



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JUNE 30, 2014 – 5:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT AGENDA

5. APPROVAL OF MINUTES:

Regular Finance Committee Meeting – June 16, 2014

CONSENT AGENDA

6. Request for Approval of Professional Services Agreement – Mechanical Refrigeration Services for Ice Arena at Genoveva Chavez Community Center (RFP 14/34/P); Yearout Service, LLC. (Ivie Vigil)
7. Request for Approval of **Amendment No. 3** to Professional Services Agreement – Printing, Advertising and Distribution of Santa Fe Travel Planner throughout the United States, Canada and Mexico for Santa Fe Community Convention Center; Bella Media, LLC. (Randy Randall)
8. Request for Approval of Professional Services Agreement – Conduct Pre-Placement Physicals and/or Medical Exams for Candidates Selected for Positions within the City of Santa Fe (RFP #14/27/P); Joshua Brown, MD; IMS Practice Management Group, LLC. (Sandra Perez)
9. Request for Approval of Grant Award and State of New Mexico Governmental Service Agreement – Eleven (11) Full-Time Temporary Positions for Atalaya Wildland Fire Suppression Handcrew; Youth Conservation Corps Commission. (Porfirio Chavarria)
10. Request for Approval of Professional Services Agreement – YouthWorks Workforce Innovation Program; YouthWorks. (Kate Noble)
11. Request for Approval of Professional Services Agreements – FY 2014/2015 HUD's Shelter Plus Care Grant Program. (Alexandra Ladd)
- A. Santa Fe Community Housing Trust
B. The Life Link/La Luz

CITY CLERK'S OFFICE

DATE 06/27/14 TIME 9:25 AM

BY Isabella Green

BY M Ortega



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JUNE 30, 2014 – 5:00 P.M.

12. Request for Approval of Procurement and Professional Services Agreements – Homeownership Support Programs (RFP #14/44/P). (Alexandra Ladd)

- A. The Santa Fe Community Housing Trust
- B. Homewise, Inc.

13. Request for Approval of **Change Order No. 4** – Southwest Effluent Water Line Project - Change Bore Diameter Across from NM 599 to Serve SWAN Park; RMCI, Inc. (Bryan Romero)

14. Request for Approval of an Ordinance Relating to the *City of Santa Fe Uniform Traffic Ordinance*; Amending the Provisions Regarding Engaging in a Call While Driving and Texting While Driving; and Amending the Traffic Violation Penalty Schedule to Double the Penalty Assessment for Using a Mobile Communication Device While Driving and to Triple the Penalty Assessment for Using a Mobile Communication Device While Driving in a School Zone. (Mayor Gonzales, Councilors Dimas and Ives) (Noah Berke)

Committee Review:

Public Safety Committee (approved)	06/17/14
City Council (request for hearing)	07/09/14
City Council (public hearing)	08/13/14

Fiscal Impact - Yes

15. Request for Approval of a Resolution Directing Staff to Study the Feasibility for Offering a Reduced Rate for Use of the Santa Fe Community Convention Center by Local Santa Fe Residents. (Councilor Rivera) (Randy Randall)

Committee Review:

Public Works Committee (no quorum)	06/23/14
City Council (scheduled)	07/09/14

Fiscal Impact – No

16. Request for Approval of a Resolution Endorsing the City of Santa Fe's Partnership with Global Running Culture in Facilitating Participant Transportation Associated with the Santa Fe Half Marathon, on September 14, 2014. (Councilor Lindell) (Jon Bulthuis)



Agenda

FINANCE COMMITTEE MEETING
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JUNE 30, 2014 – 5:00 P.M.

Committee Review:

Public Works Committee (no quorum)	06/23/14
City Council (scheduled)	07/09/14

Fiscal Impact – Yes

17. Request for Approval of a Resolution Authorizing an Amendment to the 2012 *General Obligation Bond (GO) Parks and Trails Implementation Plan* to Reallocate 2 Million Dollars Currently Designated for the River Trail Underpass at St. Francis/West Alameda, Less Certain Costs Already Incurred, to Bike-Pedestrian Trails and Related Safety and Infrastructure Projects. (Councilors Bushee, Lindell, Dimas, Ives, Dominguez and Rivera) (Eric Martinez)

Committee Review:

Bicycle & Trail Advisory Committee (approved)	06/18/14
Public Works Committee (no quorum)	06/23/14
City Council (scheduled)	07/09/14

Fiscal Impact – No

18. Request for Approval of a Resolution Amending the Administrative Procedures for the Santa Fe Homes Program ("SFHP") to Make SFHP Requirements Applicable to Condominium Units; to Remove the Sunset Date from the Fractional Fee Schedule and to Make Other Changes to the SFHP Administrative Procedures as are Necessary. (Councilor Ives) (Alexandra Ladd)

Committee Review:

Public Works Committee (no quorum)	06/23/14
City Council (scheduled)	07/09/14

Fiscal Impact – No

19. Request for Approval of a Resolution Directing Staff to Explore the Options for Establishing a Program Whereby Retired and Refurbished City Computers Will be Available for Donation to Indigent Children and Youth. (Councilor Rivera) (Lisa Martinez)

Committee Review:

City Council (scheduled)	07/09/14
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Fiscal Impact – No



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JUNE 30, 2014 – 5:00 P.M.

END OF CONSENT AGENDA

DISCUSSION

20. Presentation and Approval of Project Study Report for the River Trail Underpass at St. Francis Drive/West Alameda Street. (Eric Martinez)
21. Report on Audit Committee Accomplishments. (Liza Kerr)
 - A. Lodgers' Tax Audit Report
22. OTHER FINANCIAL INFORMATION:
 - A. 2014 Finance Committee Meetings/Discussion Topics. (Marcos Tapia)
23. MATTERS FROM THE COMMITTEE
24. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date.

SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, June 30, 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 – JUNE 16, 2014	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF A RESOLUTION ENDORING THE CITY OF SANTA FE'S PARTNERSHIP WITH GLOBAL RUNNING CULTURE IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED WITH THE SANTA FE HALF MARATHON, ON SEPTEMBER 14, 2014	Approved	4-6
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012 GENERAL OBLIGATION BOND (GO) PARKS AND TRAILS IMPLEMENTATION PLAN, TO REALLOCATE W MILLION DOLLARS CURRENTLY DESIGNATED FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS/WEST ALAMEDA, LESS CERTAIN COSTS ALREADY INCURRED, TO BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS	Denied	6-19
PRESENTATION AND APPROVAL OF PROJECT STUDY REPORT FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS DRIVE/WEST ALAMEDA STREET	No action	19

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REPORT ON AUDIT COMMITTEE		
ACCOMPLISHMENTS	Information/discussion	19-22
LODGERS' TAX AUDIT REPORT	Information/discussion	19-22
OTHER FINANCIAL INFORMATION		
2014 FINANCE COMMITTEE MEETINGS/ DISCUSSION TOPICS	Information/discussion	22-23
MATTERS FROM THE COMMITTEE	Information/discussion	23
ADJOURN		24

**SUMMARY OF ACTION
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**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Monday, June 30, 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, June 30, 2014, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Carmichael A. Dominguez, Chair
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera'

MEMBERS EXCUSED:

Councilor Ronald S. Trujillo
Councilor Signe I. Lindell

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

Chair Dominguez extended his condolences to Marcos Tapia who lost his mother last week.

Councilor Maestas said Item #13 was for information only. He said he believes this was approved by the City Manager and the work already has been done.

Mr. Tapia said it is just for the amount in the change order and it is for information only.

Councilor Maestas asked to be added as a cosponsor on Item #19.

Chair Dominguez said he would like to move Item #17 from the Consent Agenda to the Discussion Agenda to be heard with Item #20.

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to approve the agenda, as amended.

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

4. APPROVAL OF CONSENT AGENDA

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

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

CONSENT AGENDA

- 6. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MECHANICAL REFRIGERATION SERVICES FOR ICE ARENA AT GENOVEVA CHAVEZ COMMUNITY CENTER (RFP 14/34/P); YEAROUT SERVICE, LLC. (IVIE VIGIL)**
- 7. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – PRINTING, ADVERTISING AND DISTRIBUTION OF SANTA FE TRAVEL PLANNER THROUGHOUT THE UNITED STATES, CANADA AND MEXICO FOR SANTA FE COMMUNITY CONVENTION CENTER; BELLA MEDIA, LLC. (RANDY RANDALL)**
- 8. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONDUCT PRE-PLACEMENT PHYSICALS AND/OR MEDICAL EXAMS FOR CANDIDATES SELECTED FOR POSITIONS WITHIN THE CITY OF SANTA FE (RFP #14/27/P); JOSHUA BROWN, M.C. ; IMS PRACTICE MANAGEMENT GROUP, LLC. (SANDRA PEREZ)**
- 9. REQUEST FOR APPROVAL OF GRANT AWARD AND STATE OF NEW MEXICO GOVERNMENTAL SERVICE AGREEMENT – ELEVEN (11) FULL-TIME TEMPORARY POSITIONS FOR ATALAYA WILDLAND FIRE SUPPRESSION HANDCREW; YOUTH CONSERVATION CORPS COMMISSION. (PORFIRIO CHAVARRIA)**
- 10. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – YOUTHWORKS WORKFORCE INNOVATION PROGRAM; YOUTHWORKS. (KATE NOBLE)**

11. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FY 2014/2015 HUD'S SHELTER PLUS CARE GRANT PROGRAM. (ALEXANDRA LADD)
 - A. SANTA FE COMMUNITY HOUSING TRUST
 - B. THE LIFE LINK/LA LUZ
12. REQUEST FOR APPROVAL PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENTS – HOMEOWNERSHIP SUPPORT PROGRAMS (RFP #14/44/P). (ALEXANDRA LADD)
 - A. THE SANTA FE COMMUNITY HOUSING TRUST
 - B. HOMEWISE, INC.
13. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – SOUTHWEST EFFLUENT WATER LINE PROJECT – CHANGE BORE DIAMETER ACROSS FROM NM 599 TO SERVE SWAN PARK; RMCI, INC. (BRYAN ROMERO)
14. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING THE PROVISIONS REGARDING ENGAGING IN A CALL WHILE DRIVING AND TEXTING WHILE DRIVING; AND AMENDING THE TRAFFIC VIOLATION PENALTY SCHEDULE TO DOUBLE THE PENALTY ASSESSMENT FOR USING A MOBILE COMMUNICATION DEVICE WHILE DRIVING AND TO TRIPLE THE PENALTY ASSESSMENT FOR USING A MOBILE COMMUNICATION DEVICE WHILE DRIVING IN A SCHOOL ZONE (MAYOR GONZALES, COUNCILORS DIMAS AND IVES). (NOAH BERKE)
Committee Review: Public Safety Committee (approved) 06/17/14; City Council (request for hearing 07/09/14; and City Council (public hearing) -08/13/14. Fiscal Impact – Yes
15. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY FOR OFFERING A REDUCED RATE FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER BY LOCAL SANTA FE RESIDENTS. (COUNCILOR RIVER). (RANDY RANDALL) Committee Review: Public Works Committee (no quorum) 06/23/14; and City Council (scheduled) -07/09/14. Fiscal Impact – No
16. *[Removed for discussion by Councilor Rivera]*
17. *[This item was removed at the request of the Chair to the Discussion Agenda to be heard with Item #20]*
18. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM ("SFHP") TO MAKE SFHP REQUIREMENTS APPLICABLE TO CONDOMINIUM UNITS; TO REMOVE THE SUNSET DATE FROM THE FRACTIONAL FEE SCHEDULE AND TO MAKE OTHER CHANGES TO THE SFHP ADMINISTRATIVE PROCEDURES AS ARE NECESSARY (COUNCILOR IVES). ALEXANDRA LADD. Committee Review: Public Works Committee (no quorum) 06/23/14; and City Council (scheduled) -07/09/14. Fiscal Impact – No.

19. REQUEST FOR APPROVAL OF A RESOLUTION NO. DIRECTING STAFF TO EXPLORE THE OPTIONS FOR ESTABLISHING A PROGRAM WHEREBY RETIRED AND REFURBISHED CITY COMPUTERS WILL BE AVAILABLE FOR DONATION TO INDIGENT CHILDREN AND YOUTH (COUNCILOR RIVERA AND COUNCILOR MAESTAS). (LISA MARTINEZ) Committee Review: City Council (scheduled) -07/09/14. Fiscal Impact – No.
20. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – PRINTING AND MAILING SERVICES FOR UTILITY BILLING DIVISION; INFOSEND, INC. (NICK SCHIAVO)

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MINUTES – JUNE 16, 2014

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve the minutes of the Regular Finance Committee Meeting of June 16, 2014, as presented.

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

CONSENT CALENDAR DISCUSSION

16. REQUEST FOR APPROVAL OF A RESOLUTION ENDORSING THE CITY OF SANTA FE'S PARTNERSHIP WITH GLOBAL RUNNING CULTURE IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED WITH THE SANTA FE HALF MARATHON, ON SEPTEMBER 14, 2014 (COUNCILOR LINDELL). (JON BULTHUIS) Committee Review: Public Works Committee (no quorum) 06/23/14; and City Council (scheduled) -07/09/14. Fiscal Impact – Yes

Councilor Rivera asked how this partnership will work.

Mr. Bulthuis said this is an issue brought forward by Councilor Lindell asking the City to participate in providing the shuttle buses required by the Santa Fe Half Marathon. He said to ensure we are complying with the Federal Transit requirements this bid was put out to private charter operators to see if they can meet the need. And if they can, they can work directly with Global Running Culture. However, if they can't, or there are no respondents, the City can offer its shuttle buses as well as assess a fee for that work.

Councilor Rivera said, then you would charge them a fee.

Mr. Bulthuis said yes, noting this is a new direction being taken by the City Manager with all special requests, so you likely will be seeing more of this moving forward.

Councilor Rivera said he assumes if they contract with the City, the City would use its own equipment, and we would not lend any equipment out.

Mr. Bulthuis said this is correct, and the City would then bill them an hourly rate.

Councilor Rivera when this is scheduled.

Mr. Bulthuis said the event is in mid-September, so we have time to issue the notice for prospective private bidders and to make arrangements to schedule City staff.

Responding to Councilor Rivera, Mr. Bulthuis said the City posts the notice, noting that is our responsibility when a request comes to the City so that private operators have the opportunity to compete for the work. He reiterated if there is no response or they can't meet the demand, then the City can fill that gap. He said the City manages the bidding, and when we get those numbers, we pass it to the private party working with the City on this.

Councilor Rivera asked the reason this is our responsibility.

Mr. Bulthuis said it is part of the charter requirements under the Federal Transit Administration..

Responding to Councilor Rivera, Mr. Bulthuis said the notice is put out for 30 days, and we would begin negotiations at that point, depending on the responses.

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

DISCUSSION: Chair Dominguez asked if Global Running Culture is a 501(c)(3) organization.

Mr. Bulthuis said he is unsure, but said, "That would be my guess."

Chair Dominguez asked if we subsidize funds for this event.

Mr. Tapia said no. He said this is the half marathon that is in conjunction with Buffalo Thunder that runs from Ft. Marcy to Buffalo Thunder, and Buffalo Thunder is the main sponsor.

Chair Dominguez asked if Buffalo Thunder could provide transportation.

Mr. Tapia said no, they don't have the capacity to move that many people from Santa Fe to Buffalo Thunder. They register at Buffalo Thunder and then are given a ride back to Santa Fe. They then run in the half marathon, and their vehicles are at Buffalo Thunder at the end of the race. He said it is a huge national and international event.

Councilor Rivera asked if we have done this in the past for this event.

Mr. Bulthuis said no, this would be the first time City units would be used.

Councilor Rivera asked if they used contract services in the past.

Mr. Bulthuis said he doesn't know, but they did approach Councilor Lindell asking for the City's assistance this year.

Mr. Tapia said he doesn't know who they've used in the past, but he can get that information.

Chair Dominguez asked if this is being operated out of Recreation.

Mr. Tapia said, "No, they went directly to Councilor Lindell, and not through the Recreation Department, which makes sense."

Councilor Rivera asked if there a way to show that the amount of people that are coming into Santa Fe versus the cost for transit will balance itself out.

Mr. Bulthuis said, "The direction provided to me is that they will pay the cost, so they'll underwrite the costs for this, whether the service is provided by a private charter operator or the City participates. It is a net gain of zero for the City, but we're just charging our direct costs to them in order to support the event. There will be no fiscal impact to the City. As things are currently stated, it would be a wash, we would charge our direct costs."

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

17. **REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012 GENERAL OBLIGATION BOND (GO) PARKS AND TRAILS IMPLEMENTATION PLAN, TO REALLOCATE W MILLION DOLLARS CURRENTLY DESIGNATED FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS/WEST ALAMEDA, LESS CERTAIN COSTS ALREADY INCURRED, TO BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS. (COUNCILORS BUSHEE, LINDELL, DIMAS, IVES, DOMINGUEZ AND RIVERA). (ERIC MARTINEZ) Committee Review: Bicycle & Trail Advisory Committee (approved) 06/18/14; Public Works Committee (no quorum) 06/23/14; and City Council (scheduled) -07/09/14. Fiscal Impact – No**

Items #17 and #20 were combined for purposes of presentation and discussion

A copy of *Santa Fe River Trail Crossing Underpass Evaluation Project* dated June 30, 2014, prepared by Parsons Brinckerhoff is incorporated herewith to these minutes as Exhibit "1."

Remarks by former Councilor Calvert

Chair Dominguez noted this is not a public hearing, but said he would like former Councilor Calvert to provide a history on this project.

Former Councilor Calvert said, "I know at least two of you weren't here when this bond was decided on in 2011. It went to the voters in 2012, but the decisions that the Council made to put it on the ballot were made in 2011. And there were amounts specified and there were projects specified. And the Council, at a Council meeting, voted on what the proceeds, in particular there were four different bond measures, and if they were successful, what they would go to fund. And that was in an attachment to that Bond Resolution that was passed by the Council."

Former Councilor Calvert continued, "Now, I know that specific language was not on the ballot, but it was on information that the City provided to voters, in terms of what would be funded. And the reason I bring that up, is because one of those items is the item referenced in your Agenda Item #17. The underpass at St. Francis and Alameda was specifically mentioned to the voters, not on the ballot, but in literature and in our Resolution in an attachment what would be funded."

Former Councilor Calvert continued, "I think you need to think hard and seriously about reallocation of things that you have told the voters you are going to spend it on. Because everything else in that bond election is going to what was advertised it was going to go for. There was a discussion, and I understand that the sponsor of this Resolution didn't vote for that at the Council meeting when we decided that. But, the sponsor had a \$6 million proposal that would have used all of that money. But we opted to say we'll spend \$4 million on the plan that was presented and \$2 million on this specific project. And I understand that Councilors change, and allocations change, and things can be moved around, and that's all fine and good. Except, between when it was voted on and now, between when we decided on it as a Council and now that it is being reallocated, there was a vote of the people. And I think you've gotten a legal opinion that you can do this, but just because you have a legal opinion doesn't mean it's the right thing to do. Our legal system dispenses legal decisions. It doesn't always dispense fairness or justice. And in this case, I think your contract with the voter is more important than a legal opinion saying that you can do this."

Former Councilor Calvert continued, "Now, you may still want to do that after you hear the presentation, but the reason I contacted Councilor Dominguez is because the way this was originally set up, you had a Consent Agenda item that would decide this. And then you would get the presentation by staff on the status of this project from which you are moving the money. And, if that whole process played out, this would go to Council, probably stay on consent, and the voters and the public would never have a say in this. I don't think there's a big urgency to move this money. I think you should really think long and hard before you do that, and you should at least have some public input into doing this if you still decide to do it, because it was decided by a vote of the public. If this had been an administrative decision

that the Council had made, and a subsequent Council wanted to change it, that's fine. I understand how that works, but when this was put to the voters, I think that sort of trumps a lot of other things and needs to be taken into account."

Former Councilor Calvert continued, "We just passed a Charter amendment that said when we go out to the voters, we're going to be as specific and exact as we can on what the money is going to go for. And before I left the Council, I passed the Ordinance, or I sponsored.... the Council passed the Ordinance, I sponsored an Ordinance that was the enabling legislation for that Charter amendment. So I think, even though that may not apply to a previous bond amendment, I think it's the spirit of transparency that I hear the Council that I was on, and this Council, speak about all the time, that you should be open and transparent about the people's business. And I think if you move this money, at the very least, no public process, then I think you're just giving lip service to transparency and perhaps... I don't know if it rises to the level of hypocrisy. I don't want to be too harsh, but I do think this is a very important and why I asked Councilor Dominguez for the opportunity to speak. So, thank you very much."

Chair Dominguez said, "Thank you Councilor Calvert. Certainly your words will be taken into consideration and we'll have some discussion I think, about this, after the presentation. So why don't you go ahead and proceed with the presentation."

Presentation by Parsons Brinckerhoff

Brian Drypolcher introduced David Pennington, Jim Buckman and Paul Stephan, of Parson Brinckerhoff. He said Paul Stephan will be walking you through a summary of the report, noting the report isn't finalized at this point. He said they wanted to see how the Council Resolution might move through the process.

Paul Stephan, Project Engineer, presented information from Exhibit "1." Please see Exhibit "1 " for specifics of this presentation.

The Committee commented and asked questions as follows:

- Councilor Maestas asked the full scope of the contract, and if there is any permitting, environmental design and such.

Mr. Stephan said they have conducted a preliminary analysis if they were to choose to move forward with this alternative, noting they currently are contracted through final design of the project, and there would be environmental services as well as some additional non-engineering.

- Councilor Maestas asked the estimate of the cost of the full scope of services through final design.

Mr. Stephan said they are contracted for about \$400,000.

- Councilor Maestas asked what has been expended to date,
Mr. Stephan said \$90,000 for the alternative evaluation.
- Chair Dominguez asked if the \$90,000 came from bond monies.
Mr. Drypolcher said, yes, it is bond monies that have been obligated, some paid and some obligated to date.
- Councilor Rivera noted there was an ENN in January 2014 to bring the process up. He asked how many ENN's there have been prior to that, and what was the turnout.
Mr. Stephan said this was the first meeting they had, noting the meeting originally was scheduled in December, but was canceled because of a snow event the day of the meeting, so there were two notifications.
- Councilor Rivera asked Mr. Drypolcher if there were meetings prior to this ENN.
Mr. Drypolcher said he doesn't know the number or nature of the meetings, but a study is cited in the report that was a preliminary, another kind of look at options, north option, south option and over/under. There was a public component to that. He said this is a restart of the process, and so far has been only the one ENN meeting, but if they go forward there will be another meeting with presentations to the public to update and get more input from the public to move forward with the design.
- Councilor Rivera asked if he knows how many neighbors were involved in the overall discussions about the different options which could be available, and how many meetings that were held.
Mr. Drypolcher said he doesn't know, but he can research that information, noting he wasn't with the City at the time.
- Councilor Rivera said Councilor Calvert said some information was sent to the voters in 2012 was specific to this location, intersection to do a crossing. He asked if that information is available, or if they can get that information.
Mr. Drypolcher said although it isn't available tonight, that information is readily available, and is in the form of exhibits and attachments to the Resolution adopted at that time. The Resolutions included the language for the bond issue and referenced exhibits. He said in those exhibits, for the various bond questions which included other categories such as Public Safety, in this category it did specifically name \$2 million for an underpass at this location.
- Councilor Rivera asked if it was specific to this location and Mr. Drypolcher said this is correct.

- Councilor Dominguez said the presentation talked about "study objectives identifying preferred underpass alternatives. He asked if this was specific to just this project and didn't include the Acequia Trail.

Mr. Drypolcher said this is correct.

- Chair Dominguez said Mr. Stephan said during the public meetings, concerns were expressed regarding the priority of the project relative to other proposed projects. He asked for specifics in this regard.

Mr. Drypolcher said they did review the record. He said the purpose of the meeting was to bring information about the development of an underpass. He said the Council already has tasked staff to move forward with this project. He said this particular project and the Bikeways Master Plan is listed as a Phase 2 or later phase priority. He thinks people were referencing this, and this isn't listed in sort of the first tier. There were questions about the progress about the other priorities versus this one.

- Chair Dominguez asked if this was articulated during these meetings.

Mr. Drypolcher said that type of question was articulated during this meeting.

- Chair Dominguez said, "As far as I know, and as far as I understand, the sponsor's intent was to move money from this project to the Acequia Trail crossing. At least that's the way I understand it. I know you have lots of data and have had lots of meetings about the costs and gone through a public process for each project. Just give me, real quickly, what are the numbers in terms of potential construction for the underpass, with the sunlight, at the Acequia Trail."

Erik Martinez said the Acequia Trail crossing is funded through final design, and isn't funded for construction. He said the estimated construction cost to be \$3.5 million. He said staff actively is submitting applications for federal funding. It was included on this year's CIP list, but didn't make it through the final approval. He asked, "Did that fully answer your question."

- Chair Dominguez said yes. He asked if there is a single priority list, and if so, where do these two projects sit relative to one another on that list.

Mr. Martinez said, "Basically the bond, the way it was approved by Council, reflected the MPO's Bicycle Master Plan, which does have a set of priorities. They're called Phase A, would be the first priority, Phase B would be the next, and then Phase C. I believe the Acequia Trail and the River Trail Crossing are both in Phase B of the MPO's Bicycle Master Plan."

- Chair Dominguez asked if it is the intent of the sponsor to move this money from this project to the Acequia, noting it is still \$1.5 million short in construction costs – a little more, because some has been spent for work on the River Crossing.

Mr. Martinez said if we were to stop here on this project, \$1.9 million would be available to spend, so they would need another \$1.6 million to fully fund the project.

Melissa Byers said, "I would like to clarify that the Sponsor's intent is to move the \$2 million to Bicycle Pedestrian Trails and related safety and infrastructure projects, not specific to the Acequia trail, the way the Resolution is drafted. It went to BTAC last week, and BTAC would recommend projects for the Governing Body's consideration so the Governing Body would have the final approval of the projects that the balance, the \$1.9 million, would cover. Judy is here to answer legal questions."

- Chair Dominguez said he has questions for Judith Amer. He said, "If I understand the emails that Kelley sent to me with regard to how we can spend bond money, it sounds to me as if the bond money can be spent elsewhere else, but it has to be project specific. In other words, it can't be just broad in general the way the Resolution is written. Can you clarify that for me."

Judith Amer, Assistant City Attorney, said, "I have not read the email Ms. Brennan emailed to you. But that being said, I did speak with bond counsel. And I have reviewed the Attorney General's opinion, and bond counsel and the City Attorney's Office agree that the bond proceeds can be used on projects that fit within the language of what the voters voted on. So you have to look to the voters, the question that was actually voted upon. And, in this particular case, it was fairly broad language. I can't remember how many million, but it said for parks and trails projects. So as long as it's spent within that very broad language that the voters voted on, you are legally spending the money. There are other considerations, as Councilor Calvert brought up."

- Chair Dominguez asked if the related safety and infrastructure projects were part of the approved legislation.

Ms. Amer said, "Apparently, according to what Melissa just told me, was that on the ballot, it was \$14 million of G.O. bonds to acquire land for and to plan, design, built, equip, renovate and improve public parks, bike pedestrian trails and related infrastructure. So it seems like all of the words are the same except for the word safety."

- Chair Dominguez asked Ms. Byers if she knows the reason the word "safety" is included.

Ms. Byers said when this went to BTAC last week, they were concerned about the train accidents, pedestrian accidents with the train. And so they wanted to consider, as part of this reallocation, to do some safety improvements at the tracks where there were crossing where pedestrians needed to walk or ride their bicycles..

- Chair Dominguez asked if this means we can't spend any money on safety, or we can.

Ms. Amer said, "Apparently, the voters voted on related infrastructure, and that means infrastructure related to bike trails and public parks. So I would say that if safety were related to the bike trail purposes, that would be what I would related infrastructure, but it would have to be related to the bike trail purpose."

- Councilor Maestas said, "I'm getting a little uneasy about this, only because we're talking about a project that has been master planned, has been voted upon by the voters, although it may not have been as explicit in that 2012 bond issue. And we're talking about pulling the plug on a project that is just beginning, whose public involvement process we've already initiated. And we're considering reprogramming the balance for projects that have not been determined. In other words, projects that have not gone through any kind of planning or vetting process. And so I'm concerned about that, the lack of planning in this proposed action I'm concerned about, the sunk cost or costs already borne to date on this project."
- Councilor Maestas continued, "And so I think we should talk about this project first and the impact on it. For example, are we prepared to at least to take this through final design, or is the action to basically stop it cold right where we are and reallocate the money and terminate this design contract. Is that one of the consequences of this Resolution."

Mr. Martinez said, "Essentially, as the Resolution is written, you could either terminate it at this point, or you could amend the contract, direct staff to amend the contract to look at at-grade improvements or other improvements of the trail system. The way the Resolution is written, it is a bit of a two-step process. It's first saying, let's reallocate the money, and then let's look at projects some time later to figure out where we want to move the money towards, so that's how I interpret the Resolution as taking it in two steps, rather than in one step altogether."

- Councilor Maestas said we're talking about trying to fund other projects which are estimated to cost even more. And based on the consultant's estimate it already exceeds the allocated funding by a half million, if we forego this project, those costs will escalate. He said right now, he is uncomfortable with this proposal. He said, "I just want to restate it's been properly planned. We initiated public involvement, contracted with a consultant to take us through final design. I realize there is a lot of concern out there by some of the biking community about the safety of cyclists and perhaps there are other ways we can correct those crossings using DOT money, because that's the origin of funding for our railroad crossing. So I'm concerned about that Mr. Chairman."
- Councilor Maestas continued, "And then I know there was a lot of discussion about tying this funding to the proposed CIP for this year, and I don't know what impact, if any, that will have on the CIP for 2014, but at this point, I'm uncomfortable simply pulling the plug on a project that's been properly planned and vetted, that's supporting with enabling contemporary legislation that his Governing Body has passed. So I don't think I could support this Resolution at this point."
- Chair Dominguez said there are other options. We can ask for a public hearing at Public Works.

- Councilor Maestas said his preference would be to honor all the work done on this project, and see it through final design. He doesn't know how soon a decision has to be made on construction. He asked Mr. Martinez when the final design will be done, and would like a more accurate cost estimate.

Mr. Stephan said they estimate it will take about 6 months to final design and to complete the public involvement required to get there.

Councilor Maestas said if there is no support to pay for construction, then let's do as this Resolution requests. He reiterated the project has been properly planned and he doesn't like moving money around for projects yet to be determined. He said even if BTAC were to identify and prioritize projects in its own system, he doesn't know how these yet to be determined projects will stack up against this project. He said this course of action is shaky at best. He said it isn't a wise use of taxpayer funds to simply pull the plug on the project which probably would kill it – this Resolution is basically asking to kill this project. He said he followed the public involvement and there were great concerns and great ideas from the public, and he hates to throw that away.

Councilor Maestas continued, "We wonder why people don't participate in our public involvement process, and this is one of the reasons why they don't, because we go through the whole process, and then for some other reason we basically undermine the entire process followed to date. I think it alienates our public, and this is going to make them feel jaded and that their input simply is really not material to the project, that anything can change, and so their feedback is not really valued and considered. I just don't see any up-side in this."

- Councilor Maestas continued, "I would be willing to consider this if we can identify these other projects to be considered, and if we can somehow evaluate them alongside this proposed River Crossing project, this Trail Crossing, then maybe I would entertain that. But until we get to that point, if we do, I don't see any advantages to the proposed action."
- Councilor Rivera said, based on what he heard from Councilor Calvert as well as from staff, he is concerned about the message, whether directly or indirectly, sent to the voters in 2012. He said if we sent this to the voters with non-specific goals, and followed up with literature and propaganda specific to projects, then we indirectly requested money for those specific projects. He doesn't like the idea that we somehow misled the voters that way, and they still deserve to be heard in this process.

MOTION: Councilor Rivera moved to move this item forward to the Public Works Committee for a public hearing, with direction to staff to provide copies of the literature sent out previously, what was published in the papers, and what was in handouts or mail-outs, so it will be available for the public hearing. **THE MOTION DIED FOR LACK OF A SECOND.**

- Chair Dominguez said he was part of the Governing Body when this was put on the ballot, and there was lots of debate about whether we should spend money on all these items which BTAC came up with versus this particular project, so there has been a lot of vetting on the alternative

proposed in the Resolution and the proposed project on the table. He said, "I would have liked to have seen some of the discussion that did happen at BTAC, because maybe there are some urgent safety issues with the Rail Runner, that maybe we can use some of this money for, without killing this project as well. I think that looking at it more holistically would be better, because on my list of priorities, safety is definitely one of those things, especially in light of the accidents that we've had along the Rail Runner. I think those should be part of our priorities. However, where that money comes from is really what is up for debate."

- Councilor Maestas said he understands the gravity of the situation in having two deaths within a matter of months along the Rail Runner tracks. However, he doesn't think we should be reactive and use this project as a means to be reactive. He said, "This was a properly planned project and it's substantial. I think maybe if we were talking about half million dollars, we could probably reprogram that for miscellaneous safety projects to address bicycle crossings at the Railroad crossings. But this is a two million plus project."
- Councilor Maestas continued, "I would just request that we all just show some caution and not over-react to the situation. But I think there is concern on the part of the bicycling community. I would like them to be heard, but not just heard if they want to come to the table and identify projects that could compete, then I urge them to do so, and bring those projects. And I would like staff to prioritize those projects and see if we can objectively compare those projects relative to this proposed crossing project. And perhaps we can come up with some safety criteria to do that as well."

Councilor Maestas continued, "But again, if we have a series of projects, I don't know how they are going to stack up with one big project. I have to see these other projects, Mr. Chairman, before I would consider this action. And I don't know about the timing. How long do you think, Erik, would it take for BTAC to come up with some projects, and I assume staff will help them. Not just identify them, I don't know how much planning you can do. These may be conceptual projects, then we're going to have to put some money into these projects and get some planning and construction estimates. I think to really bring these projects forward, we're going to have to budget some funds to get these, because I don't want to talk alternative conceptual safety projects with a project that's already gone through preliminary design, well not quite preliminary design, but at least alternative analysis. And so I don't want to slow this project down. I think we ought to continue this project. I would like to table this Resolution until we can get these BTAC projects identified and see if there is a way if we can objectively evaluate them and compare them to this proposed projects."

MOTION: Councilor Maestas moved to table this Resolution until we can get these BTAC projects identified. **THE MOTION DIED FOR LACK OF A SECOND.**

- Councilor Rivera said, "If we table it, we are, in essence stopping the project, correct."
- Councilor Maestas said no.

- Chair Dominguez said, “If we table it, it is indefinite. We need to postpone it, with direction to staff to bring us a list from BTAC, however long that takes. I don’t know if you have some of it ready, if they’re done with a process.”

Mr. Martinez said, “What BTAC has relied on before is the MPO’s Phase A list of projects, so I would venture to say that would be their starting point. I know BTAC was approached by some constituents on other requests, and where those fall on the list, I’m not sure. They may have a starting point. I don’t know. They talked about a few different things. There would be, kind of a moment of uncertainty as far as this project goes, because we would likely not take any action until this is resolved and it would be an uncertain project if the monies were to be reallocated.”

- Chair Dominguez asked if we can postpone it to the next meeting and get some information by then from BTAC.

Mr. Martinez said we could ask BTAC to provide some input at their next meeting.

- Chair Dominguez said, “At least the discussion they had last week.”
- Councilor Rivera said, “Since the safety precautions around the Rail Runner are fairly new, I think, in light of the two pedestrians that were hit, I imagine there’s probably not much in the MPO addressing that. Would BTAC have specific ideas or recommendations around that.”

Mr. Martinez said they did talk about it quite a bit. He said one of the ideas was providing gates on all the trail crossings, additional markings and signs. He said they met with the DOT and with Rio Metro on Friday, and they proposed to the City that the City request, through the MPO, to allocate the Section 130 funds for rail crossings, to provide additional gate arms at the trail crossings. He said they were amenable to that and moving forward with it based on the City’s request. He said other things such as signs and markings are relatively cheap. He said there is a budget to do that. He said, “So as far as their impact to the \$1.9 million being discussed today, it’s probably minimal.”

- Councilor Rivera asked if the State has any responsibility here to provide safety measures along the Rail Trail, or are they just pushing that off to the City to figure out.

Mr. Martinez said, “It seems to me, the way they are approaching the situation, was asking the City to make the request, and based on the City’s request they could move forward with some improvements, such as gate arms at those crossings. And that would be something, what I interpret, as they would be taking the lead on it and not leaving it up to us, but they would be using federal funds to make those improvements and not City funds.”

- Councilor Maestas said, “These railroad design systems are sanctioned, correct Erik. I mean, we can’t go in there and come up with our own design, because I think that would present some legal risk to the City. And I really think it’s under the purview of the U.S. Department of Transportation and the NMDOT, and perhaps the Federal Railroad Administration. For these crossing systems, if there’s any variation or any kind of supplemental system for pedestrians and bicyclists that cross a

railroad, those systems, I think, would have to be sanctioned and really have to be approved. Is that correct Erik."

Mr. Martinez said, "That's pretty much the way I understand it, that's basically under their purview, any kind of system change or equipment, or additions of equipment would be under their purview and under their administration. It seemed to me they were open to the idea of doing that based on the City's request and move forward with some improvements at those existing crossings. But yes, even if the City were tasked to do it, they would have purview and we would have to seek their approval. Largely it's NMDOT Railroad staff and the Rio Metro. I'm sure they probably have agreements in place with the Federal Railroad and others."

- Councilor Maestas asked Mr. Martinez what would be the down side to continuing the design project, pending the identification of other projects by BTAC.

Mr. Martinez the down side in continuing is that we would be expending money without any certainty of what the end product and/or result will be. He said, for example, if we get through preliminary design and then the plug is pulled, that leaves money for other things that it could be used for.

- Councilor Maestas asked, regarding the current contract, if we can suspend the project without violating any part of the current contract with the consultant, and if there is a reasonable time limit to a stoppage until we can resolve what to do with this \$2 million.

Mr. Martinez said, "I could say, I'm sure our consultants could ask them if they would be amenable to a stoppage of the clock. I'm sure, contractually, we can likely do that, as well as amending it or terminating it, but I would say a clock stoppage would probably be okay. We would just have to redevelop a schedule based on the actions that may take place going forward."

- Councilor Maestas said, at a minimum, he believes we should postpone this project until we can identify these other projects that would be built in lieu of this one, saying, "That would be my preference."
- Chair Dominguez said we can postpone it to a date certain, or we can certainly table it. He said, "It's up to the Committee. Tabling it is a little less certain that postponing it, so it's up to the Committee."
- Councilor Maestas said he still doesn't know the objectives of the other projects which would be funded in lieu of this one. He said we've already talked about the urgency with regard to better crossing safety for pedestrians and cyclists. He is confident that the NMDOT, in coordination with the feds and the City will fund and develop some appropriate safety systems. He said, "I don't think it enters into this issue here. I believe that issue will be taken care of quickly. And so, the sense of urgency is lost right now. Now, it's a matter of priorities. Our priorities are shifting, but I

don't know where they're shifting. I don't know what's the objectives of these projects that would be funded in lieu of this one. And so I would even like to see that. I would like to see what is this project not providing to us that these others can in the way of priorities. I know you mentioned safety, but specifically what. What safety."

- Chair Dominguez said, "We need some information on what bicycle pedestrian trails and related safety and infrastructure projects are, and at the very least we should be able to ask for that."
- Councilor Maestas said there is an inherent advantage. We can also fund a lot of small projects in lieu of a big one. He said we are talking about real priorities and proper planning. He said, "This project, the River Trail Crossing Project, has gone through all the proper steps. And I don't see a justification to randomly program and fund other projects that have gone through no planning, no public involvement, no prioritization, no goal setting. And that's my concern, Mr. Chairman."

Chair Dominguez noted Councilor Maestas' failed motion was to table, and asked if he would like to make a motion to postpone to a date certain.

- Councilor Maestas said, "I want some objective behind the postponement, and I would like consensus from the Committee, in terms of what you would like to see the next time we revisit this project."
- Chair Dominguez agreed. He said, "I think we should have what is articulated in the Resolution. I guess what was debated, at least, during the time we put the bond forward. I think that may be a good start."
- Councilor Maestas said, "Actually, I'm going to change my tune. I think any projects that are going to be considered ought to go through the same process. Are these projects consistent with the comprehensive plan. Has there been at least one public meeting to hear from the public about these projects that would be funded in lieu of the Santa Fe River Trail Crossing. I think we ought to hold these projects to same standards that the Santa Fe River Trail Crossing has already gone through, Mr. Chairman, if we are to honor and uphold our own process, and respect the feedback already provided by the public on this Santa Fe River Trail Crossing project. So I know that could take some time, but why should we short-circuit and undermine our own processes for these other process. I think they ought to go through the same process."
- Councilor Maestas continued, "And so, what does this do to this current contract. Maybe that would be your challenge Erik, to come up with an analysis just to see how we can work with BTAC, identify the projects that would be funded in lieu of this one and try and identify what planning process would have to be done, analyze if it is consistent with the comprehensive plan, with our Trails Plan, can we have at least one public meeting about these projects. That would be my preference, Mr. Chairman. I see no reason why we should adopt some other process that is not our own for the other projects that we don't know anything about."

- Chair Dominguez asked Councilor Maestas if he would like to make a motion to deny this request. He said, "We've got to do something. We can postpone and give direction to staff for another two weeks, or whenever the next Finance Committee meeting is."
- Councilor Maestas said, "I just don't think this is ready. This is not ready for action."
- Chair Dominguez said, "Then we can postpone it indefinitely, we can table it. We can move to deny it."
- Councilor Maestas said he is prepared to do either.
- Chair Dominguez asked Mr. Martinez his thoughts.

Mr. Martinez said, "It seems the Committee is looking for a list of projects, and I guess that avenue, for comparison purposes, that avenue would be to postpone the current project and direct BTAC to assemble some recommendations to compare to this project, and what they're proposing to take its place. They could provide some public hearings through that process. You could give them through the next BTAC meeting in July, or the following BTAC meeting in August, or request that they just provide it by a deadline. And then we regroup, either as a Finance Committee, or through the Public Works Committee, and move forward with a decision meeting from there."

- Chair Dominguez noted the next meeting of the Finance Committee is on July 14, 2014, and will be the only meeting in July, so it could be postponed to August 4, 2014, and see what comes out of that. He asked if Councilor Calvert would like to speak.

Former Councilor Calvert said, "I tend to agree with Councilor Maestas. The public has weighed-in on this project, and haven't had a chance to... and in this whole process of the Resolution has had no public comment. But what I also want to say is, when we go out to bond, it is usually for items we can't handle in a normal budget, and sort of as a consequence, they're bigger projects. And that's why we do bond. It is for those bigger projects we can't fit into a normal budget. What I'm pretty sure of, is that these things BTAC is recommending, is part of the original \$6 million that they wanted funded under this bond project. But the compromise reached by the Council, and what we put out to the voters was we would fund for \$4 million of that, but we wanted to have \$2 million for the bigger project, because it wouldn't fit into normal funding."

Former Councilor Calvert continued, "What they want them shifted to, the nature of those are, yes, if you put in \$2 million you could do it right now, but you could get them built into a budget and get them done gradually over time, but the \$2 million project isn't of that nature. And not one of those things you will ever be able to fit into your budget. The reason you go out and bond for it, is you know this big budget requires that kind of funding. I just wanted to put it that way. I think what you'll see from BTAC is the remainder of the \$2 million that they didn't get approved for the ballot when they asked for it. But I also agree they haven't gone through the process of vetting like this project has and voter approval. So I think, to shift money from a voter approved project to something that has not been discussed publicly at all, I don't think is fair."

- Chair Dominguez agreed, noting we have had that discussion as a part of the Parks bond. He said, "I will say this. I haven't heard from lots of people about either project. The Acequia project has been around since I first got elected to the Governing Body, and it's kind of grown and morphed into these different things. Some people are for it, some against it, should it be more for bicyclists or pedestrians, should it be underground or over-ground, should we have a ramp leading to it. I don't want to say that District 3 residents don't care about either of these projects. I think District 3 residents would use one or the other. Transportation is a big thing for District 3 residents. And I bring that up only because I haven't heard a lot from my constituents, or constituents in general about either one of these projects, and quite frankly, I can't get a consensus from the public about whether or not the public likes one project over the other, unless you look at the vote that had taken place, via the ballot, that, I think in itself speaks to that it was voted on by the public. And that says something. I imagine that some of the monies that are part of Pedestrian Trails, related safety and infrastructure projects, could be spent in parts of District 3 like maybe an overpass over Airport Road, or an underpass under Airport Road, I don't know. So I'm trying to get, at least this piece either down the road or not. Honestly it means something to me, but based on input I have received from my constituents and others, there's going to be a better idea tomorrow. And that's my speech. So let's go ahead and decide."

MOTION: Councilor Maestas moved, seconded by Chair Dominguez, to deny the Resolution requested in #17.

DISCUSSION: Chair Dominguez said, "Keep in mind, if it dies now, because it didn't go to Public Works, it doesn't go to Council."

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

20. PRESENTATION AND APPROVAL OF PROJECT STUDY REPORT FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS DRIVE/WEST ALAMEDA STREET. (ERIC MARTINEZ)

No action was taken on this item.

21. REPORT ON AUDIT COMMITTEE ACCOMPLISHMENTS (LIZA KERR)

A. LODGERS' TAX AUDIT REPORT

Clark de Schweinitz, Chair, Audit Committee, presented highlights from the *2-13 Audit Committee Activities*, provided by the Audit Committee, which is in the Committee packet. Please see this document for specifics of this presentation.

Mr. Tapia said he met with the Audit Committee, and at their urging, the audit was submitted on time. He said the Audit Committee has been able to assist where he doesn't have staff, and offer another insight and another eye to look at things. He thanked the Audit Committee.

Lisa Kerr, Internal Auditor, introduced Lynette Kennard from Barraclough & Associates, to present the Lodger's Tax Report.

Lynette Kennard, CPA, Barraclough & Associates, presented the information on the Lodgers' Tax Report Executive Summary, and Applying Agreed-upon Procedures, which are in the Committee packet. Please see these documents for specifics of this presentation.

Mr. Tapia said once the Report is finalized, it will be reviewed by Finance and Zachary Shandler, Legal. Staff will be looking at that and assessing what needs to be done on the finance and legal side, in terms of getting payment or adjusting accounts. He said there are a few which paid too much, so we would adjust those. However, there were quite a few with under payments, which staff will review, and then move forward. He noted there has not been an audit of the Lodger's Tax in the past 3 years, which is completely funded by Lodger's Tax, so it's not as if we don't have a source of funding. He said this has to be an annual thing, and he believes they have received the message that "we are going to come out, and we are going to audit you and we are going to look at the books." He said, even before the Report is out, he was receiving excuses as to the reason payment wasn't made."

The Committee commented and asked questions as follows:

- Dominguez asked if it would be possible to get the totals.

Ms. Kennard said the report is finalized by her firm, and she doesn't know what other procedures are needed to get this information. She noted the totals are in the Executive Summary, noting there are agreed-upon procedures, so everything is in the report, including overpayments and under payments.

- Chair Dominguez said he wants to hear about Short Term Rentals, noting there is an underpayment of \$8,000, and it adds up. He asked what was the finding in Short Term Rentals that contributed to this – was it a City process.

Ms. Kennard said the entity kept no records, and had no records of income. She noted this is on page 6 of the packet in the bottom paragraph.

- Chair Dominguez asked the process of collections in short term rentals, and how that works.

Mr. Tapia said it is the same process as for the hotels – self-reporting. He said people are coming out and signing up with the City and reporting, noting there aren't always the best accounting methods for the Short Term Rentals. He is finding from the reports, that there are many people who are "doing it without reporting." He said there is a list in the Executive Summary of those companies which are advertising and indicating there is a Lodger's Tax, but aren't reporting it to the City."

- Councilor Maestas said, based on packet page 11, in the summary of conclusions, it seems that there is a predominance of exceptions. He said she is making some policy recommendations and he would hope that we would implement those, and develop a progressive discipline modification to the Ordinance. He said, "I think we should move on both these fronts. I don't know, Mr. Tapia, if we're going to wait until Legal has looked at this, but I would like to see some lessons learned policy recommendations. And the last thing I would say is that perhaps we should use the Business License issuance as leverage with Lodgers to emphasize the compliance with Lodger's Tax reporting, as well as the correct calculations and submittal of Lodger's Tax forms. What is your plan on the policy side."

Mr. Tapia said he met with Zachary Shandler, City Attorney's Office, and advised him this is coming up. He said through the whole process he has been looking at the findings, noting they have been very good at showing him some of the findings and some of the entities. There are two thoughts. One, there are companies out there that would take a percentage of the collections, and I think they're reasonable. One of the things I would like to see is that they go out there, and I've been solicited by some companies to go in and look for a lot of these that aren't reporting. And what they did is go on the internet and look at who was advertising that aren't paying Lodger's Tax. There's a whole bunch of them. That's one thing, because that's lost revenue. "So that's one thing I'd like to see. There are actually companies that will do that."

Mr. Tapia continued, "As far as policy, I've been trying to figure out if there is an easier simpler way. I have one guy that does this, that helped. Once in while I can get an enforcement officer to help out, but other than that, we don't have the staff to go out and check some of this. We check some of them, and that's just one guy that I have doing this, but luckily we have Legal. But the procures are pretty good, but I'll be honest with you, the fines and the penalties are not very severe. There's a slap on the hand for the most part. Late reporting, and stuff like this, I'll be honest with you, when I came here, I found one entity who would use us, because during the winter months not pay, and we were like an interest free loan. And then you'd see a pop-up in Lodger's Tax in May and June to catch up. And so that's what they do. But yes, there's policy changes that need to happen. I think we need some outside help right now the way it is, and I think we'll benefit from that. And then we have to do this audit on an annual basis."

- Councilor Maestas said he agrees, because he can't imagine this rate of exceptions is normal in any City, especially Santa Fe, so you think it's a lack of oversight on our part. And I think that's the take-away here, is that we have to be vigilant and stay on them. He isn't trying to make any implication on a lodger in general, but it is in our best interest to insure we are collecting everything due to the City.

Mr. Tapia said one of the directives coming down is that we have to show we're collecting everything we can before we go out for some of the increases which have been discussed on taxation. He said we need to look at what is in the private sector to assist us.

- Councilor Maestas asked Mr. Tapia how soon he can come back to the Committee, working with Legal to come up with ordinance modifications consistent with these recommendations. He suggested he consult with some of the lodgers that are innocent violators and see what kinds of capacity building, or courses or training would be beneficial to them, without being overly excessive.

Mr. Tapia said he can provide something preliminarily of where we are going and the conclusions that he has come to, in consultation with Mr. Shandler and David from the business office. He said they will pull in some of the good retailers and some of the others with small calculation errors to talk with them and ask what we can do better. He thinks he can provide something preliminary to start the discussion at the next Finance Committee meeting.

Ms. Kerr said an RFP is in process for the 2014, 2015, 2016 and 2017 Lodger's Tax Audit. She said all of the proposals have been submitted, and they are forming a committee to select a vendor. She said some of those vendors have suggested ways of approaching the short term Lodger's Tax issue, including contingency type of work. So they will be evaluating that, and to look for ways to improve the process, noting this is a great opportunity to do this.

Chair Dominguez there is direction to staff to provide the Committee with potential policies which can be adopted to help in this process. He asked if the State deals with repeat violators since the City has no policing power over them.

Mr. Tapia said, "If we want to go extremes, we can pull the business licenses, noting he would have to speak with Zach in Legal to check that. But, no the State won't take...."

Chair Dominguez said we don't have, for example, a definition of repeat offender, and Mr. Tapia said no.

22. OTHER FINANCIAL INFORMATION

A. 2014 FINANCE COMMITTEE MEETINGS/DISCUSSION TOPICS. (MARCOS TAPIA)

Chair Dominguez said he hasn't developed a potential agenda for the year. He plans to meet with Committee members and ask them for their recommendations. He said he won't be at the next Finance Committee meeting, but he wants to see the Agenda so he can get it approved for the acting chair for that meeting.

Mr. Tapia said he included property tax, and it will be put into the budget if that's what the Governing Body decides. He said moving forward, you need to have better information on certain things which affect the budget, starting in January or February.

Chair Dominguez said, "My goal is, in some sense, is to have budget hearings throughout the year, and some sort of process at the end of the fiscal year to get it formally approved and adopted. So that's what I'm going to be talking to Committee members about. I want to find out what kind of information they want to see, where they can get information or information in a different format, so I'll be talking to them about that, what their priorities are. We'll get to that here pretty soon."

23. 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 June 30, 2014, is incorporated herewith to these minutes as Exhibit "2."

Councilor Maestas said he had requested a policy on reserves, and we don't have a policy describing the establishment, amounts, conditions under which money would be transferred in and out. He said Mr. Tapia is working on this, and he would like a draft within a month. He spoke about how the reserves are managed at the BDD.

Mr. Tapia said he has the direction, and perhaps he misunderstood. He said he is working on specifics, either 1/12 or 10% of the operating budget or some variation. He said he broke out the reserves, identified them, how created, what funds them and for what purpose. He then did a recommended fund balance for them. He noted this will be included in the budget books for each department. He said there is another Resolution to say when we can dip into City reserves. He would like to talk with Councilor Maestas about his thoughts to incorporate those into a draft.

Councilor Maestas said Mr. Snyder said there are other reserve accounts for which he would like policy.

Mr. Tapia said what he is doing is for the City as a whole.

Chair Dominguez said he wants to look at all City reserves, and he wants a written policy for those reserves, so we can have a discussion about that.

Chair Dominguez introduced a Resolution on behalf of Councilor Lindell as follows:

A Resolution endorsing the City of Santa Fe's partnership with Santa Fe Wine & Chile Fiesta in facilitating participant transportation associated with the Santa Fe Wine and Chile Fiesta's Grand Tasting Event on September 27, 2014. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

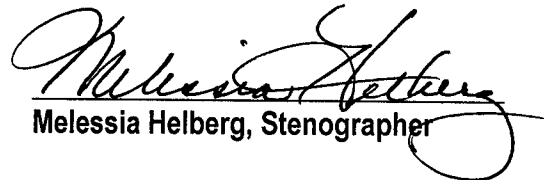
24. ADJOURN

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

SANTA FE RIVER TRAIL CROSSING UNDERPASS EVALUATION PROJECT JUNE 30, 2014



Santa Fe River Trail Crossing

PARSONS
BRINCKERHOFF

design office
ARCHITECT ENGINEERING PLANNING

PRESENTATION OVERVIEW

Background Information
Project Objectives
Public Involvement
Alternatives Considered
Report Recommendations



Santa Fe River Trail Crossing

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design office
ARCHITECT ENGINEERING PLANNING

Exhibit "1"

PLANNING HISTORY

Santa Fe River Corridor Master Plan (1995)

Initial Evaluation of Alternatives Report (2004)

City Council Resolutions 2011-68 and 69

- Parks and Trails Bonds approved by voters in 2012 included \$2M for an underpass

Santa Fe Metropolitan Bicycle Master Plan (2012)

Part of 2015–2019 Infrastructure Capital Improvement Plan (ICIP)

Current Phase I Study



Santa Fe River Trail Crossing

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design office
ENGINEERING PLANNING DESIGN

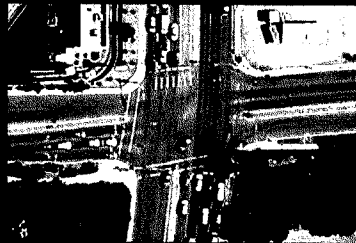
EXISTING CONDITIONS

Traffic Volumes

- St Francis Drive – 55,000 vpd

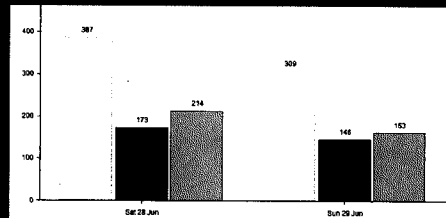
Accident Data (2004-2011)

- 2 pedestrian involved crashes
- 1 bicycle involved crash



Trail Usage (June 2014)

- Green (total users)
- Westbound
- Red (eastbound)



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ENGINEERING PLANNING DESIGN

EXISTING CONDITIONS

Other investigations

- Preliminary right-of-way analysis
- Cultural Resource Survey
- Biological investigation
- Subsurface utility engineering
- Hazardous materials
- Drainage analysis



Santa Fe River Trail Crossing

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design office
CONSULTING ENGINEERING ARCHITECTURE

PROJECT OBJECTIVES

Study Objectives

- Identify preferred underpass alternative

Underpass Objectives

- Continue implementation of overall Santa Fe River Trail Plan
- Enhance mobility by providing a continuous, unimpeded link
- Improve crossing safety for Santa Fe River Trail users



Santa Fe River Trail Crossing

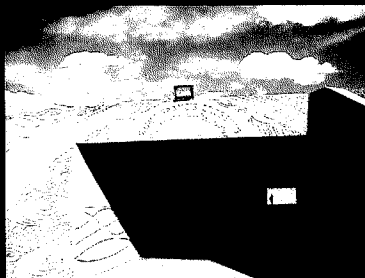
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CONSULTING ENGINEERING ARCHITECTURE

SIMILAR PROJECTS IN SANTA FE

The City has developed grade-separated crossings at other key locations:

- Acequia Trail Crossing near St. Francis Dr./Cerrillos Rd.
- Gail Ryba Underpass under St. Francis Dr. near Zia Rd.
- Arroyo Chamiso Trail underpass at Rodeo Rd.



Santa Fe River Trail Crossing

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PUBLIC MEETING

Public Meeting held in January 2014 to reintroduce the project

Over 50 people estimated in attendance (44 signed in)

Received 30 comments both written and verbal

- General support for improvements
- Concerns about the prioritization of the project relative to other proposed projects



Santa Fe River Trail Crossing

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ALTERNATIVES ANALYSIS

Two underpass concepts were evaluated:

1. North Underpass
2. Bridge Structure



Santa Fe River Trail Crossing

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ARCHITECT ENGINEER PLANNER

NORTH UNDERPASS OPTION

North of the existing drainage culvert

Includes ramps and trail connections

Reconstruction of the south side of the intersection

Underpass sized to provide a feeling of openness
and provide visibility

- 16 to 20 feet wide minimum
- 10 feet vertical clearance minimum



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NORTH UNDERPASS OPTION



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BRIDGE STRUCTURE OPTION

- Replaces the existing drainage culverts
- One or more large openings/spans
- Includes ramp and trail connections
- Requires work in the river channel

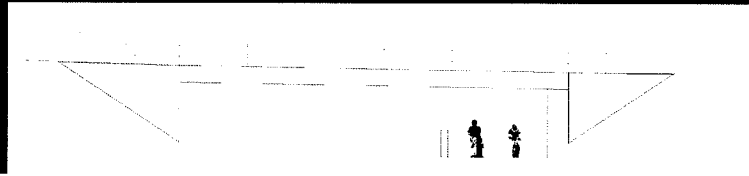
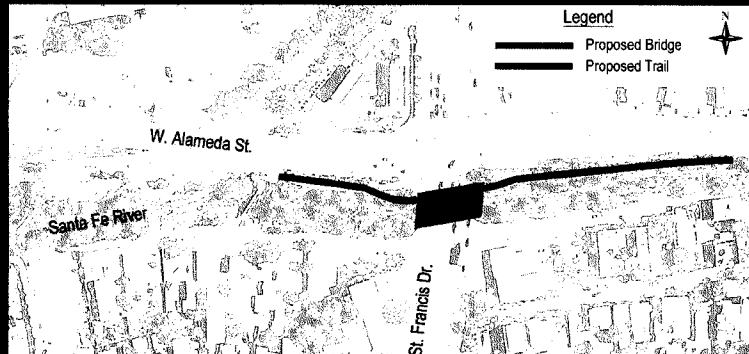


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BRIDGE STRUCTURE OPTION



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LANDSCAPE ARCHITECTURE ENGINEERING

ALTERNATIVES ANALYSIS

Key Similarities

- Both alternatives improve mobility and safety for the River Trail
- Both alternatives would be challenging to construct due to narrow right-of-way and high traffic volumes



Santa Fe River Trail Crossing

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LANDSCAPE ARCHITECTURE ENGINEERING

ALTERNATIVES ANALYSIS

Key Differences

- Construction cost estimates *
 - North Underpass \$2,500,000
 - Bridge Structure \$3,700,000
- Bridge Structure would have greater impacts to the river channel and riparian areas along the banks

* Costs include NMGRT and a 20% contingency



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REPORT RECOMMENDATIONS

The North Underpass Alternative is recommended for design

- Improves trail mobility and safety
- Less maintenance than a bridge
- Lower construction cost than a bridge
- Less environmental impact to the river than a bridge



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REPORT RECOMMENDATIONS

Other considerations

- Interim improvements to the existing at-grade crossing could be made
 - Conceptual cost estimate of \$400,000 includes NMGR, 20% contingencies, and design costs



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COMMENTS AND QUESTIONS

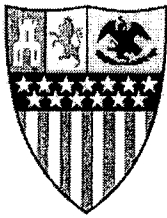
Thank You!



Santa Fe River Trail Crossing

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**FINANCE COMMITTEE MEETING OF
June 30, 2014**

**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
	<p style="text-align: center;">A RESOLUTION ENDORSING THE CITY OF SANTA FE'S PARTNERSHIP WITH SANTA FE WINE & CHILE FIESTA IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED WITH THE SANTA FE WINE AND CHILE FIESTA'S GRAND TASTING EVENT ON SEPTEMBER 27, 2014.</p>	Public Works Committee – 7/7/14 Finance Committee - 7/14/14 City Council - 7/30/14

Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule

Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov or Rebecca Seligman at (505)955-6501, rxseligman@santafenm.gov .

1 **CITY OF SANTA FE**
2 **RESOLUTION NO. 2014-_____**

3 **INTRODUCED BY:**

4
5 Councilor Signe Lindell
6

7
8
9
10 **A RESOLUTION**

11 **ENDORISING THE CITY OF SANTA FE'S PARTNERSHIP WITH SANTA FE WINE &**
12 **CHILE FIESTA IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED**
13 **WITH THE SANTA FE WINE & CHILE FIESTA'S GRAND TASTING EVENT ON**
14 **SEPTEMBER 27, 2014.**
15

16 **WHEREAS,** the 24th Annual Santa Fe Wine & Chile Fiesta will be held from September 24 -
17 28, 2014; and

18 **WHEREAS,** the Grand Tasting event will be on Saturday, September 27, 2014 at the Santa
19 Fe Opera from 1:00 p.m. to 4:00 p.m.; and

20 **WHEREAS,** the Grand Tasting event features tastes from 80 of Santa Fe's finest restaurants
21 and sips from 100 world-class wineries; and

22 **WHEREAS,** Santa Fe Wine & Chile Fiesta organizers have reached out to the City of Santa
23 Fe for shuttle assistance that would transport event participants from the PERA Building in Santa Fe
24 to the Santa Fe Opera and back between 10:45 a.m. and 5:00 p.m.; and

25 **WHEREAS,** upon approval of this resolution, Transit Division staff shall assist event

1 organizers in seeking bids from private charter bus operators by posting a solicitation notice in
2 compliance with the Federal Transit Administration's (FTA's) Charter Rule; and

3 **WHEREAS**, should the solicitation for private charter buses not result in the transportation
4 requirements of the event being fully met, the City of Santa Fe is permitted to use buses and/or
5 shuttles from the municipal transit system to assist in meeting such needs.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that the Governing Body directs Transit Division staff to work with
8 organizers of the Santa Fe Wine & Chile Fiesta to:

- 9 1. Post a solicitation for charter bus operators to provide private charter bus service, on
10 September 27, 2014, according to the requirements defined by Santa Fe Wine &
11 Chile Fiesta and in accordance with the FTA's Charter Rule.
- 12 2. Schedule available buses from the municipal transit system, in support of the
13 transportation requirements defined by Santa Fe Wine & Chile Fiesta, should the
14 solicitation noted above not result in the transportation needs of the event being fully
15 met.
- 16 3. Invoice Santa Fe Wine & Chile Fiesta for the direct costs incurred in the assignment
17 of any and all municipal transit buses/shuttles to the Santa Fe Wine & Chile Fiesta
18 event.
- 19 4. Assure that regularly scheduled service, delivered by the municipal transit system
20 continue to be provided to the community, without interruption, on the day of the
21 event.

22 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2014.

23
24 _____
25 JAVIER GONZALES, MAYOR

1 ATTEST:

2

3

4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7

8 KELLEY A. BRENNAN, CITY ATTORNEY

9

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25 *M/Melissa/Resolutions 2014/ Santa Fe Wine and Chile Partnership*