



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
AUGUST 4, 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:

CITY CLERK'S OFFICE

DATE 8/11/14 TIME 9:30  
BY Yolanda Green  
CHECKED BY M. Ortega

Regular Finance Committee Meeting – July 14, 2014

## INFORMATIONAL AGENDA

6. Update on Santa Fe Railyard Community Corporation (SFRCC). (Isaac Pino and Richard Czoski)

## CONSENT AGENDA

7. Bid No. 14/24/B – Colonia Prisma Park and Agreement between Owner and Contractor; Lee Landscapes, Inc. (Mary MacDonald)
  - A. Request for Approval of Budget Adjustment – Project Fund
8. Bid No. 14/25/B – Southside Transit Center – Bus Shelters and Agreement between owner and Contractor with Construction Contingency; Pro-Fab, Inc. (Mary MacDonald)
9. Bid No. 15/02/B – City-Wide Uniforms. (Robert Rodarte)
  - A. Boot Barn
  - B. Capital City Uniforms
  - C. Neve's Uniforms
  - D. Santa Fe Sports and Images
10. Request for Approval of Professional Services Agreement – Construction Services at North Railyard District Including Alcadessa Street, Railyard Plaza Extensions and Completion of Camino De La Familia; Santa Fe Railyard Community Corporation. (Robert Siqueiros)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
AUGUST 4, 2014 – 5:00 P.M.

11. Request for Approval of Procurement under Cooperative Price Agreement and Professional Services Agreement – Fire Station #7 and Marty Sanchez Links Clubhouse & Pro Shop Reroofing Projects; Cooperative Education Services (CES)/J3 Systems, LLC. (Jason Kluck)
12. Request for Approval of Grant Award and Agreement – Track Development and Maintenance at Buckman MX Track at La Tierra Trail Area in Santa Fe; New Mexico Department of Game and Fish. (David Chapman)
  - A. Request for Approval of Budget Increase – Grant Fund
13. Request for Approval of Grant Application and Award – Airport Federal Airport Improvement Program Project; U.S. Department of Transportation, Federal Aviation Administration. (Francey Jesson)
  - A. Request for Approval of Budget Increase – Grant Fund
14. Request for Approval of Grant Award and Agreement – Procurement of Maintenance Supplies needed to maintain the Airport Including but not Limited to, Wind Cones, Paint, Paving Materials and Airfield Light Bulbs; New Mexico Department of Transportation, Aviation Division. (Francey Jesson)
  - A. Request for Approval of Budget Increase – Grant Fund
15. Request for Approval of Grant Award and Agreement – 2014 Emergency Management Performance Grant Program; New Mexico Department of Homeland Security & Emergency Management. (Andrew Phelps)
  - A. Request for Approval of Budget Increase – Grant Fund
16. Request for Approval of Professional Services Agreement – DWI Rehabilitation School Facilitator for Police Department (RFP #14/37/P); Kathleen Lawicki d/b/a Santa Fe DWI School, LLC. (Police Chief Eric Garcia)
17. Request for Approval of Budget Increase Based on the Allocation from FY 2015 State Fire Protection Fund. (Jan Snyder)
18. Request for Approval of Amendment No. 1 to Professional Services Agreement and Numerous Change Orders – Video Surveillance Project for ITT Department; Chavez Security, Inc. (Thomas Williams)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
AUGUST 4, 2014 – 5:00 P.M.

## 19. Impact Fees. (Councilor Bushee) (Reed Liming)

- A. Request for Approval of a Resolution Adopting the "Impact Fee Capital Improvements *Plan 2020 for Roads, Parks, Fire/EMS and Police*" to Meet the State Required Impact Fee Program 5-Year Update as Called for in the State Development Fees Act 5-8-30 NMSA 1978). (Councilor Bushee) (Reed Liming)

### Committee Review:

Capital Improvements Advisory Committee (approved)	06/12/14
Public Works Committee (approved)	07/28/14
City Council (scheduled)	08/27/14

Fiscal Impact – Yes

- B. Request for Approval of an Ordinance Relating to Impact Fees – Amending Section 14-8.14 (C), (E) and (F) to Remove the 50 Percent Reduction of Residential Impact Fees, Adopt a New Impact Fee Schedule And Incorporate Definitions Related to Land Use Types; and Relating to Park Dedications – Amending Section 14-8.15 (C)(2) SFCC 1987, the Park Dedication Section; and Making such Other Changes as are Necessary. (Councilor Bushee) (Reed Liming)

**Note:** This caption may be amended in accordance with the amendment sheet in the packet.

### Committee Review:

Capital Improvements Advisory (approved w/amendment)	06/12/14
Planning Commission (approved)	07/10/14
Public Works Committee (approved w/amendment)	07/28/14
City Council (request to publish)	07/30/14
City Council (public hearing)	08/27/14

Fiscal Impact – Yes

## 20. Request for Approval of a Resolution Adopting the 2016-2020 Infrastructure Capital Improvements Plan (ICIP). (Councilor Trujillo) (Isaac Pino)

### Committee Review:

Public Works Committee (approved)	07/28/14
City Council (scheduled)	08/13/14

Fiscal Impact – No



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
AUGUST 4, 2014 – 5:00 P.M.

21. Request for Approval of an Ordinance Repealing and Readopting Article IX of the Uniform Traffic Ordinance to Establish that Parking Violations Related to Parking Meters, City Parking Lots and City Parking Garages are Nuisances and Subject to Administrative Adjudication; and Making such Other Changes as are Necessary to Meet the Purposes of this Ordinance. (Councilor Dimas) (Sevastian Gurule)

**Committee Review:**

Public Safety Committee (approved)	06/17/14
Public Works Committee (approved)	07/28/14
City Council (request to publish)	08/13/14
City Council (public hearing)	09/10/14

Fiscal Impact – Yes

22. A Resolution Relating to Santa Fe's Historical Heritage; Authorizing Staff to Enter into a Professional Services Agreement for Historian Services that Would Provide Opportunities for Local Residents, Including Children and Youth, to be Educated About Santa Fe's Historic Heritage and Create a Marketing Strategy for Local Residents and Tourists to Experience Santa Fe's Rich Historic Heritage. (Mayor Gonzales and Councilor Ives) (David Rasch)

**Committee Review:**

City Council (scheduled)	08/13/14
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Fiscal Impact – Yes

23. Request for Approval of a Resolution Directing Staff to Identify the Benefits, Feasibility, Needs and Options for Creating an Independent Office of Inspector General. (Councilor Maestas) (Kelley Brennan)

**Committee Review:**

City Council (scheduled)	08/13/14
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Fiscal Impact – No

24. Request for Approval of a Resolution Calling on our State Legislative Delegation to Request a State Attorney General's Opinion to Clarify the Taxing Power a Home Rule Municipality Possesses Pursuant to the N.M. Constitution and Statutory Law and Whether a Home Rule Municipality has the Authority to Impose a Tax on Items that are Not Expressly Prohibited from Taxation Pursuant to State Law. (Councilor Maestas) (Kelley Brennan)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
AUGUST 4, 2014 – 5:00 P.M.

**Committee Review:**

City Council (scheduled)

08/13/14

Fiscal Impact – No

25. Request for Approval of a Resolution Directing Transit Division Staff to Develop and Execute a Pilot Project to Provide Santa Fe Pick-Up Service Between the Santa Fe University of Art and Design and the Railyard and Downtown Plaza Areas on Weekend Evenings, During the 2014 Fall Semester. (Mayor Gonzales and Councilor Ives) (Jon Bulthuis)

**Committee Review:**

Public Works Committee (scheduled)

8/11/14

City Council (scheduled)

8/13/14

Fiscal Impact – Yes

**END OF CONSENT AGENDA**

**DISCUSSION**

26. OTHER FINANCIAL INFORMATION:

- A. Update on Gross Receipts Tax Report Received in July 2014 (for May 2014 activity) and Lodgers' Tax Report Received in July 2014 (for June 2014 activity). (Teresita Garcia)

27. MATTERS FROM THE COMMITTEE

28. 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, August 4, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MINUTES – JULY 14, 2014	Approved	4
<u>INFORMATIONAL AGENDA</u>		
UPDATE ON SANTA FE RAILYARD COMMUNITY CORPORATION (SFRCC)	Information/discussion	4-6
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – FIRE STATION #7 AND MARTY SANCHEZ LINKS CLUBHOUSE & PRO SHOP REROOFING PROJECTS; COOPERATIVE EDUCATION SERVICES (CES)/J3 SYSTEMS, LLC	Approved	7-8
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DWI REHABILITATION SCHOOL FACILITATOR FOR POLICE DEPARTMENT (RFP #14/37/P); KATHLEEN LAWICKI D/B/A SANTA FE DWI SCHOOL, LLC	Approved [amended]	8-11
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT AND NUMEROUS CHANGE ORDERS – VIDEO SURVEILLANCE PROJECT FOR ITT DEPARTMENT; CHAVEZ SECURITY, INC.	To Public Safety w/o recommend a/a w/direction to staff	11-27

**ITEM****ACTION****PAGE**

IMPACT FEES: REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14(C), (E) AND (F), TO REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES, ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS – AMENDING SECTION 14-8.15(C)(2) SFCC 1987, THE PARK DEDICATION SECTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY

Approved

27

REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE 2016-2010 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)

Approved [amended]

28-29

REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING AND READOPTING ARTICLE IX OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT PARKING VIOLATIONS RELATED TO PARKING METERS, CITY PARKING LOTS AND CITY PARKING GARAGES ARE NUISANCES AND SUBJECT TO ADMINISTRATIVE ADJUDICATION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE

Approved

29-34

A RESOLUTION RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING CHILDREN AND YOUTH, TO BE EDUCATED ABOUT SANTA FE'S HISTORIC HERITAGE AND CREATE A MARKETING STRATEGY FOR LOCAL RESIDENTS AND TOURISTS TO EXPERIENCE SANTA FE'S RICH HISTORIC HERITAGE

Postponed until funding identified 34-40

**ITEM****ACTION****PAGE**

DEVELOP AND EXECUTE A PILOT PROJECT TO  
PROVIDE SANTA FE PICK-UP SERVICE BETWEEN  
THE SANTA FE UNIVERSITY OF ART AND DESIGN  
AND THE RAILYARD, AND DOWNTOWN PLAZA  
AREAS ON WEEKEND EVENINGS DURING THE 2014  
FALL SEMESTER

Postponed

40-47

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END OF CONSENT CALENDAR DISCUSSION

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**DISCUSSION****OTHER FINANCIAL INFORMATION:**

UPDATE ON GROSS RECEIPTS TAX REPORT  
RECEIVED IN JULY 2014 (FOR MAY 2014 ACTIVITY)  
AND LODGERS' TAX REPORT RECEIVED IN JULY  
2014 (FOR JUNE 2014 ACTIVITY)

Information/discussion

47-48

**MATTERS FROM THE COMMITTEE**

None

48

**ADJOURN**



**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE**  
Monday, August 4, 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, August 4, 2014, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Carmichael A. Dominguez, Chair  
Councilor Ronald S. Trujillo  
Councilor Joseph M. Maestas  
Councilor Signe I. Lindell  
Councilor Christopher M. Rivera

**OTHERS ATTENDING:**

Teresita Garcia, 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**

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to approve the agenda, as published.

**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.

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#### **CONSENT AGENDA**

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7. **BID NO. 14/24/B – COLONIA PRISMA PARK AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; LEE LANDSCAPES, INC. (MARY MacDONALD)**
  - A. **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND**
8. **BID NO. 14/25/B – SOUTHSIDE TRANSIT CENTER – BUS SHELTERS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR WITH CONSTRUCTION CONTINGENCY; PRO-FAB, INC. (MARY MacDONALD)**
9. **BID NO. 15/02/B – CITY-WIDE UNIFORMS. (ROBERT RODARTE)**
  - A. **BOOT BARN**
  - B. **CAPITAL CITY UNIFORMS**
  - C. **NEVE'S UNIFORMS**
  - D. **SANTA FE SPORTS AND IMAGES**
10. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION SERVICES AT NORTH RAILYARD DISTRICT INCLUDING ALCADESA STREET, RAILYARD PLAZA EXTENSIONS AND COMPLETION OF CAMINO DE LA FAMILIA; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
11. ***[Removed for discussion by Councilor Lindell]***
12. **REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – TRACK DEVELOPMENT AND MAINTENANCE AT BUCKMAN MX TRACK AT LA TIERRA TRAIL AREA IN SANTA FE; NEW MEXICO DEPARTMENT OF GAME AND FISH. (DAVID CHAPMAN)**
  - A. **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND**
13. **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – AIRPORT FEDERAL AIRPORT IMPROVEMENT PROGRAM PROJECT; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION. (FRANCEY JESSON)**
  - A. **REQUEST FOR APPROVAL OF BUDGET INCRE4ASE – GRANT FUND**

14. REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – PROCUREMENT OF MAINTENANCE SUPPLIES NEEDED TO MAINTAIN THE AIRPORT INCLUDING BUT NOT LIMITED TO, WIND CONES, PAINT, PAVING MATERIALS AND AIRFIELD LIGHT BULBS; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (FRANCEY JESSON)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
15. REQUEST FOR APPROVAL OF GRANT AWARD AND AGREEMENT – 2014 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT. (ANDREW PHELPS)
  - A. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
16. *[Removed for discussion by Councilor Lindell]*
17. REQUEST FOR APPROVAL OF BUDGET INCREASE BASED ON THE ALLOCATION FROM FY 2015 STATE FIRE PROTECTION FUND. (JAN SNYDER)
18. *[Removed for discussion by Councilor Maestas]*
19. IMPACT FEES (COUNCILOR BUSHEE). (REED LIMING)
  - A. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE “IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2020 FOR ROADS, PARKS, FIRE/EMS AND POLICE,” TO MEET THE STATE REQUIRED IMPACT FEE PROGRAM 5-YEAR UPDATE, AS CALLED FOR IN THE STATE DEVELOPMENT FEES ACTION (5-8-30 NMSA 1988) (COUNCILOR BUSHEE). (REED LIMING) Committee Review: Capital Improvements Advisory Committee (Approved) 06/12/14; Public Works Committee (approved) 07/28/14; and Council (Scheduled) 08/27/14. Fiscal Impact – Yes
  - B. *[Removed for discussion by Councilor Maestas]*
20. *[Removed for discussion by Councilor Lindell]*
21. *[Removed for discussion by Councilor Maestas]*
22. *[Removed for discussion by Councilor Lindell]*
23. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO IDENTIFY THE BENEFITS, FEASIBILITY, NEEDS AND OPTIONS FOR CREATING AN INDEPENDENT OFFICE OF INSPECTOR GENERAL (COUNCILOR MAESTAS). (KELLEY BRENNAN) Committee Review: City Council (scheduled) 08/13/14. Fiscal Impact – No.

24. REQUEST FOR APPROVAL OF A RESOLUTION CALLING ON OUR STATE LEGISLATIVE DELEGATION TO REQUEST A STATE ATTORNEY GENERAL'S OPINION TO CLARIFY THE TAXING POWER A HOME RULE MUNICIPALITY POSSESSES PURSUANT TO THE N.M. CONSTITUTION AND STATUTORY LAW AND WHETHER A HOME RULE MUNICIPALITY HAS THE AUTHORITY TO IMPOSE A TAX ON ITEMS THAT ARE NOT EXPRESSLY PROHIBITED FROM TAXATION PURSUANT TO STATE LAW (COUNCILOR MAESTAS). (KELLEY BRENNAN) ) Committee Review: City Council (scheduled) 08/13/14. Fiscal Impact – No.

25. *[Removed for discussion by Councilor Lindell]*

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END OF CONSENT AGENDA

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5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MINUTES – JULY 14, 2014.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular Finance Committee Meeting of July 14, 2014, as presented.

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

INFORMATIONAL AGENDA

6. UPDATE ON SANTA FE RAILYARD COMMUNITY CORPORATION (SFRCC). (ISAAC PINO AND RICHARD CZOSKI.

A copy of *Santa Fe Railyard Project*, prepared by Richard A. Czoski, Executive Director, Santa Fe Railyard Community Corporation, is incorporated herewith to these minutes as Exhibit "1."

Mr. Czoski presented information via power point. Please see Exhibit "1" for specifics of this presentation.

*The Committee commented and asked questions as follows:*

- Councilor Maestas asked, regarding the reappraisal of the land every 10 years, if the building is sold to someone else, would that trigger an appraisal.

Mr. Czoski said yes.

- Councilor Maestas said the Railyard Corporation is a non-profit, and asked if they have a policy on cash reserves, and if so, is there a cap.

Mr. Czoski said there is not a formal cap. There is a cap the Board established to be able to wind down the business if they went out of business for some reason.

- Councilor Maestas asked if there is a target on the cost to wind down the business, if and when that were to happen.

Mr. Czoski said, "We do. It's not public information though."

- Councilor Maestas said the deferral was about \$350,000, so you clearly have the capacity to pay more of the debt, and asked if this is from rental income, or if they are supplementing the rental income with reserves. He said this is a significant increase in the infrastructure bond debt.

- Mr. Czoski said, "What happened was we had cash reserves because our expenses were lower and we took in more rent earlier. We saved those cash reserves, and you can see in that one year, we could pay \$712,000. Then the recession hit and we went from 92% lease to 72% lease. So our income stream dropped off significantly because we got so many parcels back, because our tenants couldn't borrow the money to build their buildings, so they just said, here you go, here's your parcel back. And there was no ability for us to collect any rent on that. So we had kind of a 'Perfect storm' where our debt went up and our income stream went down. It's not like we have a tremendous cash reserve, because we don't. And we did a forecast of revenue and expenses and that's how we came up with the deferrals, which have been modified with the approval of Council on three separate occasions. We constantly have a 3-5 year window that we project income, and if it looks like we're not going to be able to make debt service, then we come back and ask Council for deferrals that meet those projections. So we were good last year, we're good for this next year. I just finished new projections and I think we're fine for the next 4 years based on the current level of deferrals, if that answers your question."

- Chair Dominguez said the 1/16 GRT isn't something that the Railyard manages. It's something the City gets and then we use it "for whatever we use it for."

Mr. Czoski said this is correct. He said the Corporation gets \$50,000 of it on a PSA, and any PSAs they do. He said, "For example, the one you approved tonight for the construction of Alcadesa and the infrastructure around the cinema, I believe that is funded from the GRT. He said he just wanted to clarify that there was a GRT tax for the Railyard established in 1998."

- Chair Dominguez said Mr. Czoski said the amount of reserves is not public information, and asked if that includes the operating budget as well.

Mr. Czoski said yes.

- Chair Dominguez said then the rent projections go to 2014/2015.

Mr. Czoski said in this particular presentation this is correct, but he has a schedule that goes to 2029, commenting this is in our agreement with the City.

- Chair Dominguez asked if there is a point when it "starts to tip the other way, in other words, where you're paying more."

Mr. Czoski said yes. He said the payments in 2014/2015 are \$558,000, in 2015/2016 they are \$807,000, in 2016/2017 it is \$860,000. They go to \$1.4 million in 2017/2018, and they stay at about \$1.2 million 2023/2024 and then drop to \$700,000 and \$900,000, because we will have paid off the primary debt, and they are paying back all of the deferrals as well. The deferrals granted have been put out to the future. The City didn't forgive any debt, but over time they pay those as well.

- Chair Dominguez asked if the deferrals are spread out through the years, or if there is a certain point the City starts collecting on the deferral..
- Mr. Czoski said we pay the deferrals in 2024/2025 and 2025/2026 and then through 2028/2029. So, after the debt is paid, then all of the money left will pay back the deferrals. He said the reason for 2029 is driven by the schedule of when everything would be paid back.
- Councilor Maestas said in one of the bullets it says, "Annual Third Party Audits provided to the City." He said he has never seen a third party audit, and asked what is in the audit that is provided to the City.

Teresita Garcia said what is in the audit is probably the financial position of the corporation, so they have their cash balance and then any expenditures.

Mr. Czoski said, "That's right, so you could infer all those numbers out of the audit."

- Councilor Maestas wants a copy of the most recent audit.

Ms. Garcia said the last audit we have is for 2012/2013, and she will forward that audit report to him.

Mr. Czoski said it is for the 2012/2013 fiscal year, ending June 30, 2013.

- Chair Dominguez asked if they are mandated to do another audit besides that one.
- Mr. Czoski said they do one audit per year every year, so they just finished 2013/2014. The auditors come in and look at the books and usually produce the audit in the first quarter of the following year, so they usually provide the audit to the City in January/February, in this case it would be 2015.

Chair Dominguez thanked Mr. Czoski for the update, said he looks forward to more business.

Mr. Czoski said he wishes there was more business to do, and thanked the Committee for the opportunity to make this presentation.

## **CONSENT CALENDAR DISCUSSION**

### **11. REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – FIRE STATION #7 AND MARTY SANCHEZ LINKS CLUBHOUSE & PRO SHOP REROOFING PROJECTS; COOPERATIVE EDUCATION SERVICES (CES)/J3 SYSTEMS, LLC. (JASON KLUCK)**

Councilor Lindell asked if this project is a re-roofing or a repair.

Mr. Kluck said Fire Station #7 is a re-roofing, and the Marty Sanchez is a re-roofing, but it is a coating put over the existing roof.

- Councilor Lindell asked if we have worked with this contractor previously.

Mr. Kluck said no, this is the first time that he's aware of.

- Councilor Lindell noted the sorrowful roofing project at Ft. Marcy that took forever, and she hopes staff has vetted this roofing company. She asked if we received bids from any local companies.

Mr. Kluck said they did get local bids, but they were significantly higher than the budget, so they went with CES. He said the architect, John Barton, has worked with J3 Systems in the past and they are highly recommended. He said, "Being under the CES contract, they are assured pricing."

- Councilor Lindell said the contract refers to these as re-roofing projects on page 3 of the contract, so she is considering this a re-roofing and not just a repair.

Mr. Kluck reiterated it is a re-roofing.

- Councilor Lindell asked, In light of that, why does one get a 5 year warranty, and the other a 15 year warranty.

Mr. Kluck said Fire Station #7 gets a 15 year warranty because it is a 60 mil TPO surface. And the Marty Sanchez gets a 5 year warranty because it is a coating that is less than a TPO membrane. It's not as significant, therefore the warranty isn't as high for as long. He said that roof is in fairly decent shape and that's really all it needs is the coating, and the reason we are doing it, and commented that's really all we can afford.

- Councilor Lindell asked if the roof is leaking, and Mr. Kluck said yes.
- Councilor Lindell said she hates to half-way do this. She said we've had a lot of rain this year. She asked if one roof is hugely bigger than the other.

Mr. Kluck said Fire Station #7 is a little larger, one is about 7,000 sq. ft. and one is approximately 9,000. He said, "Don't quote me on that, but that's roughly the difference.

- Councilor Lindell said one project costs \$130,000 and the other \$94,000 approximately. She said she would like to have a longer warranty than 5 years.
- Councilor Maestas said he has had experience with roofing work on public buildings. He said sometimes staff are not aware that they need to stay off the roof, because it invalidates the warranty, no matter the term. He said there are provisions for a walk-through at the conclusion of the project. He just wanted to emphasize that staff should not get on the roof inappropriately after the job is complete and invalidate the work.

Mr. Kluck said, "We do that. We have a hand-off with facilities maintenance with all of the O&M manuals, warranties and everything. And yes, staff does need to be aware they shouldn't be on the roof unnecessarily. And we also install walk paths to help with this problem. That is part of the warranty."

- Chair Dominguez asked if the [inaudible] at Marty Sanchez is part of the 5 year warranty, and Mr. Kluck said yes.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Lindell, to approve this request.

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

**16. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DWI REHABILITATION SCHOOL FACILITATOR FOR POLICE DEPARTMENT (RFP #14/37/P); KATHLEEN LAWICKI D/B/A SANTA FE DWI SCHOOL, LLC. (POLICE CHIEF ERIC GARCIA)**

Councilor Lindell how often is this class held.

Laura Vigil said the classes are held each month, 3 Saturdays, at four-hour increments.

Councilor Lindell asked if the fee collected covers the cost of the class.

Ms. Vigil said yes. She said it is a self-sustaining fund that is monitored by the Police Department, noting the Police Department is the fiscal agent for the DWI School registration.

Councilor Lindell said then the participants don't have to pay anything.

Ms. Vigil said the participants pay \$175 and attend 3 classes each month. If they fail to attend 1 class, they have to go back to the Courts and get re-registration paperwork and pay a re-registration fee of \$50.

Councilor Lindell said then there are 25 people in class.



Ms. Vigil said yes, that is the maximum.

Councilor Lindell said then we're looking at about \$7,000 a month for fees for this class – the difference between what the participants pay and what the City is paying..

Ms. Vigil said that would be the maximum. She said there are some months they don't have 25 students in a class. She said there also are Spanish classes which are held once every quarter and sometimes those classes do not fill up as well.

Councilor Lindell said her concern is that we're paying rent where the classes are held.

Ms. Vigil said the classes are held at the Christ Lutheran Church which is considered a safe haven and rent is budgeted in the DWI School budget.

Councilor Lindell said she thought she saw a separate item in the packet that said the City was paying the rent for this.

Ms. Vigil said, "Beginning with this contract, we have included it in the contract of the facilitator, and she is responsible to make the payment to the Lutheran Church."

Councilor Lindell said she is uncomfortable with this contract because it is for 4 years. She said there is a fair amount of activity around recovery and rehabilitation issues right now in the City. She said different groups and new non-profits are starting up. She asked if that can be changed, and asked Mr. Rodarte to speak to this. She said with some of the changes and new organizations, she is uncomfortable in making a commitment to do this for four years.

Robert Rodarte said the reason it is for 4 years, is that the second year would go over the \$50,000 50,000 threshold, and it is better to bring forward, rather than bring it annually at \$30,000. He said there is an option in the contract to terminate with a 30-60 day contract. He said if new ideas happen and you want to change the scope, the contract can be canceled easily.

Councilor Lindell said, "Well, I understand that, but I think it's very different to cancel a contract, than to ask for proposals, and rather than someone coming forward, I think when people see that someone else has a contract for 4 years, they don't come forward after a year, two years and say, I have a proposal for that. I don't think it's as easy... if there was a problem, I understand, we could cancel that, but I'm just not comfortable doing this as a four-year contract. I don't know if that would mean that you would have to put it out as a whole new bid for two-years, but as involved with the recovery community as I am, which I am very involved with that community, and I think some things are changing. I can't support this.

Mr. Rodarte said he can go back and rewrite the contract for two years, so she will feel better about something else coming up. He said this was out for competitive bids for 30 days, but nobody else submitted a bid.

**MOTION:** Councilor Lindell moved, seconded by Chair Dominguez, to approve this request, amending the contract to make it a two year contract.

**DISCUSSION:** Councilor Rivera said this costs \$30,000 per year, so the cost per month would be about \$2,500, and then the revenues are used to offset that cost, and Ms. Vigil said yes.

Councilor Rivera asked how much revenue they typically get per month.

Ms. Vigil said she doesn't have the numbers with her, but it is between \$2,000 and \$3,000, because they do get several re-registrations on which they aren't collecting the \$175 full registration fee. She said we try to limit the number of re-registrations and try to split them between morning and afternoon, but sometimes that isn't possible.

Councilor Rivera said then the contract would run for 4 years, which means every year you would have to come to the Governing Body for approval. Ms. Vigil said this is correct.

*[Mr. Rodarte's remarks here are inaudible because he was not at the microphone]*

Councilor Rivera said it would come back as an amendment extending the contract for one year.

Mr. Rodarte said it normally wouldn't, but it could come back to this Committee. He asked Councilor Lindell if she wants him to change the contract to 2 years, and then move it forward to the Council without coming back to Finance.

Councilor Lindell said it doesn't need to come back here.

Councilor Maestas asked if this a previous provider, and Ms. Vigil said yes.

Councilor Maestas asked how the bid amount compares to the previous contract, and Ms. Vigil said it is approximately the same, noting it is approximately \$113 more than the previous year's contract.

Councilor Maestas said then the contract negotiated amount was under the presumption this would be a four-year, and Ms. Vigil said yes.

Councilor Maestas said if we go back we would have to renegotiate and the provider would not be bound to honor the current bid for a 4 year contract. His concern is that this seems to be a very specialized service because only one provider bid, and the nature of the bid price was under the assumption of a 4-year contract. He is concerned if we go back, we might pay an even higher price under a 2-year scenario. He appreciates Councilor Lindell's concern. He said typically, staff brings contracts for two years with the option to renew for one year, not to exceed 4 years, so you "threw us a curve ball here." He is looking at the fact that it is only one provider, and has been the provider in the past, and we negotiated the bid amount under a 4-year contract, reiterating if we renegotiate we might pay a higher premium. He would support the motion if there were multiple bidders.

Mr. Rodarte said, "The only thing that concerns me here is that we are locked-in on this safe haven fee we pay. In talking to Ms. Lawicki she noticed the \$113 over her last contract. All she wanted was her cell phone paid, that's it. The thing is, I don't see her coming back and saying, well I'd like to go higher. If it goes higher than what we negotiated in the first place, I would start over again. But I can't see any kind of change that she would make. I can go back and talk to her and see what she has to say, but I think she's pretty open about it. If there is a problem, we can start again."

Chair Dominguez said, "That's what I would recommend is, if we have to rebid, we would do this. Because the reality is we don't want this kind of business in the City of Santa Fe, and we want those programs in place to where we reduce DWI and we have less people going to DWI School, and for lack of a better way to put it, put people like this out of business. I'm hopeful that two years will give us a better picture of what the situation is. Lacking any significant action from the Legislature, I kind of doubt it, but I want to try to be optimistic as well as to what this purpose is."

Councilor Rivera asked if the Teen Court utilizes this DWI School as well.

Ms. Vigil said she doesn't believe so, but she is unsure and she can check and see.

Councilor Rivera believes they do provide service to Teen Court, and said it would be interesting to know if the providers do provide that service at no charge.

Mr. Vigil said they have had registrants under age 21, so it could be a possibility, but she will double-check that with the Officers that handle Teen Court.

**VOTE:** The motion was approved on a voice vote, with Councilor Rivera, Councilor Lindell and Councilor Maestas voting in favor of the motion, and Councilor Trujillo voting against.

*Councilor Bushee arrived at meeting*

**18. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT AND NUMEROUS CHANGE ORDERS – VIDEO SURVEILLANCE PROJECT FOR ITT DEPARTMENT; CHAVEZ SECURITY, INC. (THOMAS WILLIAMS)**

Councilor Maestas asked if this is going to the Public Safety Committee, because he would like to send it there because it is public safety related.

Chair Dominguez said yes, if it is part of the motion.

*The Committee commented and asked questions as follows:*

- Councilor Maestas said there were 14 original locations at park sites, and we are going at 6, so we're changing a lot of sites. He agrees with the logic behind the changes. He asked if there is crime data to support the new sites listed on page 6, Sites 1, 2, 3, 4 and 5, the MRC, Ortiz Park, West DeVargas Park, Cathedral Park, Frenchy's Park.

Thomas Williams said he isn't privy to any crime data which was used to come up with these sites. He said Chavez Security worked with the Parks Division staff to come up with these locations in lieu of the others, because of the difficulty in getting commercial power to some of the sites, but he is unaware of any crime data that was used. He said, "I would venture to say it was the same logic that was used for all of the other sites related to vandalism, burglaries, these types of things, but there is no official data that I'm aware of."

- Councilor Maestas said in the description of the new sites, it says, "These sites have been identified as vulnerable for vandalism, and continue to be a concern for staff and citizens." He said so it's just a feeling that these are unsafe locations, but we have no solid crime data.

Mr. Williams said this correct, and this is the same sort of informal analysis that was used for this entire project.

- Chair Dominguez said, "So we don't have any data, or you don't have any data."

Mr. Williams said, "I don't have any data. I'm not aware of any data."

- Councilor Maestas asked if the basis for selecting the new sites was based on crime data that somebody has.

Mr. Williams said not to his knowledge.

- Councilor Maestas said one of the common denominators in changing some of the original locations was network connectivity "that needs to undergo redesign, troubleshooting and fine tuning." He asked what is the timeline and the plan for addressing network connectivity.

Mr. Williams said staff is committed to having it done by the end of this calendar year, and probably much sooner.

- Councilor Maestas said in terms of staff recommendations for providing network connectivity, he likes the order of preference. It says number one, the City's Network with which he agrees; number two the CSI Air Network and number three the Verizon Wireless Network. He said on some of the installations there are plans for a CSI box, and asked if the CSI box is meant to be an interim solution until we can address network connectivity issues.

Mr. Williams said the CSI box is meant to be a stopgap until we can get, either the CSI Network or the City's Network implemented at any particular site. He said the CSI box also potentially includes local video storage. So in instances where we couldn't get network connectivity, that is a secure, locked box that would house local storage video.

- Councilor Maestas said then it's not an intent to establish some permanent reliance on these boxes, it's a stopgap until we can implement the fixes to network connectivity, getting adequate power sources to cameras, things like that.

Mr. Williams said in some instances we can deploy them fully and permanently, because they have several components. He said, ideally, the CSI Box is an ideal solution for any site permanently, because it also includes the CSI Network. However, we would use the City's Network in lieu of that because we're able to negotiate better prices with CenturyLink or whoever the provider would be, and probably with Chavez Security and certainly with Verizon.

- Councilor Maestas said his last issue is regarding the subject of surveillance. He said we are deploying a lot of cameras, and he understands the primary use of the cameras is that if there is an incident, we can retrieve footage and conduct an investigation, but there are no bodies constantly watching monitors from video surveillance at these locations. Or, are there some that have an actual body looking at these.

Mr. Williams said, "No. Currently, we do not have that 24 hour, even 8/5 monitoring at any particular site, but theoretically we could if we wanted to add that service at some future time, but right now that's not the case. But everything that is recorded is stored up to two years. So you have the forensic component, but you do not have the active security at this point, where someone is actively monitoring video footage as it's streaming."

- Councilor Maestas asked if there is a long-term plan for our ultimate vision for using video surveillance, because we are deploying a lot of cameras. We really don't have solid crime data to justify locations where we install surveillance cameras. And if we're not having a high incidence of crime, then that means we're really not using the forensic component the camera and video footage provide. So, it almost comes back full circle: Why so many cameras if it's not crime data based, we are only using it for any kind of forensic investigation if there is a criminal incident. We actually have to back and surmise when the incident happened, the date the time, to identify and go through the footage. He is trying to get a feel for where we want to go with this. He said by being there the cameras are a deterrent, but we are installing cameras for a reason, and he wants to know what is the ultimate reason. He asked Mr. Williams to address this.

Mr. Williams said one component is the deterrent and the other aspect of it certainly is the forensic analysis, so you have evidence and a chain of custody. He said as he understands it, the vision going forward, is to layer the video surveillance technology with the typical foot patrol technology as well as someone doing live monitoring at times. So you have the dispatch central office component. You have the video surveillance technology and the deterrent and the forensics. And then you also have the foot patrol where someone is at dispatch monitoring live streaming, and could contact the security officer and dispatch the officer to the location. Another component of the CSI Box is a loud speaker so dispatcher could speak to someone who is about to commit a crime, for example, and let them know that security/law enforcement on the way. He said these things on top of one another, he believes, is the vision of the video surveillance program.

- Councilor Maestas said solar panels were part of the original design to provide a power source to some of these cameras. He asked if solar panels do not provide sufficient power for the cameras, such as the pan/tilt/zoom, or is it an issue of vandalism. What is the prime reason for eliminating the solar panels..

Mr. Williams said it is both. The power is one issue, because the more equipment deployed, the more cameras are deployed in areas without commercial area and it will cost more money to maintain solar panels. The other aspect is that they are subject to vandalism.

- Councilor Maestas asked if we have had any solar panels vandalized.

Mr. Williams said no, because none have been deployed, because a decision was made not to deploy solar panels for that reason. He said the last aspect is when there are prolonged periods of overcast, and the panels don't have access to the sun they won't power. He said for this reason the staff and Chavez Security made the decision not to deploy. It became obvious that it wasn't necessarily a good option.

- Chair Dominguez asked Councilor Maestas if he would like crime data from the Police Department.
- Councilor Maestas said he will rely on the Public Safety Committee to ask these same questions.
- Chair Dominguez directed the Police Department and Parks Division staff to provide this data to Councilor Maestas and to him.
- Councilor Trujillo said, "I guess I was confused. What Councilor Maestas was asking about, dealing with the surveillance and being able to talk to people, and you'd mentioned it later on. Peso when I went to see your facility, you actually had two guys there monitoring over there at the Dale Ball, and you told me if somebody comes in here, I can actually speak to them and tell them, you know what, you need to get out of here, and there's a two-way. And that's what I didn't understand. The questions Councilor Maestas was asking, is you were saying that we didn't have that capability. That's what I heard. I toured the facility and I saw that. That was a concern of mine, we didn't have that, but we do have that technology."

Mr. Williams said, "Yes, we have that capability as part of this project. I don't believe it's currently deployed at any site, is it."

**Former Councilor Peso Chavez, owner Chavez Security**, said, "Yes, Councilor, to answer your question. That is not a part of this package. It is available and it's there."

- Councilor Trujillo said, "But we have it at the Dale Ball though, right."

Former Councilor Chavez said, "We absolutely have it at the Dale Ball. It works perfectly. We did that, Chavez Security did that out of its own pocket so they could show you folks just exactly how this system would work. So you weren't charged for it, but it is available. In all of the other sites, it's not there, but it has the capability of doing it."

- Councilor Trujillo said, "I guess my other concern is dealing with the places where we do want to put some of these cameras, because, in my opinion, it has to be crime-related. Why else would we put them [there]. Am I going to put a camera just to watch the grass and weeds grow. I want

to actually see.... I know *The New Mexican* did that big article dealing with Cathedral Park. There is a problem there. I do believe that, but I can also tell you Ragle Park, during the baseball season, every night I'm getting called, somebody broke into my car, so this assessment needs to be done at Public Safety as well to get a realistic idea of where we're going to deploy these cameras. Not because one Councilor wants them in their back yard because in one instance somebody got robbed. There's got to be extra crime data that's showing that this park is being affected, there were 5-12 break-ins in one night. To me there's got to be a correlation of crime for the cameras, and not just because they look pretty. I want them there to stop the crime and to stop people from vandalism, loitering, doing whatever there. Are we going to vote on this right now."

- Chair Dominguez said there is no motion.
- Councilor Trujillo said, "The last thing I want to know dealing with the CSI boxes you have, Peso. I do have a concern. They're just out there in the open. I could come with a baseball bat or a ball and just smack it and it's off line. My concern is the security on this. Are we going to build a fence around it and make sure nobody gets to it, because the way I see it right now, I just don't see it being safe."
- Former Councilor Chavez said, "You are right, but anybody can take a shotgun and go ahead and blast anything they want to. In fact, they can blast the electrical box and down goes everything, period. So it's not 100% and it never will be. Now, what happened is that the contract in the beginning, the way the specs came out it was pretty much adulterated on day one. Think about this. Where was the data that Councilor Maestas was talking about. Where is the data to go ahead and put up cameras at St. John's College. When I got the contract, I went up to St. John's College, was excited about it, getting everything ready. A security guard comes up and he said what are you doing. Well, we're going to put up cameras here, said it will be really nice, so forth and so on. No you're not. What do you mean. Well, this is our private property. So someone here in the very beginning didn't even go out and get permission in the very beginning. You're asking a question that I totally agree with. How was this evaluated. Was it a knee-jerk reaction."
- Former Councilor Chavez continued, "Not only that, but then once Chavez Security got into it, I decided we need to go see what the purpose of these cameras are and where they're being placed. Exactly the same questions you are asking. And I went out there, two other locations, one was at the 10 million tank, I forget which site it is. That camera was going to be watching weeds. A real good use of taxpayer's dollars. The second one was at the end of Jaguar Road. That park hadn't even been created. And not only that, but where they wanted to place the camera was going to be a violation of the anti-donation clause, because it wasn't even on public property. So in that situation, Chavez Security had to go and redesign this entire project because it wasn't going to work in the first place. And that's what we went and we did, and we made it work and it does work."
- Former Councilor Chavez continued, "And I think four of you have been to the office to see that. I requested that Councilor Lindell go today, and anybody is invited to go there to please see your

equipment. It's yours. I want to show it to you. I want to show you what you paid for and what you're getting for it. So, to answer your question, as far as the saving of this information, of course, it's vulnerable. But what we do is that every month extracting it, downloading it, and putting it server the at hosting office."

- Councilor Trujillo said, "My biggest concern is assessing where these cameras should be placed. Like you said, I do not believe putting a camera to watch weeds grow benefits the City of Santa Fe. That's my concern, Mr. Chair, if we're going vote on this, or can we send this back for a reassessment of this, because I actually want to put these cameras where they'll do the best good for the City. That's all I have Mr. Chair."
- Chair Dominguez said, "Where it's going to be the best good for the City is a matter of opinion to some people. And I agree that these cameras can be both forensic and a deterrent. Just having them up can be a deterrent in itself. Of course, it's got to make sense. I think that's something that's pretty obvious. So we're going to continue with the Committee."
- Councilor Lindell said, "For the record, I did decline to go and look at that equipment. So the starting point for this... first of all, let's start with the beginning here of our packet. The packet says that the request is for the approval of an additional almost \$114,000. I understand that's not the case."

Mr. Williams said that is correct, and that is no longer the case. Initially it was, but then we pulled it and that's not the packet that is before you today. The additional sites are going to be part of a comprehensive RFP which Purchasing Office is going to put out that will include all security as well as video surveillance.

- Councilor Lindell said then we have another contract forthcoming.

Mr. Williams said, "Yes ma'am. That will be part of a comprehensive RFP that Purchasing will oversee."

- Councilor Lindell said, "I have a lot of confusion with this contract, because the contract was a request for cameras at specific locations, and the contract was bid out, and then we proceeded to a situation where some of those locations couldn't have cameras or weren't appropriate for cameras. Is that correct?"

Mr. Williams said, "Yes, that is correct."

- Councilor Lindell said, "How is it that we got a bid to put cameras in places that can't support cameras."

Mr. Williams said, "In 2012, when this project was initially conceived, it was based upon concerns from members of the Governing Body from the constituents in certain areas. At that point, ITT went out with Parks staff and Parking staff, but primarily Parks staff as it relates to these particular



issues, went to each one of the sites and received information from them regarding exactly where they wanted the cameras and what the issues were for those particular areas. And by the time the project was bid and awarded to Chavez Security there was some staff turnover. So at that point, when Chavez Security is ready to go out with staff and start deploying it, the staff who were employees at that time, had totally different perspectives on what the issues were and where the cameras were to be placed. So part of it was there was this urgency, understandably, with vandalism and burglaries, etc., to get this project underway. And that certainly didn't lend itself to the types of analyses and studies, where you're getting crime statistics and those types of things. So, as we got out on the ground with Chavez Security to start deploying or implementing this project, some of these things became very apparent, that they were things that were overlooked in the beginning."

- Councilor Lindell said, "So you said there were some specific areas that were the impetus for this entire thing. Can you tell me what some of those areas were."

Mr. Williams said, "They were every site that was on here. The impetus for every site was related to vandalism, graffiti, vehicle burglaries. There wasn't a site in terms of parks and trailheads that was part of the initial project that wasn't related to that. So that's the information we received."

- Councilor Bushee said, "My memory, if it serves me correctly, those of us who are a little fearful of big brother, were only concerned about a few particular areas. It started with the Railyard, which I believe we have cameras already in the Railyard and we have active security as well. That was the main impetus, we got it done. The next that followed were the Dale Ball Trails because we had a rash of break-ins. And there was some debate at the time that maybe the River Trail is kind of dark at night and scary to some people, but some of that might have to do with lighting and that would work. But the majority of these sites, I think they came after the fact. And you can find the minutes. I think we also asked that the Police Chief be involved in helping find locations. So this list, to me, even the additional list, just seem to be locations of convenience, more than locations of need."
- Councilor Lindell said, "Specifically, from reading the paper, I think I can safely say years ago about this, that this first started being talked about. The Dale Ball/Hyde Park was on that list. And I've talked about this with Ms. Martinez, I've talked about it with the City Manager, and I thought that was one of the initial spots that was extremely problematic. Is that true Councilor Bushee, from the past."
- Councilor Bushee said, "Yes. You've been broken into twice."
- Councilor Lindell said, "I've been broken into twice there, so I personally know that's a problematic area. What I don't understand is how we can get a bid for a contract that includes certain locations and then go out and say, I can't do that location, we can't do that. I'm completely confused about how you could do a bid, and accept a bid for specific locations and then go out and look at the locations and say, no, those won't work."

Mr. Williams said, "I believe the Parks Division staff would be the best people to speak to this. Once the project was underway and Chavez Security started going out with Parks Division staff as it relates to the sites we're discussing, that's when the changes came into play. So the logic that they used, or wisdom or whatever, they would be able to speak to that. From an IT perspective, our support is strictly with the technology, so I can't speak to why they made the decision that they made."

- Councilor Lindell said, "It says here, 'After considerable evaluation.' I feel like we should probably see what that considerable evaluation is. Secondly, I would like to see, we had 8 sites removed and we gained 5 sites. I would like to see a cost change of.... what was the cost in giving up Jaguar Drive, what was the cost in giving up Power Line Road, and then what is the cost in adding Ortiz Park. I agree with Councilor Bushee and Councilor Maestas, I don't know that these are problematic areas. I have no idea. I'd like to see that and I'd like to see the cost difference. As to the actual amendment itself, the Professional Services Agreement, under Scope of Services B(1), it's talking about commercial power and running commercial power, and that the City will be responsible for all costs related to obtaining required permits and trenching. I don't know what sites these are. I would be very very hesitant to agree to the cost of trenching, when I don't have any idea if I'm signing on for a 100 foot trench, a mile long trench, and I know those costs can be really, really significant. So I think that it's not really very specific as to what we're agreeing to here."

- Councilor Lindell continued, "Secondly, on the next page of the amendment, it would still be under Scope of Services B(2), I don't have any idea of the difference in the cost between the City's network, the CSI air network or the Verizon Wireless Network. If one is two times, three times, four times, how those costs break down. And secondly, a concern I have, is this contract goes through June 2017. My concern would be what happens when this contract ends, if we're utilizing the CSI Air Network. What happens then."

Mr. Williams said in that instance, we would convert it over to some other network, or we could continue to use the CSI Air Network for a fee. It would depend on what made the most sense at that time. He said, "With respect to the preference of using a certain network, it really is just a matter of logic. The logic that we used, obviously, is the most cost effective is to use the City's network, after that it's CSI and then Verizon gets really expensive. So whenever possible, we would obviously using the City's network. We were really just notifying the Governing Body of that thinking and certainly get your feedback on it."

- Councilor Lindell asked, "How about the cost and the sites involved in running commercial power."

Mr. Williams said, "We don't have that. My understanding of it was that basically, Parks staff would take care of the trenching, and any equipment associated with that, and Chavez Security would use their electrician. We would need to step down power, and obviously terminate the power. So that was just a change that was going to make the project more effective and more efficient and more [inaudible]. Chavez Security stands ready to implement the project the way it was originally designed. The problem is the way it was originally designed was not totally thought out. And

some of these things came to staff's attention when Chavez Security actually got in the field and started getting ready to implement these things. But with respect to the original sites, Dorothy Stewart, Wilderness Gate and I think you mentioned Dale Ball/Hyde Park, Chavez Security could still implement those sites in lieu of the other 5. It's just that staff in the Parks Division felt that these new sites would be a more effective deployment than some of these others. Now, obviously, Atalaya, St. John's, Jaguar Drive and Power Line Road, I think those are a different issue altogether. Atalaya, we simply can't do because it's private property. Jaguar, there's no park there yet, and Power Line, it's not clear to Parks staff at this time, what the initial intent was at location. That was one of the locations that was given at the very beginning. I think that's where the large tank is. And I guess the only thing that was going to be part of that video surveillance, was the tank itself."

- Councilor Lindell said, "So, what you just said was that the new sites, the Parks division determined that those were better sites than the 5 that my packet says were eliminated, it looks to me like eliminated due to infrastructure problems."

Mr. Williams said, "Which is primarily power. But as I said before, Chavez Security could just take those 5 sites, if it is the wish of this Committee, eliminate the 5 new ones and deploy them, I'm assuming with solar technology."

Former Councilor Chavez said, "You could do that with solar technology. In fact, we can go ahead if you want to. I could have done this bid and it would have been completed in 4 months, and I would have given a project exactly by the specs. And guess what, your project wouldn't be functional to you. It would just be a waste of money. Chavez Security went, and we redesigned this so it would be functional, it would be working and it would be operational. That's what we did. We're not asking for any money change, we're not asking for any change order, we're wanting to make this thing work and that's what we've done. And by the way, whatever wishes you have, we're willing to go ahead and stand by and do, we'll go ahead and do it. These changes didn't come from Chavez Security. And I give you the first instance going back to St. Johns College. I guess by contract law, I guess I could say, hey you owe me money for that place, because that was part of the bid. We didn't charge you for that. We're not going to. That's not what we stand for, that's not what we're trying to do."

- Chair Dominguez said it sounds as if we have questions for Parks and the Police Department as well.
- Councilor Maestas said, "Ms. Brennan, Kelley, can you come down here please. Kelley, in our write-up, it says, 'The original specification design for this project had unforeseen flaws, which unduly limited the functionality and efficiency of the surveillance technology at the Park and Parking sites. CSI redesigned the systems in consultation with staff, which improved power distribution, network connectivity and data retention. The result of the redesign and subsequent changes is a more effective, efficient and future video surveillance system.' My question is, I'm just feeling some discomfort, because here we had a project and a scope. And we awarded the bid, but the contractor came in and made some significant changes to the scope. And these are

what I consider material changes to the scope. Is it legal for us to do this, to have a series of change orders that represent what I consider to be a major change in the scope, and approve those to the contractor that was involved in redesigning the scope of the contract."

Ms. Brennan said, "I have not looked at this the way you have, and don't know exactly the extent of the change orders in relation to the original contract. But typically, when changes become material, there are always change orders in contracts, the question is when they exceed a certain percentage of the contract or when they become a substantial part of the contract, whether it should be rebid, rather than renegotiated completely through change orders. So I can't really speak to that. I did look briefly at this, and I didn't see sort of here's your starting number, here's your original scope, here are the deletions and the credits and the additions, so I can't say what percentage of change it was or how material they were. I understand that you've studied this a lot more closely than I have."

- Councilor Maestas said, "I have, but it's a no-cost change order, but the scope of the change order is significant, and the contractor had a lot to do with the re-scoping of the contract. And I'm saying, must we look at other factors besides cost in going forward with this change order."

Ms. Brennan said, "Well as I say, I think when you have the information on what the changes were, either in a deduct or an add, you can tell if you're getting the same value for the work. And I think that would be one sign of materiality."

- Councilor Maestas said, "And I want, for the record, to make it clear that these changes are all logical, and make sense, and were discovered. And, shame on our staff, whoever initially scoped this, but we do have this action is before us. And so I wanted to get a clarification on, are we inviting any protest out there from other companies that may say, hey wait a second. That was not the scope that we bid on, and this consultant was hired and redesigned it and kept the contract."

Ms. Brennan said, "That would be a possibility if that were true if there were other people interested, yes. If the contract changes significantly, that's always a possibility. And that's one reason it is important to always scope a contract as accurately as you possibly can, to make sure that everyone is bidding on the same thing and that the contract carried out is substantially the same as the one bid on."

- Councilor Maestas said, "Can you study the nature of these changes, and whether they're material and advise us whether we should reconsider approval. Is that something you could do for us."

Ms. Brennan said, "I can look at it certainly. I may need additional information in terms of, as I said, the scope change as it's valued, either in an add or a deduct from the contract price and how you get to the bottom line. You know, I'm not sure that shifting work around per se, as long as there is a logical reason for it, is problematic absent knowing exactly what the changes represented in terms of cost."

- Councilor Maestas said, "For the record, I did want to state that, I'd say about a month ago, we had some security contracts that involved kind of "boots on the ground." And we had a larger discussion about passive and active security, and what is our future plan. Can passive or technology applications lessen the need for human resources or boots on the ground. And when I was told we had some City equipment at Chavez Security, I went to Chavez Security a couple of weeks ago to view our equipment, and to better understand the technology that we are beginning to implement, so I can understand it and understand the role that it plays in our overall security plan. So if you feel that I should recuse myself, please let me know. I just wanted to disclose that for the record, but I do want to state that there is City equipment that resides at Chavez Security."

Ms. Brennan said, "I understand and I think disclosure is good. I understood that some people visited. I don't think... if you don't believe it materially affects your affect decision-making ability in this, I don't think you need to recuse yourself."

Ms. Brennan continued, "I do want to say, with respect to the other contract, that Andrew Phelps and I met with the consultants for Homeland Security to discuss exactly security needs and whether we could get an objective study without spending any money. And in fact, they do operate and can be very helpful, and we are going to pick a couple of sites that we would consider high risk, and they'll do an evaluation and tell us the kinds of combinations of security that we need. I think this will take some time, and I think that was built into the idea that we have current contracts, but that's sort of a long term project that I think we're chipping away at."

- Councilor Maestas said, "Maybe we have some more fundamental questions regarding this action. Perhaps a legal opinion could be in order, whether we are proper in considering a change order that involves, I think, material changes."
- Chair Dominguez said, "I just want to ask this question about, probably Thomas. I heard Councilor Maestas, I think he said, and I don't know verbatim, that the contractor initiated some of these changes. Is it the case that the contractor initiated some of these changes, or was it a result of the contractor not really being able to fulfill the contractual obligations because staff hadn't necessarily, for lack of a better word, vetted the locations. In other words, who initiated these changes."

Mr. Williams said, "It was really at the point where we had the project kick-off meeting. Chavez Security came to the table and said, we can implement this exactly the way it's speced out, but you should know a few things. And that's when some of the issues with respect to the solar panels, using Verizon wireless in conjunction with the motion detection technology. They just started to share some of their in-field experience with us, because this is not something the City of Santa Fe has ever done on this scale. Which was part of the bid, if I recall correctly, we wanted whoever won the bid to sit and make some other recommendations, and that's really what Chavez Security did."

- Chair Dominguez asked what would have been the consequences if Chavez Security had just gone ahead and started implemented based on the contract we have.

Mr. Williams said, "We would have solar panels deployed that, when there was prolonged overcast, that wouldn't power the equipment. We probably would have some cameras pointed at things that didn't make a whole lot of sense. And we would have some serious data charges with Verizon Wireless, because the motion detection technology kicks in a lot more frequently than we thought originally. So you would have those charges."

- Chair Dominguez said, "You would have a system that was more expensive and not as effective. So, I just want to ask again, and make clear, the changes were the result of basically, communications the contractor was having with City staff, and I guess City staff saying, well maybe we need to think about this again."

Mr. Williams said, "Yes. Because really, the logic when they first came to the table again, they were ready to deploy that way. And Chavez Security said we can do it that way, or do you want a video surveillance system that is actually going to work for you and is going to be cost effective. Of course we said, yes, we want to hear about that. We want to make sure we're doing it the right way, with the understanding, again understandably so, it was a bit rushed in the beginning. People wanted these cameras deployed as quickly as possible, so there wasn't a great deal of time to sit and really study and think this through and get everyone's opinion on it. So there was a huge push to get this done as quickly as possible, which lent itself to some oversights."

- Councilor Bushee said, "I'm going to correct the record again Thomas. The urgency was in the Railyard. There were stabbings, a cooking mess under the steps of the condos over there, there were chronic inebriates stabbing one another. There were adult inebriates hanging out in front of CCA. I know this, because it's my District. We had several meetings. And so, Lisa, I'm going to ask you a few questions if I could, and you maybe weren't here, but I'm really going to correct the record, Thomas, because the urgency at the time..... and maybe someone can tell me how we were able to implement the cameras at the Railyard, because that was the urgency. Does anybody have an answer as to how that got done. Did we go through the security company that is there. Did we go through IT. Did we go through..... at the time, the request..... this feels like this took a whole other direction from the initiative that was put forth by the Council. And I'm not at all questioning the efficacy of the knowledge of the contractor that won the bid. I'm concerned that we have created something which is ineffective and perhaps, in my estimation, this whole thing should start over. So, at the same time, in this long discussion, and you can find minutes, because the urgency was that. And you keep using this urgency issue, but we didn't deploy the cameras in the places we ask for, which were primarily Dale Ball Trails. The urgency was the Railyard. So does someone have the history on that, how that managed to get done. Yes, it's a question."

- Chair Dominguez said we can ask staff go back to some of the minutes to answer these questions.

Mr. Williams said, "When I speak to urgency, I'm not here to speak and say what everybody's feeling was at the time. I can say, that from my perspective and the direction that I was given, and there were numerous sites."

- Councilor Bushee said, "I'm asking about the Railyard, how we got the cameras at the Railyard. Did it go through IT, did it go through Parks or did it go to the security person that won the bid over there."

Mr. Williams said, "Chavez Security installed the video surveillance equipment, per this contract in the Railyard."

- Councilor Bushee said, "Then all the other places became difficult. Do we have power there. We don't have a problem with the motion detection technology. I'm asking those questions because Dale Ball rose to the surface. And Dale Ball is a concern of mine if you're going to say solar would be a problem. And you could shoot at all of the machinery and the cameras and all of that. But, Lisa, back to Dale Ball. Is it just the motion detection technology you're trying to power out there, or what is it, because you've got commercial power, is my understanding."

Lisa Martinez said, "My understanding at Dale Ball is that the issue in general is just power. There is no power whatsoever."

Former Councilor Chavez asked if she is speaking about Hyde Park.

Former Councilor Chavez said there is Dale Ball Canyon and Dale Ball Hyde Park, and Councilor Bushee said she is speaking primarily of Hyde Park.

Former Councilor Chavez said, "There is power that runs right to it, but you would have to step it down is what you would have to do. So, to answer your question, is there power, there is power that could possibly be used, but you would have to step it down."

- Councilor Bushee said, "So that's a possibility."

Former Councilor Chavez said, "Oh yeah, that's a great possibility. That's been our recommendation all along."

- Councilor Bushee said, "The other question I asked at the time, because again, the Railyard is in my District, Dale Ball is more or less in my District. So we were raising concerns in places that people were contacting us with real concerns. And so I'm grateful we got it done in the Railyard. We moved PSA's in the interim because we had issues around whether or not we could fund private security really for a lot of the businesses."

Former Councilor Chavez said, "If I could, just on the Railyard. The Railyard in the site specifications called for solar. And we went over there and we go, we don't need solar. Why do we need solar, so we just connected it to the thing. So when you're talking about changes, those are the subtle changes that we made that saved the City some money, and in the long run you will be able to utilize this to no end."

- Councilor Bushee said, "Sorry, they don't give me much time because I'm not on this Committee. So the other question, at the time I asked the City Attorney is if we can put decoy cameras up. Other communities do it. This was in various places and kind of keeps people guessing. I was told no. I just asked City Attorney Kelley Brennan and she said, I don't see why not."
- Former Councilor Chavez said, "My experience is you would be sued to no extent. The dummy cameras are an expression. Any camera you have out there in the public is an expression that the camera is operating and therefore gives safety to people, i.e., people will park directly under cameras in parking lots because they feel there is a safety factor. If you don't have cameras in there, you are going to get sued. My investigation company has already sued companies that do this."
- Councilor Bushee said, "Here's my questions to the Committee. I will see this at Public Works, so I'll go over this in greater detail. But I would like to follow the lead from Kelley, in terms of Homeland Security in contemplation with what the Chief thinks, and statistics prove to bear, where we really have a great need. And if these areas of great need and we limit the scope in the areas, perhaps we can have someone reading the cameras and streaming it where we're having real problems. Kind of like the red light cameras where your vans, where you moved them around to problem areas."
- Councilor Bushee continued, "And then the other is, I would like the exploration of the dummy cameras or decoys just on the final legal side of things. And then thirdly, the only other concern I have, really I think this thing should be narrowed, focused in on and re-bid, to be honest. And the other is that I really want to make sure we're not getting into some proprietary system that, how do you put that out to open bid later. That's the difficult thing, and I would like legal to take a look at that as well. Thank you."

**MOTION:** Councilor Maestas moved, seconded by Councilor Trujillo, to defer this action to Public Safety without recommendation, with the condition that the City Attorney do an analysis of the scope changes and determine whether they are material and give us an opinion whether it is proper for us to be approving a change order whose scope changes were in part driven by the actual contractor, and with direction to the City Attorney for an opinion on dummy cameras."

**FRIENDLY AMENDMENT:** Councilor Lindell said, "Councilor Maestas in asking about that and with your motion, about including as a friendly part of it sending this to Public Works... first, let me ask a question. Is this going to, you're saying Public Safety, is it going to Public Works. Chair Dominguez said we can mandate that it go to Public Works, and I think it's appropriate because so much of this is public works related. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Chair Dominguez said that means we can get it to Public Works on August 11, 2014, Public Safety on August 19, 2014, with possible Council action on August 27, 2014. He asked Ms. Garcia if this works.

Ms. Garcia said, "Yes, it will work, if it's not coming back to Finance."



Chair Dominguez asked Councilor Trujillo, Public Works Chair, if he is okay with sending this to the Public Works Committee.

Councilor Trujillo said yes.

Chair Dominguez asked staff to ensure this will go to Public Works on August 11, 2014.

Councilor Lindell said she thinks this should come back to Finance if it is changed substantially, and we are looking at different sites.

Chair Dominguez said if there is a financial implication, it would be appropriate to come back to Finance. He said there are no financial implications to this, it is really the logistics and the siting.

Chair Dominguez said it sounds like right now, the motion is for this to go to Public Works and Public Safety. And that's the motion on the floor.

**CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED:** Councilor Maestas said, "Just under discussion, I think if the legal opinion gives us the green light to consider this action period, I'm fine with it not coming back to Finance, but I do want to say a few things on the record, Mr. Chairman."

Chairman Dominguez said Councilor Maestas has the floor.

Councilor Maestas said, "Chavez Security, Peso, you're a former Councilor, we appreciate your service to the City. You are a local business, and you're successful. We want local businesses to flourish. We have a local preference, so I don't want you to construe this as us being unfriendly businesses, especially local businesses. So, I want to have that on the record. And I also want to say that I thank you for pointing out the flaws in the original scope of this contract. Thank you. My concern is, how do we turn this around. How do we make this better going forward. And I just want to make sure we're not doing anything improper here. I want to make sure.... I want to know who's driving this bus right now. And I really think I need to have a discussion with the City Manager to really kind of get hold of this program. I feel like it's getting away from us. I know we're injecting Public Safety to ensure it is crime data drive. A lot of this is IT driven. A lot of this is Parks drive, but I think we need somebody to get hold of this ship and steady it, and make sure it's headed in the right direction. So I see a broader discussion, Mr. Chairman, and I see this at the City Manager level, and that needs to happen in some form or fashion, and sooner than later. I would say even before this is heard in Public Works. That's all I have."

Chair Dominguez said, "I would agree with you. This is really something that the City Manager should have a tight grip on, because there are multiple departments dealing with this, it's public money, it's a contractor, it's a contract. And so I would agree. I would imagine that the Committee send a pretty clear message to the City Manager that he needs to make sure that the staff and that the story is in order, and straight to the point, and whether or not we're even breaking any laws. Or not breaking any laws, but that we have the proper direction from legal."

Councilor Bushee said it will be on camera if we're doing it tonight.

Chair Dominguez said, "Well, to make sure that everything is legit, because I feel we've gone down this road before with this particular, not contractor or contract, but the concept. I think we need to make sure the City Manager gets a clear message."

Isaac Pino, Public Works Director said, "Councilor Lindell said Public Works on the 11<sup>th</sup> and there's nothing to present on the 11<sup>th</sup>. There's too many things."

Chair Dominguez clarified that he suggested Public Works on August 11<sup>th</sup>. He asked if we have anything on the agenda for the 11<sup>th</sup>.

Mr. Pino said, "Yes, but you have a whole pile of questions that won't be answered by Wednesday at noon when we have to prepare the packet."

Chair Dominguez said, "Staff is always giving us stuff at the last minute, so I don't see why we can't get it the day of the meeting."

Mr. Pino said, "We won't be able to get it done, from what I heard. It's nothing that I need to produce, I won't be here anyway."

Chair Dominguez said, "Well, we'll let the City Manager worry about it."

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

Councilor Bushee said, "It's not a comment, it's just I heard there's a Part 2 coming up. I want to hear about that at Public Works as well, because from my perspective, this has gotten out of control."

Chair Dominguez said, "We're going to move on with the agenda, but that's something that the City Manager has to deal with as well."

Former Councilor Chavez said, "I have to defend myself, if you don't mind, just one comment. I just want to let this Committee know that whatever your wishes are, Chavez Security was there to do this. We did not change the scope of the services, just to make that perfectly clear like Councilor Maestas mentioned that. And the other only comment that I have, and that's with the City attorney. I have invited the City Attorney, all of the Councilors as well as staff to my office to show them your equipment that you purchased and how it works. If I am violating something by inviting them, I need to know that. I would think that it's in your best interest, because now you have knowledge of how your own equipment works. It's like going out and buying a backhoe, and you want to see how the backhoe works. It's exactly what the analogy is. So, I don't see where the conflict is there, but if I've done something wrong, I need to know about that, if you would let me know."

Chair Dominguez said that is part of the direction to staff. The City Manager needs to get a better grip on this and make sure things have been taken care of. He said, "In terms of, I guess, my last comment on that is that we have moved this on from the Finance Committee so that it is on a path of some sort of discourse."

Mr. Chavez said, "By the way, the cameras do work."

**19. IMPACT FEES (COUNCILOR BUSHEE). (REED LIMING)**

- (B) REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14(C), (E) AND (F), TO REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES, ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS – AMENDING SECTION 14-8.15(C)(2) SFCC 1987, THE PARK DEDICATION SECTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR BUSHEE). (REED LIMING) NOTE: THIS CAPTION MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET IN THE PACKET. Committee Review: CIAC (Approved with amendment) 06/12/14; Planning Commission (Approved) 07/10/14; Public Works Committee (approved w/amendment) 07/28/14; Council (Request to publish) 07/30/14; and Council (Public hearing) 08/27/14. Fiscal Impact – Yes.

Councilor Maestas asked if tonight's action is to approve this with the amendment to restore the 50% reduction.

Mr. Liming said, "The bill that is being put forward for Request to Publish, has the 50% reduction back in it."

Councilor Maestas asked the reason the caption wasn't changed, noting the caption still has the removal of the 50% reduction of Residential Impact Fees.

Chair Dominguez said he thinks it is because of the action taken at the Council Meeting and how it was noticed.

Councilor Maestas said, "I'm just worried about the notice for this meeting."

Melissa Byers said, "If you look at the caption of 19(B), it says, 'Note: This caption may be amended in accordance with the amendment sheet in the packet.' So it notifies the public that there is a possible amendment that could take place. So at Council, yes, there was the action to restore the 50%, so when the bill goes for Request to Publish for the public hearing, it will have the correct title on the Council agenda and in the newspaper when this is going. So it won't say to remove the 50%. Do you understand what I said."

Councilor Maestas said yes.

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

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

**20. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE 2016-2010 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) (COUNCILOR TRUJILLO). (ISAAC PINO) Committee Review: Public Works Committee (approved) 07/28/14; City Council (scheduled) 08/13/14. Fiscal Impact – No.**

Councilor Lindell said she would like information on how the original list is put together and the process of prioritizing this list.

Mr. Pino said, "This list is put together in anticipation of the State Legislature, because all of the funding that would come, would come through the Legislature. This list is a compilation of priorities over the last several years. It is a list that is vetted by Public Works; it's been there three times already, it's been to Finance Committee once, four times at committee. So it has been vetted and prioritized and it's being prepared to submit to the Department of Finance & Administration, so they have it as a reference whenever we make requests for project funding through a Legislator."

Councilor Lindell said it is such a sizeable list. She asked if it is things which have been collected over a number of years, and it has been prioritized three times at Public Works Committee.

Mr. Pino said, "The list is a real list of real needs of the City, \$250 million worth. And the way they're listed in unofficial priority, is deferred maintenance first, General Fund deferred maintenance projects first, traffic safety projects next, then Enterprise Fund deferred maintenance, then expansion items that didn't get funded in the budget, and finally the pass-throughs for non-profits. DFA requires us.... we used to be able to list these in categories, but they took those out about two years ago. So that's why it looks like this, a straight list of 64 projects at this point."

Councilor Lindell asked the reason DFA changed that.

Mr. Pino said because there was a change in Governor.

**MOTION:** Councilor Lindell moved, seconded by Councilor Trujillo, to approve this request.

**DISCUSSION:** Councilor Maestas noted in the top 5 priorities there improvements with the potential to be funded with federal funds. He asked if that is considered in ranking these, such as the Airport Terminal Building Expansion, Downtown Bridge Improvements. He said we rarely rehabilitate or replace a bridge without federal bridge funding.

Mr. Pino said, "It hasn't, because federal funds for us have been few and far between, and when they do come, they're a very little percentage of the overall project needs. So no, they haven't received that kind of consideration."

Councilor Maestas noted the write-up for the Downtown Bridge Improvements, and asked if all those bridges are rated where they are eligible for bridge replacement or rehabilitation funds.

Mr. Pino said, "They have been rated over the years, and are updated every 2 years."

Councilor Maestas thanked Mr. Pino for adding the Canyon Road lighting.

Councilor Maestas on page 14, you added City of Santa Fe welcome signing, but it's not quite what he had in mind. He said what he had meant was gateways at all entry points to the City of Santa Fe and the Airport. He would like funds programmed for planning and design initially and the construction funds in the out years of the ICIP. He feels strongly when people enter the City from any quadrant they should be met with an "appropriate, context sensitive, gateway."

Chair Dominguez asked if it is a welcome sign, and Councilor Maestas said, "Right. It's more than signage."

Mr. Pino said he doesn't understand what he means by gateways.

Chair Dominguez said, "I think what he's talking about is when you're coming into the City of Santa Fe, a monument that says you're coming into the City of Santa Fe. Not only is the monument beautiful, but the City is beautiful as well."

Councilor Trujillo asked if it is like the ones at Colorado Springs on exits from the Interstate, and Councilor Maestas said yes.

Chair Dominguez said this is a wish list and we need to make sure that anything like this is somehow articulated in this list, so if a Legislator wants to push that initiative forward, then it's on our list and in some cases, we become the fiscal agent. He said changing the title is in order.

**FRIENDLY AMENDMENT:** Councilor Maestas would like to amend the motion to change #45 on the list to change it to a request for City of Santa Fe Gateways, and change the requested amount to \$100,000. **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.

21. **REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING AND READOPTING ARTICLE IX OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT PARKING VIOLATIONS RELATED TO PARKING METERS, CITY PARKING LOTS AND CITY PARKING GARAGES ARE NUISANCES AND SUBJECT TO ADMINISTRATIVE ADJUDICATION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE (COUNCILOR DIMAS). (SEVASTIAN GURULE) Committee Review: Public Safety Committee (Approved) 06/17/14; Public Works Committee (Approved) 07/28/14; Council (Request to publish) 08/13/14; and Council (Public Hearing) 09/10/14. Fiscal Impact – Yes.**

A copy of City of Santa Fe Fiscal Impact Report No. 2551, in this matter, is incorporated herewith to these minutes as Exhibit "2."

Councilor Maestas said he believes everyone received an email from a tourist who was cited for parking in a handicap spot by mistake, and the fee was \$500. He said the Ordinance itself indicates a range, "not less than \$250 and not more than \$500." He asked the reason for the range for the fee for parking in a handicapped spot.

Sevastian Gurule said the fees are established by the federal government. The maximum fee is \$500, so our citations just reflect the maximum amount. It is the Judge's discretion to determine what she will assess. He can do research to find out the reason for the minimum and maximum established by the federal government.

Councilor Maestas said he isn't reactive, but this person is a tourist. He said one of the transition teams or committees that met that looked at tourism, and one of the recommendations was not to cite certain people for minor nuisance violations. The intent was to not discourage tourists from coming to Santa Fe. He thinks a \$500 ticket might do that as it did this person who sent an email to everyone. He asked if we can cap the fee at \$250 for any violation. He said he isn't trying to be insensitive to people with disabilities, but the tourist had a compelling case. She sent pictures showing the signage and it wasn't apparent she was parking in a handicapped spot. However, he feels \$500 is quite high. He said the tourist cited other comparisons, and none are as high as this. He asked again if this can be capped at \$250.

Mr. Gurule said it is not a fee that is governed by the City of Santa Fe. It is a federal and a State fee. He said, "I think there may be some flexibility in what we print on the citation, however the fee itself is governed by the federal government. And that is something that is outside of our purview to change. And if I may, we have been trying to be more diligent for more than 4 years for guests that have parked illegally, and just to give them a warning – welcome to our beautiful City, this is a warning issued to you. And we've been doing that for a number of years already. And we work really closely with folks that are calling our office and giving a reason as to what transpired. And the Judge has been very responsive and considerate for those who are out-of-state. We basically take some required documentation and information and present it to the Judge on their behalf, and that has been pretty effective and we've had pretty good success with that. I would defer to Legal more to determine whether or not we can cap it, being that it is a federal or state fee."

Ms. Brennan said, "I believe that we need to comply with the ranges set in State and federal law. We can check into it, but I think that it is within the discretion of the Judge. And the story needs to be told to the Judge and that's the person that needs convincing, typically, but we'll look into it."

Councilor Maestas asked if they are cited and they choose to pay without going before a judge are they charged \$250, the lowest amount. He said we have a range here, and asked what is the fee.

Mr. Gurule said the fee assessed to them is \$500. It is up to the Judge to reduce that to the minimum of \$250.

Ms. Brennan said, "The Ordinance provides, 'Any person who violates this section shall be subject to a mandatory court appearance and a fine of not less than \$250 or more than \$500.' So the court appearance is mandatory and the decision would be by the Judge. We can verify that that tracks applicable law. I think it probably does, or it wouldn't be in there. I think that handicapped parking areas are regulated strongly as a deterrent to people who are not authorized to park in those spaces."

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

**DISCUSSION:** Councilor Lindell noted the handout on our desks tonight addressing this [Exhibit "2"]. She said, "Mr. Gurule, you're the Interim Parking Division Director. Correct."

Mr. Gurule said yes.

Councilor Lindell said, "My question on this, I'm wondering if this is something that we should just postpone a short amount of time until we have a Parking Director.... perhaps the Director would want to have some other input on this. I don't know."

Chair Dominguez said, "I think, for all intents and purposes, Mr. Gurule is that Director. Without the City Manager being here and indicating otherwise, even if he would do that, I think that as far as we're concerned the Director is here."

Councilor Lindell said, "The question I have with this, in looking at the numbers with it, is this proposal has with it an annual cost of staffing and other costs of \$227,000 per year. Is that correct."

Mr. Gurule said yes.

Councilor Lindell said, "So that's a recurring cost of \$227,000 per year. The handout shows an offset on this of \$301,000. Correct."

Mr. Gurule said yes.

Councilor Lindell said, "These numbers are a little misleading to me, and I have some other numbers here, because the \$301,000 already includes.... I mean we collect.... we don't collect that entire amount now."

Mr. Gurule said, "No, we do not. If I may, Councilor, the \$301,000 represents the total base fee for the citations that would be considered a nuisance. We are looking at, with the proposal present here, to be able to collect up to 95%. We have a 75% collection rate on these types of citations. And with the use of a hearing officer and a collection agency, we feel very confident that we can get up to 95% collections just on those citations that are affected by this Code amendment."

Councilor Lindell said, "Yes, but we're basically saying that we are willing to spend.... and I can't find the numbers, I'm just doing some quick math in my head now, we're basically saying here that we are willing to spend \$227,000 on an annual basis to collect really about \$61,000."

Mr. Gurule said, "It's more than that. And if I may further explain, with the personnel and expenses here, we are creating an office that is specifically designed to address citation adjudication. And it's not just for citations that would be considered a nuisance, but also those citations that are heard in Municipal Court. And with a staff of four that I am proposing here, the overall collection of all citations is noted in the last paragraph on Item 4 of the Fiscal Impact Report, we have an ability and an opportunity to possibly collect up to 75% of the overall outstanding parking citations, which equals \$637,000. It gives an opportunity to be more effective, more efficient. It gives us a chance to strengthen our internal controls, which was the subject of a forensic audit last year. There were several recommendations that were made by the forensic auditors that was supported by a Resolution sponsored by Councilor Ives. It allows an opportunity to have staff that are specifically focused on addressing citation adjudication. With the current staff right now, that's just one fraction of the job functions which they carry right now."

Councilor Lindell said, "We're talking though about adding 4 new employees which would be there forever, at a cost of \$227,000 per year. We currently, on the citations reported here, in 2013 of essentially \$300,000. We currently collect 75% of those, which is \$225,000. I'm just having a really hard time wanting to add on 4 new employees at a cost of \$227,000 to collect that other 25% that sits out there that in 2013 equaled \$61,000. I'm having a tough time wanting to spend over \$220,000 to collect \$60,000."

Responding to Mr. Gurule, Councilor Lindell said, "I took the math that says in 2013 we had essentially 21,000 citations with a value of \$301,000. And then I took the percent that '5340' was of '2938,' so it's essentially 75%. So of the \$301,000, the 75%, the 25% remaining is.... I just can't make these numbers work. We're doing 75% collection now. I don't know why we would want to spend \$227,000 to collect the other 25%, which is only \$61,000. I can't fiscally make that work. So those are my comments on this. I can't justify spending that much money, almost 400% of what we would be collecting. So those numbers don't work for me."

Mr. Gurule said, "I would like to also state again, the office itself is not going to be solely focused on the adjudication of nuisance citations. It is going to be all citations that are issued through an entire year which is roughly 30,000 citations. And the base value of the full amount is over \$800,000. And with this personnel, again we have an ability to collect up to 75%, not only just with... again keep in mind, I'm not just referencing nuisance violations. I'm talking about all citations that have been issued in the course of a year."

Councilor Lindell asked what are the other citations he's speaking about.

Mr. Gurule said, "Other citations having to do with ADA violations, with parking in a fire zone, parking in a no-parking zone, parking too close to a fire hydrant, parking too close to an intersection, all the other parking violations that have State Statutes supporting them."

Councilor Lindell asked if these currently are being collected through the Court.

Mr. Gurule said, "That's the biggest challenge we're facing right now. And I think Councilor Dimas's intent for this Code amendment was the collection rate itself is very very low going through the Municipal Court process. And it is primarily for several reasons. Once a citation has been issued, if there is no registered



owner information, then that citation sits on our books as an outstanding debt. When there is registered owner information, the patron is issued two different notices. One is a notice letting them know that the penalty has doubled. The second notice is summoning them to court. If they do not appear in Court, there currently was no system in place to do any deferred to collect. We have been working with Judge Yalman to try to see how, through the Court, we can get more motivation. And the idea that came about in late to mid-2012, was Parking would issue a list of patron who were issued a summons that did not appear in Court. The Court would then issue a criminal summons, summoning them into Court, thinking we would get more attention from that standpoint. That has not proven to be as effective as we thought. The next step would be the Judge would issue a Failure to Appear, and ultimately end up with a Bench Warrant. With the proposal here for the citations that are considered nuisances, we have the ability to have court once a month, which means we can have court more frequently, and moreover, we have the ability to use a collection agency, which in my experience and in talking to others that have gone through an administrative adjudication, it seemed to be more effective in trying to collect when you are receiving a notice from a collection agency, rather than a summons from the Municipal Court."

Councilor Trujillo said, "In listening to Councilor Lindell, she has different statistics that you have for that fiscal year. I'm just wondering can you get how much we actually had in fines. The number she is showing is three hundred and some thousand, and you're saying eight hundred and some thousand for that one year. There's a big difference that. I think if she had that information, you could clarify how much the City could be receiving. I think that would be very helpful, and if you can get that information when it goes to Council for a vote. Would that help you Councilor."

Councilor Lindell said absolutely, commenting she's working with the numbers she has, reiterating that she can't make them work.

Councilor Maestas said, "I agree with the concept, I do like it. And I think it will be a better process. And not only is it going to affect our own Parking Division, it's going to streamline the operations of our Municipal Court. My concern is, I know Councilor Lindell is asking about FTE's and all the resources, well those actions are yet to come – hire a hearing officer, establish the bureau and appropriate funds for so many FTE's, revise internal SOP, order additional supplies, develop a public relations campaign. That's a lot to do in 5 months, because the effective date of this is January of next year, I'm a little concerned that we are pushing the edge on doing all these things by January. Would you consider maybe delaying the effective date to give us more time to do all those things, and assess whether we need 4 FTE's for this bureau. And educating the public. I do feel there is going to be some confusion about this. One comment that I have. The other is, are there any cities that have done this, that have decriminalized nuisance parking citations, and have they done it successfully. Can you at least speak to that briefly."

Mr. Gurule said, "Yes there are several cities back east, and I think Denver is going through this administrative adjudication. And the City of Chicago, and I forgot the other city, their collections rate went up to a complete 95%, but they decriminalized all citations. For us to do that here, we would have to go to the State Legislature and have some of those citations that reference State law to be changed. To answer your question, yes, there are several cities that have been very successful going to this process."

Councilor Maestas said if we approve this, can we start collecting sooner relative to the date of the citation, or do we still have to wait one year to collect.

Mr. Gurule said, "We can start collecting immediately. What the statute of limitation does, and with the new process in place, is that we can toll the statute of limitations, they're considered to be uncollectable after one year. So, once we meet certain criteria, whether it's a hearing officer or with a Municipal Court Judge, then that process tolls the statute of limitations and we can collect on it from there. And I think most cities have been most successful using a collection agency, rather than going through the court process."

Councilor Maestas said he is concerned with the implementation. There is still a lot that needs to happen and a lot of actions that need to come to the Governing Body. He said, "I'm not saying it wasn't well thought-out, but it seems like a lot of things need to happen before this goes live. That's my only concern."

Chair Dominguez pointed out that Councilor Maestas made the motion and Councilor Rivera seconded it.

Councilor Maestas asked, "Mr. Gurule, is that enough time. Can you guys get all these done by January 2015."

Mr. Gurule said, "If it is desire of the Governing Body, we definitely can. If you would like to delay it a couple of months, we can work on it too. I agree, the public education is going to be key, and we've been working on developing what that P.R. campaign is going to look like. And it is going to be more on how law enforcement officers are out on the beat and what the information consists of on the citation or notice of violation." It will help them to know whether they go through a hearing officer or the Municipal Court.

Councilor Maestas said everything else has to happen before we launch the P.R. campaign. He doesn't want to be arbitrary, but he feels 5 months isn't sufficient time to get everything done and then launch the P.R. campaign which needs to happen before the effective date.

Mr. Gurule said there will be a 30 day public notice, with all the media available to use. They also are thinking of purchasing time at the theater and work with multi-media to do a 30 second education spot. He said primarily, it would be the design of the notices that are issued to vehicles parked in violation to guide the patron on the correct process to follow.

Chair Dominguez said, "So why don't we do this Councilor Maestas. Why don't we go ahead and let the motion stand. I think that's more of a conversation you need to have with the City Manager. Because, as far as I'm concerned, if Mr. Gurule says he can do something, he's been proven to do it. And if not, he gives it one helluva effort. I think you have some valid concerns. 30 days for a public education campaign, who's to say that maybe we need 60 days. So why don't we go ahead and let the motion stand as is, and you let the City Manager know that he is confident it can happen."

Councilor Maestas said he is okay with this.

**VOTE:** The motion was approved on a voice vote with Councilor Trujillo, Councilor Rivera and Councilor Maestas voting in favor of the motion, and Councilor Lindell voting against.

22. **A RESOLUTION RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING CHILDREN AND YOUTH, TO BE EDUCATED ABOUT SANTA FE'S HISTORIC HERITAGE AND CREATE A MARKETING STRATEGY FOR LOCAL RESIDENTS AND TOURISTS TO EXPERIENCE SANTA FE'S RICH HISTORIC HERITAGE (MAYOR GONZALES AND COUNCILOR IVES). (DAVID RASCH) Committee Review: City Council (scheduled) 08/13/14. Fiscal Impact – Yes.**

Councilor Lindell asked if this is a one-time funding, or does it recur year after year.

Mr. Rasch said he doesn't think they have thought that far about it. He said currently, the Historian has no budget tied to it. This is a for a one-year contract, and it doesn't say it will recur. We currently have a Historian which is under the Arts Commission.

Councilor Lindell asked the source of funding for this request.

Mr. Rasch said since this came up after the budget hearings, it isn't funded for this fiscal year and he assumes it will come up during the mid-year budget discussions.

Councilor Lindell said she heard from some constituents, and she would like to spend more time looking into this. First, it's not budgeted. Secondly, she understands there is an organization in town called The Old Santa Fe Association that has volunteered to do this exact type of work. She asked Mr. Rasch if he knows anything about that meeting.

Mr. Rasch said he hasn't heard about the meeting.

Councilor Lindell said the meeting happened recently with the City Manager and the Director of the Convention and Visitors Bureau. She reiterated she wants more information, commenting she thinks things have changed and this is not a budgeted item.

Chair Dominguez said, "As far as I'm concerned, since this is somewhat intended to be for tourists, that if we can spend money for the Bachelor, that this money can come out of that same fund."

Councilor Ives said, "This is an effort to make more real a function that we have had in the City, the City Historian, which has never been funded. So we functionally have somebody we're asking to perform certain duties, although those aren't really defined. It's been more, perhaps of an honorific. And I think the Mayor's sense, and certainly my sense, is that we should take a more focused and intentional effort to try and make sure the history of our City is available to not only our residents, but also the tourists that are attracted here. This is not just focused on tourists. It is focused a lot on residents as well, and they would be, presumably the main beneficiaries, I suspect, of public lectures and the other types of outreach that are described in the particular program."

Councilor Ives continued, "From my own personal perspective, having that historical context is one of the things, certainly in my family, that has kept my kids in Santa Fe. They identify as Santa Feans, they

identify with Santa Fe's rich cultural history. And as a result, at least so far, they've all made conscious decisions to live here in Santa Fe and to seek employment. So personally, I have seen the benefits of people understanding that cultural heritage, the impact on our youth in terms of wanting to remain in Santa Fe. So really, it's an effort to say if we're going to have this position, let's do it seriously, let's make something of it, rather than just have it as an honorific and not really do anything with it. And yes, I would be surprised if the Committee doesn't consider unfunded mandates at almost any particular meeting that you hold. Are we looking for the funds to fund this type of work. Yes. Has that determination been made yet. No. I know Councilor Bushee, with my own measure on the Solarize Santa Fe, you suggested moving it forward with a condition that obviously funds be found for it."

Councilor Bushee said, "Moving it forward if funds were found."

Councilor Ives said, "Yes. And obviously, we would have to find funds to fund it in the first instance. From my own perspective, too, the intention would be that this would become a program that would certainly pass beyond a single session and become more a year by year, or a continued yearly part of the City of Santa Fe and the education process, and cultural instruction."

Chair Dominguez asked if the intent is to create this position and then find funding for it at mid-year, or later after it is approved. He said, "Not that \$30,000 is a lot, and that this is geared just toward tourists, but I would much rather that money come out of the CVB, versus than the Children & Youth Fund. That's an important issue for me to understand, is the intent. I have no problem creating the position, I quite frankly don't even have problems paying the \$30,000 if they're going to do everything in the Resolution, but where that money comes from is something that is a concern of mine. And I don't know if you have a comment on that."

Councilor Ives said, "I think, having sat there in similar discussions, I always was concerned about where funding is coming from, and that we have funding that is available. And that's why, again, we would love to move this forward, because I think it is significant in the context of Santa Fe. And honestly, the fact that, from my perspective, it is so significant, suggests that we will find that funding through some source and of course, could easily have it come back before Finance when that is identified. But really trying to move the concept forward at this point in time to certainly get consensus that this position is something significant to our City and should exist as a reality and as something other than a titular item with no possible impact or capacity to really do this job which I think is important."

Councilor Maestas said he is with Councilor Lindell on some of the requests with fiscal impact. He said we all need to ask ourselves what is the context of this request, what is the need. He said there are organizations that focus on this, such as the Old Santa Fe Association. He attended their monthly meeting and brought this up as something they wanted to see. He said we have an Historic Preservation Week during which organizations celebrate our City's history. He would like to see something on a smaller scale to rest the interest, the potential scope of implementing what is desired by this legislation. He isn't prepared to support an expenditure of \$30,000. He totally agrees with the purpose and intent. He said we might get people to volunteer their time to work in this regard.

Councilor Maestas noted the focus is Children and Youth. He said the Department looks at the social safety net and agrees we should use funds from that for something like this, but he would like that Department to look at the request to see if we can achieve this through existing contractors, other programs with non-profits, through the purview of the Children and Youth Commission.

Chair Dominguez agrees that the intent is great.

Councilor Trujillo asked how we would hire for this position. He said, "The way it is right now, it's a new administration, who brings in their Poet Laureate and their Historian. And I think what is nice about it, is every time you have a brand new person you get different perspective of a different part of history. Someone may be focused on downtown, and that's what I like about having a Historian. I've sat and talked with them, I get a different perspective of what they feel is the history of Santa Fe, their studies. That's my concern is how to hire for this, because hopefully you would get 10-15 applicants, and who is going to be the best historian."

Councilor Trujillo continued, "But the other thing too, is you're saying the City of Santa Fe is our forbears' history that needs to be passed on to generations of Santa Fe children and youth. In my opinion, the best people to pass on that history are the parents. I thank God my grandparents, my parents passed on my culture to me. And I hopefully have passed down that same culture to my children so they embrace living here in Santa Fe in their culture. But at the same time too, I think you're very lucky that you have your children living here, and I would hope my children stay here as well, but I've got to look realistically if you remember, I want my children to stay here as well. I would love to make Santa Fe more kid friendly. To me, that's something that's been lacking in this community, how we bring in things for kids to do. Everybody that's grown up here, they'll tell you as a kid, Santa Fe was boring. The goal is to create things like that. How do we keep our children engaged. We've got a great summer program, but where do they go. They'll go to Albuquerque. It's a rhetorical question. I understand what you and the Mayor are trying to do. \$30,000, it is a lot of money. I have some questions on that. How are we going to make this work. I don't want to see one Historian saying, well this is what really happened. These are my questions."

Councilor Ives said, in response to the first question which is how a choice would be made. Presumably in receiving responses to RFP or document, there would be submissions once the description of the services to be provided was put out as part of that process. This is the type of thing our staff, including Historic Preservation, have a first and front line capacity as well as obligation to evaluate as part of the selection process. Those usually then come back to the various Committees for approval of the contract of the selection that has been made. He doesn't think there would need to be any difference in the processes that are followed to make a good selection which give us good selections on so many fronts in all contracting.

Councilor Trujillo asked if he is saying that the Council would make that decision.

Councilor Ives said proposals come to staff who are assigned to evaluate them, and make a selection, and often the contracts come back to us for final approval and authority.

Councilor Ives continued, saying he appreciates that culture needs to be strongly given from parents to their children. We complain about the youth flight from our City and not being friendly to young people, and not being able to keep them in town and not having anything to do. He said some of that is, debatably is a loss of that cultural sense of heritage associated with Santa Fe. He said his kids are half Anglo, half Hispanic, and they strongly identify with the Hispanic portion of their heritage, having the benefit of having their abuelos in town and interact with them almost daily. That cultural richness has been very much a part of their lives growing up and still is today. What other mechanisms do we have for passing on that cultural heritage to others who don't have those opportunities. We talk about wanting to honor our history, our cultural. The position of Historian is very much a focal point for those efforts, and this is an effort to make concrete something we all support, but which we haven't supported in a more real way by recognizing the value of these services and there are positive ways the services could be performed to impact the community.

Councilor Trujillo said he knows what they want to do, and there are organizations where he has gone to lectures about the history of Santa FE. He thinks may be an avenue – how do we engage the different organizations which have the ties to the culture to do lectures more often and not just during Fiestas or Spanish Market or Indian Market, but year round. He suggested not just having these downtown at the museum, but take this to the schools and talk to the kids. He said to him, this engages the children, more than just saying there's a lecture at City Hall at 7:00 p.m. He said if it's Monday night during football season, people will be watching football. He said it's trying to find the right time when people would feel engaged to come down and listen.

Councilor Ives said yes, we are blessed with so many non-profits in the City, and he doesn't know how we would survive without so many of them. He said if somebody is going to go out and coordinate with them and try to operate a program, even if they are volunteering time, to come and do some lectures, noting they already do some. He said in doing it in an organized way, you are still talking about manpower, getting City staff involved with additional services. He said one issue we have heard across the board are the stresses, and the transition talked about the stresses on current City employees, in terms of doing so much work with fewer and fewer resources. He said, "I might be so bold as to suggest that the argument you make, is the very argument for creating this position, which is that we want to make this significant."

Councilor Rivera said he agrees with the intent, and thinks it's a great idea. He thinks this person could collaborate and organize groups such as the Old Santa Fe Association and other groups to go out and do this more frequently. He has concerns about the funding. He asked Councilor Ives if he looked at any funding sources that are out there for potential funding.

Councilor Ives said this is a relatively new measure, and he knows that process is being engaged in, but has not been completed.

Councilor Rivera said he would like to see the funding come from the same place as the funding for The Bachelor, and try to avoid some of those programs in place and already funded. He said without knowing where the exact funding is coming from, he would like to see this come back to this Committee.

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to postpone this item until the funding source is identified and then come back to the Finance Committee for approval.

**DISCUSSION:** Chair Dominguez said, "What I think is missing from this, or what I think some of the problems we are having with this, is that it is an attempt to align a lot of different things. I've experienced this with the Children & Youth Commission, and the numbers of providers that are providing that service. And it's difficult sometimes for this Governing Body and the community to get that stuff aligned. And so I see this as an attempt to do that, because you've got the Old Santa Fe Association, Stephanie Beninato, the Fiesta Council that do bits and pieces of this, and other organizations that do little bits and pieces of this throughout the community. And Councilor Rivera, I think, makes a point that in some instances you can hire someone to make sure all that stuff is aligned and that there is a quote unquote program in place to really make the message and/or the intent effect. I don't know if \$30,000 is enough to do that. I have no idea. I just wanted to make the comment that I think there are no problems with the intent, and history and culture are really part of what makes Santa Fe what it is. How we do that, is a little bit of a different story."

Councilor Maestas said, "I want to make some cautionary remarks about the intent of this. I think the City we are today is very different to its founding, and we have evolved into a much more diverse and tolerant community. And I want to make sure that this is not geared toward the founding, the beginning. And I guess a lot of the details will come out in the curriculum, but the mosaic that is Santa Fe, and it's in our own preamble, we are a community that is tolerant of all cultures, we're an inclusive community. And I don't want to offend the Native Americans that reside in this community and in the region by focusing a lot on the founding of the City. I know that's history and can't be changed, so I think we need to be balanced in what is inclusive of the heritage of Santa Fe. It's been an evolution. We all saw when there were remains from Tesuque Pueblo when the City broke ground on the Convention Center. It was very sensitive. We need to be very sensitive. We see how the Fiesta Committee is very politically correct and appropriate in involving Native Americans. I think we have a Native American Queen I believe, a Princessa. So I just want to make sure that when we read historical heritage that it doesn't evoke problems by certain members of our community. I want to make sure it is all inclusive of what Santa Fe is."

Councilor Ives said, "By using the example of my children and that side of our family's heritage which is Hispanic, I certainly did not mean to suggest that that colors and puts them in *primature* on this particular piece of legislation. There you will notice that it is neutral in terms of those references referring to historical heritage. So it is meant to encompass the entirety of that heritage as opposed to either Native or Hispanic or later Anglo or other impacts. So a point well taken, and thank you for giving me the opportunity to explain what I meant by that particular heritage in connection with my own family."

Councilor Lindell asked, "Is the motion that has been made is that if a funding source is found, it comes back to this Committee to be heard again."

Councilor Rivera said yes.

Councilor Lindell said, "But it's not just an automatic forward because there is a funding source."

Councilor Rivera said it would come back to this Committee before it moves on.

Ms. Helberg asked if this item is postponed to a date certain.

Chair Dominguez said, "I would recommend that we not give it a date certain, if that's okay with the maker of the motion."

Councilor Rivera said yes.

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

- 25. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A PILOT PROJECT TO PROVIDE SANTA FE PICK-UP SERVICE BETWEEN THE SANTA FE UNIVERSITY OF ART AND DESIGN AND THE RAILYARD, AND DOWNTOWN PLAZA AREAS ON WEEKEND EVENINGS DURING THE 2014 FALL SEMESTER (MAYOR GONZALES AND COUNCILOR IVES). (JON BULTHUIS) Committee Review: Public Works Committee (scheduled) 08/11/14; City Council (scheduled) 08/13/14. Fiscal Impact – Yes.**

*The Committee commented and asked questions as follows:*

- Councilor Lindell asked if this will be using the actual Santa Fe Pickup buses.

Mr. Bulthuis said it will.

- Councilor Lindell said she recently saw the Santa Fe Pickup buses with advertising on them, other than Santa Fe Pickup.

Mr. Bulthuis said that is correct.

- Councilor Lindell asked the reason, commenting it seems like its own branding, and we should not do that. She said we have spent money and have logos on the buses and asked the reason we would cover those up.

Jon Bulthuis said, "I concur with that. I think there is a separate brand, and we've done a lot of work in all the directions you just described. However, direction was given by the Council to generate revenues. And at the time that was under the Parking Division. It is now under the Transit Division, but during the budget process as part of the revenue generation ideas, expanding advertising which we do on the buses, to the Pickup was brought forward and approved by the Council as direction to staff. So that's why we're in this situation."

- Councilor Lindell said then the Pickup buses were specifically included in that, and Mr. Bulthuis said this is correct.



- Councilor Lindell asked, "Could we not do it so we could maintain the logos on them."

Mr. Bulthuis said he thinks we would have to go back to the contractor who won the bid and renegotiate that clause in the contract, but certainly those renegotiation discussions could be done.

- Councilor Lindell asked how much we get per bus for the advertising, and Mr. Bulthuis said he doesn't know, but he can get the information in terms of what the contractor charges and what it nets to the City.
- Councilor Lindell would like to know that, but she wants to maintain the branding and the imaging. She thinks it's a whole different thing on the regular City buses. However, the Santa Fe Pickup buses are a very different thing in her mind. She would like staff to look at this. If they have to have advertising on them, we'll see if that is possible, but still maintain our branding somehow.
- Councilor Maestas said he noticed that this service ends at 11:00 p.m., and said most college students are just getting started at that time. He asked if we are we coordinating with other ride services to get the students back to the University. He is concerned it could be a one-way trip.

Mr. Bulthuis said the County has a "Topsy Ride" service for people who have been to a pub, for example, and need that ride home. It is in place, active and currently funded by the County. He understands his concerns. He said, with this pilot, we recommended in terms of the roll-out, to keep the hours similar to our current fixed route hours, so we wouldn't have mechanics, supervisors and others staying beyond the hours the current fix route bus operates.

- Councilor Maestas thinks this will affect the demand, whether or not it is fare free, and the hours will be a deterrent to high demand. He asked at what point do we approach St. John's University and the others. Will that be after the pilot.

Mr. Bulthuis said the Resolution recommends kind of mid-stream in the pilot, and the Mayor is certainly open to that as well – getting discussions going and finding a permanent funding source. He said what is in the plan right now, is to reassign Santa Fe Pickup staff hours to cover these 5 hours each weekend night. He said, again, they are going through a Transit Service Plan right now, so we will have to evaluate whether we want to do that long term in the mix or not.

- Councilor Maestas reiterated the hours of service are more an incentive than the fares, or lack thereof. He doesn't know what the attraction is going to be to expanding this. He said if it is to be fare free, then the cost impact will be higher. He asked the basis for comparison and how do we define success. If we go to St. John's, what's our metric for success in this. He asked if staff has thought about that.

Mr. Bulthuis said just in conversations he has had with the Mayor with this. He said his staff recommendation that we would like to see at least our median ridership per hour occur on this new route for it to continue forward. He said he hasn't heard back as to whether that is acceptable.

- Councilor Maestas said the very viability of this initiative is questionable, just based on the hours of service, and a termination at 11:00 p.m. will be problematic. He said it might work on a week night, but not Friday and Saturday. He is concerned we could be creating problems, rather than solving problems, in terms of imbibing and driving drunk. The hours of service and the fiscal impact are problematic for him.
- Chair Dominguez said it almost seems we could have had some of this during the budget process, commenting it isn't Mr. Bulthuis' fault, there are other factors. He said it would have been nice to have this reorganization and the things which aren't budget neutral during the budget process, so we could have considered those back then. He said he knows the nighttime economy is important to some people, more important to some than others. However, there are other transportation issues that are important as well, such as access to the southside Farmer's Market to which that many of his constituents have indicated they need access. He doesn't want to get into the issue of what is more important than another, but work needs to be done with some of this.
- Councilor Bushee said, "I stuck around to the bottom of this agenda for this item, because I don't know if any of you are aware, but the Pickup is now funded by the NCRTD, the Regional Transit Center. It is part of the transit plan. As someone who has been trying to push uphill the Ski Basin shuttle idea, and they like to know how their money is being spent. I'm not trying to kill the idea, or be the buzz kill in any way. I like the concept, but I don't know if it's required Jon, but... when we don't take those steps, nobody is happy with us."
- Councilor Bushee continued, "And so, I would suggest, and I know there is an urgency, at least on this proposal, because it says the end of August. But if the plan is to engage St. John's students and Institute of American Indian Art Students, along with [inaudible], that that be a proposal that gets forth to the NCRTD about incorporating it into their Transit Plan, rather than this piecemeal pilot project approach, and that way you've got that covered."
- Councilor Bushee continued, "And the other thing that that group likes is 'skin in the game,' meaning could we sell bus passes. If we're going to take this on, and this not be part of the NCRTD funding, and we have a long term funding source, do we want to negotiate some kind of pass with each organization, so they are getting a discount pass arrangement. I think Joe is right in terms of the hours and all that. So if you're going to have it be part of Santa Fe Trails and we fund it, you've got to find the money. And so what we've done in various times is to promote a discounted pass and then you could extend the hours if that were the case."
- Councilor Bushee continued, "And then, the only other thing is does this need to go to the NCTRD, for one. I like new ideas, I'm grateful for that perspective. But I am looking for, if it is going to be.... and if you are going to shift different routes right now and say there's room in there, what other route gets cut, what hours get cut. Where is that on that one. Jon, is there... I know you were just given this and so you had to create magic."

Mr. Bulthuis said they are in the process of doing the Transit Plan, that the MPO staff, Eric Aune is leading. We're reaching out with different focus group meetings, one of which are the higher

education institutions, which is coming up on August 27 or 28. The opportunity to bring in other residential facilities beyond the University of Art and Design will certainly happen at that point. We're trying to communicate with them now so they're aware of what is being presented to the Council. He said, "But I think that discussion about how we spend our transit dollars in a larger sense is exactly what we're talking about with the plan update."

- Councilor Bushee said, "In the short term, this pilot project, what will you be cutting for service in order to offer this, and do you need NCRTD for this pilot project."

Mr. Bulthuis said, "I think from what my staff has said, and my review as well, we believe we can provide this service, and it's fairly limited as currently proposed, just the 5 hours 3 nights a week, with existing staff utilizing the existing the equipment that we have and not cutting anything. It will be different staff assignments, so different schedules that staff will have to perform. But long term, again kind of the bigger picture of how we are spending our transit dollars, still remains to be seen."

- Councilor Bushee asked if the pilot project needs to go to the NCRTD for amendment of our current plan.

Mr. Bulthuis said, "I'm thinking through that, certainly for informational reasons, absolutely. We want to keep them in the loop. They fund, as you said, the current operations of the Pickup. Now we're potentially shifting what that service is a little bit. So at least on an informational level, we would want to let them know about that."

- Councilor Bushee said, "Before the August 28<sup>th</sup> start date, because the next meeting is the beginning of September."

Mr. Bulthuis said he doesn't know we will be able to let them know before this kicks off due to the scheduling.

- Councilor Bushee said she is curious why this wasn't on the NCRTD agenda on Friday.

Mr. Bulthuis said he was trying to get it before this body before we jump to the RTD, but letting them know is important. He would have to look at the Resolution approving the service plan, but he thinks it is fairly generally worded in saying that funds from the RTD would be directed toward the Pickup operations, but doesn't get into exactly what that is. So that decision will be made by the Governing Body of Santa Fe.

- Councilor Bushee said, "I bring this up because we kind of mis-stepped on the shuttle by not going to them first and actually to the Pueblos first, so we're backtracking on a lot of things. I just wanted you to be aware of that."

- Councilor Rivera said he agrees with Councilor Maestas about the hours of service and thinks we are doing the pilot program a disservice by not providing realistic hours of service to college age student. He said he is unsure how we will measure success and what we're trying to get out of this. He asked how we would identify who are students and people who are trying to get a free ride downtown.

Mr. Bulthuis said we have to provide transportation that is open to the public, so it wouldn't just be limited just to students on campus. The service would be published as part of our regular public bus schedule. The University was appraised of that when this came forward, and they are okay with having non-student participants in the service and allowing people who don't live on the campus to park on the campus for the service. We have no legal agreements about that, but they have indicated a verbal okay.

- Councilor Rivera said then it's not just people parking on campus, it's people who walk potential the homeless, and anyone who goes to the University will get free fare during this time, regardless of who they are.

Mr. Bulthuis said this is correct.

- Councilor Rivera said then it's not just for University students, it's for anyone who wants a free ride downtown during these hours of operations.

Mr. Bulthuis said it is open to the public, but the terminus is on the University campus, so arguably it could be marketed toward University students, reiterating we can't restrict access so it is open to the public.

- Councilor Rivera asked if University students would want to ride if there a number of homeless people there waiting for a ride, potentially on campus or downtown.

Mr. Bulthuis said this is inherent in our system generally. He said they didn't get into these specific questions in discussion with staff of the University, but made it clear that it would be public service.

- Councilor Trujillo said you are saying it is open to the public, but the caption it says "Between the Santa Fe University of Art and Design and the Railyard and Downtown.... during the 2014 Fall Semester." He said he believes the audience are University students, not anyone who wants to ride it. He is concerned about service terminating at 11:00 p.m., commenting that when he was at NMSU the students were just getting started at 11:00 p.m.

Mr. Bulthuis said he can take direction from this Committee to modify the hours for whatever span of service you direct, but there will be some different financial implications.

- Councilor Trujillo said we have bus service that goes down St. Michael's, and we can get them downtown and it will follow the same hours as the bus schedule.

Mr. Bulthuis said Route #5 on St. Michael's terminates early evening, but not Cerrillos Road.

- Councilor Trujillo said it is a short walk to Dion's to board the bus. He said this is competing against our bus service, which he believes works pretty good. He asked if the City would work out a deal with the University to sell these bus passes at a lower rate, if they're interested. He thinks there is an issue with how many people will be using the service when they know it ends at 11:00 p.m. As Councilor Maestas said, it's going to be a one-way trip. He asked how you are going to get these people back. He is concerned we are creating another problem. He doesn't want to see people getting drunk and getting behind the wheel and driving back to the University, but it's realistic and it could happen.
- Councilor Trujillo said he isn't ready to support this, and believes a lot more work has to be done on this.
- Councilor Lindell asked what risk the City is taking in doing this, in terms of not informing the NCRTD.
- Mr. Bulthuis said, his recollection is that the Resolution approving the service plan for the current fiscal year is fairly broadly worded. He said, in terms of the letter of the law, he think's we are covered. He said Councilor Bushee's comments, about establishing good communication about how the City uses the resources that come through the regional tax, and getting buy-in from the RTD so that we can continue to have a good relationship with them, are well stated.
- Councilor Lindell asked why there couldn't be a cost associated with riding the bus for this service.

Mr. Bulthuis said there certainly could be, but the direction staff was given in developing this proposal was to use the Santa Fe Pickup model for the college shuttles, and that model has a strong brand that it is a fare free system, which is independent in terms of the look and feel from the bus system.

- Councilor Lindell asked if the colleges and universities asked to participate in any of the costs of this.

Mr. Bulthuis said this is a component of the Resolution, not for the pilot project, but for any kind of an ongoing college shuttle that would extend either to the University or to other residential colleges.

- Councilor Lindell said, "That they would participate in the costs."

Mr. Bulthuis said, "That we would begin those discussions. They haven't been approached with that. I think comments were made earlier about potentially selling reduced fare bus passes. Other communities' had an idea that colleges add a fee to the registration for each student per semester and get free passage on the municipal bus system. There are a variety of options about which we would talk to the colleges, but those discussions have not happened to date."

- Councilor Lindell said, "So if this moves forward, we should expect to have a report on this at the end of the year, probably the first meeting in January, as to defining the success. And then I see a line here that says, 'Continuation of service demonstrated by the pilot project be desired.' Is that be desired by the Council or by the Universities or..."

Mr. Bulthuis said he believes it would be for all parties involved. He said, "The calendar in the Resolution has a more aggressive return back to the Governing Body to evaluate how service operated during the first couple and a half months. So as proposed, there would be September and October in the books, we would come back to the Council in mid-November, bring any proposals we have available at that time for continued operation and then actually implement that with the Spring Semester which starts in mid-January."

- Councilor Maestas said if you want to keep this in play, he is willing to consider it if we provide direction to staff to reassess the hours of service, but there is no way he can support waiving the fare. He said this is a brand new service and we should see what the demand is for this new service under the existing fare structure to gauge demand. He doesn't think we will get enough demand to justify it, given service is terminated at 11:00 p.m. If we keep this fare free and ask to extend the hours it will increase the fiscal impact, and there is no way he would support that. He said the potential to expand this to other universities if it's fare free is going to drastically increase the fiscal impact. He asked why wouldn't St. John's want free transit service at our expense. He asked how long we would extend service to make it realistic and attractive to students and others, what would be the fiscal impact.
- Councilor Bushee said, "The more I think about it Jon, can you just get money out of Santa Fe Trails. Do you understand, when it moved from Parking, it went to a whole other fund that we don't have any say over, and that fund starts from a tax that is connected to the Rail Runner. Initially, it was to pick people up from the Rail Runner and take them to places. And the other ways it's used in the north is clearly for people who have no transportation, to go to the doctor and to go to their work. And so, I can't see how this fits in the mission of the NCRTD, to take college kids downtown to party. I'm just saying. I'm not opposed to the concept, but I think, I get that, using the shuttles, because they're small and they're available. But perhaps if you find some funding and use the buses, or something. But I really think you're off the mission of the NCRTD and that is who funds the Pickup. I just have to emphasize that again, because we could be stepping in it in a big way, if we don't pay for it ourselves in some way or do something different."
- Councilor Trujillo said, "I am glad Councilor Bushee made that comment, because that's initially what this bus was for, to take people from rural parts of the State, get them to work, get them to their doctor's. I do have concern with that now, but my biggest concern is, of course, the hours. But, we've got a bus system and it works. So you have to walk to Cerrillos Road which is just one-fourth mile down the road. You can catch the bus, get downtown, you have no problem. The thing I think this Resolution needs to look at is how do we look at working with the University for a reduced fee. I don't have problem with that, but for it to just be free, I'm sorry, and I'll say it, "You're going to go the University of Art and Design, you can afford to take the bus, I'm sorry. Just like you go to St. John's College, they can afford to take that bus. It isn't that much to ride the bus,

but if we can look at putting a lesser fee to allow these students to go. But, at the same time, I don't think it's going to work. Why. Because it shuts down at 11:00 p.m. I think this is what you're trying to do. You're trying to engage these kids to go downtown to have a good time, so that's what I see it as, because I don't think they're going to be shopping at 11:00 p.m. at night on the Plaza when everything is closed. That's my concern right there, so I think this Resolution needs tweaking. I would rather send it back to the Mayor and to Councilor Ives, and have them work on it in terms of what we've said here. I don't want to give them direction, but in my opinion, this needs tweaking. That's all I'm going to say."

**MOTION:** Councilor Trujillo moved, seconded by Councilor Maestas to postpone this item and send it back to the sponsors, Mayor Gonzales and Councilor Ives, to come up with a better to make this work and look at other options for funding.

**DISCUSSION:** Councilor Trujillo said this is not the mission of what these buses were supposed to be used for, to take people downtown to have a good time. They were meant to take people to work and other things, so I don't know how.

**CLARIFICATION OF MOTION:** Chair Dominguez said, "So essentially this is a motion to postpone this item so the sponsors can work on it a little bit more and hopefully answer some of our questions." Councilor Trujillo said, "That works for me."

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

\*\*\*\*\*  
**END OF CONSENT CALENDAR DISCUSSION**  
\*\*\*\*\*

## **DISCUSSION**

### **26. OTHER FINANCIAL INFORMATION**

#### **A. UPDATE ON GROSS RECEIPTS TAX REPORT RECEIVED IN JULY 2014 (FOR MAY 2014 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN JULY 2014 (FOR JUNE 2014 ACTIVITY). (TERESITA GARCIA)**

Teresita Garcia presented information from her memorandum of July 25, 2014, with attachments, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Ms. Garcia said the May figures will be reported in August. Responding to the Chair, she said the Spanish Market proceeds will be reported in November. The money is spent in September, reported to the State in October, and then distributed in November.

Councilor Rivera said all of the reports since he's been on the Council, have referred us to the benchmark year of 2007-2008, where we receive \$88 million. And last year, we were back to where we were at our Benchmark Year, back up to \$88 million, and yet we have approximately 300 less employees than we did in 2007-2008, yet we still seem to be in the same financial crisis. He asked if this is because of new programs. He said we should be somewhat better off than we are right now.

Ms. Garcia said, "It depends on... you're seeing the total cost by different funds. You're talking about personnel which is General Fund. There is also the GRT fund that funds the Railyard. So in total, it looks like we are meeting or matching 2007-2008. A lot of those expenditures have either been moved, or have been reappropriated someplace else.

Councilor Rivera said then in order to balance the budget in previous years, people made a decision to move money around so the budget would be balanced.

Ms. Garcia said, "The staff that was preparing the budget, put priorities in a way that the money was spent differently back in 2007-2008. So, the priorities during those budget year determined how the GRT money was spent. Basically, what we could do, is to go back reevaluate the expenditures, and see how much of those expenditures are being paid by the GRT and evaluate it that way."

Councilor River said he doesn't want to create a lot of work for her. It is just a sense of frustration on his part that we are back to our benchmark year, yet with 300 less employees, we will seem to be in quite a financial crunch. He said, "I don't need an answer on that. I'll have to think about it a little more and see what I want for it. I just wanted to thank you for sitting up here in Marcos' place. I know Bernie's been waiting for a while. I hope he doesn't think this is the way it's going to be forever."

## **27. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

## **28. ADJOURN**

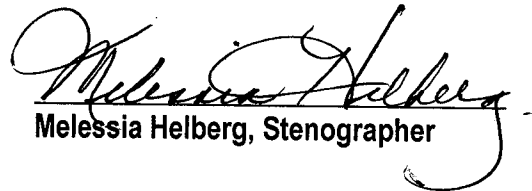
There was no further business to come before the Committee, and the meeting was adjourned at approximately 8:30 p.m.

  
Carmichael A. Dominguez, Chair



Reviewed by:

  
Teresita Garcia, Assistant Finance Director  
Department of Finance

  
Melessia Helberg, Stenographer

# Santa Fe Railyard Project

Richard A. Czoski,  
Executive Director

*Exhibit "1"*

# Ownership

- City owns all land
- City owns 6 buildings
- 22 buildings are privately owned
- All ownership and financing is subordinate to ground lease
- Very safe and conservative business model

# Financial Status

- \$23 million land acquisition cost paid off in 2010
- SFRCC is paying \$18.9 million for City infrastructure debt
- SFRCC has paid \$5.4 million to date

## Financial Status (ctd.)

- SFRCC will pay balance of \$13.5 million by 2029
- SFRCC will repay City for cinema parking in 2029-30

# Funding for Railyard Projects

- 1/16 cent GRT Ordinance approved in 1998
- Renewed in 2010
- Generates approx. \$1.8 million annually
- SFRCC receives:
  - Stage and Sound \$50K annually
  - Rent Deferrals

# SFRCC/City Agreement

- SFRCC Scope of Work per Lease & Management Agreement
  - Entitlement
  - Design/Construction
  - Leasing
  - Property Management
  - Events/Public Space Management
- SFRCC Income
  - 100% of Income from Ground Leases, and Events Management to Reimburse City for Debt Service

# Ground Lease Terms

- 50 years plus options for 40 years
- Annual CPI adjustments
- Reappraisal of land every 10 years
- Lease adjusts to market on assignment
- Assigned to the City when SFRCC lease expires



# SFRCC Relationship with City

- Tenant who master leases 40 acres
- Project Manager/Contractor under PSA's
  - Performed \$16 million to date
  - \$1.1 million underway now
- Annual third-party audits provided to the City

# Financial Aspects of Agreement

- Fixed rental schedule through 2029
- City granted rent deferrals
- SFRCC can pay more rent sooner if available
- After the infrastructure debt is paid, SFRCC will pay a minimum of 50% of net income to City annually

# SFRCC Rent

	2010/11	2011/12	2012/13	2013/14
Bond Debt	\$845,764	\$843,248	\$843,670	\$1,208,477
Deferral	(\$133,441)	(\$300,000)	(\$300,000)	(\$650,000)
SFRCC Rent	\$712,323	\$543,248	\$543,670	\$558,977

# SFRCC Rent

	2014/15
Bond Debt	\$1,208,486
Deferral	(\$650,000)
SFRCC Rent	\$558,486

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A.      General Information

(Check) Bill:   X        Resolution: \_\_\_\_\_

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AN ORDINANCE REPEALING AND READOPTING ARTICLE IX OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH PARKING VIOLATIONS RELATED TO PARKING METERS, CITY PARKING LOTS AND CITY PARKING GARAGES ARE NUISANCES AND SUBJECT TO ADMINISTRATIVE ADJUDICATION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE.**

Sponsor(s): Councilor Dimas

Reviewing Department(s): Transportation Department

Persons Completing FIR: Sevastian Gurule      Date: 07/30/14      Phone: 955- 6611

Reviewed by City Attorney: Kelly A. Brennan      Date: 8/4/14  
(Signature)

Reviewed by Finance Director: \_\_\_\_\_      Date: \_\_\_\_\_  
(Signature)

### Section B.      Summary

Briefly explain the purpose and major provisions of the bill/resolution:

**The purpose of this bill is to decriminalize parking violations related to parking meters, city parking lots and city parking garages; to establish them as nuisances and subject to administrative adjudication and collection services.**

### Section C.      Fiscal Impact

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### **1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate:      "A" if current budget and level of staffing will absorb the costs  
                      "N" if new, additional, or increased budget or staffing will be required
- c. Indicate:      "R" – if recurring annual costs  
                      "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

*Exhibit "2"*

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 14/15	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 15/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel* (Includes Benefits)	\$110,203	N	R	\$				
Fringe**	\$			\$				
Capital Outlay	\$20,000	N	NR	\$				
Land/ Building	\$			\$				
Professional Services	\$39,000	N	R	\$				
All Other Operating Costs	\$3,000	N	R	\$				
Total:	\$172,203			\$				

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 14/15	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Fees/Penalties	\$301,646	R	\$		
	\$		\$		
	\$		\$		
Total:	\$301,646		\$		

### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

In calendar year 2013 there were approximately 20,938 citations issued (with a base value of \$301,646) that would be considered nuisances under the proposed legislation; 5,340 have a status of unpaid. We are anticipating a 95% collection rate (\$286,564) with the use of the hearing officer and a collection agency. In order to effectively and efficiently manage the adjudication of all parking nuisances/citations, I am proposing to create an official Parking Violation Bureau (PVB) section within the Parking Division. The PVB personnel will consist of 1 supervisor, 1 lead-worker, 1 specialist and 1 clerk typist; the projected expense identified above is calculated for 7 months for this current fiscal year. The projected recurring expenses for FY 15/16 will be \$227,919.

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### Section D.      General Narrative

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No

### **2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

The consequences of not enacting this bill would be that we will continue to have a large number of parking violations (nuisances) that are unpaid.

### **3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

### **4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The positive effects of this bill are that we have an opportunity, through a hearing officer, to hold hearings more frequently (one per week if needed); we also have an opportunity to contract with a collection agency that specializes in the collection of parking violations. Furthermore, we have the opportunity to effectively and efficiently staff an official Parking Violations Bureau which will focus on the collection and adjudication of all parking nuisances/citations and not be distracted by additional job duties; we are expecting our overall collection rate to increase to approximately 75% (\$637,884). In addition, we have an opportunity to further strengthen our internal controls and ensure a thorough accountability of all nuisances/citations issued, adjudicated and/or paid.