading to be sure we meet the 5% slope. So there's going to be a small percentage of that that will be paid to one of the operators, that's specifically out of the 2012 Parks Bond."

Chair Dominguez would like to get this broken down a little, but said it almost sounds almost like the Parks Bond Budget a little bit where we're pulling from all these different places without any clarity on how it's going to be spent. He asked, "Is there going to be any private contractor that is going to be working on the track itself?"

Mr. Pino said, "No."

Chair Dominguez said, "Then it's all going to be done in-house by general fund staff, and some enterprise...."

Mr. Gurule said, "We did a cost comparison. If we were to contract it out, it was off the charts. It was over \$300,000, and we based that on our on-call unit pricing and it was, like I said, off the charts. It's way less if we do it in-house."

Chair Dominguez said, "Let me try this again. Now, \$45,000 to \$55,000, some of it is going to be paid for capital and some of it will be paid for personnel/salaries."

Mr. Gurule said, "That's correct, and a very very small percentage will be... like I said ...the loader is the City's, the grader's the City's, the backhoe's the City's, and two of those operators will be paid from the Parks General Fund. One of them is an operator, a really highly skilled operator that is currently working out of the 2012 Parks Bond, so that percentage of labor. And Streets will assist on the weekend. Those guys have some highly skilled guys, but he can't spare them during the week. He can spare them on the weekends and they will be there on the weekend being paid overtime out of streets."

Chair Dominguez asked for a breakout of the cost, noting "what I want, is I want to see the salaries broken down."

Mr. Gurule said he would do so.

Councilor Ives said, "I was hoping to just get the background contracts for the original design that resulted in the construction of the track."

Mr. Pino said there are no background drawings or contracts, noting the Track pre-dates even #599 – it has been out there for over 30 years, noting it has been maintained and kept up by volunteers all these years. He said we just inherited it with the Northwest Quadrant, so there are no designs, no contract no, specs, it's just been a "catch as catch can" operation for 30 years.

Councilor Bushee asked if the additional funding and this project will fall under the scope of the audit for the Parks Bond in 2008.

Mr. Pino said that is to be decided by this Committee.

FRIENDLY AMENDMENT: Councilor Bushee would like to give direction to staff that this project will fall under the scope of the audit of the 2008 Parks Bond. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE..**

VOTE: The motion, as amended, was approved unanimously on a voice vote.

16. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORT MARCY SWIMMING POOL ROOF AND SKY LIGHT REPLACEMENT AND RENOVATION PROJECT; COOPERATIVE EDUCATIONAL SERVICES AND ROOF CARE. (LISA MARTINEZ)

Councilor Bushee asked if this is a left over project. She wants to under the cooperative agreement. She said, "I see the higher price tag, I know it's a mess, I want it done. I see local contractors not winning the bids, so maybe somebody can explain to me how you chose Cooperative Educational Services and Roof Care. We have a long history of roof issues at Ft. Marcy, so I'm glad we're not selecting any of the previous contractors. Maybe you can tell me why you chose the most expensive bid over CES, and is CES local as well."

Lisa Martinez said Roof Care is sort of local and do a lot of work between Albuquerque and Santa Fe. They're based out of Albuquerque, and they have done a lot of work for the City, noting she has worked with them on a number of facilities projects. She said, "To be perfectly honest, out of the roofers that I've worked with, their projects are the ones that have actually succeeded. We've used them quite a number of times at GCCC and for the first time we have no leaks. We used them to make some repairs at Ft. Marcy on other portions of the roof and those have not leaked either."

Ms. Martinez continued, "So while this looks like the highest bid, the other bids we secured were for only portions of the project. The \$69,000 from Lockwood was only for the skylight replacement. They never gave us a full quote that included repairs on all of the other roofs."

Ms. Martinez said, "Part of the reason for choosing Cooperative Educational Services along with Roof care, is the contract they have in place is very similar to a statewide pricing agreement, and Robert can explain those details. They came out and they did the most thorough analysis of any contractor that had been out there, including performing an infra red scan to determine areas that had the most moisture penetrating, and that's how we determined which areas would have to be completely replaced and others where we could simply make repairs."

Councilor Bushee said, "Say no more. I trust your architectural background. I'm just curious. Do they do a lot of work for schools. It's a strange name for a roofing company."

Ms. Martinez said they do a lot of work with schools and Educational Services primarily works with the public schools, but they do a lot of government work all over.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve this request.

DISCUSSION: Chair Dominguez said CES is from Albuquerque.

Ms. Martinez said Cooperative Educational Services is like a statewide pricing agreement.

Chair Dominguez said, "Compared to Lockwood, are they local or not."

Ms. Martinez said, "Cooperative Educational Services works across the entire State, just like statewide pricing agreements do, but Roof Care's primary office is based out of Albuquerque."

Chair Dominguez said, "Lockwood is more local than CES."

Ms. Martinez said this is correct.

Chair Dominguez asked what work Lockwood has done in the past, and if they have done any roof projects.

Ms. Martinez said they have done a number of different projects, but has not done any roof projects with her.

Chair Dominguez said then they've done work for her at GCCC and asked if that involved skylights.

Ms. Martinez said they have done work for her, but it didn't involve skylights. She said all of her skylight work at GCCC has been done by Roof Care.

Chair Dominguez said, "I just find it a little odd that Lockwood, who has done work for the City before, who are more local than CES and they've missed this.

Ms. Martinez reiterated, "Part of the problem was the delay. We waited for quite some time to get the subsequent quote that would put all the pieces together."

Chair Dominguez asked how much was the project at the GCCC, the roofing project.

Ms. Martinez said, "Actually, the roofing projects at GCCC were done by Roof Care, not by Lockwood."

Responding to the Chair, Ms. Martinez said, "No, Lockwood did other projects for us. They installed our new turnstiles. They've done repairs in the therapy pool, repaired the drains and the floorings and such."

Councilor Bushee said, "I raised it for those concerns, but when she mentioned that the project bid was only for the skylight, so cost wise, it seems like Roof Care is in line. And the concern really is that chunks of the ceiling are falling while people are swimming in the pool, so I would suggest we don't delay this."

Chair Dominguez said, "Very good. I agree."

Councilor Ives said, "I was asked about warranties when it comes to roof work. What warranties are being given on the work to be done.

Ms. Martinez said, "It's going to be.... the lowest roof section is going to be fully replaced. That section will get a 15 year warranty."

Councilor Ives asked about warranties on the skylights and the associated roof work.

Ms. Martinez said, "The skylights I believe have a 10 year warranty."

Councilor Ives said on page 21 of the packet there is a letter from Roof Care saying Section 1 will have a 15 year NDL warranty. When this comes to Council, if you wouldn't mind highlighting the warranty sections, because they aren't in the body of the agreement. I would love to be really clear for the different portions what those are."

Ms. Martinez said she will make sure the information is ready for Council.

VOTE: The motion was approved unanimously on a voice vote.

19. **GREEN CODE – RESIDENTIAL ADDITIONS AND REMODELS. (COUNCILORS CALVERT, IVES AND BUSHEE). (KATHARINE MORTIMER)**
 - A. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE RESIDENTIAL GREEN RESIDENTIAL ADDITION AND REMODEL GREEN BUILDING CODE FOR SINGLE FAMILY ATTACHED AND DETACHED; AMENDING EXHIBIT "A" TO CHAPTER VII TO CREATE A NEW CHAPTER 2 TO ESTABLISH DEFINITIONS, TO CREATE A NEW ITEM 802.6 REGARDING ROUGH PLUMBING FOR FUTURE USE OF GRAY WATER, TO CREATE NEW CHAPTERS 11 AND 12 TO ESTABLISH CHECKLISTS FOR REMODELING AND REMODELING OF FUNCTIONAL AREAS AND SMALL ADDITIONS AND TO CREATE A NEW APPENDIX B TO ESTABLISH WHOLE BUILDING VENTILATION SYSTEM SPECIFICATIONS.**
 - B. **REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE ("RGBC") TO GRANT THE LAND USE DIRECTOR THE AUTHORITY TO MAKE ADMINISTRATIVE CHANGES TO THE RGBC USER'S GUIDE AND TO ADD ITEM 802.6 TO THE USER'S GUIDE; ADOPTING ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE RESIDENTIAL ADDITION AND REMODEL GREEN BUILDING CODE ("RARGBC"); AND DIRECTING STAFF TO CREATE A USER'S GUIDE FOR THE RARGBC.**

Committee Review: Public Utilities Committee (approved w/amendment) 01/06/14; Public Utilities Committee (approved) 01/15/14; Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; and City Council (public hearing) 02/26/14. Fiscal Impact – Yes.

Councilor Bushee asked Ms. Mortimer to point out the changes in terms of enhancing gray water use. She said, "It's the rough out in the Code, where it that, and I want to ask if this could be the place where we would deal with the purple issue that's really in the UPC Code."

Ms. Mortimer said, "The addition of a requirement to pipe at least one fixture for gray water prepped. That is added to the Code that we currently have in effect for new buildings, and that is separate from the rest of what this bill addresses. The rest of the bill is about adopting a new residential addition and remodel code for existing buildings.

Councilor Bushee asked if we are requiring the graywater piece.

Ms. Mortimer said, "The graywater piece is for new construction only. It's much easier to put in gray pipe when you're building new, so that one piece is only for that. There is no requirement for graywater piping for additions or remodels.

Councilor Bushee said we will have new administrative guidelines.

Ms. Mortimer said, "The bill does two things. The administrative code piece does two things. The [inaudible] does one thing. So the bill has one piece where it adds a new requirement for Code for new buildings for graywater piping. The rest of the bill is for residential and remodels which currently don't fall under the Green Code."

Ms. Mortimer said, "It depends on how big the remodel is. If it is 50% or more of the structure, then it kicks into Chapter 11 which is similar to new buildings, requires a point system and you get a certain number of requirements and there's more requirements. If it's a smaller remodel or a smaller addition, the addition cutoff is at 400 sq. ft., then the requirements are less. For a smaller remodel it only kicks in if you formally remodel a kitchen, a bathroom or a basement. It's not a menu option any longer. There are specific requirements for those."

Ms. Mortimer said it is not as stringent. The cost to be stringent for existing buildings is much much higher than when you're starting out new. So we're trying to improve the building stock, but not cross that point where the cost becomes prohibitive or people start doing remodels and construction without getting permits because the cost is so great,

Councilor Bushee asked Ms. Mortimer if she worked with the Homebuilders and if they are in favor of this.

Ms. Mortimer said, "Absolutely. It was done at the Homebuilders."

Councilor Bushee said, "With regard to the graywater piece, we want to limit it to one fixture for new construction and I'm guessing you're thinking washing machines, but there are other things that could fall under that if you're going with new construction. It's not so expensive to double pipe, and then I want to segue into my purple pipe things which you're going to tell me I can't do because it's under the UPC Code."

Ms. Mortimer said, "The idea of having it affect one fixture was Councilor Calvert's. My understanding and I don't want to speak for Councilor Calvert, is that by introducing this, it would be a way to get people to do more voluntarily when they see the benefits, without people having to put in a lot of piping and materials that may never get used, which isn't sustainable. There is a cradle to the grave impact for those materials."

Councilor Bushee said, "I helped to get graywater legalized in the State and I also got the criteria for the folks to enforce it in the City Code. If you're building new, and this is what this is aimed at, to get the piping in for just one fixture, it's not a whole lot more to encourage it, I don't know how you incentivize it... I guess I'm asking why just stop there."

Ms. Mortimer said she can't answer that, because this was Councilor Calvert's idea, noting the initial draft was to have double piping from each room that would have a fixture. It was his direct to make it affect one fixture at a minimum. I think was being unable to anticipate what the burden might be for some people, and it was a start with an idea that it could be strengthened over time."

Councilor Bushee said the biggest cost is installing the graywater system, but the piping is relatively cheap. She ask that an amendment be prepared that all fixtures that are possible be considered, and perhaps have an additional bonus or point system in the amendment for an added benefit of some sort.

Councilor Bushee said what would help is an amendment to the UPC Code or an adoption of the ICC Code in terms of the purple pipe, where we allow graywater to flush toilet. Is there something we can build into the Residential Green Building Code to allow this.

Matthew O'Reilly said he doesn't know. He said, "What I do know is we have to adopt the Codes that the State adopts, including the amendments they make to those Codes." He said we can go beyond that and add more stringent requirements, such as the requirement we added for all sewer systems to have a backflow prevention device which reduced costs."

Councilor Bushee asked if the City is operating from the 2009 UPC.

Mr. O'Reilly said, "The 2009 UPC, UMC, IBC, IEBC and IRC."

Councilor Bushee State said it is her understanding that the State is operating from a 2012 version that allows for purple pipes for flushing the toilet.

Mr. O'Reilly said he doesn't know and would have to check on that.

Councilor Bushee asked if there is any way to update our Codes for the latest and best practices in technology for conservation with the use of graywater, and the water from air conditioning. She would like staff to look into this.

Ms. Mortimer said, "We certainly can look into it. My understanding is that we are operating at the exact same Codes the State is. I don't believe the State adopted the 2012 Codes. But this isn't my area of expertise."

Councilor Bushee thinks they made a provision that allowed for it, but "I don't think we did."

Chair Dominguez gave direction to staff to what the State allows and if we can include purple pipe.

Ms. Mortimer said, "Purple pipe is used for graywater always."

Councilor Bushee said she wants to use it for flushing toilets. Ms. Mortimer has been told the reason for not flushing toilets with graywater, is that animals drink out of the toilet water..

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request, Items A and B, with direction to staff to look into what the State allows in terms of purple pipes and graywater, and what it would take to "make sure we allow it."

VOTE: The motion was approved unanimously on a voice vote.

21. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO CREATE AND ESTABLISH AN ANNUAL AWARD TO RECOGNIZE AND HONOR THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF AN OUTSTANDING WOMAN-OWNED BUSINESS LOCATED IN SANTA FE (COUNCILORS WURZBURGER, AND BUSHEE, DOMINGUEZ, IVES AND DIMAS). (KATE NOBLE) City

**Business and Quality of Life Committee (scheduled) 02/18/14 and City Council (scheduled 02/26/14)
Fiscal Impact – No.**

Councilor Bushee would like Ms. Noble to look at what the Business & Professional Women do already, noting they have an award for women-owned business.

Ms. Noble said, "This was considered by the Economic Development Review Committee this morning and they asked the exact same thing."

Councilor Bushee wants Ms. Noble to get back with her, commenting she doesn't want to duplicate any efforts.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request with direction to staff to look at what is done by the Business & Professional Women and coordinate this with the Chamber of Commerce.

VOTE: The motion was approved unanimously on a voice vote.

22. SANTA FE HOMES PROGRAM. (ALEXANDRA LADD)

- B. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION 14-8.11 SFCC 1987, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987, TO UPDATE THE LEGISLATIVE FINDINGS TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENTS WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE (COUNCILOR WURZBURGER). (ALEXANDRA LADD) Committee Review: Planning Commission (approved) 01/09/14; Community Development Commission (no quorum) 01/15/14; Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; Public Works Committee (scheduled) 02/10/14; and City Council (public hearing) 02/26/14. Fiscal Impact – No.**

Councilor Bushee asked if there are any real issues, and asked when we can consider going back to 30% as a requirement.

Ms. Ladd said, "The quick summary is removing the sunset date and keeping the 20% permanent. That's the big thing. There are a couple of smaller items. One of the other items the sponsor wanted to change was not requiring homebuyers with an affordability lien also to have a shared appreciation agreement with the City. That's the other policy issue, I think. And yes, just lots of little cleanups and trying to make the Ordinance itself a little more clean cut and less bogged down with details that have to be updated all the time anyway."

Responding to Councilor Bushee, Mr. Ladd said, "We sent out the redline to all of the local advocates and developers, not all the developers, but the ones that I've worked with. Last March we did a forum, a focus group with all of those groups, and had developers representatives, private sector planners, the non-profits and advocate groups, all sat and talked about some of these things. They were instrumental on the front end and then they've all see the redline to the Ordinance changes."

Councilor Bushee asked if there is a report from that forum and if the Affordable Housing Roundtable still exists.

Ms. Ladd staff wrote up notes and she can provide those. She said the Roundtable still exists, it's inactive, it hasn't met. Responding to Councilor Bushee, Ms. Ladd said the City never funded the Roundtable.

Councilor Bushee said we funded staffing.

Ms. Ladd we provided funding to the Roundtable to disburse for affordable housing projects. We provided funding to Enterprise which did a lot of other work and they did staff it for us. She said they met once a month.

Councilor Bushee asked why it is inactive.

Mr. Ladd said there was a lot of divisiveness in that interim when she wasn't at the City, and there was turnover. She said there wasn't a cohesive vision at that time that held the groups together, and the City had given the Roundtable the ability to disburse funds to support programs and that stopped happening.

Councilor Bushee asked if staff is doing that now.

Ms. Ladd said, "We've been limited mostly to just the General Fund administrative contracts. This funding cycle we're doing a disbursement from the Affordable Housing Trust Fund. We're looking at about \$400,000 for the allocation."

Councilor Bushee said the Planning Commission wants to extend the sunset for 2 years, rather than have a permanent threshold of a 20% retirement. She asked if anybody on the Planning Commission advocated for the 30% requirement to come back.

Ms. Ladd said, "No. I've done a lot of research on inclusionary zoning programs, and the 30% requirement is one of the highest nationwide. It works in very high value, very high density markets – Manhattan, San Francisco, Chicago – and that's because you can achieve a density of 60 units per acre because you are going up. And in Santa Fe, we can never achieve those kinds of densities."

Councilor Bushee asked if we are getting fees in lieu mostly instead of the 30%.

Ms. Ladd said, "It's really hard to say because we've had so little development in the time period since both the original Santa Fe Homes Programs Ordinance was passed and then the amendments were made, so it's kind of hard to say – is a chicken or an egg thing. Is it the market crashing. Yes, obviously, that wasn't related to anything going on here. That was major world."

Councilor Bushee said it seems as if the down-payment assistance effort has dwindled as well.

Ms. Ladd said, "That would not be true. Because last year we allocated \$800,000 of Capital Improvement Program money for down-payment assistance. Every funding cycle with the CDBG money, we do usually \$200,000. This year, we'll do probably about \$400,000 between the CDBG funding allocation and the Affordable Housing Trust Fund."

Councilor Bushee said then the money is available, and asked, "If people are availing themselves of the fund."

Ms. Ladd said, "Absolutely. How we do it is we make the non-profits get it and then they allocate it to the buyers in the pipeline. And they go through their down-payment assistance sometimes by December they've used it all, plus they've accessed other sources as well."

Councilor Bushee said if the general trend is to stay at the 20%, "why do you think the Planning Commission just wanted to do it for two more years.

Ms. Ladd said, "I think what was expressed was uncertainty about... the probability that once you make it 20%, you're probably never going to get it back to 30%, so there was an unwillingness to make that commitment at this point in time. Two years may not be a long enough extension, because for a larger scale development, two years is not.... it can take two years just to get all the paperwork done."

Councilor Bushee said perhaps 30% was prohibitive, or perhaps two more years will tell us that.

Ms. Ladd said the administrative procedures will come to this Committee at the next meeting. One of the things they're doing is to make them more flexible and the process more open, so there is a clear-cut methodology for figuring out, for example, what the fee in lieu would be, and when that fee would be accepted in lieu of providing units. She said when the program was written, development was going gangbusters and there was a thought not to make it easy for people to pay a fee, we wanted them to build the homes. To some extent, this is always our objective. All of the successful inclusionary zoning programs all have flexibility built into them as well as incentives. We do the density bonus and the fee waivers and we can keep working to make it fit different kinds of projects.

Responding to Councilor Bushee, Ms. Ladd said the County may have suspended its requirement temporarily.

Ms. Ladd said there is a table in the Memo. She said when the requirement was reduced from 30% to 20%, there were 3 income tiers served. When it was reduced they took the 10% out of the highest income tier because the market was serving those homebuyers. She said the amendment redistributes the requirement for those over the 80% ami who now can't qualify for HUD mortgage products. She said home prices are increasing, so people can almost afford it, but they can't qualify for the 80% and below. The other was a provision to support essential workers and allowing them, if they were earning above the 100%, to buy a home in that 80-100% income range. When we eliminated that range, we eliminated that intended benefit for those workers, so it seemed to make sense to restore that income tier.

Councilor Bushee asked when we will re-preview this procedure.

Ms. Ladd said it is reviewed annually, noting the home prices will change slightly. There is also a section about the Governing Body reviewing the methodology for determining the way the home sales prices are calculated every two years. Section 16 provides the Ordinance will be reviewed by the Governing Body one year from the date of adoption, and thereafter on an annual basis.

Councilor Ives asked the impact of this on what Tierra Contenta is doing.

Ms. Ladd said it won't impact Tierra Contenta at all because it has its own program that is not administered by the City.

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

DISCUSSION: Councilor Bushee talked about what happened in the past with the 30%.

Ms. Ladd said there was a non-profit developer and non-profits had access to much more funding in the past.

Chair Dominguez asked where the \$29,400 figure come from.

Ms. Ladd said that is the income figure that HUD sets every year.

Chair Dominguez said he has heard of a hybrid figure because of a high migrant population and seasonal works, and he would like to see that data. However, we don't have enough of a trend at this point.

Ms. Ladd said that may be happening in California.

VOTE: The motion was approved on a voice vote, with Councilor Bushee not casting a vote.

- 23. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1, TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AND AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS (COUNCILORS WURZBURGER AND BUSHEE AND IVES). (LAWRENCE GARCIA) 01/21/14) Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; Public Utilities Committee (scheduled) 02/05/14; City Business and Quality of Life Committee (rescheduled) 02/18/14; and City Council (public hearing) 02/26/14. Financial Impact – No.**

Councilor Bushee asked if a 6 month review would be better than a year.

Kelley Brennan said, "I believe that Cindy felt the data would need more time to develop, that the period provided was probably a reasonable period, which is not to say that there won't be study about other possibilities to reach that goal. I think in understanding that we were making a change here, we also made a commitment to try to pursue other ways to create incentives to accomplish that end in the interim.

Councilor Ives asked to be added as a cosponsor.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

24. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO IMPACT FEES, SECTION 14-8.14 SFCC 1987; AMENDING SECTION 14-8.14(E) TO MODIFY THE AMOUNT OF IMPACT FEES ASSESSED FOR RESIDENTIAL DEVELOPMENTS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR WURZBURGER. (MATTHEW O'REILLY) Committee Review: Public Works Committee (approved) 12/09/13; City Council (request to publish) (approved) 12/11/13; Capital Improvements Advisory Committee (approved) 12/12/13; Planning Commission (denied) 12/19/13; Finance Committee (postponed) 01/07/14; City Council (public hearing) (postponed) 01/08/14; and City Council (public hearing) 02/12/14. Financial Impact – Yes.**

An amendment sheet with proposed amendments to Bill No. 2013-44 on this bill, is incorporated herewith to these minutes as Exhibit "2."

Mr. O'Reilly said there is an amendment sheet on the Committee members desk to correct a typographical error on page 2 of the Ordinance [Exhibit "2"]. Mr. O'Reilly said there is a numerical error on packet page 13, under FY 14/15. The number shown of \$516,184 is the cumulative total for 13/14, 14/15 fiscal years. The correct number in column 4 should be \$387,138.

Matthew O'Reilly noted the sponsor has introduced a Substitute Bill which is in the Committee packet. Mr. O'Reilly reviewed the proposed bill. Please see the Substitute Bill for specifics of this presentation.

Responding to Councilor Bushee, Mr. O'Reilly said the Planning Commission recommended denial, and the Capital Improvements Advisory Committee recommended approval of the first bill. The Planning Commission and the CIAC haven't seen the substitute bill, but that will be done if that is what the Sponsor would like. He said, "We have received all of the relevant input that is necessary from these committees and to be quite frank, I think this is something for the Governing Body to hash out."

Councilor Bushee said she personally would like their review, noting this is changed completely from what they sought.

Councilor Ives said this is an attempt to stimulate the residential construction by not reimposing impact fees back to the 100% levels, and if we don't take action, those fees will go back up to 100%.

Mr. O'Reilly said, "Unfortunately, the fees have already gone up to 100% because the Ordinance couldn't be adopted before the end of the old Ordinance. He said the intent of the original bill two years ago was partly to try to stimulate residential construction, which is a large part of the construction industry. He said what is important is that we allow continued recovery.

Councilor Ives said it makes sense to send this onto the Council at this time because of timing issues, and he believes it is appropriate at this point.

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

VOTE: The motion was approved on a voice vote, with Councilor Ives, Councilor Dimas and Chair Dominguez voting in favor of the motion and Councilor Bushee voting against the motion.

25. STAFF SUMMARY ON PARKS BOND AUDIT. (ISAAC PINO)

This item is postponed to the next meeting of the Finance Committee on February 17, 2014.

26. REQUEST FOR ACCEPTANCE AND PRESENTATION OF THE CITY OF SANTA FE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUN30 2013. (TERESITA GARCIA AND MARTY MATHISEN)

This item is postponed to the next meeting of the Finance Committee on February 17, 2014.

27. OTHER FINANCIAL INFORMATION:

There was no other financial information.

28. MATTERS FROM THE COMMITTEE

A copy of Bills and Resolutions Scheduled for introduction by members of the Governing Body, for the Finance Committee meeting of February 3, 2014, is incorporated herewith to these minutes as Exhibit "3."

Chair Dominguez Dominguez introduced the following Resolution on behalf of Councilor Calvert:

A Resolution authorizing and approving submission of a completed application for final assistance and project approval to the New Mexico Finance Authority for the procurement of seven heavy duty transit buses. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Mr. Tapia said he will answer any questions about this Resolution.

Councilor Ives asked if we always bring these kinds of items to Finance and/or Council for action.

Mr. Tapia said he doesn't know, but he thinks it's appropriate to come to this Committee.

Councilor Bushee asked if we have heard anything on Redflex, noting it has been in the newspapers lately.

Chair Dominguez asked, "Is the City of Santa Fe doing anything to determine whether or not Redflex did everything they should, and if there are on-going contract negotiations now to renew that you know of."

Mr. Tapia said all he knows is, "the contract ended, we were looking at doing an RFP. There are other contractors that do things a lot differently. He knows the City Manager has questioned things to be sure everything is on the up and up, based on the allegations in the newspaper. It is my feeling, when we do an RFP for this, I think we will get a better product and a better vendor."

Councilor Bushee asked if he means a different vendor and Mr. Tapia said yes.

Councilor Bushee said perhaps it's time to bring the whole program back.

Chair Dominguez said, "I would recommend that if someone wants to initiate a resolution directing staff to bring the program back so I can vote against it...."

29. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 7:00 p.m.

Carmichael A. Dominguez, Chair

Reviewed by:


Marcos A. Tapia, Director
Department of Finance


Melessia Helberg, Stenographer